

MEETING NO. 12
May 24, 2001

ERIE COUNTY LEGISLATURE

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MEETING NO. 12
May 24, 2001

The Legislature was called to order by Chairman Swanick.

All Members Present.

The invocation was led by the Rabbi Jennifer Weiner of Temple Beth AM.

The Pledge of Allegiance was led by Ms. Marinelli.

Item 1 – CHAIRMAN SWANICK directed that Intro 6-6 remain on the table.

Item 2 - CHAIRMAN SWANICK directed that Intro 6-7 remain on the table.

Minutes of the previous meeting were tabled.

MISCELLANEOUS RESOLUTIONS

Item 3 – MR. McCARVILLE presented a resolution Congratulating Ruby Moris on Being Named One of Erie County’s 2001 Senior Citizens of the Year. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 4 - MR. SWANICK presented a resolution Recognizing the United Way of Buffalo & Erie County’s Early Childhood Initiative Success By 6. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 5 - MR. PAULY presented a resolution Establishing May 2001 as “National Drug Court Month”. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 6 - MS. MARINELLI presented a resolution Recognizing the Efforts of Richard Washousky to Bring Additional Outside Funding for Job Training for Nonviolent Drug Offenders at ECC. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

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Item 7 - CHAIRMAN SWANICK directed that Local Law No. 2 (Print #3) 2000 remain on the table.

COMMITTEE REPORTS

Item 8 – MR. FITZPATRICK presented the following resolution and moved for immediate consideration. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 218

May 15, 2001

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

1. **RESOLVED**, that the following items are hereby received and filed.

- | | | | | |
|----|---|------|-------|----------------|
| | Item | Page | -2001 | (Comm. 6 E-28) |
| a. | COUNTY EXECUTIVE: Municipal Agreement - Erie County & Town of Tonawanda.
(4-0) Legislator Holt absent. | | | |
| | Item | Page | -2001 | (Int. 7 -25) |
| b. | SWANICK & DUSZA: Equitable County Road Repair Throughout Erie County.
(4-0) Legislator Holt absent. | | | |
| | Item | Page | -2001 | (Int. 8 -1) |
| c. | GREENAN, RANZENHOFER, CHASE, MCCARVILLE, WEINSTEIN & LARSON:
Equitable County Road Repair Funding.
(4-0) Legislator Holt absent. | | | |
| | Item | Page | -2001 | (Comm. 11D-4) |
| d. | DPW: Highways - Assessing Impact of Record Snowfall on County's Ability to Service &
Fund Snow Removal Efforts.
(4-0) Legislator Holt absent. | | | |

2. **AS AMENDED**
Item Page - 2001 (Comm. 7E-33)
COUNTY EXECUTIVE

WHEREAS, the Commissioner of Public Works desires to engage the services of Architectural/Engineering firms to provide General

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Architectural/Engineering Services for numerous projects in order to assure a more timely execution of said projects, and

WHEREAS, the Department of Public Works advertised for Requests for Qualifications from Architectural/Engineering firms, and

WHEREAS, after careful review of each firm's capabilities, several firms were selected as having the necessary expertise, experience and manpower to provide the required services,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with each of the following selected firms to provide General Architectural/Engineering Services for miscellaneous construction projects:

Kideney Architects/Laping Jaeger Associates, PC
 Stievater & Associates: Architects
 Pease, Louis D., Registered Architect
 Ciminelli, Thomas E., Architect, PC
 Caley & Company Architects
 BHNT Architects, P.C.
 URS Corporation Group Consultants
 DiDonato Associates, P.E., P.C.
 Gallo, Donald, Consulting Engineer, P.C.
 Bergmann Associates
 Buffalo Engineering, P.C.

and be it further,

RESOLVED, that the sum of \$470,000.00 for project seed funds be allocated for said Architectural/Engineering fees to be paid to some or all of the selected consultants on project-by-project basis with the amount of each project fee being determined by the Commissioner of Public Works, and be it further,

RESOLVED, that your Honorable Body will be informed, for information only, for each project and fee negotiated by the Commissioner of Public Works, and be it further,

RESOLVED, that the \$470,000.00 fee allocation be taken from the appropriate capital bond account in accordance with the following:

---	Renovation of Building BB, Health Department, 2001 Capital Budget, Project 199, Fund 410	\$ 50,000.00
---	Code Compliance 2001 Capital Budget, Project 196, Fund 410	\$ 40,000.00
---	R.W. Stadium Improvements, 2001 Capital Budget, Project 234, Fund 441	\$ 60,000.00
---	Convention Center Improvements, 2001 Capital	

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	Budget, Project 192, Fund 410	\$ 80,000.00
---	Fire Alarm/Security Rath Building, Project 194, Fund 410	\$ 40,000.00
---	Asbestos Abatement, 2001 Capital Budget, Project 198, Fund 410	\$ 30,000.00
---	Main Library, Project 778, Fund 490	\$ 25,000.00
---	Emery Park Waterline, 2001 Capital Budget, Project 201, Fund 410	\$ 50,000.00
---	Botanical Gardens Improvements, 2001 Capital Budget, Project 203, Fund 410	\$ 75,000.00
---	Rath Building Site Improvements, Project 195, Fund 410	\$ 20,000.00
	Total	\$470,000.00

and, be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Comptroller's Office; and one copy to the Division of Budget, Management & Finance.

(4-0) Legislator Holt absent.

3. **Item** **Page** - 2001 (Comm. 11E-31)
 COUNTY EXECUTIVE

WHEREAS, funds were authorized and contracts were awarded by the Department of Public Works for the Erie County Family Court Facility in an amount not to exceed \$27,224,308.00 and a construction contingency in an amount of \$1,529,369.00, and

WHEREAS, during the course of work, it was discovered that unforeseen conditions and additional work would require an additional \$76,846.00 funding to the construction contingency,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased from \$1,529,369.00 to \$1,606,215.00 with authorization for the Commissioner of Public Works to approve change orders, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments from the Erie County Family Court, Project 750, Fund 410, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; and one copy to

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e. COUNTY ATTORNEY: Notice of Claims.
(5-0).

2. Item Page - 2001 (Comm. 11E-29)

COUNTY EXECUTIVE

WHEREAS, the County has a need to further enhance its telecommunications capabilities with New York State, and

WHEREAS, the Division of Information and Support Services has been considering possible solutions to address this need, and

WHEREAS, the New York State Office for Technology (OFT) is planning to implement an access point to its new State electronic communications network in Western New York, and

WHEREAS, the Division of Information and Support Services operates a modern, secure data center, and

WHEREAS, this data center has the capacity to efficiently house and monitor this equipment on a twenty-four hour, seven day per week schedule, and

WHEREAS, this will provide significantly enhanced telecommunications capabilities for all local Western New York region governments and agencies, and

WHEREAS, the County will have reduced telecommunications costs, and

WHEREAS, there is no cost to the County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office for Technology to install and maintain the necessary telecommunications equipment to access the NYeNet in the Rath County Office Building, and be it further

RESOLVED, that the certified copies of this resolution shall be forwarded to the County Executive, the Director of Information and Support Services, the County Comptroller, and the Director of Budget, Management and Finance
(5-0).

ALBERT DeBENEDETTI
CHAIRMAN

MR. DeBENEDETTI moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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Item 10 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 220

May 16, 2000

PUBLIC SAFETY
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATOR CHASE.

1. **RESOLVED**, that the following items are hereby received, and filed and referred to the ENERGY & ENVIRONMENT COMMITTEE:

- | | | | | |
|----|---|------|-------|---------------|
| | Item | Page | -2001 | (Comm. 11M-1) |
| a. | RALPH D MIRANDA : Copy of Correspondence to Legislator Greenan Re: Scanner Law. (4-0) Legislator Chase absent. | | | |

EDWARD KUWIK
CHAIRMAN

MR. KUWIK moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 11 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 221

May 17, 2001

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

1. **RESOLVED**, that the following items are hereby received and filed.

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- a. Page -2001 (Comm. 5 M-14)
AMERICAN DENTAL ASSOCIATION: Copy of Letter to ECC Re: Dental Hygiene.
(4-0) Legislator Holt absent.
- b. Item Page -2001 (Comm. 6 D-5)
ECC: Master Plan - Nutter & Associates 1993 & Draft Copy of Middle States Report.
(4-0) Legislator Holt absent.
- c. Item Page -2001 (Comm. 8 D-15)
ECC: Copy of Letter to County Executive Re: Institutional Autonomy.
(4-0) Legislator Holt absent.
- d. Item Page -2001 (Comm. 8 E-2)
MARINELLI: Copy of Memo to William J Mariani Re: Pre-Budget Information.
(4-0) Legislator Holt absent.
- e. Item Page -2001 (Comm. 8 E-7)
SWANICK: Copy of Letter to Legislator Marinelli Re: Establishment of an Office of Arts,
Culture & Tourism.
(4-0) Legislator Holt absent.
- f. Item Page -2001 (Comm. 9 D-2)
COUNTY ATTORNEY: ECC Needs Assessment Agreement with Resultants International.
(4-0) Legislator Holt absent.
- g. Item Page -2001 (Comm. 9 D-11)
COUNTY ATTORNEY: Copy of Memo to Legislator Marinelli Re: ECC Contract
Approvals.
(4-0) Legislator Holt absent.
- h. Item Page -2001 (Comm. 9 E-9)
COMPTROLLER: ECC's Financial Report & Management Letter for Year Ending 8/31/00.
(4-0) Legislator Holt absent.
- i. Item Page -2001 (Comm. 11D-20)
COMMISSION ON THE STATUS OF WOMEN: Minutes from Meeting Held 3/14/01.
(4-0) Legislator Holt absent.

AS AMENDED

2. Item Page -2001 (Int. 5-4)

LARSON, WEISNTEIN, PAULY, KUWIK, & FISHER

WHEREAS, The mission of Erie Community College is to provide high-quality, low cost, post-secondary educational programs, community outreach activities and technological innovation which are geographically accessible to County residents, and

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WHEREAS, in addition to credit programs, Erie Community College offers an extensive Community Services non-credit course selection in two distinct areas. Community Education seeks to meet the educational needs of individuals, while Corporate Training targets major employers in Western New York and provides retraining and upgrading of skills, and

WHEREAS, revenues to support ECC's operating budget comes from three primary sources, including direct student tuition, state aid and the annual local sponsor (county) contribution, and

WHEREAS, the county contribution for the 2000-2001 ECC budget is \$11,970,777, with an additional \$1,700,000 Erie County Special Project Funding contribution. The local contribution has increased every year, maintaining an affordable tuition rate for its students at \$2,475 per year for full time students and \$104 per credit hour for part-time students, and

WHEREAS, over the past seven years, Erie County has worked diligently toward increasing ECC's county contribution, in spite of increasing demands of state mandated programs placed upon Erie County's operating budget, and

WHEREAS, New York State's level of aid to ECC for the current 2000-2001 college fiscal year is \$2,250 per full time equivalent (FTE), representing 32.5% of the college operating budget.

NOW, THEREFORE BE IT

RESOLVED, that this Honorable Body requests the New York State Legislature to increase its state aid for fiscal year 2001-2002, without exceeding the 40% total budget contribution, to alleviate the financial hardship placed upon the county in order to maintain the high quality education Erie Community College provides to our area constituents, and further be it

RESOLVED, that certified copies of this resolution be forwarded to New York State Governor George E. Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, the members of the Western New York State Delegation, the Chairs of the State Senate and Assembly Standing Committees on Higher Education, ECC President William Mariani and ECC Board of Trustees Chairman Patricia Krzesinski.

Fiscal Impact: Positive for Erie County
(4-0) Legislator Holt absent.

3. Item Page -2001 (Comm. 9E-42)

COUNTY EXECUTIVE

WHEREAS: Erie Community College (ECC) is committed to open access to quality postsecondary education and continuing education; and

WHEREAS: ECC has identified a need for an adult and continuing education program within the City of Buffalo; and

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WHEREAS: ECC and the Buffalo Public Schools (BPS) desire to enter into an agreement for the purpose of co-sponsoring an adult and continuing education program ("the Program") to be offered to the general public using the combined resources, talents, services and facilities of each party to more efficiently and effectively provide for the community educational needs of the citizens and taxpayers of Erie County; and

WHEREAS: In order to implement the program, ECC and BPS shall jointly develop, plan and schedule courses to be offered on a joint basis at BPS facilities or at other facilities located in the City of Buffalo as may be mutually agreed upon; and

WHEREAS: ECC's portion of the funding for the Program shall be reimbursed, in full, by the New York State Education Department; and

WHEREAS: The ECC Board of Trustees have authorized the President of ECC to enter into an agreement with the BPS for the purpose of co-sponsoring the Program, subject to approval by the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to enter into an agreement with the BPS for the purpose of co-sponsoring an adult and continuing education program; and be it further

RESOLVED, that the term of the agreement shall be for one academic year, commencing September 1, 2000 and ending on August 31, 2001; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the President of ECC, the Chair of the ECC Board of Trustees and the Department of Law, the President of the Buffalo Board of Education and the Superintendent of the Buffalo Public Schools. (4-0) Legislator Holt absent.

**LYNN M. MARINELLI
CHAIRPERSON**

MS. MARINELLI moved to separate item #2 and moved the approval of the balance of the report. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend item #2 to include et al sponsorship. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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MS. MARINELLI moved the approval of the resolution as amended. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. DUSZA presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 222

May 17, 2001

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT EXCEPT LEGISLATOR FITZPATRICK.

1. **RESOLVED**, that the following items are hereby received and filed.

a. Item Page -2001 (Comm. 11E-11)
COUNTY EXECUTIVE: ECSD Nos. 1, 4 & 5 - Northern Region Administration Building
Extension Plumbing - Contract "C" Change Order No. C-1.
(4-0) Legislator Fitzpatrick absent.

b. Item Page -2001 (Comm. 11E-12)
COUNTY EXECUTIVE: ECSD Nos. 1, 4 & 5 - Northern Region Administration Building
Extension Mechanical - Contract "B" - Change Order No. B-1.
(4-0) Legislator Fitzpatrick absent.

c. Item Page -2001 (Comm. 11E-13)
COUNTY EXECUTIVE: ECSD Nos. 1, 4 & 5 - Northern Region Administration Building
Extension General - Contract "A" - Change Order No. A-3.
(4-0) Legislator Fitzpatrick absent.

d. Item Page -2001 (Comm. 11E-14)
COUNTY EXECUTIVE: ECSD Nos. 1, 4 & 5 - Northern Region Administration Building
Extension Electrical - Contract "D" - Change Order No. D-1.
(4-0) Legislator Fitzpatrick absent.

2. Item Page -2000 **AS AMENDED**
(Comm. 26E-45)

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WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsive bids for the Erie county Sewer District No. 5, Stahley Road Pumping Station Project, Contract 6PS-A, General and Contract 6PS-D, Electrical on May 8, 2001.

<u>Contract No.</u>	<u>Company Name</u>	<u>Amount Bid</u>
Contract 6PS-A General	Kandey Company, Inc. 19 Ransier Drive West Seneca, New York 14224	\$843,000.00
Contract 6PS-D Electrical	Weydman Electric, Inc. 747 Young Street Tonawanda, New York 14150	\$124,256.00

and

WHEREAS, the aforementioned bidders has been recognized as successfully performing similar work in Erie County; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sewer District No. 5, Stahley Road Pumping Station Project, Contract 6PS-A, General and Contract 6PS-D, Electrical be awarded to the lowest responsive bidders as follows:

<u>Contract No.</u>	<u>Company Name</u>	<u>Amount Bid</u>
Contract 6PS-A General	Kandey Company, Inc. 19 Ransier Drive West Seneca, New York 14224	\$843,000.00
Contract 6PS-D Electrical	Weydman Electric, Inc. 747 Young Street Tonawanda, New York 14150	\$124,256.00

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the contract with the aforementioned low bidders subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advanced from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized to allocate \$843,000 for the Stahley Road Pumping Station Project from three (3) Erie County Sewer District No. 5 Projects as follows: allocate \$264,400.00 from Sewer Capital, Erie County Sewer District No. 5, Fund No. 430, Project No. 526; \$447,600.00 from Sewer Capital, Erie County Sewer District No. 5, Fund No. 430, Project No. 534; \$131,000.00 from Sewer Capital, Erie County

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Sewer District No. 5, Fund No. 430, Project No. 798; to fund a construction contract with Kandey Company; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$124,256.00 from Fund 220, Project 851, Department 810, Account 826, Other Expenses for a contract with Weydman Electric, Inc.; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy to James Liddle, Erie County Comptroller's office and to Gregory Dudek, Assistant County Attorney.

(4-0) Legislator Fitzpatrick absent.

AS AMENDED

3. Item Page -2001 (Comm. 11E-21)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 28PS "A" to STC Construction, Inc.; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 28PS "A" in the amount of \$458,415.38 which includes Change Order No. 1 (final), a decrease of (\$9,985.62) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 28PS "A" between the County of Erie and STC Construction, Inc., 63 Zoar Valley Road, Springville, New York, 14141, be accepted in the amount of \$458,415.38, which includes Change Order No. 1 (final), a decrease of (\$9,985.62); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 28PS "A" between the County of Erie and STC Construction, Inc. in the amount of \$458,415.38 and make final payment from Sewer Capital Account SD No. 4, Fund No. 430, Project No. 693, and return the unused portion to Unallocated Account; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and Joseph Passafiame, Director of Budget and Management.

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ERIE COUNTY LEGISLATURE

(4-0) Legislator Fitzpatrick absent.

4	Item	Page	-2001	AS AMENDED (Comm. 11E-22)
	COUNTY EXECUTIVE			

WHEREAS, the Erie County Legislature had awarded Contract No. 28PS "D" to Weydman Electric, Inc.; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed: and

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 28PS "D" in the amount of \$150,722.74 which includes Change Order No. 1 (final), a decrease of (\$5,167.24) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 28PS "D" between the County of Erie and Weydman Electric, Inc., 747 Young Street, Tonawanda, New York, 14150, be accepted in the amount of \$150,722.74, which includes Change Order No. 1 (final), a decrease of (\$5,167.24); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 28PS "D" between the County of Erie and Weydman Electric, Inc. in the amount of \$150,722.74 and make final payment from Sewer Capital Account SD No. 4, Fund No. 430, Project No. 502, and return the unused portion to Unallocated Account; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget and Management.
 (4-0) Legislator Fitzpatrick absent.

RAYMOND K. DUSZA
CHAIRMAN

MR. DUSZA moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 13 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 223

May 17, 2001

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

1. **RESOLVED**, that the following items are hereby received and filed.

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|----|---|------|-------|----------------|
| | Item | Page | -2000 | (Comm. 20E-2) |
| a. | COUNTY EXECUTIVE: Interim Report from Municipal Insurance Consultants Inc.
(5-0). | | | |
| | Item | Page | -2001 | (Comm. 1E-2) |
| b. | COMPTROLLER: Audit – Health – Follow-up Audit Medical Examiner 1/1/99 – 4/30/00.
(5-0). | | | |
| | Item | Page | -2001 | (Comm. 5E-2) |
| c. | COMPTROLLER: ECMC Follow-up Audit of Professional, Technical, Consultant & Physicians Contracts 1/1/00 – 7/31/00.
(5-0). | | | |
| | Item | Page | -2001 | (Int. 5-2) |
| d. | CHASE, GREENAN WEINSTEIN, RANZENHOFER, LARSON & McCARVILLE:
Support for Bill Requesting an Increase in State Sales Tax Credit for Small Businesses.
(5-0). | | | |
| | Item | Page | -2001 | (Comm. 8E-4) |
| e. | COMPTROLLER: Audit – DISS – Follow-up Audit of the Use & Control of Cellular Telephones 1/1/00 – 10/31/00.
(5-0) | | | |
| | Item | Page | -2001 | (Comm. 11D-21) |
| f. | DISS: Response to Audit of Use & Control of Cellular Telephones for Period 1/1/00 – 10/31/00.
(5-0). | | | |
| | Item | Page | -2001 | (Comm. 11E-1) |
| g. | COMPTROLLER: Apportionment & Distribution of 4% Sales Tax Received by Erie County from NYS for April.
(5-0). | | | |

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|----|------------------------------------|--|-------|----------------|
| | Item | Page | -2001 | (Comm. 11E-3) |
| h. | COMPTROLLER: | Quarterly Investment Report 1/1/01 – 3/31/01. | | |
| | | (5-0). | | |
| | | | | |
| | Item | Page | -2001 | (Comm. 11M-13) |
| i. | NIAGARA COUNTY LEGISLATURE: | Copy of Resolution in Support of NYS to Take Over All Unfunded State Mandates. | | |
| | | (5-0). | | |

AS AMENDED

- | | | | | |
|----|--|------|--------|-------------|
| 2. | Item | Page | - 2001 | (Int. 5-11) |
| | PEOPLES, CHASE, GREENAN, WEISTEIN, RANZENHOFER, LARSON & MCCARVILLE | | | |

WHEREAS, businesses are responsible for collecting New York State sales tax on purchases made at their facilities, and

WHEREAS, said businesses are then responsible for forwarding this tax to the state, and

WHEREAS, in return for collecting \$8 billion in these taxes, New York State gives businesses a credit of 3.5 percent of the amount of sales tax they send the state, up to a maximum of \$600 per year, and

WHEREAS, this credit is miniscule to large companies, and is more targeted to small business, as \$430,000 in sales are necessary to get the full credit, and

WHEREAS, in most cases, especially for small businesses, this amount is too small to even cover the costs of the accounting work needed to figure out the credit, and

WHEREAS, in an effort to make the credit more meaningful, New York State Assemblyman Robin Schimminger has introduced a assembly bill (A.1264) that would raise the credit to 10 percent of the sales tax collected, up to a maximum of \$1,000 per year, and

WHEREAS, this bill is supported by the New York State chapter of the National Federation of Independent Business,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to fostering a healthy climate for small businesses and all businesses in our area, and be it further

RESOLVED, that this Honorable Body does hereby memorialize the New York State Legislature to pass and New York State Governor George Pataki to sign into law A.1264 in order to raise the credit businesses receive to 10 percent of the sales tax collected, up to a maximum of \$1,000 per year, and be it further

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RESOLVED, that certified copies of this resolution be forwarded to New York State Governor George Pataki, New York State Senate Majority Leader Joseph Bruno, New York State Assembly Speaker Sheldon Silver, the Western New York delegation of the New York State Legislature, and National Federation of Independent Business New York State Director Mark Alesse (134 State St. – 4th Floor, Albany, NY 12207).

Fiscal Impact: Adoption of A.1264 positive for businesses.
(5-0).

3. Item Page - 2001 (Comm. 11E-35)

COUNTY EXECUTIVE

WHEREAS, the Division of Information and Support Services has a need to print payroll checks, tax bills and most of the County's automated production printing, and

WHEREAS, timely printing is critical to County operations, and

WHEREAS, Xerox Corporation has notified the Division of Information and Support Services that the current Model 4850 printers are obsolete and that they will not guarantee support services.

NOW, THEREFORE, BE IT

RESOLVED, that the 2001 Capital Budget is hereby amended to include a new capital project in the amount of \$1,250,000 for the acquisition of two (2) DP 92 C printers, and be it further

RESOLVED, that the sum of \$1,250,000 is hereby transferred to the new Data Center Printers project in the 2001 Capital Budget from the proceeds in the Tobacco Trust Account, and be it further

RESOLVED, that the Division of Information and Support Services is hereby authorized to purchase two (2) DP 92 C high speed laser printers from the Xerox Corporation at a cost not to exceed \$1,250,000, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Director of Information and Support Services, the County Comptroller, the County Attorney and the Director of Budget, Management and Finance.

(5-0).

CRYSTAL D. PEOPLES
CHAIRPERSON

MS. PEOPLES moved the approval of the resolution. MS. MARINELLI seconded.

MEETING NO. 12**May 24, 2001****ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

Item 14 – MR. PAULY presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 224

May 17, 2000

REGIONALISM
COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATOR DEBENEDETTI.

1. RESOLVED, that the following items are hereby received and filed.

- | | | | | |
|----|--|------|-------|-------------------|
| | Item | Page | -2001 | (Comm. 7 E-50) |
| a. | COUNTY EXECUTIVE: Who Does What? Commission - Implementing Recommendations. | | | |
| | (4-0) Legislator Debenedetti absent. | | | |
| | Item | Page | -2001 | (Comm. Int. 7 -4) |
| b. | SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, DUSZA, MARINELLI & PAULY: Promoting Effective Regionalization of Erie County Water Authority. | | | |
| | (4-0) Legislator Debenedetti absent. | | | |
| | Item | Page | -2001 | (Comm. 11M-7) |
| c. | NFTA: Interim Report of Activity for Waterfront Public Access Project. | | | |
| | (4-0) Legislator Debenedetti absent. | | | |

WILLIAM A. PAULY
CHAIRMAN

MR. PAULY moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 15 – MRS. FISHER presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 225

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May 17, 2001

HEALTH/MENTAL HEALTH
COMMITTEE
REPORT NO.7

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

- 1.
- RESOLVED**
- , that the following items are hereby received and filed.

- | | | | | |
|----|---|------|-------|----------------|
| | Item | Page | -2001 | (Comm. 11D-1) |
| a. | ECMC: Notice of Meeting Held 4/27/01.
(4-0) Legislator Holt absent. | | | |
| | Item | Page | -2001 | (Comm. 11D-2) |
| b. | ECMC: Notice of Change in Meeting Schedule for Finance Committee to 4th Friday of Each Month.
(4-0) Legislator Holt absent. | | | |
| | Item | Page | -2001 | (Comm. 11D-3) |
| c. | ECMC: Financial Statements for 3/01.
(4-0) Legislator Holt absent. | | | |
| | Item | Page | -2001 | (Comm. 11D-12) |
| d. | ECMC: Notice of Board of Managers Meeting to be Held 5/10/01.
(4-0) Legislator Holt absent. | | | |
| | Item | Page | -2001 | (Comm. 11D-13) |
| e. | ECMC: Agenda for Board of Managers Meeting to be Held 5/10/01.
(4-0) Legislator Holt absent. | | | |
| | Item | Page | -2001 | (Comm. 11D-16) |
| f. | ECMC: Agenda for Board of Managers Meeting Held 4/12/01.
(4-0) Legislator Holt absent. | | | |
| | Item | Page | -2001 | (Comm. 11M-15) |
| g. | ERIE COUNTY MENTAL HEALTH HYGIENE COMMUNITY SERVICES BOARD:
Notice of Meeting to be Held 5/17/01.
(4-0) Legislator Holt absent. | | | |

2. Item Page - 2001 (Comm. 11E-15)

COUNTY EXECUTIVE

WHEREAS, the following grant programs, administered by the Department of Health, are included in Book B of the 2001 Adopted Budget, and

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WHEREAS, the 2001 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2001, and

WHEREAS, New York State Health Department administrative regulations make it essential that contracts for grant programs administered by the Erie County Health Department be executed as soon as possible in 2001.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of State and/or Federal funds, for the following grant programs, administered by the Department of Health, which commence after July 1, 2001 and before October 1, 2001:

<u>Department</u>	<u>Grant Program</u>	<u>Dates</u>	2001 Budget Book B <u>Page No.</u>
270 - Health	Healthy Heart Grant	7/1/01 - 6/30/02	127
270 - Health	Facilitated Enrollment For Child Health Plus And Medicaid	7/1/01 - 6/30/02	128

<u>Department</u>	<u>Grant Program</u>	<u>Dates</u>	2001 Budget Book B <u>Page No.</u>
270 - Health	HIV Seroprevalence Study	7/1/01 - 6/30/02	129
270 - Health	Eat Well/Play Hard Nutrition Grant	7/1/01 - 6/30/02	131
270 - Health	Breast and Cervical Cancer Early Detection	9/30/01 - 9/29/02	131
270 - Health	Bioterrorism - Health Alert Network	8/31/01 - 8/30/02	132
270 - Health	Western New York Coalition for Diabetes Prevention	7/1/01 - 6/30/02	132
270 - Health	Hepatitis C Transmission	8/1/01 - 7/31/02	132

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270 - Health	Study Systems Approach for Reducing the Burden Of Asthma	7/1/01 - 6/30/02	133
270 - Health	Comprehensive Community-Based Tobacco Control and Prevention Program	6/1/01 - 5/31/02	133
270 - Health	Niagara County Lab Agreement	7/1/01 - 6/30/02	133

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of State and/or Federal funds, for the following grant programs, administered by the Department of Health, which commence on October 1, 2001 and thereafter:

<u>Department</u>	<u>Grant Program</u>	<u>Dates</u>	2001 Budget Book B <u>Page No.</u>
270 - Health	Women, Infants and Children's Supplemental Nutrition Program (WIC)	10/1/01 - 9/30/02	127
270 - Health	Healthy Neighborhoods Grant	10/1/01 - 9/30/02	128
270 - Health	HIV Partner Notification Program	10/1/01 - 9/30/02	128
270 - Health	Infant/Child Health Assessment Program	10/1/01 - 9/30/02	129
270 - Health	Children with Special Health Needs, Case Management	10/1/01 - 9/30/02	129
270 - Health	HIV Training and Technical Assistance to Health Departments	12/1/01 - 11/30/02	130
270 - Health	Youth Tobacco Enforcement and Prevention Grant	10/1/01 - 9/30/02	130

and be it further

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RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to adjust items of appropriations and revenues which may be impacted by decreases in Federal or State aid, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Health Department, the Law Department, the Office of the Comptroller and the Division of Budget, Management and Finance.

(4-0) Legislator Holt absent.

**JUDITH P. FISHER
CHAIRPERSON**

MRS. FISHER moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 16 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 226

Re: Report of Plans for Interim
Housing and Supervision of
Youth Mandated to Erie County
Youth Services Secure
Detention. (Intro. 12-1)

**A RESOLUTION SUBMITTED BY
LEGISLATOR PEOPLES**

WHEREAS, policy changes surrounding the care and supervision of at risk youth were recently implemented, and have changed the scope of services offered at the Erie County Youth Services Detention Center, located at 766-772 East Ferry Street, and

WHEREAS, Persons In Need of Supervision (PINS) remanded to non-secure detention by Family Court were formerly housed at the East Ferry Detention site will now receive these services on a contractual basis from faith based group homes located throughout Erie County which have been approved by the New York State Office of Child and Family Services, and

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WHEREAS, the Erie County Youth Detention Facility located at 766-772 E. Ferry Street, will be used for the sole purpose of care and supervision of youth who have received juvenile delinquent, offender or youthful offender status adjudications or have been charged with crimes which constitute felony offenses, and

WHEREAS, Currently proposed plans are underway to construct a new juvenile detention center the grounds of the current facility and accommodation and provision must be made for the secure housing of JD, JO and/or YO youth while the existing facility is demolished and the new facility is erected, and

WHEREAS, Erie County Youth Service Administrators will need interim facilities to house secure youth while the new facility is under construction to minimize the cost of transporting offenders to facilities outside Erie County, including the cost and related manpower shortages within policing agencies resulting from the need to transport these individuals, and

WHEREAS, The Office of Child and Family Services does own property located at 485 Best Street, formerly known as Masten Park, whose former use was the long term secure detention of juvenile delinquent, juvenile offender and youthful offenders, and

WHEREAS, Said property was offered by the Office of General Services at an annual lease price of one dollar (\$1), and

WHEREAS, This building was renovated in the late 1990's and would possibly be cheaper to restore to its original use that to retrofit another structure, whose expressed purpose was not secure detention of at risk youth, and

WHEREAS, The facility located at 485 Best Street was at one time well-maintained, in good condition heated, vandal proof and under daily supervision by personnel of a satellite Office of General Services on Richmond Avenue in Buffalo, New York, and

WHEREAS, The former Masten Park Secure Center could proved to be an attractive location to facilitate temporary detention for secure youth mandated to the custody of Erie County Youth Services during the construction of the new proposed secure detention center,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature is committed to providing a physically safe, secure and healthy environment for youth remanded to the temporary custody of Erie County by Erie County Family Court, and be it further

RESOLVED, That this Honorable Body is concerned about skyrocketing costs and unfunded mandates surrounding interim care for secure youth while a new facility is constructed and wants to avoid placing undue burden on the backs of our taxpayers, and be it further

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RESOLVED, That the Erie County Legislature does hereby request Erie County Public Works Commissioner Maria Lehman, Erie County Commissioner of Youth Services Patrick Ruffino and Deputy Commissioner Richard Nelson appear before a future meeting of the Social Services Committee to discuss interim plans for accommodating secure youth in the care and custody of Erie County Youth Services Detention during the construction of the new proposed center, and be it further

RESOLVED, That this Honorable Body does hereby request further dialogue on utilizing the former Masten Park Secure Center, located at 485 Best Street as an option for interim housing of secure youth during construction of the new secure detention center, as well as the specific details and related fiscal impact of any alternative proposals, and be it further

RESOLVED, That certified copies of this resolution be filed with Erie County Public Works Commissioner Maria Lehman and Erie County Commissioner of Youth Services Patrick Ruffino.

FISCAL IMPACT: None For Resolution.

MS. PEOPLES moved to amend the resolution by adding the following legislators as co-sponsors: KUWIK, FITZPATRICK, HOLT, FISHER, OLMA, DeBENEDETTI, DUSZA, SWANICK, MARINELLI, CHASE, McCARVILLE, PAULY, WEINSTEIN, and LARSON. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MS. PEOPLES moved the approval of the resolution as amended. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 17 – MRS. FISHER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 227

Re: Supporting Erie
County/Western New York
Community Cardiac Wellness
Project. (Intro. 12-2)

A RESOLUTION SUBMITTED BY LEGISLATORS FISHER,
PEOPLES, HOLT, PAULY, WEINSTEIN, & KUWIK

WHEREAS, The Erie County Medical Center (ECMC), Erie County Department of Health, Emergency Medical Services, Mercy Flight, and WNY Healthcare System have joined County

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Executive Joel A. Giambra in submitting a proposal to New York State seeking to be selected as a Cardiac Wellness Demonstration Project, and

WHEREAS, As indicated in the application for the two-year funding provided in the demonstration project, significant indicators were identified by the State University of New York at Buffalo's Institute for Local Governance and Regional Growth in their "State of the Region" report as critical factors for improving WNY's competitiveness and quality of life; cardiovascular health was among the top health indicators targeted for improvement by the institute and the County administration, and

WHEREAS, Indeed, with cardiovascular disease remaining the number one killer of Americans since 1900, it makes sense to appropriate government funding to address this preventable disease, and at the same time provide help for those affected, and

WHEREAS, It makes even more sense to target a geographic region clearly shown to have one of the highest rates in the nation for cardiovascular disease as the State's Community Cardiac Wellness Demonstration Project, and

WHEREAS, The Health Resources and Services Report for Erie County shows the age-adjusted mortality rate from coronary heart disease at the highest end of the national peer County range and significantly greater than the U.S. rate overall, as well as the rate for all of New York State, as reported in the grant application, and

WHEREAS, Additionally, the Erie County and Western New York plan wisely has two main components; a comprehensive prevention and wellness focus, along with a plan for improved care for people who have cardiac disease, and

WHEREAS, Included in this proposal are significant upgrades to our health care delivery system: The designation of ECOMC as a regional cardiac care emergency center and accompanying staff; the appropriation of funding to employ a nurse around-the-clock, seven-days-a-week, to assist Mercy Flight in cardiac emergency flights; the acquisition of new state-of-the-art cardiac care equipment; a massive public education campaign which includes CPR training; the purchase, training and distribution of fifty new 12-lead electrocardiograph machines to aid health care providers in cardiac emergencies; and

WHEREAS, The Erie County and Western New York Community Cardiac Wellness Demonstration Project is an excellent proposal for the future of this region and makes sense for the public health of an area with a demonstrated need.

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby enthusiastically support the Erie County/Western New York Community Cardiac Wellness demonstration Project submitted by a broad-based coalition of health care providers and Erie County, and be it further

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RESOLVED, That this Honorable Body does hereby strongly encourage the selection of Erie County and Western New York as a demonstration site in that the need for services included in the proposal have clearly been demonstrated, and will improve the health and viability of the region, and be it further

RESOLVED, That the selection Western New York as a demonstration project would show the kind of forward regional thinking that is needed in government today in that this proposal focuses on a regional solution to a region-wide problem, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Governor George Pataki, Erie County Executive Joel A. Giambra, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, the entire Western New York delegation to the New York State Legislature, the Erie County Medical Center, Erie County Department of Health, Emergency Medical Services, Mercy Flight, WNY Healthcare System and the New York State Department of Health.

FISCAL IMPACT: Very positive for the health of Western New York families, our local economy through improved worker productivity, better outcomes for people with existing cardiovascular disease and for people who face a cardiac emergency; and an overall reduction in government and/or health insurance outlays paid to health care providers due to the improved health of our citizens.

MRS. FISHER moved to amend the resolution to include et al sponsorship. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

MRS. FISHER moved the approval of the resolution as amended. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 18 – MS. PEOPLES moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 11E-20. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 228

Re: Ralph Wilson Stadium –
 Merchandising Expansion at
 Field House.

MS. PEOPLES moved to amend the resolution. MR. HOLT seconded.

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CARRIED UNANIMOUSLY.

WHEREAS, the Department of Public Works received bids on May 21, 2001, for the Ralph Wilson Stadium - 2001 Improvements - Merchandising Expansion, DPW #JZ-01-13, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder for the Ralph Wilson Stadium – 2001 Improvements - Merchandising Expansion, and

WHEREAS, the County of Erie is required to provide Capital Lease Improvements to the stadium facilities pursuant to the new Lease Agreement, and

WHEREAS, the Department of Public Works has a General A/E Agreement with the firm of Kideney Architects for providing Architectural and Engineering Services,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph Wilson Stadium - 2001 Improvements - Merchandising Expansion, as follows:

GENERAL CONSTRUCTION WORK

Ciminelli Development Corp.

Base Bid	\$358,000.00
Add Alternate GC-1	<u>5,200.00</u>
Total General Construction Contract	\$363,200.00

ELECTRICAL CONSTRUCTION WORK

Industrial Power & Lighting	\$ 56,600.00
Add Alternate E-1	<u>895.00</u>
Total Electrical Contract	\$ 57,495.00

Total Award of Contracts	\$420,695.00
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and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a Change Order to Kideney Architects' General A/E Agreement for Architectural/Engineering Services for \$32,500.00, and be it further,

RESOLVED, that the sum of \$64,805.00 be allocated for a construction contingency fund for change orders, additional A/E services, Department of Public Works personnel expenses, advertising

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costs and miscellaneous expenses, with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2001 Stadium Renovations Capital Budget, Fund 440, SFG 234, in the total amount of \$518,000.00, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, one copy to the Division of Budget Management and Finance, and one copy to the Comptroller's Office.

MS. PEOPLES moved the approval of the resolution as amended. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 19 – MS. PEOPLES moved to discharge the PERSONNEL AD HOC COMMITTEE from further consideration of Comm. 11E-10. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 229

Re: Erie County Sheriff's Office
Erie County Family Court
Security.

WHEREAS, the Office of Court Administration has authorized the purchase of Glock automatic pistols for all members of the security detail in the Unified Court System, and

WHEREAS, the Office of Court Administration and the Erie County Sheriff's Office are requesting the addition of eight (8) Deputy Sheriff Officers, Job Group 8 for the security detail in the new Erie County Family Court Building, and

WHEREAS, funding for these positions is available through the Office of Court Administration through the Unified Court Security Grant and by transferring funds between appropriations in the Holding Center 2001 operating fund budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to purchase 103 Glock automatic weapons for all members of the security detail in the Unified Court System, and be it further

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RESOLVED, that the Erie County Sheriff's Office be authorized to create eight (8) Deputy Sheriff Officer, Job Group 8 positions, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

DEPARTMENT 151 - SHERIFF'S OFFICE - HOLDING CENTER DIVISION

<u>APPROPRIATION</u>		<u>Decrease</u>
812	Kitchen Supplies	75,200

<u>APPROPRIATION</u>		<u>Increase</u>
886-1509	Interfund – Sheriff's Grants	75,200

NET IMPACT		\$ <u>0</u>
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UNIFIED COURT SECURITY GRANT - PROJECT #525

4/01/01 - 3/31/02

<u>REVENUE</u>		
627	State Aid Revenues	\$309,128
686-1510	Interfund - Holding Center	<u>75,200</u>
	Total Revenue	<u>384,328</u>

<u>APPROPRIATION</u>		
800	Personal Services	\$269,036
801	Overtime	12,612
805	Fringe Benefits	56,330
933	Lab & Technical Equipment	<u>46,350</u>
	Total Appropriation	<u>384,328</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and Finance, the Erie County Comptroller's Office, the Department of Personnel and the Office of the Sheriff for implementation.

MS. PEOPLES moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

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Item 20 – MR. FITZPATRICK moved for a suspension of the rules to include an item not on the agenda.

CHAIRMAN SWANICK directed that Int. 12-3 be received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Int. 12-3 From LEGISLATOR FITZPATRICK Re: Supporting Governor Pataki's Opposition to President Bush's Banning of Project Labor Agreements Receiving Federal Funds.

Item 21 – MR. GREENAN moved for a suspension of the rules to include an item not on the agenda. MR. RANZENHOFER seconded.

GRANTED.

RESOLUTION NO. 230

Re: Community Funding.
(Comm. 12-4)

A RESOLUTION BY LEGISLATORS GREENAN & RANZENHOFER

WHEREAS, the Legislature set aside funds in the 2001 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, this funding may be provided by the County of Erie to local community based organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist in crime fighting, emergency services, or other types of neighborhood-based service delivery, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect the transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$67,300 from the County-wide Accounts-Budget-County Contingency (DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 11 0921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Boy Scouts of Erie County	830/1169	\$ 3,000.00
Town of West Seneca	830	\$40,000.00
Town of Elma	830	\$10,000.00
Suburban Adult Services	830	\$ 2,500.00
West Seneca Rotary Foundation	830	\$10,000.00
Erie County Coalition on		

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Alcohol and Substance Abuse	830	\$ 1,800.00
TOTAL		\$67,300.00

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with the agencies cited, and be it further

RESOLVED, that the Clerk of the Legislature, and the Director of the Division of Budget, Management and Finance are hereby authorized to complete any paperwork necessary to effectuate the transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Robert L. Rodgers, Jr., Council Program Director, Greater Niagara Frontier Council Boy Scouts of America, 401 Maryvale Drive, Buffalo, NY 14225-4008, Mark Lazzarra, Executive Director, West Seneca Youth Board, 1250 Union Road, West Seneca, NY 14224, Audrey Murdoch, Supervisor, Town of Elma, 1910 Bowen Road, Elma, NY 14059, Mr. Thomas Becker, Executive Director, Suburban Adult Services, 13339 Rt. 39, Box 526, Sardinia, NY 14134, and Mr. Joseph H. Sgori, West Seneca Rotary Foundation, 965 Union Road, PO Box 470, West Seneca, NY 14224.

Fiscal Impact: Appropriation of 2001 Budgeted funds.

MR. GREENAN moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 22 - (Comm. 12E-1) Appointment to Buffalo & Erie County Historical Society Board of Managers.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 23 – (Comm. 12E-2) Copy of Letter to Thomas Griffin, NYS Office of Real Property Services Re: Reappointment of Joseph Maciejewski as Director of Real Property.

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Received and filed.

FROM CHAIRMAN SWANICK

Item 24 – (Comm. 12E-3) Letter to Clerk of Legislature Re: Appointment of Donna Andrzejewski to EC Home Health Care Advisory Board.

Received, filed and printed.

May 18, 2001

The Honorable Laurie A. Manzella
Clerk
Erie County Legislature
25 Delaware Ave., 7th Floor
Buffalo, NY 14202

Dear Madam Clerk:

In accordance with Erie County Local Law Number 10 -1991, as amended, I hereby appoint the following individual to the Erie County Home Health Care Advisory Board:

Donna Aridrzejewski
63 Canisius Court
Depew, NY 14043
(716) 684-6364

As can be seen from her attached resume, Mrs. Andrzejewski is eminently qualified for service on this board as a community representative. This appointment shall take effect immediately.

Very truly yours,

Charles M. Swanick
Chairman
Erie County Legislature

cc (via fax): Hon. Joel A. Giambra, Erie County Executive
James Todaro, Chairman, Erie County Home Health Care Advisory Board

DONNA ANDRZEJEWSKI
63 Canisius Court
Depew, New York 14043
(716) 684-6364

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Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 27 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 231

Re: Regional Public Safety
Facility Project – Financial
Feasibility Study & Real Estate
Appraisal Services. (Comm.
12E-6)

MS. PEOPLES moved to amend the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the Department of Central Police Services issued two (2) requests for proposal (RFP) associated with the Regional Public Safety Facility project; and

WHEREAS, it is the desire of the County of Erie, Department of Central Police Services to study the economic feasibility of constructing a Regional Public Safety Facility and to obtain real estate control investigation and appraisal services; and

WHEREAS, the Department of Central Police Services solicited two (2) RFP's on April 18, 2001 for a Financial Feasibility project study and Real Estate Services for the Regional Public Safety Facility project; and

WHEREAS, eight (8) proposals were submitted by various CPA and real estate firms on May 9, 2001; and

WHEREAS, the firms of Fox and Company LLP, CPA and J.R. Militello Realty, Inc. were deemed to have submitted the best overall proposals by the selection committee; and

WHEREAS, the RFP, evaluation of responses and selection procedure were done in accordance with Section 19.08 of the Erie County Administrative Code;

NOW, THEREFORE, BE IT

RESOLVED, that an agreement with Fox and Company LLP, CPA, 810 Sheridan Drive, Tonawanda, New York 14150 at a cost not to exceed \$122,000 to provide a financial feasibility study for the proposed Regional Public Safety Facility is hereby approved; and be it further

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RESOLVED, that an agreement with J.R. Militello Realty, Inc., 268 Main Street, Buffalo, New York 14202 at a cost not to exceed \$25,000 to provide real estate site control investigation and appraisal services for the proposed Regional Public Safety Facility is hereby approved; and be it further

RESOLVED, that funds for these agreements will be allocated from the County's 2001 Budget Capital Project Account 441 191650821; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute agreements with Fox and Company LLP, CPA and J.R. Militello Realty, Inc. subject to approval as to form by the County attorney; and be it further

RESOLVED, that certified copies of this resolution are to be forwarded to the County Executive, Director of Budget, Management and Finance, Comptroller, Commissioner of Public Works and Commissioner of Central Police Services.

MR. KUWIK moved the approval of the resolution as amended. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 28 – (Comm. 12E-7) Early Intervention Program – Authorization to Contract.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 29 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 232

Re: Special Events & Tourism
Promotion. (Comm. 12E-8)

WHEREAS, special events and related tourism promotions are an important component of the economic revitalization of our region because such efforts enhance the image of Buffalo and Erie County, New York as a tourism destination and thus increase visitors to our County and region with resultant economic impacts; and

WHEREAS, several organizations whose events and activities further the promotion of our County and region as a tourism destination have requested County funds to assist them in these efforts; and

WHEREAS, based on funding requests from several not-for-profit organizations, the County will provide \$1,000 to the Hornets Hockey Associaton, Inc. for the Buffalo Hornets Midget AA Team National Championship; \$5,000 to the Friendship Festival Foundation for the 2001 Friendship Festival; \$15,000 to Waterfest, Inc.; for the June 20-24, 2001 Solar Splash solar/electric boat regatta; \$15,000 to Drum Corps, International, Inc. for the 2001 International World Championship to be held in Erie County, NY; \$20,000 to the South Buffalo Community Development Association for the

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"Sunday in the Park" event on July 19-22, 2001 in Cazenovia Park; \$10,000 to the Greater Buffalo Convention and Visitors Bureau for the publication of the first Bi-National "Festival Showcase of the Niagaras" brochure; and \$85,000 to the Niagara Frontier Transportation Authority for the start-up of the "Buffalo Niagara Tourist Express" bus service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements to provide funds to these several organizations for purposes noted above; and be it further

RESOLVED, that the County Executive is hereby authorized to accept any grants and to execute any grant agreements necessary to receive funding to support the Buffalo-Niagara Falls Tourist Express" program; and be it further

RESOLVED, that funds in the amount of \$151,000 are hereby transferred from the Regionalism/Economic Development Fund (DAC 1109043038301299) to the following new subaccounts under Contractual Agencies in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

2001	Hornets Hockey Association	\$1,000
2001	Friendship Festival Foundation	\$ 5,000
2001	Greater Buffalo Convention and Visitors Bureau (Festival Brochure of the Niagaras)	\$10,000
2001	Waterfest (Solar Splash)	\$15,000
2001	South Buffalo Community Development Association (Sunday in the Park)	\$20,000
2001	Drum Corps International	\$15,000
2001	Niagara Frontier Transportation Authority (Buffalo Niagara Tourist Express)	\$85,000

RESOLVED, that certified copies of this resolution be sent to the County Executive, County Comptroller, Director of the Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, the Chair of the Greater Buffalo Convention and Visitors Bureau, the Chair of the Niagara Frontier Transportation Authority, and to the appropriate representatives of Waterfest, Inc., Drum Corps International, Inc., Friendship Festival Foundation, Inc; Hornets Hockey Association, Inc, and South Buffalo Community Development Association.

MS. PEOPLES moved to amend the resolution. MR. PAULY seconded.

CARRIED UNANIMOUSLY.

Add the following co-sponsors: LEGISLATORS PAULY, PEOPLES, SWANICK, MARINELLI, KUWIK, FITZPATRICK, FISHER, & DUSZA.

MEETING NO. 12**May 24, 2001****ERIE COUNTY LEGISLATURE****DELETE the third RESOLVE clause in its entirety, and REPLACE with the following:**

RESOLVED, that funds in the amount of \$95,000 are hereby transferred from the Regionalism/Economic Development Fund (DAC 1109043038301299) to the following new subaccounts under Contractual Agencies in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

2001	Greater Buffalo Convention and Visitors Bureau (Festival Brochure of the Niagaras)	\$10,000
2001	Niagara Frontier Transportation Authority (Buffalo Niagara Tourist Express)	\$85,000

and be it further

RESOLVED, that funds in the amount of \$56,000 are hereby transferred from the Risk Retention Fund (DAC 1109616018320742) to the following new subaccounts under Contractual Agencies in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

2001	Hornets Hockey Association	\$ 1,000
2001	Friendship Festival Foundation	\$ 5,000
2001	Waterfest (Solar Splash)	\$15,000
2001	South Buffalo Community Development Association (Sunday in the Park)	\$20,000
2001	Drum Corps International	\$15,000

and be it further

RESOLVED, that all the aforementioned organizations submit to the Erie County Legislature in writing a summary of costs, programs and other relevant information of these programs no later than October 1, 2001, and be it further

MS. PEOPLES moved the approval of the resolution as amended. MR. PAULY seconded.

CARRIED UNANIMOUSLY.

Item 30 – (Comm. 12E-9) Office of Traffic Safety Re: Child Passenger Seat Instructions.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 31 – (Comm. 12E-10) Health – Personnel Adjustments.

Item 32 – (Comm. 12E-11) DPW – Personnel Changes for 2001.

The above two items were received and referred to the PERSONNEL AD HOC COMMITTEE.

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Item 33 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 233

Re: Roof Replacement, Phase II,
Edward Rath County Office
Building. (Comm. 12E-12)

WHEREAS, the Department of Public Works received bids on May 9, 2001 for the Roof Replacement, Phase II, Edward A. Rath County Office Building, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder for the Roof Replacement, Phase II, Edward A. Rath County Office Building,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Roof Replacement, Phase II, Edward A. Rath County Office Building as follows:

Progressive Roofing	Base Bid:	\$361,164.00
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and be it further,

RESOLVED, that the sum of \$30,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the sum of \$3,000.00 be allocated for testing, inspection, and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the sum of \$10,000.00 be allocated for Project Engineer and Department of Public Works salary expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from 2001, Project 197, Fund 410, and be it further,

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RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget, Management and Finance; and one copy to the Office of the Comptroller.

MS. PEOPLES moved the approval of the resolution. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 34 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 234

Re: Ratification of Collective Bargaining Agreement Between EC & Teamsters, Local 264 (Sheriff's) for Period 1/1/00 – 12/21/03. (Comm. 12E-13)

WHEREAS, the County of Erie, the Erie County Sheriff, and Teamsters, Local 264 have reached an agreement covering the working conditions, including wages and fringe benefits, for those employees of the County of Erie and the Erie County Sheriff represented by the Teamsters, for the period January 1, 2000 through December 31 2003;

NOW, THEREFORE, BE IT

RESOLVED, that the attached amendments to the 1996-1999 Collective Bargaining Agreement are hereby approved effective January 1, 2000 except as otherwise specified and agreed to and shall remain in full force and effect until December 31, 2003; and be it further

RESOLVED, that said benefits and salary schedules in percentage increases be extended to all employees covered by said Agreement, including managerial/ confidential, part-time and seasonal employees, who are on the active payroll as of May 4, 2001; and be it further

RESOLVED, that effective January 1, 2001, the following job titles be upgraded one step as indicated: Records Clerk from Job Group IV to Job Group V, Senior Records Clerk from Job Group VI to Job Group VII, Dispatcher Sheriff and Dispatcher Sheriff 55B from Job Group VI to Job Group VII, Police Complaint Writer Sheriff from Job Group V to Job Group VI, Laborer Sheriff from Job Group III to Job Group IV, Maintenance Worker Sheriff from a Job Group IV to Job Group V, and Cook Manager (Holding Center) from Job Group VIII to Job Group IX, and be it further

RESOLVED, that authorization is hereby provided to increase expenses within the Sheriff's Office in order to fund the contract, and be it further

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RESOLVED, that the Director of Budget and Management is hereby granted authority to transfer funds as required into the personal service budgets of the Sheriff's Division, Holding Center and all Sheriff grants in order to fund the 2001 pay raise, as well as the 2000 retroactive pay associated with the settlement of the Teamsters contract, and be it further

RESOLVED, that the County Executive be authorized to enact said agreement; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Personnel Department, Division of Labor Relations, Division of Budget and Management, the Sheriff and Comptroller.

MS. PEOPLES moved the approval of the resolution. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 35 – (Comm. 12E-14) ECSD No. 2 – Request for Change in Title.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 36 – (Comm. 12E-15) All-America City Award.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 37 – (Comm. 12E-16) District Attorney – Deputy District Attorney – Special Counsel to the District Attorney.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 38 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 235

Re: Budget, Management &
Finance – 2000 Year End Budget
Balancing Round Two
Amendments. (Comm. 12E-17)

WHEREAS, the Division of Budget, Management and Finance, in cooperation with the Erie County Comptroller, and in consultation with departmental accountants, has identified accounts with projected budget deficiencies prior to year-end closing, and

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WHEREAS, budget amendments are required to eliminate the aforementioned deficiencies in order to close the County's books and prepare financial statements for review by the County's independent auditors for the 2000 fiscal year, and

WHEREAS, these budget amendments will have no net fiscal impact as funds will be transferred from accounts with available balances to accounts with projected deficiencies, and

WHEREAS, final year-end transactions and accrual entries cannot be processed in the accounting system by the Comptroller for accounts with budget deficiencies until said deficiencies are eliminated through budget amendments.

NOW, THEREFORE BE IT

RESOLVED, that the Division of Budget, Management and Finance is hereby authorized to amend the budget of the General Fund Department, as specified in the following schedule, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of Budget, Management and Finance and the Erie County Comptroller.

**2001 YEAR-END BUDGET BALANCING
 ROUND TWO BUDGET AMENDMENTS**

GENERAL FUND

Account/DAC Code:	Description:	Debit (Credit) Amount
110 927 0510 820	Utility Charges (DISS)	(43,444)
110 927 0510 826	Other Expenses (DISS)	(88,713)
110 927 0510 930	Motor Vehicle Equipment (DISS)	31,956
110 927 0510 932	Furniture & Fixtures (DISS)	203,747
110 927 0510 933	Lab & Tech Equipment (DISS)	<u>(103,546)</u>
	Subtotal General Fund	0

MS. PEOPLES moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 39 – (Comm. 12E-18) Upgrade of Petroleum Underground Storage Tanks at Various Erie County Facilities – Contingency Fund Increase.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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Item 40 – (Comm. 12E-19) Community Development Block Grant – Personnel Change.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 41 – (Comm. 12E-20) OPEN ITEM: DPW – General Energy Related Issues.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 42 – (Comm. 12E-21) ECSD Nos. 1, 4 & 5 – Position Request – Sewer District Manager.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 43 – (Comm. 12E-22) ECSD No. 2 – Big Sister Treatment Plant Improvements Contract No. 35A – Change Order No. 1 New Era Construction.

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 44 – (Comm. 12E-23) Neighborhood Wellness Demonstration Program.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 45 – (Comm. 12E-24) ECSD No. 2 Evangola State Park Proposed Amended Service Agreement.

Item 46 – (Comm. 12E-25) Parks, Recreation & Forestry – Golf Reservation System.

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 47 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 236

Re: District Attorney – Chief
Confidential Criminal
Investigators. (Comm. 12E-26)

WHEREAS, the District Attorney needs to retain three highly qualified current employees to investigate public asset protection, white collar crime and domestic violence/sexual assault cases occurring in Erie County, and

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WHEREAS, it is deemed beneficial to the District Attorney's Office to have the most qualified job holders in these positions to provide superior investigative skills in this office,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to create three (3) positions of Chief Confidential Criminal Investigator, job group 12, in the operating budget of the District Attorney, and be it further

RESOLVED, that funding for the new positions shall be made available through the deletion of three (3) Confidential Criminal Investigators, job group 10, and one Assistant District Attorney III RPT, job group 14, from the operating budget of the District Attorney, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller, the Commissioner of Personnel and the Director of Budget, Management and Finance.

MS. PEOPLES moved the approval of the resolution. MR. KUWIK seconded. MR. DeBENEDETTI voted in the negative.

CARRIED.

Item 48 – (Comm. 12E-27) Request of Cheektowaga Sloan Union Free School District – Purchase Contracts.

Item 49 – (Comm. 12E-28) Request of Orchard Park Central School District – Purchase Contracts.

Item 50 – (Comm. 12E-29) Request of Alden Central School District – Purchase Contracts.

Item 51 – (Comm. 12E-30) Request of West Seneca Central School District – Purchase Contracts.

Item 52 – (Comm. 12E-31) Request of Sweet Home Central School District – Purchase Contracts.

Item 53 – (Comm. 12E-32) Request of Grand Island School District – Purchase Contracts.

The above six items were received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 54 – (Comm. 12E-33) Probation – Youth Assessment Survey Instrument Funding.

Received and referred to the SOCIAL SERVICES COMMITTEE.

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Item 55 – (Comm. 12E-34) Erie County Association of School Boards – Transfer of \$5000 for Study.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 56 – (Comm. 12E-35) Sale of County Owned Inventory – SBL No. 103.050-12-8 Betty Lou Lane, Town of Cheektowaga.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 57 – (Comm. 12E-36) Health – Childhood Lead Poisoning Prevention Program 1/1/01 – 12/31/01.

Item 58 – (Comm. 12E-37) Health – Medical Examiner Division Out-of-County Autopsy Fee Schedule Effective 6/1/01.

Item 59 – (Comm. 12E-38) Health – Nurse Midwifery Associates of WNY.

Item 60 – (Comm. 12E-39) Health – Division of Public Health Laboratory.

The above four items were received and referred to the HEALTH COMMITTEE.

Item 61 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 237

Re: Health – West Nile Virus
Surveillance & Education Grant
5/1/01 – 12/31/01.
(Comm. 12E-40)

WHEREAS, the Erie County Department of Health is responsible for protecting the health of the citizens of Erie County, and

WHEREAS, Erie County Department of Health has received a grant from Health Research, Inc., CFD 93.283, to support West Nile Virus surveillance activities, including human, bird/mammal and mosquito surveillance and public and professional education activities related to West Nile Virus, and

WHEREAS, under this letter of agreement, Health Research, Inc. will provide reimbursement for expenses incurred by the County in performing West Nile surveillance for the period May 1, 2001 through December 31, 2001, up to a maximum of \$60,000, and

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WHEREAS, training was provided to representatives from the towns, villages and cities in Erie County, to allow these individuals to work under Erie County's DEC Certificate for Larvaciding.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an agreement with Health Research, Inc., CFD 93.283, to be budgeted as follows:

**WEST NILE SURVEILLANCE & EDUCATION GRANT
05/01/01 – 12/31/01**

ACCT	SUB-ACCT	REVENUE	NEW BUDGET
553	200	Health Research, Inc	<u>\$60,000</u>
		TOTAL	<u>\$60,000</u>
		EXPENSES	
801		Overtime	\$10,000
814		Medical Supplies	4,000
821		Dues and Fees	10,000
824		Local Travel	9,000
825		Out of Area Travel	2,000
826		Other Expenses	10,000
932		Office Equipment	1,000
933		Lab & Tech Equipment	<u>14,000</u>
		TOTAL	<u>\$60,000</u>

and be it further

RESOLVED, that authorization is hereby granted to allow DEC trained employees of towns, villages and cities in Erie County to work under Erie County's DEC Certificate for Larvaciding, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

MS. PEOPLES moved the approval of the resolution. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

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Item 62 – (Comm. 12E-41) Health – Tonawanda Service & Referral Center Lease Agreement.

Item 63 – (Comm. 12E-42) Health – Enhanced Drinking Water Protection Program Grant Revision (1/1/01 – 3/31/02).

Item 64 – (Comm. 12E-43) Health – Lease Renewal Agreement 493 Franklin Street, Suite 200, Buffalo, NY – Franklin Street Associates (Clover Management).

The above three items were received and referred to the HEALTH COMMITTEE.

Item 65 – (Comm. 12E-44) Extension of an Amendment to Collective Bargaining Agreement NYSNA.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 66 – (Comm. 12E-45) Health – Acceptance of Donation for Fashion Show Hosted by Office for Disabled.

Received and referred to the HEALTH COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECC

Item 67 – (Comm. 12D-1) Board of Trustees Approved 2001-2002 Operating & Grant Budget.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM PARKS, RECREATION & FORESTRY

Item 68 – (Comm. 12D-2) “To Do” List Regarding Restrooms & Amenities at Various County Parks.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BOARD OF ELECTIONS

Item 69 – (Comm. 12D-3) Commissioner Mohr’s Comments on the Advisory Committee on Reapportionment.

Received and filed.

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FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 70 – (Comm. 12D-4) Board of Trustees Proposed Agenda for Meeting Held 5/17/01.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 71 – (Comm. 12D-5) Notice of County Executive Public Hearing for Intro 11-2.

Received, filed and printed.

May 11, 2001

via Hand Delivery

Ms. Laurie A. Manzella, Clerk
 Erie County Legislature
 25 Delaware Avenue – 7th Floor
 Buffalo, New York 14202

**Re: Notice of Public Hearing
 Resolution Intro. No. 11-2**

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Resolution Intro. 11-2, which was adopted by the Erie County Legislature on May 10, 2001.

Please post the enclosed Notice for the information of anyone who may be interested in attending this hearing.

Very truly yours,

FREDERICK A. WOLF
 Erie County Attorney

By: Brian D. White
 Assistant County Attorney

Enclosure
 BDW.-slm

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing on Thursday, May 24 at 9:00 a.m., concerning an appropriation from the year 2001 County Contingency as follows:

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Orchard Park Central School District - Post Prom Committee

Public Benefit Services

\$1,000

The hearing will be held in the Erie County Executive's Conference Room on the 16th Floor of the Rath Building, 95 Franklin Street, in the City of Buffalo, New York.

On May 10, 2001, the Erie County Legislature adopted Resolution Introduction 11-2. Copies of the resolution are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA
Erie County Executive

Item 72 – (Comm. 12D-6) Notice of County Executive Public Hearing for Local Law No. 3 – 2001.

Received, filed and printed.

May 11, 2001

via Hand Delivery

Ms. Laurie A. Manzella, Clerk
Erie County Legislature
25 Delaware Avenue – 7th Floor
Buffalo, New York 14202

Re:

**Notice of Public Hearing
Local Law Intro. No. 3-2001**

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro. No. 3-2001, which was adopted by the Erie County Legislature on May 10, 2001.

Please post the enclosed Notice for the information of anyone who may be interested in attending this hearing.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

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By: Brian D. White
 Assistant County Attorney

Enclosure
 BDWslm

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing Thursday, May 24, 2001 at 7:00 p.m., concerning:

A LOCAL LAW amending Local Law No. 1 - 1959, constituting the Erie County Charter, as amended, in relation to the composition of the county legislative districts.

The hearing will be held in the Auditorium of Erie Community College - City Campus, 121 Ellicott Street, in the City of Buffalo, New York.

On May 10, 2001, the Erie County Legislature adopted Erie County Local Law Introduction Number 3 of 2001. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA
 Erie County Executive

FROM THE BOARD OF ELECTIONS

Item 73 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 238

Re: Receipt of Copy of Local
 Law No. 3 – 2001 by the Office
 of Commissioner Adamczyk.
 (Comm. 12D-7)

**RECEIVED FROM THE ERIE COUNTY
 LEGISLATURE - 1 COPY OF:**

- **LOCAL LAW INTRO. NO. 3 - 2001**

A LOCAL LAW amending Local Law No. 1 - 1959,

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*constituting the Erie County Charter, as amended, in relation
to the composition of the county legislative districts.*

CLOCKED-IN AND LAID ON THE TABLE OF
THE ERIE COUNTY LEGISLATURE ON
APRIL 26, 2001.

ADOPTED BY THE ERIE COUNTY
LEGISLATURE ON MAY 10, 2001

Gail L. Sypos

5/10/01

Representative of the Office of
Commissioner Laurence F. Adamczyk

Date

MS. PEOPLES moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

A RESOLUTION SUBMITTED BY LEGISLATOR SWANICK

DELETE the communication in its entirety and REPLACE with the following:

WHEREAS, on May 23, 2001, the Erie County Legislature was served an Order To Show Cause and Verified Petition and is named as a party defendant in an action commenced in New York State Supreme Court, entitled Alan Korman vs. Erie County Executive, et al, and

WHEREAS, the Erie County Executive Joel Giambra is also named as a party defendant in the same action, and

WHEREAS, the subject matter of the pending action involves the adoption of reapportionment plan by the Erie County Legislature on May 10, 2001, which has been presented to the County Executive for his signature, but has not as yet been signed, and

WHEREAS, the return date for appearance before the Supreme Court is scheduled for May 25, 2001, and exigent circumstances therefore exist for immediate representation to protect the interests of the Erie County Legislature, and

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WHEREAS, the Erie County Legislature has determined that a potential conflict of interest exists precluding the County Attorney from representing the Erie County Legislature and its Members, and the Erie County Executive in this reapportionment litigation, and

WHEREAS, although the County Attorney would normally represent both the County Executive and the County Legislature, decided case law has established that notwithstanding lack of specific statutory authority, "a municipal board or officer possesses implied authority to employ counsel in the good faith defense of an action undertaken in the public interest, and in conjunction with its or his official duties where the municipal attorney refused to act, or was incapable of, or was disqualified from, acting." CAHN V TOWN OF HUNTINGTON, 29 NY2d 451; MATTER OF ACCARDO V CITY OF NIAGARA FALLS, 204 AD2D 1050, 613 NYS2D 106; MATTER OF WILSON V ALLEGANY COUNTY, 175 AD2d 645,

WHEREAS, on May 24, 2001, the County Attorney's office filed a Notice of Removal in Federal Court claiming inter alia that the Erie County Legislature has joined in the request for removal, and

WHEREAS, no request to join in the request for removal was made by the Erie County Legislature and the County Attorney's representation that the Erie County Legislature joins in removal to federal court is without basis, and

WHEREAS, due to the above conflict situation between the Erie County Legislature, and the Erie County Executive, Erie County Legislature desires to retain outside counsel on behalf of the Erie County Legislature to represent the Erie County Legislature and its Members in the Supreme Court and Federal Court action, in order to protect its interests and to advocate the validity and propriety of the May 10, 2001 Local Law of reapportionment, duly passed by the Legislature, and

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the retention of outside legal counsel, to be retained to represent the Erie County Legislature in its defense of the pending actions in State and Federal Court, involving reapportionment and the adoption of reapportionment plan by the Erie County Legislature on May 10, 2001, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, County Attorney, County Clerk, Comptroller and the Commissioners of the Erie County Board of Elections.

FISCAL IMPACT: To Be Determined.

MS. PEOPLES moved the approval of the resolution as amended. MS. MARINELLI seconded.

MEETING NO. 12

May 24, 2001

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

Item 74 – (Comm. 12D-8) Receipt of Copy of Local Law No. 3 – 2001 by Commissioner Mohr.

Received and filed.

FROM NYSDOT

Item 75 – (Comm. 12D-9) Copy of Letter to DPW Re: Red Structural Flag BIN 3328500 – Savage Road Over Dry Creek, Town of Sardinia.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 76 – (Comm. 12D-10) Improvement & Extension of Bond Resolution for Year Ending 12/31/00.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECMC

Item 77 – (Comm. 12D-11) Copy of Resolution to be Submitted to JCC Planning Committee Re: Development of Retail Space at ECMC.

Received and referred to the HEALTH COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM COUNCILMEMBER ELLINGTON

Item 78 – (Comm. 12M-1) Letter to Chairman Swanick Re: Requesting an Investigation Into an Alleged Breach of Ethics By Legislator Olma.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

FROM GOVERNOR PATAKI

Item 79 – (Comm. 12M-2) Receipt of Resolution.

Received and filed.

MEETING NO. 12
May 24, 2001

ERIE COUNTY LEGISLATURE

FROM THE ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

Item 80 – (Comm. 12M-3) Notice of Meeting Held 5/15/01.

Received and filed.

FROM NIAGARA MOHAWK

Item 81 – (Comm. 12M-4) Invitation to Share Holders Meeting Held 5/15/01.

Received and filed.

FROM VITA KUCZMA

Item 82 – (Comm. 12M-5) Request for Support of Cancer Wellness Center.

Received and referred to the HEALTH COMMITTEE.

FROM PATRICIA VACCARO

Item 83 – (Comm. 12M-6) Letter to Legislator Kuwik Re: Support for 800 Mhz Radio System.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM JOHN VACCARO, SR

Item 84 – (Comm. 12M-7) Letter to Legislator Kuwik Re: Support for 800 Mhz Radio System.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM ASSEMBLYMAN BURLING

Item 85 – (Comm. 12M-8) Receipt of Resolution Re: CHIPS Funding.

Received and filed.

FROM THE WEST VALLEY CITIZEN TASK FORCE

Item 86 – (Comm. 12M-9) Revised Strategy for Splitting Environmental Impact Statement & Scoping of First Environmental Impact Statement.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

MEETING NO. 12
May 24, 2001

ERIE COUNTY LEGISLATURE

FROM UNIVERSITY OF BUFFALO DANIS GEHL

Item 87 – (Comm. 12M-10) Letter to Chairman Swanick Re: Report on First Year University Community Initiative's Regional Community Policing Center (RCPC).

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM THE AMHERST CHAMBER OF COMMERCE

Item 88 – (Comm. 12M-11) Copy of Letter to Amherst Councilmember Ward Re: Consolidation of IDAs.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM ASSEMBLYMAN TOKASZ

Item 89 – (Comm. 12M-12) Letter to Chairman Swanick Re: Increased Funding for Agriculture.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS OFFICE OF CHILDREN & FAMILY SERVICES

Item 90 – (Comm. 12M-13) Letter to Chairman Swanick Re: Report of Death of a Child in Jurisdiction of Erie County.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM ROBERT GANLEY

Item 91 – (Comm. 12M-14) Letter to Chairman Swanick Re: Resignation from ECMC Board of Managers.

Received and referred to the HEALTH COMMITTEE.

FROM ASSEMBLYMAN HOYT

Item 92 – (Comm. 12M-15) Letter to Chairman Swanick Re: Response to Correspondence Concerning Agricultural Programs.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM COUNCIL PRESIDENT PITTS

MEETING NO. 12

May 24, 2001

ERIE COUNTY LEGISLATURE

Item 93 – (Comm. 12M-16) Copy of Letter to Chairman Swanick Re: County's Use of East Side Transfer Station.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM DEMARIE & SCHOENBORN

Item 94 – (Comm. 12M-17) Notice of Claim.

Received and referred to the COUNTY ATTORNEY.

FROM THE NYS COMPTROLLER

Item 95 – (Comm. 12M-18) Receipt Signed by Clerk of Legislature Re: Increase & Improvements of Facilities – ECSD No. 5.

Received and filed.

MEMORIAL RESOLUTIONS

None.

ADJOURNMENT

Item 97– At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. PEOPLES moved that the Legislature adjourn until **2 p.m. Thursday, June 7, 2001**.
MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until **Thursday, June 7, 2001 at 2 p.m. Eastern Standard Time**.

**LAURIE MANZELLA
CLERK**