

MEETING NO. 13
June 7, 2001

ERIE COUNTY LEGISLATURE

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The Legislature was called to order by Chairman Swanick.

All Members Present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Ms. Chase.

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.

MS. PEOPLES moved the approval of minutes from meeting 7 of 2001. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 3 – MR. GREENAN presented a resolution Honoring the Late James Rizzo for His Dedication to the West Seneca Lions Club. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 4 - MR. GREENAN presented a resolution Honoring the Late Frank Castiglia for His Dedication to the West Seneca Lions Club. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 5 - MR. GREENAN presented a resolution Honoring the Late Ronald Hoy for His Dedication to the West Seneca Lions Club. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 6 - MR. GREENAN presented a resolution Honoring the Late John Whieldon for His Dedication to the West Seneca Lions Club. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

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Item 7 – MR. McCARVILLE presented a resolution Honoring the 3rd Annual Harley Happening at the Hollywood. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 8 - MR. KUWIK presented a resolution Proclaiming 6/7/01 as Lt. Bruce Parker Day in Erie County. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 9 - MR. DUSZA presented a resolution honoring Madeline “Mitzi” Fuller for 29 Years of Service to Saint Philip the Apostle Parish. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 10 - CHAIRMAN SWANICK directed that Local Law No. 2 (Print #3) 2000 remain on the table.

Item 11 - CHAIRMAN SWANICK directed that Local Law No. 4 (Print #1) 2001 remain on the table.

Item 12 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2001 remain on the table.

CHALLENGE TO THE CHAIR.

AYES: DeBENEDETTI, OLMA. NOES: CHASE, GREENAN, LARSON, McCARVILLE, PAULY, RANZENHOFER, WEINSTEIN, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, PEOPLES & SWANICK. – AYES: 2, NOES: 15.

DEFEATED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 239

May 31, 2001

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 9

ALL MEMBERS PRESENT.

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

	Item	Page	-2000	(Comm. 15 E-18)
a.	COUNTY EXECUTIVE:	Proposed Local Law to Authorize Lease Terms in Excess of 5 Years for Wireless Service Providers.		
		(5-0)		

	Item	Page	-2000	(Comm. 22 D-3)
b.	BUFFALO & ERIE COUNTY PUBLIC LIBRARY:	Expanding Horizons – Directions for Superior Public Library Service in Erie County.		
		(5-0)		

- | | | | | |
|----|-------------------------|------|-------|---------------|
| 2. | Item | Page | -2001 | (Comm. 12E-1) |
| | COUNTY EXECUTIVE | | | |

RESOLVED, that the Community Enrichment Committee does hereby recommend that the full Legislature confirm the appointment of Anthony N. Diina of 193 Huntington Avenue, Buffalo, NY 14214 as a member of the Buffalo & Erie County Historical Society Board of Managers.
(5-0)

LYNN M. MARINELLI
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 240

May 31, 2001

FINANCE & MANAGEMENT
COMMITTEE

REPORT NO. 8

ALL MEMBERS PRESENT.

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

	Item	Page	-2001	(Comm. 9 E-7)
a.	COMPTROLLER:	Review of RFP by Personnel Department for Flexible Benefits Plan & Tax Free Qualified Parking Plan.		
		(5-0)		

	Item	Page	-2001	(Comm. 11 E-6)
b.	COMPTROLLER:	Deteriorating Fiscal Condition of ECMC.		
		(5-0)		

2. **AS AMENDED**
(Comm. 1D-9A)
- | | | | | |
|--|---|------|--------|--|
| | Item | Page | - 2001 | |
| | BUDGET, MANAGEMENT & FINANCE | | | |
| | (A) | | | |

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

WHEREAS, the Director has investigated the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered 202255 through 202264 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 201255 / 2001 - ASSESSOR - Refund - \$299.84

SBL No. 40.12-3-15.11 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 299.84 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

299.84

REFUND - CLERICAL ERROR, THIS PARCEL IS VACANT LAND AND SHOULD NOT BE CHARGED GARBAGE TAX OR SEWER CONSUMPTION. RPTL 550(2)E. CHECK IN FAVOR OF: JAMES E MORRIS

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Petition No. 201256 / 2001 - ASSESSOR - Refund - \$637.87

SBL No. 42.78-1-1./46 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 637.87 - Town/SpecialDist/School

Charge to : WILLIAMSVILLE CENT 82.32
 NYS STAR ENHANCED EXEMPTI 555.55

REFUND - CLERICAL ERROR, PARCEL RECEIVED THE BASIC STAR WHEN IT WAS ENTITLED TO THE ENHANCED STAR IN THE AMOUNT OF 50,000 AND THE SENIOR EXEMPTION IN THE AMOUNT OF 4445 (5%). RPTL 550(2)B,C.

CHECK IN FAVOR OF: MARCIA P KUTNER

Petition No. 201257 / 2001 - ASSESSOR - Refund - \$69.55

SBL No. 42.78-1-1./46 - TOWN OF AMHERST

Acct. No. 112 - \$ 36.71 - County

Acct. No. 132 - \$ 32.84 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST
 32.84

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 7,557 (10%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

CHECK IN FAVOR OF : MARCIA P KUTNER

Petition No. 201258 / 2001 - ASSESSOR - Refund - \$156.41

SBL No. 67.12-2-5./A - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 156.41 - Town/SpecialDist/School

Charge to : SWEET HOME CENTRAL 156.41

REFUND - ERROR IN ESSENTIAL FACT, THE BILLBOARD THAT WAS ON THE PROPERTY WAS REMOVED PRIOR TO TAXABLE TO STATUS DATE. RPTL 550(2)A.

CHECK IN FAVOR OF: PENN ADVERTISING BUFFALO DIV

Petition No. 201259 / 2001 - ASSESSOR - Cancel - \$77.50

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SBL No. 67.12-2-5./A - TOWN OF AMHERST

Acct. No. 112 - \$ 40.32 - County

Acct. No. 132 - \$ 37.18 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

37.18

CANCEL - ERROR IN ESSENTIAL FACT, BILLBOARD THAT WAS ON THE PROPERTY WAS REMOVED PRIOR TO TAXABLE STATUS DATE. RPTL 550(2)A.

Petition No. 201260 / 2001 - ASSESSOR - Refund - \$1,851.84

SBL No. 69.18-1-10 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,851.84 - Town/SpecialDist/School

Charge to : WILLIAMSVILLE CENT

1,851.84

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 215,000 AND SHOULD BE 115,000.

RPTL 550(2)A.

CHECK IN FAVOR OF LISA A JACKSON

Petition No. 201261 / 2001 - ASSESSOR - Refund - \$1,248.06

SBL No. 69.318-1-10 - TOWN OF AMHERST

Acct. No. 112 - \$ 485.75 - County

Acct. No. 132 - \$ 762.31 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

662.02

MAIN TRANSIT FIRE PROTECT

100.29

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSEMT WAS 215,000 AND SHOULD BE 115,000.

RPTL 550(2)A.

CHECK IN FAVOR OF: LISA JACKSON

Petition No. 201262 / 2001 - ASSESSOR - Cancel - \$29.65

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SBL No. 151.54-3-3 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 29.65 - Town/SpecialDist/School

Charge to : VILLAGE OF BLASDELL

29.65

CANCEL - CLERICAL ERROR, THE RELEVY VILLAGE WAS PREVIOUSLY PAID TO THE VILLAGE OF BLASDELL ON A TIMELY BASIS. THIS WAS SUBMITTED IN ERROR ON THE TAX BILL. RPTL 550(2)H

Petition No. 201263 / 2001 - ASSESSOR - Refund - \$110.71

SBL No. 232.00-3-14 - TOWN OF HOLLAND

Acct. No. 112 - \$ 110.71 - County

Acct. No. 132 - \$ 0.00 - Town/SpecialDist/School

Charge to :

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 19,444 THAT THIS PARCEL WAS ENTITLED TO FOR COUNTY TAX WAS

OMITTED

IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

CHECK IN FAVOR OF: EARLE F & DOROTHY KEELE

Petition No. 201264 / 2001 - ASSESSOR - Cancel - \$1,288.82

SBL No. 53.14-4-1 - TOWN OF TONAWANDA

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,288.82 - Town/SpecialDist/School

Charge to : TOWN OF TONAWANDA

1,288.82

CANCEL - CLERICAL ERROR, THE SEWER CHARGE WAS PLACED ON THE PARCEL IN ERROR. THIS IS A CEMETERY. RPTL 550(2)E.

(5-0)

(B)

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and

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WHEREAS, the Director has investigated the validity of such applications (see attached listing) now therefore be it,

RESOLVED, that petitions numbered 202265 through 202266 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 201265 / 2001 - ASSESSOR - Cancel - \$1,563.08

SBL No. 335.02-1-12.1 - TOWN OF CONCORD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,563.08 - Town/SpecialDist/School

Charge to : TOWN OF CONCORD

	14.97
CONCORD FIRE PROTECT	1,548.11

CANCEL - CLERICAL ERROR, PARCEL IS OWNED BY THE IDA AND SPECIAL DISTRICT IS INCLUDED WITH PAYMENT IN LIEU OF TAXES.

THE ERIE COUNTY REAL PROPERTY DIRECTOR IS RECOMMENDING THAT THIS PETITION BE DENIED. ACCORDING TO THE ATTORNEY FOR THE TOWN OF CONCORD SPECIAL DISTRICTS ARE NOT INCLUDED IN THE PAYMENT OF LIEU OF TAXES - THE PILOT AGREEMENT.

Petition No. 201266 / 2001 - ASSESSOR - Cancel - \$11.39

SBL No. 347.05-1-5.1 - TOWN OF CONCORD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 11.39 - Town/SpecialDist/School

Charge to : TOWN OF CONCORD

11.39

CANCEL - CLERICAL ERROR, PARCEL IS OWNED BY THE IDA AND SPECIAL DISTRICT IS INCLUDED WITH PAYMENT IN LIEU OF TAXES.

THE ERIE COUNTY REAL PROPERTY DIRECTOR IS RECOMMENDING THAT THIS PETITION BE DENIED. ACCORDING THE ATTORNEY FOR THE TOWN OF CONCORD SPECIAL DISTRICTS ARE NOT INCLUDED IN THE PAYMENT OF THE LIEU OF TAXES - THE PILOT AGREEMENT.

(5-0)

3. Item Page - 2001 (Comm. 12E-35)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive a request from Edward Okon who owns property adjoining the above County owned parcel of land to purchase this parcel, and

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WHEREAS, there are no other adjoining property owners who have indicated an interest in acquiring this parcel, and

WHEREAS, this parcel was reviewed and approved for sale by the Advisory Review Committee,

NOW, THEREFORE BE IT RESOLVED, that the following parcel of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Edward Okon, 19 Betty Lou Lane, Cheektowaga, New York 14225 for the sum of One Thousand and 00/100 Dollars (\$ 1,000.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Cheektowaga, County of Erie and State of New York being part of Farmlot 12, Township 11, Range 7 and is further described on Erie County Tax Maps as Section, Block and Lot No. 103.050-12-8 (Betty Lou Lane .32 acres), Intending to convey all land acquired by Erie County as Serial No. 1267 in the County In Rem Tax Foreclosure Action No. 138, and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described property to the aforesaid purchaser, and be it further

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

(5-0)

**CRYSTAL D. PEOPLES
CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 241

May 31, 2001

SOCIAL SERVICES
COMMITTEE
REPORT NO. 8

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ALL MEMBERS PRESENT.

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

- | | | | | |
|--|------|------|-------|---------------|
| | Item | Page | -2001 | (Comm. 5 M-3) |
|--|------|------|-------|---------------|
- a. **CORTLAND COUNTY LEGISLATURE**: Copy of Resolution Requeusting NYS Assume 100% of Costs Resulting from Changes in Medical Assistance Program Since 1996.
(5-0)
- | | | | | |
|--|------|------|-------|---------------|
| | Item | Page | -2001 | (Comm. 5 M-4) |
|--|------|------|-------|---------------|
- b. **CORTLAND COUNTY LEGISLATURE**: Copy of Resolution Requesting NYS Assume All Costs Related to Raising Age of PINS.
(5-0)
- | | | | | |
|--|------|------|-------|----------------|
| | Item | Page | -2001 | (Comm. 12M-13) |
|--|------|------|-------|----------------|
- c. **NYS OFFICE OF CHILDREN & FAMILY SERVICES**: Letter to Chairman Swanick Re: Report on Death of a Children in Jurisdiction of Erie County.
(5-0)
- d. **RESOLVED**, that the following items are hereby received, filed and referred to the Public Safety Committee.
- | | | | | |
|--|------|------|-------|----------------|
| | Item | Page | -2001 | (Comm. 12E-33) |
|--|------|------|-------|----------------|
- e. **COUNTY EXECUTIVE**: Probation – Youth Assessment Survey Instrument Funding.
(5-0)

2. Item Page - 2001 (Comm. 11E-16)
COUNTY EXECUTIVE

WHEREAS, the New York State Office for the Aging has awarded the Department of Senior Services a grant of \$8,000 to participate in the federal Performance Outcomes Measures Project (POMP) for the period September 1, 2000 through August 31, 2001; and

WHEREAS, the Department of Senior Services (Department) desires to use these funds to cover the payroll costs of a part-time Community Service Aide who is currently working on activities relating to this project and to cover the costs incurred by the local coordinator for the POMP presentation at the June "Aging Concerns Unite Us" conference in Albany, and

WHEREAS, no County funds are required for the Project; and

WHEREAS, your Honorable Body has already authorized the County Executive to contract with Lisa Gebauer Smith, R.D. to provide valuable nutrition education and counseling, and congregate dining monitoring services for the Department during the period January 1, 2000 through December 31, 2000; and

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WHEREAS, the Department desires to increase the contract by \$100 to cover all services received.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to accept the grant from the New York State Office for the Aging to operate the Performance Outcomes Measures Project (POMP), and be it further

RESOLVED that the budget for the Performance Outcomes Measures Project for the period September 1, 2000 through August 31, 2001, be established as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
	<u>Budget</u>	
REVENUES		
640	Federal Aid	<u>\$8,000</u>
APPROPRIATIONS		
800	Personal Services	\$6,739
805	Fringe Benefits	792
825	Out of Area Travel	<u>469</u>
	Total	<u>\$8,000</u>

RESOLVED, that the County Executive is hereby authorized to increase and amend the contract with Lisa Gebauer Smith for the period January 1, 2000 through December 31, 2000 by \$100.

And be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office and the Department of Senior Services.

(5-0)

GEORGE A. HOLT, JR.
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 242

May 31, 2001

HEALTH/MENTAL HEALTH
COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT EXCEPT LEGISLATORS HOLT & PEOPLES.

1. **RESOLVED**, that the following item is hereby received and filed.

Item	Page	-2001	(Comm. 12M-14)
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- a. **ROBERT GANLEY**: Letter to Chairman Swanick Re: Resignation from ECMC Board of Managers.

(3-0) Legislators Holt & Peoples absent.

2.

Item	Page	- 2001	(Comm. 11E-19)
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COUNTY EXECUTIVE

RESOLVED, that the Health Committee does hereby recommend that the full Legislature confirm the appointment of Jody L. Lomeo of 6150 Walnut Creek Court, E. Amherst, NY 14051 as a member of the Erie County Medical Center Board of Managers. Her term will expire December 31, 2002.

(3-0) Legislators Holt & Peoples absent.

3.

Item	Page	- 2001	(Comm. 12E-36)
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COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health currently operates a Lead Poisoning Prevention Program, and

WHEREAS, the purpose of this grant is to support and enhance local efforts to reduce the prevalence of elevated blood lead levels in children under six years of age through the implementation of a comprehensive program of primary and secondary prevention which includes: public and professional outreach and education; and medical and environmental case management and follow up, and

WHEREAS, the New York State Health Department has awarded the Erie County Department of Health a revised grant in the amount of \$552,084 which authorizes budgetary and staffing adjustments.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a revised contract with the New York State Health Department which authorizes the following budgetary adjustments:

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ERIE COUNTY LEGISLATURE

Department of Health
LEAD POISONING PREVENTION PROGRAM
01/1/01 –12/31/01
PROJECT # 507

<u>SFG</u>	<u>REVENUE</u>	<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>REVISED</u> <u>BUDGET</u>
573	STATE AID	<u>\$ 564,150</u>	<u>-12,066</u>	<u>\$ 552,084</u>
	TOTAL	<u>\$ 564,150</u>	<u>-12,066</u>	<u>\$ 552,084</u>
	<u>EXPENSES</u>			
800	PERSONNEL SERVICES	452,721	-28,506	\$ 424,215
801	OVERTIME	1,500	500	2,000
805	FRINGE BENEFITS	99,929	-6,602	93,327
811	CLOTHING SUPPLIES	0	500	500
814	MEDICAL SUPPLIES	0	1,435	1,435
821	DUES AND FEES	0	5,740	5,740
823	REPAIRS & MAINTENANCE	0	6,260	6,260
824	TRAVEL & MILEAGE	10,000	4,000	14,000
825	OUT OF AREA TRAVEL	0	2,000	2,000
826	OTHER EXPENSES	0	1,726	1,726
933	LAB & TECH EQUIP	0	881	881
	TOTAL	<u>\$ 564,150</u>	<u>-12,066</u>	<u>\$ 552,084</u>

and be it further

RESOLVED, that one full-time position of Lead Poisoning Prevention Specialist, JG N2 and one regular part-time position of Senior Statistical Clerk, JG VI are hereby created, and be it further

RESOLVED, that two vacant full-time positions of Senior Public Health Aide, JG III (position numbers 751400 and 813297) are hereby deleted.

The following personnel detail is hereby submitted:

TITLE: Lead Poisoning Prevention Specialist	FUNDING: 100% State Reimbursed
JG: N2	CIVIL SERVICE: Competitive
STEP: 3	CIVIL SERVICE LIST: No
ANNUAL SALARY: \$37,407	
ANNUAL BENEFITS: \$8,229	

TITLE: Senior Statistical Clerk –RPT	FUNDING: 100% State Reimbursed
JG: VI	CIVIL SERVICE: Competitive
STEP: 0	CIVIL SERVICE LIST: No
ANNUAL SALARY: \$12,911	
ANNUAL BENEFITS: \$2,840	

and be it further

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

(3-0) Legislators Holt & Peoples absent.

4. Item Page - 2001 (Comm. 12E-37)

COUNTY EXECUTIVE

WHEREAS, the Erie County Medical Examiner Division has become a regional entity in providing autopsies to county coroners and other agencies throughout the Western New York region, and

WHEREAS, the Erie County Comptroller conducted a Follow Up Audit, dated December 2000, and it was recommended that a fee structure be established with a rate to be all inclusive, and

WHEREAS, in order to insure prompt service to Erie County residents, a need exists to increase overtime accounts to address autopsies needed to be performed on week ends and holidays, and

WHEREAS, this will be accomplished at no additional costs to the County due to revenues generated through increased autopsy services provided to other counties.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie Legislature approves the fee schedule effective June 1, 2001 incorporated herein for autopsies and other services provided by the Erie County Medical Examiner's Office:

Fee Schedule Effective June 1, 2001

1. AUTOPSY (includes physicians charges):

a)	External Examination only	\$ 500.00
b)	Internal Examination	\$1,000.00
c)	Infectious Cases	\$1,500.00
d)	Decomposed Cases	\$2,000.00
e)	Exhumations	\$2,000.00

2. LABORATORY CHARGES:

a)	Toxicology	\$ 350.00
b)	Microscopics (charge for re-cuts only, per slide)	\$ 10.00

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3. RADIOLOGY:
- a) Duplication of x-ray films, each \$ 20.00
4. STORAGE FEE:
- No charge if obtained within 24 hours of notification to pickup.
- a) The following 24 period(s), or any portion thereof. \$ 25.00
5. SKELETAL EVALUATIONS:
- a) Human Remains \$1,600.00
- b) Non-human remains \$ 100.00
6. CONSULTATION/TESTIMONY/CASE REVIEW:
- (billed in 1/2 hour increments)*
- a) Appt with Physician per hour-Civil \$ 300.00
- b) Criminal Court Testimony/Deposition of Staff per hour \$ 150.00
- c) Civil Court Testimony/Deposition of Staff per hour \$ 350.00
- d) Clerical Staff (record research, retrieval, coordination) per hour \$ 30.00
7. OTHER EXPENSES:
- a) Mileage per mile (current IRS rate, subject to change) \$.345
- b) Tolls/parking/lodging/meals Actual Expenses

and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with county coroners and other agencies for the services of the Medical Examiner's Office, and be it further

RESOLVED, that the Legislature hereby authorizes the following budgetary adjustments in the Department of Health, Division of the Medical Examiner:

Increase Account 801 – Overtime	\$18,000
Increase Account 340 – Medical Examiner's Fees	\$18,000

and be it further

RESOLVED, that the Erie County Legislature authorizes the establishment of an overtime rate for weekend and holiday autopsies of \$300 per autopsy, and be it further

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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.

(3-0) Legislators Holt & Peoples absent.

5. Item Page - 2001 (Comm. 12E-38)

COUNTY EXECUTIVE

WHEREAS, the Women's Health Services Program of the Erie County Health Department provides prenatal care services at various locations throughout Erie County, and

WHEREAS, the Erie County Health Department wishes to amend the contract with the Nurse Midwifery Associates of Western New York, LLP to provide increased prenatal clinical services, and

WHEREAS, funds are available in Account 821, Dues and Fees, in the Health Department's 2001 adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an amended contract with the Nurse Midwifery Associates of Western New York, LLP, to provide prenatal clinical services a rate of \$180.00 per clinic session, and be it further

RESOLVED, that the contract with the Nurse Midwifery Associates of Western New York, LLP is for special services that must be provided immediately and continuously, and therefore the Request for Proposal procedures required by Local Law No. 6, Section 19.08 of the Administrative Code is hereby waived, and be it further

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

(3-0) Legislators Holt & Peoples absent.

AS AMENDED

6. Item Page - 2001 (Comm. 12E-39)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department provides laboratory services to Erie County departments, government agencies, local health care providers, area hospitals, and other counties, and

WHEREAS, the Erie County Public Health Laboratory has become a regional laboratory working with counties throughout the State, and

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WHEREAS, counties pay the Erie County Public Health Laboratory for laboratory testing services based on the laboratory's 2001 fee schedule.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into agreements with government agencies, local health care providers, area hospitals, educational institutions and other counties wishing to contract with the Erie County Public Health Laboratory for public health laboratory services, and be it further

RESOLVED, that the following budgetary adjustments are hereby authorized in the 2001 adopted budget of the Department of Health:

REVENUE

Increase Account 398 – Public Health Lab Fees	<u>\$65,000</u>
TOTAL	<u>\$65,000</u>

APPROPRIATION

Increase Account 814 – Medical & Laboratory Supplies	<u>\$63,000</u>
Increase Account 825 – Out of Area Travel	<u>2,000</u>
TOTAL	<u>\$65,000</u>

and be it further

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

(3-0) Legislators Holt & Peoples absent.

7. Item Page - 2001 (Comm. 12E-41)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health currently provides Environmental and Well-Baby services at the Tonawanda Service and Referral Center located at 250 Cortland Avenue, Tonawanda, New York, and

WHEREAS, the current lease expires on August 31, 2001 and the Department wishes to enter into a renewal agreement, and

WHEREAS, a renewal agreement has been received from the Kenmore-Town of Tonawanda Union Free School District.

NOW, THEREFORE, BE IT

RESOLVED, that the lease for the Department of Health's Tonawanda Service and Referral Center located at 250 Cortland Avenue, Tonawanda, New York is hereby renewed for a one year

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period commencing September 1, 2001 through August 31, 2002 at an annual rate of \$18,169.20, and be it further

RESOLVED, that the remaining terms and conditions shall be the same as the existing lease, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Department of Health, the Real Property Unit in the Division of Budget, Management and Finance, the Comptroller's Office, the Division of Budget, Management and Finance and the Department of Law. (3-0) Legislators Holt & Peoples absent.

8. Item Page - 2001 (Comm. 12E-42)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department has a contract with the New York State Department of Health to conduct an Enhanced Drinking Water Protection Program, and

WHEREAS, the Erie County Health Department has received a revised grant award in the amount of \$312, 500 from the New York State Health Department which authorizes budgetary adjustments including the purchase of a G.C. Mass Spectrometer and associated laboratory equipment, and the creation of one full-time position of Senior Public Health Engineer.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the revised grant award from the New York State Department of Health for providing a Local Enhanced Drinking Water Protection Program Grant to be budgeted as follows:

**Department of Health
Enhanced Drinking Water Protection Program
1/1/01 – 3/31/02
Project #536**

SFG SUB OBJ	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	STATE AID	\$ 312,500	\$ 0	\$ 312,500
	TOTAL	<u>\$ 312,500</u>	<u>\$ 0</u>	<u>\$ 312,500</u>
EXPENSES				
800	Personal Services	\$ 152,419	\$-5,350	\$ 147,069
805	Fringe Benefits	33,763	-1,408	32,355
825	Out of Area Travel	22,500	-18,500	4,000
932	Office Equipment	6,250	-3,678	2,572
933	Lab & Tech Equipment	<u>97,568</u>	<u>28,936</u>	<u>126,504</u>
	TOTAL	<u>\$ 312,500</u>	<u>\$ 0</u>	<u>\$ 312,500</u>

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and be it further

RESOLVED, that one full-time position of Senior Public Health Engineer, JG XIV, is hereby created:

The following personnel detail is hereby submitted:

TITLE: Sr. Public Health Engineer	FUNDING: 100% State Reimbursed
JG: XIV	CIVIL SERVICE: Competitive
STEP: 0	CIVIL SERVICE LIST: No
ANNUAL SALARY: \$49,741	
ANNUAL BENEFITS: \$10,943	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Department of Health, the Department of Personnel, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Law.
(3-0) Legislators Holt & Peoples absent.

9. Item Page - 2001 (Comm. 12E-45)
COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department Office for the Disabled is hosting a fashion show for persons with disabilities/impairments on June 9, 2001 at Rich Renaissance Niagara, and

WHEREAS, Phoenix Frontier, Inc. has donated \$400.00 to help defray costs associated with the fashion show which will be held at the Rich Renaissance Niagara on June 9, 2001. County businesses have agreed to donate door prizes such as gift certificates and baskets to be given away at the fashion show. These give-aways will be valued at approximately \$500.00. The Office for the Disabled intends to sell tickets (possibly 150) for \$5.00 each which will defray costs of said event.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby approves of this Community event and authorizes the County Executive to accept the donations from Phoenix Frontier, Inc. in the amount of \$400.00 and gift certificates and baskets from County businesses to be given away as door prizes, and be it further

RESOLVED, that the sum of \$1,150.00 is hereby appropriated to Account 826, Other Expenses, in the Department of Health, the source of funds being \$400.00 in unanticipated revenue from donations, (Account 521, Other Unclassified Revenue) and \$750.00 in projected admissions (Account 505, Minor Sale – Other) in the Health Department budget, and be it further

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

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(3-0) Legislators Holt & Peoples absent.

**JUDITH P. FISHER
CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

Item 17 – MR. PAULY presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTIO NO. 243

May 31, 2001

REGIONALISM AD HOC
COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT EXCEPT LEGISLATOR PEOPLES.

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

Item Page -2001 (Comm. 9M-2)
a. **COUNCIL PRESIDENT PITTS:** Letter to Chairman Swanick Re: County's Use of Eastside Transfer Station.
(4-0) Legislator Peoples absent.

Item Page -2001 (Comm. 11M-10)
b. **BUFFALO NIAGARA PARTNERSHIP:** Copy of Letter to Legislator Pauly Re: Implementing of "Who Does What? Commission" Recommendations.
(4-0) Legislator Peoples absent.

Item Page -2001 (Comm. 12M-10)
c. **UNIVERSITY OF BUFFALO DANIS GEHL:** Letter to Chairman Swanick Re: Report of First Year University Community Initiative's Regional Community Policing Center (RCPC).
(4-0) Legislator Peoples absent.

Item Page -2001 (Comm. 12M-16)
d. **COUNCIL PRESIDENT PITTS:** Copy of Letter to Chairman Swanick Re: County's Use of Eastside Transfer Station.
(4-0) Legislator Peoples absent.

2. Item Page -2001 **AS AMENDED**
(Comm. 9E-24)

COUNTY EXECUTIVE

WHEREAS, the Department of Environment and Planning provides technical assistance to municipalities and businesses to help address their solid waste management needs, and

WHEREAS, municipalities in Erie County spend annually anywhere from \$120,000, in smaller municipalities to \$16,000,000 in the City of Buffalo, for solid waste collection and disposal costs, and

WHEREAS, disposal fees are currently as high as \$60/ton for certain municipalities, and Erie County can assist in significantly reducing that cost by consolidating solid waste management services, and

WHEREAS, through the Erie County Solid Waste Consolidation Initiative, the County has allocated funds to centralize and consolidate solid waste management services, including an agreement to allow Erie County municipalities to use the Chautauqua County landfill at \$21.50/ton, and

WHEREAS, General Municipal Law 119-o provides that, in addition to any general or special powers vested in them, municipal corporations “shall have the power to enter into agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis for the provision of a joint service”, and

WHEREAS, Erie County is in the process of reviewing bids from contractors with respect to the receipt, loading and transportation of non-hazardous municipal solid waste generated by the City of Buffalo, Erie County government haulers and municipal haulers from Erie County, and

WHEREAS, the City desires to share in the economies of scale related to the County’s efforts and, in connection therewith, is willing to transfer certain of its rights with respect to the ESTS to the County, which in turn, intends to transfer certain of such rights and the responsibility for the operation of the ESTS to its successful bidder, and

WHEREAS, as additional consideration for the County’s willingness to attempt to facilitate the transfer of responsibility of the operation of the ESTS to such successful bidder and the anticipated cost savings to the City of Buffalo, the City is willing to allow the County and its successful bidder to utilize the unused capacity at the ESTS for other users designated by the County and its successful bidder, and

WHEREAS, the City currently operates the ESTS at a cost of \$14/ton of waste. The ESTS is now used primarily for the transfer of 500 TPD of City of Buffalo waste. Through privatization, the County believes that the cost of municipal solid waste transfer and disposal can be significantly reduced. Given that the maximum permitted capacity of the ESTS is 2000 TPD, the County has estimated that privatization could save taxpayers up to \$2,500,000 annually,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Intermunicipal Cooperation Agreement with the City of Buffalo to assume responsibility of the East Side Transfer Station, and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Environment and Planning, the Deputy Commissioner of Environmental Compliance, the County Comptroller, the County Attorney and the Director of Budget and Management.

(4-0) Legislator Peoples absent.

3. Item Page -2001 (Comm. 12E-27)

COUNTY EXECUTIVE

WHEREAS, the County Law Section 408-A specifically authorizes the County Legislature to allow municipalities to make purchases through the County bidding procedure; and

WHEREAS, the Cheektowaga-Sloan Union Free School District has requested that the Director of Purchase be authorized to permit the school district to utilize County contracts for making purchases; and

WHEREAS, in most instances the provision of such services by the Erie County Purchasing Department will not create any additional cost or burdens upon said department but will serve to reduce the school district's operating costs.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the provisions of the Erie County Administrative Code Section 3.06 (c) (9) the following are hereby established as the conditions upon which the Purchasing Director may make purchasing services available to the Cheektowaga-Sloan Union Free School District.

1. When in the opinion of the Director of Purchase it will not create any burden or hardship upon the County and the anticipated prices will not be adversely affected thereby, the Director is authorized when he deems appropriate and as may be requested by the Cheektowaga-Sloan Union Free School District to provide in any particular County bid specification that the participating municipalities in Erie County shall have the right to make purchases based upon the bids received by the County.
2. The County Purchasing Director within the limits of his time and manpower, shall disseminate relevant contract information to the Cheektowaga-Sloan Union Free School District.
3. The Cheektowaga-Sloan Union Free School District participating in County contracts will issue purchase orders directly to vendors within the specified contract period

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referencing the County contract involved and be liable for any payments due on such purchase orders.

AND BE IT FURTHER

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Purchase, the County Comptroller, and the Board of Education of the Cheektowaga-Sloan Union Free School District.

(4-0) Legislator Peoples absent.

4. Item Page -2001 (Comm. 12E-28)

COUNTY EXECUTIVE

WHEREAS, the County Law Section 408-A specifically authorizes the County Legislature to allow municipalities to make purchases through the County bidding procedure; and

WHEREAS, the Orchard Park Central School District has requested that the Director of Purchase be authorized to permit the school district to utilize County contracts for making purchases; and

WHEREAS, in most instances the provision of such services by the Erie County Purchasing Department will not create any additional cost or burdens upon said department but will serve to reduce the school district's operating costs.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the provisions of the Erie County Administrative Code Section 3.06 (c) (9) the following are hereby established as the conditions upon which the Purchasing Director may make purchasing services available to the Orchard Park Central School District.

1. When in the opinion of the Director of Purchase it will not create any burden or hardship upon the County and the anticipated prices will not be adversely affected thereby, the Director is authorized when he deems appropriate and as may be requested by the Orchard Park Central School District to provide in any particular County bid specification that the participating municipalities in Erie County shall have the right to make purchases based upon the bids received by the County.
2. The County Purchasing Director within the limits of his time and manpower, shall disseminate relevant contract information to the Orchard Park Central School District.
3. The Orchard Park Central School District participating in County contracts will issue purchase orders directly to vendors within the specified contract period referencing the County contract involved and be liable for any payments due on such purchase orders.

AND BE IT FURTHER

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RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Purchase, the County Comptroller, and the Board of Education of the Orchard Park Central School District.

(4-0) Legislator Peoples absent.

5. Item Page -2001 (Comm. 12E-29)

COUNTY EXECUTIVE

WHEREAS, the County Law Section 408-A specifically authorizes the County Legislature to allow municipalities to make purchases through the County bidding procedure; and

WHEREAS, the Alden Central School District has requested that the Director of Purchase be authorized to permit the school district to utilize County contracts for making purchases; and

WHEREAS, in most instances the provision of such services by the Erie County Purchasing Department will not create any additional cost or burdens upon said department but will serve to reduce the school district's operating costs.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the provisions of the Erie County Administrative Code Section 3.06 (c) (9) the following are hereby established as the conditions upon which the Purchasing Director may make purchasing services available to the Alden Central School District.

1. When in the opinion of the Director of Purchase it will not create any burden or hardship upon the County and the anticipated prices will not be adversely affected thereby, the Director is authorized when he deems appropriate and as may be requested by the Alden Central School District to provide in any particular County bid specification that the participating municipalities in Erie County shall have the right to make purchases based upon the bids received by the County.
2. The County Purchasing Director within the limits of his time and manpower, shall disseminate relevant contract information to the Alden Central School District.
3. The Alden Central School District participating in County contracts will issue purchase orders directly to vendors within the specified contract period referencing the County contract involved and be liable for any payments due on such purchase orders.

AND BE IT FURTHER

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Purchase, the County Comptroller, and the Board of Education of the Alden Central School District.

(4-0) Legislator Peoples absent.

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6. Item Page -2001 (Comm. 12E-30)

COUNTY EXECUTIVE

WHEREAS, the County Law Section 408-A specifically authorizes the County Legislature to allow municipalities to make purchases through the County bidding procedure; and

WHEREAS, the West Seneca Central School District has requested that the Director of Purchase be authorized to permit the school district to utilize County contracts for making purchases; and

WHEREAS, in most instances the provision of such services by the Erie County Purchasing Department will not create any additional cost or burdens upon said department but will serve to reduce the school district's operating costs.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the provisions of the Erie County Administrative Code Section 3.06 (c) (9) the following are hereby established as the conditions upon which the Purchasing Director may make purchasing services available to the West Seneca Central School District.

1. When in the opinion of the Director of Purchase it will not create any burden or hardship upon the County and the anticipated prices will not be adversely affected thereby, the Director is authorized when he deems appropriate and as may be requested by the West Seneca Central School District to provide in any particular County bid specification that the participating municipalities in Erie County shall have the right to make purchases based upon the bids received by the County.
2. The County Purchasing Director within the limits of his time and manpower, shall disseminate relevant contract information to the West Seneca Central School District.
3. The West Seneca Central School District participating in County contracts will issue purchase orders directly to vendors within the specified contract period referencing the County contract involved and be liable for any payments due on such purchase orders.

AND BE IT FURTHER

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Purchase, the County Comptroller, and the Board of Education of the West Seneca Central School District.

(4-0) Legislator Peoples absent.

7. Item Page -2001 (Comm. 12E-31)

COUNTY EXECUTIVE

WHEREAS, the County Law Section 408-A specifically authorizes the County Legislature to allow municipalities to make purchases through the County bidding procedure; and

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WHEREAS, the Sweet Home Central School District has requested that the Director of Purchase be authorized to permit the school district to utilize County contracts for making purchases; and

WHEREAS, in most instances the provision of such services by the Erie County Purchasing Department will not create any additional cost or burdens upon said department but will serve to reduce the school district's operating costs.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the provisions of the Erie County Administrative Code Section 3.06 (c) (9) the following are hereby established as the conditions upon which the Purchasing Director may make purchasing services available to the Sweet Home Central School District.

1. When in the opinion of the Director of Purchase it will not create any burden or hardship upon the County and the anticipated prices will not be adversely affected thereby, the Director is authorized when he deems appropriate and as may be requested by the Sweet Home Central School District to provide in any particular County bid specification that the participating municipalities in Erie County shall have the right to make purchases based upon the bids received by the County.
2. The County Purchasing Director within the limits of his time and manpower, shall disseminate relevant contract information to the Sweet Home Central School District.
3. The Sweet Home Central School District participating in County contracts will issue purchase orders directly to vendors within the specified contract period referencing the County contract involved and be liable for any payments due on such purchase orders.

AND BE IT FURTHER

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Purchase, the County Comptroller, and the Board of Education of the Sweet Home Central School District.

(4-0) Legislator Peoples absent.

8. Item Page -2001 (Comm. 12E-32)

COUNTY EXECUTIVE

WHEREAS, the County Law Section 408-A specifically authorizes the County Legislature to allow municipalities to make purchases through the County bidding procedure; and

WHEREAS, the Grand Island Central School District has requested that the Director of Purchase be authorized to permit the school district to utilize County contracts for making purchases; and

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WHEREAS, in most instances the provision of such services by the Erie County Purchasing Department will not create any additional cost or burdens upon said department but will serve to reduce the school district's operating costs.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the provisions of the Erie County Administrative Code Section 3.06 (c) (9) the following are hereby established as the conditions upon which the Purchasing Director may make purchasing services available to the Grand Island Central School District.

1. When in the opinion of the Director of Purchase it will not create any burden or hardship upon the County and the anticipated prices will not be adversely affected thereby, the Director is authorized when he deems appropriate and as may be requested by the Grand Island Central School District to provide in any particular County bid specification that the participating municipalities in Erie County shall have the right to make purchases based upon the bids received by the County.
2. The County Purchasing Director within the limits of his time and manpower, shall disseminate relevant contract information to the Grand Island Central School District.
3. The Grand Island Central School District participating in County contracts will issue purchase orders directly to vendors within the specified contract period referencing the County contract involved and be liable for any payments due on such purchase orders.

AND BE IT FURTHER

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Purchase, the County Comptroller, and the Board of Education of the Grand Island Central School District.

(4-0) Legislator Peoples absent.

9. Item Page -2001 (Comm. 12E-34)

COUNTY EXECUTIVE

WHEREAS, the Erie County Association of School Boards has created a Task Force on Regional Collaboration and Shared Services to investigate and increase awareness of collaborations that lower costs and reduce the isolation and separation of county school boards, and

WHEREAS, the Task Force is ready to move forward and will share their research with the school boards and the community,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into agreement and to make payment to the Erie County Association of School Boards in the

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amount of \$5,000, to fund a project that encourages collaboration and reduces cost for county school boards, and be it further

RESOLVED, that funding in the amount of \$5,000 shall be made available from the Regionalism/Economic Development Fund, Account 830-1299, Department 303, Extraordinary Aid to Local Governments, and is hereby transferred to a new subaccount for the Erie County Association of School Boards, in Department 302 Agency Payments Public Benefit – Monitored by Environment and Planning, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Environment and Planning and the County Attorney's Office.

(4-0) Legislator Peoples absent.

**WILLIAM A. PAULY
CHAIRMAN**

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

CARRIED UNANIMOUSLY.

MR. OLMA moved to amend the resolution. MS. PEOPLES seconded. MR. RANZENHOFER voted in the negative.

CARRIED.

Add the following clause after the 9th clause (last “whereas” clause):

WHEREAS, in the alternative, municipal employees of the County of Erie through their union should also have the right to submit a proposal to operate the ESTS and said proposal should be equally considered along with any bids received from private corporations,

Add the following clause after the 1st (“resolved”):

RESOLVED, that the County Executive is hereby requested to solicit a proposal to operate the ESTS from the municipal employee unions of the County of Erie before any bids can awarded to a private contractor, and be it further,

RESOLVED, that the municipal employee unions of Erie County be able to match the successful bid to operate the ESTS with a comparable proposal, and be it further,

MR. OLMA moved the approval of the resolution as amended. MS. PEOPLES seconded. MR. RANZENHOFER and MR. LARSON voted in the negative.

CARRIED.

LEGISLATORS RESOLUTIONS

Item 18 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 244

Re: Support for a Local Law
Requiring Children to Wear
Helmets When Riding Scooters
& Skateboards. (Intro. 13-1)

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK, PEOPLES, KUWIK,
FITZPATRICK, HOLT, FISHER, DUSZA, MARINELLI, & PAULY.

WHEREAS, over the past few years foot-powered and motorized scooters have become popular recreational items for young children and adults, and

WHEREAS, sales of new scooters jumped from very few in 1999 to over 2 million last year, and

WHEREAS, while riding scooters is quite fun for youth, it also has the potential to cause injuries in accident situations, and

WHEREAS, according to the Consumer Product Safety Commission from January 2000 through December 2000 there have been approximately 40,500 emergency room treated injuries associated with scooters, and

WHEREAS, fractures, scrapes and cuts are among the most common injuries, however head injuries are the most serious and can result in long term life-altering physical or mental damage or even death, and

WHEREAS, protective safety equipment when worn properly can help prevent serious injury in accident situations, and

WHEREAS, New York State law requires children under the age of 14 to wear a helmet when riding a bicycle and when using in-line skates, and

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WHEREAS, Erie County also has a local law requiring all individuals riding a bicycle in a County Park to wear a helmet, and

WHEREAS, due to the increasing use of scooters, many municipalities across the United States are instating local legislation requiring helmets be worn when riding on scooters, and

WHEREAS, in New York State, Nassau, Suffolk and Albany counties have approved scooter helmet laws and Rensselaer County has introduced similar legislation,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature places the health and safety of its residents as a top priority, and be it further

RESOLVED, that this Honorable Body believes strongly that helmet laws in New York State have been successful in protecting the health and safety of those riding bicycles and using in-line skates, and be it further

RESOLVED, that this Honorable Body further believes that extending helmet regulations to youth using scooters and skateboards could help prevent future needless tragedies, and be it further

RESOLVED, that this Honorable Body does hereby direct legislative staff to work with the County Attorney to draft a local law requiring youth using scooters and skateboards to wear a helmet and instituting penalties for those who fail to comply with the law, and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Sheriff Patrick Gallivan, County Attorney Frederick Wolf, Erie County Parks Commissioner Lawrence Jasinski and to County Executive Joel Giambra.

Fiscal Impact: None for resolution.

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

CARRIED UNANIMOUSLY.

Item 19 – MRS. FISHER presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 245

Re: Supporting State Funding
For Cancer Wellness Center.
(Intro. 13-2)

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A RESOLUTION SUBMITTED BY
LEGISLATOR FISHER

WHEREAS, Western New York has 5,000 new cancer diagnoses each year, and

WHEREAS, while we are fortunate to have some of the best cancer treatment facilities in the nation, our area nevertheless lacks in part the coordinated advocacy and wellness services that are essential to the survival of patients and their families, and

WHEREAS, the Cancer Wellness Center is committed to providing the aforementioned aspect of healing in our region, and

WHEREAS, the Cancer Wellness Center is a local organization – not part of a national franchise – that is comprised of individuals from Western New York, and

WHEREAS, the Center has partnered with many local support organizations to provide coordinated care and extend their services throughout the region, and

WHEREAS, the Center has developed and implemented such programs as the Cancer Wellness Coach (formerly the Chemo Coach program), and the “How to Deliver Bad News” curriculum for medical students at the State University of New York at Buffalo, and

WHEREAS, the Cancer Wellness Center has the support of hundreds of cancer survivors, the WNY Chapter of the Oncology Nursing Society, and the area medical community, and

WHEREAS, the Center has applied for state funding to continue to develop and deliver their most-needed service,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby commend the Cancer Wellness Center for their efforts to provide coordinated advocacy and wellness services to cancer patients and their families in our community, and be it further

RESOLVED, that this Honorable Body does hereby urge the New York State Legislature and New York State Governor George Pataki to include funding for the Cancer Wellness Center in the 2001-2002 New York State budget, and be it further

RESOLVED, that certified copies of this resolution be sent 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, Cancer Wellness Center Executive Director Hillary Ruchlin (1807 Elmwood Avenue Suite 105 Buffalo, NY 14207), and Vita Kuczma (846 Brighton Road Tonawanda, NY 14150).

Fiscal Impact: None for resolution.

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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.

Item 20 – MR. PAULY presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 246

Re: Support for Community
Agencies. (Intro. 13-3)

A RESOLUTION SUBMITTED BY LEGISLATOR PAULY

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 this transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$7,500 from the legislative contractual (DAC: 110905100830) (2000-budgeted funds) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
North Cheektowaga Amateur Athletic Assoc.	830/1135	\$5,000
Boys & Girls Clubs of Buffalo	830/0546	\$2,500
TOTAL		\$7,500

and be it further

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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 & Finance are hereby authorized to complete any paperwork necessary to effectuate this 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 A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, and to Joseph Ziewicki, President, North Cheektowaga Amateur Athletic Association, (PO Box 55, Cheektowaga, NY 14225,) Diane Rowe, Executive Director, Boys & Girls Clubs of Buffalo, (282 Babcock Street, Buffalo, NY 14210.)

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

AN AMENDMENT TO INTRO. 13-3 SUBMITTED
BY LEGISLATOR PAULY

REPLACE the first RESOLVE with the following:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$9,300 from the legislative contractual (DAC: 110905100830) (2000-budgeted funds) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
North Cheektowaga Amateur Athletic Assoc.	830/1135	\$5,000
Boys & Girls Clubs of Buffalo	830/0546	\$2,500
Town of Amherst – Amherst Youth Foundation	830/0865	\$1,800
TOTAL		\$9,300

And be it further

DELETE the final RESOLVE and REPLACE with the following:

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RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, and to Joseph Ziewicki, President, North Cheektowaga Amateur Association, (PO Box 55, Cheektowaga, NY 14225,) and Susan J. Grelick, Town Supervisor, Town of Amherst – Amherst Youth Foundation, 4255 Harlem Road, Amherst, NY 14226.

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

CARRIED UNANIMOUSLY.

Item 21 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 247

Re: Funding for Recreational
Activities. (Intro. 13-4)

A RESOLUTION SUBMITTED BY LEGISLATOR KUWIK

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 this transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$4,000 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 1109043038301299) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Lackawanna Recreation Department	830/	\$4,000
TOTAL		\$4,000

and be it further

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

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this 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 A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, and to Angelo Iafello, Recreation Director, Lackawanna Recreation Department, (714

Fiscal Impact: Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 22 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 248

Support for Central Referral Services. (Intro. 13-5)

A RESOLUTION SUBMITTED BY LEGISLATORS

SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, DUSZA & PAULY

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 this transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$15,000 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 110904303830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

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<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Central Referral Services	830/1154	\$15,000
TOTAL		\$15,000

and be it further

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

RESOLVED, that the Clerk of the Legislature, and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this 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 A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, and to Central Referral Services.

Fiscal Impact: Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 23 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 249

Re: Support for Community Organizations. (Intro. 13-6)

A RESOLUTION SUBMITTED BY LEGISLATOR PEOPLES

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 this transfer of funds,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$25,000 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 110904303830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
O.U.I. - Blue Ribbon Commission	830/	\$10,000
Jusendo	830/	\$15,000
TOTAL		\$25,000

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 & Finance are hereby authorized to complete any paperwork necessary to effectuate this 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 A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Dr. Henry Taylor, O.U.I. – Blue Ribbon Commission, (101 Allen Hall, 3425 Main Street Campus, Buffalo, NY 14214,) and Mrs. Nettie Anderson, Jusendo, (735 Humboldt Parkway, Buffalo, NY 14208.)

Fiscal Impact: Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 24 – MR. HOLT presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 250

Re: Urging NYS to Provide
Additional Funding for

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June 7, 2001

ERIE COUNTY LEGISLATURE

Construction of North Jefferson
Branch Library. (Intro. 13-7)

A RESOLUTION SUBMITTED BY LEGISLATORS
HOLT, MARINELLI, PEOPLES, FISHER, SWANICK, KUWIK, DUSZA, FITZPATRICK,
PAULY, & LARSON

WHEREAS, the North Jefferson Library will be a source of pride for all of Western New York and specifically for Buffalo's African-American community, and

WHEREAS, the North Jefferson Library will be a model for libraries in the future, and

WHEREAS, the size, age and condition of the present library precluded it from providing accessibility and maintenance for housing the Center for African-American History and Research, which is the premier destination for information on African-American History in Western New York, and

WHEREAS, the Library was designed by Robert Traynham Coles to express an African village theme, and will be an excellent facility for housing the Center for African-American History and Research, and

WHEREAS, the North Jefferson Library's state-of-the-art computer-training lab will help meet the communities needs by providing increased access to technology and more proficiency in its uses, and

WHEREAS, the plans for the North Jefferson Library include an auditorium for public gatherings and an "Underground Railroad Room" for children's programs, and

WHEREAS, the City of Buffalo has gone to great lengths to raise \$4.3 million, a remarkable sum in light of the City's fiscal constraints, and

WHEREAS, the project costs are expected to surpass \$5 million, and

WHEREAS, it would be appropriate for New York State to assist in this most worthwhile project,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its consistent commitment to the public library system, and be it further

RESOLVED, that this Honorable Body does hereby call upon the Governor and the New York State Legislature to provide funding for the completion of the North Jefferson Library, 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 Diane J. Chrisman Director of the Buffalo and Erie County Public Library.

FISCAL IMPACT: Funding for the North Jefferson Library is positive for Erie County.

MR. DeBENEDETTI moved to amend the resolution to add Legislators OLMA and DeBENEDETTI as co-sponsors. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 25 – MR. FITZPATRICK presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTIO NO 251

Re: Supporting State Legislation
to Eliminate the Local Share of
Additional Program
Enhancements Under Medicaid.
(Intro. 13-8)

A RESOLUTION SUBMITTED BY LEGISLATORS
SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, DUSZA, MARINELLI, &
PAULY

WHEREAS, Medicaid is a vital component of New York State's health care delivery system, and was designed to provide health care to New York's most vulnerable citizens, and

WHEREAS, since the enactment of the Medicaid program, counties in New York State have been mandated by the State of New York to contribute a 25 percent matching share with the exception of long-term care services, and

WHEREAS, most economically comparable states fund all or most of the non-federal share of Medicaid, and

WHEREAS, when the state mandates that counties provide additional Medicaid services but does not provide sufficient fiscal assistance to support those services; the County of Erie is forced to rely on its state-constitutionally limited means of raising revenues locally, and

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WHEREAS, to the extent that Erie County reduces services or increase taxes to fund these new Medicaid services, Erie County becomes less competitive with comparable counties in other states which are then better positioned to lure businesses and citizens from New York Sate, and

WHEREAS, over the past two years, Erie County has seen Medicaid costs growing significantly and anticipates that further expansion of Medicaid programs and services with a local financial share will only add to local budgetary constraints, and

WHEREAS, the legislation (A.8702/S.4892) pending in the New York State Senate and Assembly, would eliminate the local financial share of additional program enhancements under the Medicaid program, and

WHEREAS, this would include the proposals advanced as part of the FY 2001-02 Executive Budget, including the Medicaid Buy-In program for disabled workers and coverage for specific women's health care treatment, both which carry a local financial share, and

WHEREAS, this legislation protects Erie County taxpayers by ensuring that when the state enacts new programs and services under the Medicaid program, that the funding will be provided from sources other than the Erie Count budget,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to providing for the health and well being of our county's residents, and be it further

RESOLVED, that Honorable Body supports (S.4892/A.8702) and calls upon the Governor and the State Legislature to support this legislation and enact it into law, and be it further

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 Sate Assembly Speaker Sheldon Silver, and the Western New York delegation to the New York State Legislature.

Fiscal Impact: Adoption of S.4892/A.8702 is positive for Erie County.

MR. FITZPATRICK moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 26 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 252

Re: Support for State Legislation
that Would Limit the Aggregate
Local Financial Share of the Cost
of the Medical Assistance
Program. (Intro. 13-9)

A RESOLUTION SUBMITTED BY LEGISLATORS
SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, DUSZA, MARINELLI, &
PAULY

WHEREAS, Medicaid is a vital component to New York's health care delivery system, providing health care to New York State's most vulnerable citizens, and

WHEREAS, since the enactment of the Medicaid program, counties in New York State have been required to share in the costs of services, and Erie County is mandated by the state of New York to contribute a 25 percent matching share with the exception of long-term care services, and

WHEREAS, Erie County has minimal authority by state law to manage, control or reduce local Medicaid costs, and therefore serves primarily as a means to transfer a portion of the state's share of Medicaid cost from the statewide tax base to the Erie County property tax base, and

WHEREAS, in most states, the state government assumes all of the responsibility for the non-federal share of the Medicaid program, so that the burden of paying for the medically needy is distributed over the widest possible tax base, and

WHEREAS, Erie County's local share is \$128,895,429 or 12.24% of the total county budget and this equates to \$364.00 per Erie County property taxpayer, and

WHEREAS, the growth of local Medicaid costs are siphoning away the limited resources available to fund the entire Erie County budget without adding new pressures on the property taxpayers of Erie County, and

WHEREAS, an Assembly bill (A.8701) is currently being considered in the New York State Assembly that would cap the level of Medicaid growth that would be funded by the property taxpayers of Erie County, and

WHEREAS, under this proposal, Erie County would continue to pay what they paid last year for Medicaid with an increase only up to the Urban/Medical Consumer Price Index, and

WHEREAS, this reasonable approach would provide Erie County with meaningful budgetary relief, while maintaining Erie County's annual commitment to the Medicaid program,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to providing for the health and well being of our county's residents, and be it further

RESOLVED, that the Erie County Legislature supports the bill (A.8701) and calls upon the Western New York Senate delegation to support the introduction of companion legislation in the New York State Senate, and be it further

RESOLVED, that this Honorable Body calls upon the Governor and the State Legislature to support (A.8701) and enact the legislation into law, and be it further

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 to the New York State Legislature.

Fiscal Impact: Adoption of A.8701 is positive for Erie County.

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

CARRIED UNANIMOUSLY.

Item 27 – CHAIRMAN SWANICK directed that Int. 13-10 be received and referred to the HEALTH COMMITTEE.

Int. 13-10 From LEGISLATOR HOLT Re: Adult Medicine Services at 608 William Street.

Item 28 - MS. CHASE presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 253

Re: Funding for Community Organizations. (Intro. 13-11)

A RESOLUTION BY LEGISLATORS CHASE, LARSON, WEINSTEIN & McCARVILLE

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,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$33,622 from the County-wide Accounts – Budget – County Contingency (DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Eden Athletic Association	830/	\$ 2,000.00
Evans VFW Post 5798	830/	\$ 5,000.00
Hamburg VFW Post 517	830/	\$ 5,000.00
Lake Erie Beach Fire Co.	830/1319	\$ 2,500.00
Newell-Faulkner Post No. 880	830/1246	\$ 6,000.00
Erie County AG Society	830/	\$ 12,000.00
Southtowns Walleye	830/0967	\$ 5,000.00
Sisterhood Wellness Center, Inc.	830/1248	\$ 3,000.00
Sardinia Meal on Wheels	830/	\$ 1,122.00
Williamsville East PTSA	830	\$ 1,000.00
Town of Amherst-Youth Board	830/0865	\$ 2,000.00
East Aurora Police Dept.	830/1252	\$ 2,500.00
Town of Brant	830/0440	\$ 2,500.00
Town of Aurora	830/0437	\$ 2,500.00
Orchard Park Police Dept.	830/	\$ 500.00
Aurora Adult Day Care Center	830/0510	\$ 1,000.00
TOTAL		\$53,622.00

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, Mr. Gary Heferle, President, Eden Athletic Association, 8436 Randall Place, Eden, NY 15057; Mr. Joseph J. Catalano, Evans VFW Post 5798, 54 Railroad Avenue, Angola, NY 14007; Mr. Gerald G. Simoneit, Quartermaster, Hamburg VFW Post 517, 65 Church Street, Hamburg, NY 14075; Mr John C. McEvoy, Lake Erie Beach Fire Company, 9483 Lake Shore Road, Angola, NY 14006; Commander Fred Strozewski, Newell-Faulkner Post No. 880, 2912 Legion Drive, Eden, NY 14057; William Hare, Supervisor, Town of Sardinia, 12320 Savage Road, PO Box 219, Sardinia,

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NY 14134; and Karen Murer, Post-Prom Chairperson, Williamsville East High School P.T.S.A., 151 Paradise Road, East Amherst, NY 15051; Joseph E. Bachovchin, Executive Director, Amherst Youth Board, 4255 Harlem Road, Amherst, NY 14226; William Nye, Police Chief, East Aurora Police Department, 571 Main Street, East Aurora, NY 15052; Samuel J. Chiavetta, Jr., Supervisor, Town of Brant, Brant-North Collins Road, Brant, NY 14027; Thomas E. Cotton, Supervisor, Town of Aurora, 5 South Grove Street, East Aurora, NY 14052; Samuel McCune, Police Chief, Orchard Park Police Department, 4295 S. Buffalo Street, Orchard Park, NY 14127; Betty Knobloch, President, Aurora Adult Day Care Center, Pine and Fillmore Streets, East Aurora, NY 14052; Dennis Lang, Erie County Ag Society, Erie County Fairgrounds, 5600 McKinley Parkway, Hamburg, NY 14075; Ed Soda, Southtowns Walleye, 3426 Abbott Road, Orchard Park, NY 14127; Nancy L. Bowen, Sisterhood Wellness Center, Inc., PO Box 433, Derby, NY 14147.

Fiscal Impact: Appropriation of 2001 Budgeted funds.

MS. CHASE moved the approval of the resolution. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 254

Re: Community Funding.
(Intro. 13-12)

A RESOLUTION SUBMITTED BY LEGISLATOR 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 \$25,000 from the County-wide Accounts – Budget – County Contingency (DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

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<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Amherst Chamber of Commerce	830/1148	\$ 5,000.00
Clarence Chamber of Commerce	830/1134	\$ 5,000.00
Akron Chamber of Commerce	830/1129	\$ 5,000.00
Town of Amherst –Youth Board	830/0865	\$ 5,000.00
Akron Football	830	\$ 5,000.00
TOTAL		\$25,000.00

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, and to the appropriate representatives from the aforementioned community agencies and organizations.

Fiscal Impact: Appropriation of 2001 Budgeted funds.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 30 – MR. FITZPATRICK moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Intro. 12-3. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 255

Re: Supporting Governor Pataki's Opposition to President Bush's Banning of Project Labor Agreements Receiving Federal Funds.

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June 7, 2001

ERIE COUNTY LEGISLATURE

**A RESOLUTION SUBMITTED BY
LEGISLATOR FITZPATRICK**

WHEREAS, on February 17, 2001 United States President George W. Bush issued an executive order which prohibited Project Labor Agreements (PLAs) for federally funded projects, and

WHEREAS, these PLAs guaranteed on-time completion of projects within budget and provided apprentice training programs, and

WHEREAS, despite all the facts that point to the success of PLAs, Erie County Executive Joel Giambra has stated his opposition to using them on such projects as the Buffalo public schools construction effort, and

WHEREAS, recent projects in Erie County that have utilized PLAs include the NFTA Buffalo-Niagara International Airport and the new Erie County Family Courthouse, and

WHEREAS, the Buffalo airport project, which had a PLA in place, came in on-time and under budget, and

WHEREAS, similarly, the courthouse project is also under budget and ahead of schedule, and

WHEREAS, the courthouse PLA specifies that bidding is allowed from both union and non-union companies, and

WHEREAS, said PLA does not require a non-union contractor to join the union should they be chosen for the project, and

WHEREAS, the PLA does not require a non-union contractor to pay in to the union benefits fund; existing benefits plans can be used, provided they meet or exceed the prevailing rate benefit plan established by New York State — a requirement set in place by the state whether there is a PLA on a project or not, and

WHEREAS, likewise, the prevailing wages are set and required by New York State Municipal Building Law, and would be in effect under open bidding as well as a PLA, and

WHEREAS, the courthouse PLA has served to expedite disputes, provided a resolution for grievances, workers compensation cases and jurisdictional disputes, and has resulted in no job slowdowns or shutdowns on the project, and

WHEREAS, other beneficial provisions of the courthouse PLA include unified start times, a 40 hour work week, and no shift differentials, and

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WHEREAS, as of December 31, 2000 Erie County's minority workforce goal of 13.2 percent has been beaten by 12.4 percent for a total of 25.6 percent, and the woman workforce goal of 6.9 percent is actually at 7.4 percent, and

WHEREAS, it is therefore evident from the preceding data that the courthouse PLA has been a success, and that PLAs should continue to be used in Erie County, and

WHEREAS, at a recent address, New York State Governor George Pataki noted that New York also uses PLAs, and stated that they have worked well and resulted in projects that are "on time, on budget and without work stoppage," and

WHEREAS, Governor Pataki announced that he will ask President Bush to rescind the aforementioned executive order that prohibits PLAs, and will continue to use them in New York State, and

WHEREAS, Pataki furthermore stated that he will urge the New York State Thruway Authority to join with the Building and Construction Trades Council to bring a lawsuit against the executive order,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the taxpayers of Erie County to be fiscally responsible in bringing construction projects in on-time and on-budget, using Project Labor Agreements as one tool to do so, and be it further

RESOLVED, that this Honorable Body does hereby call on United States President George W. Bush to immediately rescind the executive order of February 17, 2001 which prohibited Project Labor Agreements (PLAs) for federally funded projects, and be it further

RESOLVED, that this Honorable Body does hereby commend New York State Governor George Pataki for his stance on PLAs and his opposition to President Bush's executive order, and be it further

RESOLVED, that this Honorable Body does join with Governor Pataki in urging the New York State Thruway Authority to join with the Building and Construction Trades Council to bring a lawsuit against the executive order, and be it further

RESOLVED, that this Honorable Body does hereby urge Erie County Executive Joel Giambra to join with Governor Pataki and this Honorable Body on this most important issue, and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Executive Joel Giambra, New York State Governor George Pataki, United States President George W. Bush, and the Western New York delegations of the New York State Legislature and United States Congress.

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Fiscal Impact: Use of Project Labor Agreements positive for taxpayers.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, LARSON, McCARVILLE, PAULY, WEINSTEIN, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES & SWANICK. NOES: RANZENHOFER. Legislator Greenan absent for vote. AYES: 15, NOES: 1.

CARRIED.

Item 31 – MS. PEOPLES moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 12E-5. MR.HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 256

Re: Bureau of Weights &
Measures Utility Enterprise Fund
Budget Revision.

WHEREAS, the price of natural gas at the end of the year 2000 far exceeded that which could have been reasonably expected, and

WHEREAS, the square footage of this facility has been increased requiring more utility usage, and

WHEREAS, the actual expenditure for utilities for the facility located at 2380 Clinton Street will exceed the budget set for the year by \$8,300.00, and

WHEREAS, without an increase in the budget for the Utility Enterprise Fund, the utility bills cannot be paid,

NOW, THEREFORE, BE IT,

RESOLVED, that in the General Fund, DAC 110 9132228802211, Public Works -Weights and Measures, Interfund - Utilities Enterprise Fund, and DAC 110 9132225490157, Public Works -Weights and Measures, Item Pricing Penalties, are each increased by \$8,300.00, and be it further,

RESOLVED, that in the Utilities Fund, DAC 140 820221820, Public Works-Buildings and Grounds, Utility Expense, and DAC 140 8202216852200, Interfund - DPW Weights & Measures, are each increased by \$8,300.00, 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 Bureau of Weights & Measures; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

Item 32 – MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 12E-23. MS. MARINELLI seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 257

Re: Neighborhood Wellness
Demonstration Program.

WHEREAS, Erie County has reviewed and supports the Town of Cheektowaga's efforts to revitalize its neighborhoods suffering from aging housing stock and aging population through a housing rehabilitation and homeownership demonstration program entitled the Neighborhood Wellness Demonstration Project; and

WHEREAS, the County funding will leverage over \$400,000 in funding from the State and in-kind funds from the Town of Cheektowaga to maximize impact in these communities within Erie County; and

WHEREAS, this level of funding from the State, County and Town is estimated to renovate and resell to eligible families thirty (30) homes in the Town of Cheektowaga and have a broader impact toward the rejuvenation of these Cheektowaga communities; and

WHEREAS, this is a demonstration project which will reveal the merit of replicating such an initiative on a County, State, and National basis.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute a contract with the Town of Cheektowaga, permitting the payment of an amount not to exceed \$25,000 for the purposes of undertaking a Neighborhood Wellness Demonstration Project; and be it further

RESOLVED, that funding for said payment shall be established by a transfer of \$25,000 from the Regionalism/Economic Development Fund (DAC 110 9043038301299) to a new subaccount for this purpose under Contractual Services in the Department of Environment and Planning (DAC 110 945620830); and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of the Department of Environment and Planning, the Director of the Division of Budget, Management and Finance, the County Attorney, and the Erie County Comptroller.

MS. PEOPLES moved the approval of the resolution. MS. MARINELLI seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

Item 33 – MS. PEOPLES moved to discharge the PERSONNEL AD HOC COMMITTEE from further consideration of Comm. 12E-44. MS. MARINELLI seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 258

Re: Extension of an Amendment
to Collective Bargaining
Agreement New York State
Nurses Association

WHEREAS, the current Collective Bargaining Agreement by and between the County of Erie and the New York State Nurses Association contains Appendix U, a Memorandum of Agreement .addressing the hiring and use of Per Diem Registered Nurses, and

WHEREAS, said Appendix U, by its terms expired twelve (12) months after the hiring of the first Per Diem Registered Nurse, and

WHEREAS, it is in the best interest of the County of Erie, the Erie County Medical Center, and the New York State Nurses Association to continue this Agreement, and

WHEREAS, the Erie County Medical Center experienced problems recruiting Per Diem Registered Nurses under the terms of Appendix U as they existed; and

WHEREAS, the County of Erie and the Erie County Medical Center wish to utilize Per Diem Registered Nurses to supplement staff and reduce mandatory overtime; and

WHEREAS, the County of Erie and the New York State Nurses Association negotiated an extension and changes to this Amendment to current Collective Bargaining Agreement (Appendix U) that addresses the needs of both parties and will enable the Erie County Medical Center to recruit Per Diem Registered Nurses;

NOW, THEREFORE, BE IT

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RESOLVED, that the extension and changes to the Amendment to the Collective Bargaining Agreement (Appendix U) by and between the County of Erie and the New York State Nurses Association be approved; and be it further

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

MS. PEOPLES moved the approval of the resolution. MS. MARINELLI seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

Item 34 – MR. KUWIK moved to discharge PUBLIC SAFETY COMMITTEE from further consideration of Comm. 12E-9. MS. PEOPLES seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 259

Re: OFFICE of TRAFFIC
SAFETY Child Passenger Seat
Instructors.

WHEREAS, Erie County has been awarded a block grant from the New York State Governor's Traffic Safety Committee for traffic safety awareness and enforcement, which includes "Child Passenger Safety", and

WHEREAS, as part of the grant requirements, the Erie County Office of Traffic Safety must provide training for law enforcement and other public safety agencies, and

WHEREAS, the County has a need for the services of New York State Certified Child Passenger Seat Technician Instructors to educate these agencies at various training classes, and

WHEREAS, these individuals are the only Certified Instructors within a reasonable distance of Erie County, and

WHEREAS, these Instructors need to maintain their experience by attending various conferences and training, and

WHEREAS, these services will be required for two years,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into personal service contracts, which includes reimbursement for conference expenses, with the following Instructors for a period of two years:

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- 1) Trooper Thomas McDonnell- training & travel expenses estimated at \$500. 4525 West Saile Dr. Batavia, NY;
- 2) Trooper David Miller - conference & travel expenses estimated at \$2,000. 4525 West Saile Dr. Batavia, NY;
- 3) Ms. Sharon Ganey - fee for service & travel expenses estimated at \$1,500 per session for 4 sessions. 216 Mullet St. Dunkirk, NY;
- 4) Trooper Mary Ellen Weber-training & travel expenses estimated at \$500. 4525 West Saile Dr. Batavia, NY; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive, the Comptrollers' Office, the Department of Law, Erie County STOP-DWI, the Sheriff's Office and the Office of Traffic Safety.

MR. KUWIK moved the approval of the resolution. MS. PEOPLES seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

Item 35 – MR. HOLT moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 12E-7. MS. PEOPLES seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 260

Re: Early Intervention Program
Authorization to Contract.

WHEREAS, Therapeutic Link for Children (TLC) has been approved by the New York State Department of Health to furnish early intervention services for infants and toddlers, ages birth through two with developmental delays and their families.

NOW, THEREFORE, BE IT

RESOLVED, that in order to provide for these services, the County Executive is hereby authorized to enter into contract with Therapeutic Link for Children (TLC), and be it further

RESOLVED, that the necessary funds to cover the cost of this contract have been appropriated in the 2001 budget of the Department of Youth Services, Services to Children with Special Needs, SFG, Account #831, Services to Handicapped Children, and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impracticable to follow the RFP procedures, and hereby waives the procedures out-lined in Section 19.08 of the Erie County Administrative Code, since this special service must be provided immediately and has been approved by the New York State Department of Health, and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the comptroller and the Erie County Department of Youth Services.

MR. HOLT moved the approval of the resolution. MS. PEOPLES seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

Item 36 – MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 12E-15. MS. MARINELLI seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 261

Re: All-America City Award.

WHEREAS, recognition due to being a finalist for the All-America City Award is an important component of the economic revitalization of our region because such an accomplishment enhances the image of Buffalo and Erie County, New York as a economically and socially viable community with resultant economic impacts; and

WHEREAS, the Greater Buffalo All-America City Committee has requested County funds to assist them in their journey to Atlanta, Georgia to properly present our region's innovative programs and local solutions addressing a wide range of social and community issues; and

WHEREAS, based on a funding request from the Greater Buffalo All-America City Committee, a not-for-profit organization, the County will provide \$2,500 for their trip to the final round of the All-America City competition hosted by DeKalb County and held in Atlanta, Georgia, June 21-23.

NOW, THEREFORE, BE IT

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

RESOLVED, that funds in the amount of \$2,500 are hereby transferred from the Regionalism/Economic Development Fund (DAC 1109043038301299) to the following new subaccount under Contractual Agencies in Department 302, Public Benefit Agencies, as monitored by Environment and Planning:

2001 Greater Buffalo All-America City Committee	\$2,500
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RESOLVED, that certified copies of this resolution be sent to the County Executive, County Comptroller, Director of the Division of Budget, Management and Finance, the Commissioner of the

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Department of Environment and Planning, and the President of the Greater Buffalo All-America City Committee.

MS. PEOPLES moved the approval of the resolution. MS. MARINELLI seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

Item 37 – MRS. FISHER moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 12E-43. MS. PEOPLES seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 262

Re: Department of Health Lease
Renewal Agreement 493
Franklin Street, Suite 200,
Buffalo, New York – Franklin
Street Associates, L.L.C. (Clover
Management).

WHEREAS, the Erie County Department of Health operates district offices for the provision of Public Health Services in various locations throughout the County, and

WHEREAS, the County wishes to enter into a lease renewal agreement with Franklin Street Associates, L.L.C. (Clover Management) for rental of space in the building located at 493 Franklin Street, Suite 200, Buffalo, New York, to be utilized as an environmental health district office, and

WHEREAS, heretofore Clover Management and the County have entered into a lease dated April 10, 1996 wherein Section 17.11 of the lease grants the option to renew the term of the lease for three consecutive periods of five years each, and

WHEREAS, the County desires to exercise the option to renew for a two-year period commencing June 1, 2001 through May 31, 2003 rather than the five-year term as stated in the lease at \$87,281.40 for the first year, and \$89,899.84 for the second year; this being agreed to by Clover Management, and

WHEREAS, except hereinbefore modified, the Lease shall remain unmodified and in full force and effect.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a lease renewal agreement with Franklin Street Associates, L.L.C. (Clover Management), for rental of space at 493 Franklin Street, Suite 200, Buffalo, New York, to be utilized by the Department of Health's Environmental Health Buffalo District Office, and be it further

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RESOLVED, that the terms of the lease shall be for a two year period commencing June 1, 2001 through May 31, 2003 at the rate \$87,281.40 for the first year and \$89,899.84 for the second year, and be it further

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

MRS. FISHER moved the approval of the resolution. MS. PEOPLES seconded. MR. RANZENHOFER voted in the negative. MR. GREENAN absent for vote.

CARRIED.

SUSPENSION OF THE RULES

Item 38 – MS. PEOPLES moved for a suspension of the rules to include an item not on the agenda. MR. KUWIK seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

Comm. 13E-45 Re: Local Law Intro. No. 3-2001.

CHAIRMAN SWANICK directed that Comm. 13E-45 be laid on the table.

LEGISLATOR OLMA voted in the negative.

CARRIED.

Item 39 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MS. PEOPLES seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 263

Re: Review of Financial Details
 Concerning County Takeover of
 Dunn Tire Park. (Intro. 13-13)

A RESOLUTION SUBMITTED BY LEGISLATORS
 SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT,
 FISHER, OLMA, DEBENEDETTI & MARINELLI

WHEREAS, a proposal has been put forth concerning the takeover of Dunn Tire Park by the county, and

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WHEREAS, said proposal involves a significant commitment of financial resources on the county's part to this initiative, and

WHEREAS, indeed, the full level of the county's commitment is, to date, unknown, and

WHEREAS, members of the County Legislature, in order to make an informed decision on the implementation of such a proposal, must be given an opportunity to review the financial details of this proposal, and

WHEREAS, this proposal also requires authorizing legislation to be adopted by the State of New York, and

WHEREAS, accordingly, the County Legislature must send to the State Legislature a Home Rule Request to seek authorization of such legislation, and

WHEREAS, the County Legislature will authorize such Home Rule Requests to the houses of the State Legislature on June 7, 2001, and

WHEREAS, the legislative calendar for the State Legislature is such that one or both houses of the State Legislature may recess very shortly; as such, in order to ensure that the county has the flexibility it needs to authorize the Dunn Tire Park takeover initiative, the county must adopt the Home Rule requests expeditiously, and

WHEREAS, such expeditious consideration of the Home Rule requests does not constitute final approval of this initiative by the Legislature, and

WHEREAS, officials of the County Administration have made commitments to hold comprehensive briefings for members of the Legislature, in order that legislators may receive a maximum level of information concerning this proposal in advance of any such final authorization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby renew its commitment to a general public policy and to initiatives which seek to move our region forward, and be it further

RESOLVED, that this Honorable Body is hereby committed to making an informed judgment concerning a county takeover of Dunn Tire Park, and be it further

RESOLVED, that this Honorable Body does hereby state, as a matter of record, that its authorization of the Home Rule request to the State Legislature concerning the county's takeover of Dunn Tire Park has been authorized expeditiously in order to meet with the particulars of the state's legislative calendar and, because detailed financial and other information has not yet been provided to the Legislature by the county administration, this action does not represent authorization of the full initiative by the Legislature, and be it further

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RESOLVED, that this Honorable Body does hereby formalize its request to the administration that informational briefings be held and information be shared with members of the Legislature as quickly as possible in order to allow legislators to make an informed decision relative to this matter, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Budget Director and to the Commissioner of Environment and Planning.

MS. MARINELLI moved the approval of the resolution. MS. PEOPLES seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

Item 40 – MR. DUSZA moved for a suspension of the rules to include an item not on the agenda. MS. PEOPLES seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 264

Re: Asking the County Executive to Authorize the County Health Department to Assist the State with Investigations of Health Concerns in the Bellevue Neighborhood in the Town of Cheektowaga. (Intro. 13-14)

A RESOLUTION SUBMITTED BY LEGISLATOR DUSZA

WHEREAS, the Bellevue neighborhood is located in the Town of Cheektowaga and includes approximately 400 homes in the vicinity of Como Park Boulevard and Rowley Road, and

WHEREAS, residents in this community have expressed deep concern with environmental issues they believe may be impacting the health of those living in that neighborhood, and

WHEREAS, some feel that a stone quarry and landfill in the Bellevue area may be in some way impacting what has appeared to be a high rate of illness in the area, and

WHEREAS, the NYS Department of Environmental Conservation has recently renewed another 5 year contract without holding a public hearing, and

WHEREAS, the Bellevue neighborhood is currently the subject of two health studies, one associated with respiratory illness and the other associated with cancer rates, and

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WHEREAS, the Cheektowaga Town Board has created an eleven-member task force to monitor investigations by state and federal agencies,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature places the health and safety of Erie County residents as a top priority, and be it further

RESOLVED, that this Honorable Body further asks the County Executive to join the Legislature in urging New York State Governor to expedite the investigation process so that the Cheektowaga community has accurate findings on the environmental health conditions in the Bellevue neighborhood, and be it further

RESOLVED, that this Honorable Body further asks the Erie County Health Department to provide any assistance to the State so this issue may come to a necessary conclusion, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County Executive Joel A. Giambra, Erie County Health Commissioner Anthony Billittier, the New York State Health Department, the Western New York State Delegation and New York State Governor George E. Pataki.

Fiscal Impact: To be determined.

MR. DUSZA moved the approval of the resolution. MS. PEOPLES seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 41 – (Comm. 13E-1) Letter to Clerk of Legislature Re: Intro 11-4.

Received and filed.

FROM LEGISLATOR GREENAN

Item 42 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 265

Re: Request to Change Vote on
 Amendment to Comm. 12D-7
 (2001) & Comm. 12D-7 as
 Amended. (Comm. 13E-2)

May 24, 2001

Laurie Manzella, Clerk
 Erie County Legislature
 25 Delaware Avenue
 Buffalo, NY 14202

Dear Madam Clerk:

I would like to change my vote on the amendment to Communication 12D-7 (2001) and to Communication 12D-7 (2001) as amended to the NEGATIVE.

Thank you for your attention to this request.

Sincerely,

JOHN W. GREENAN
 Minority Leader

MR. RANZENHOFER moved the approval of the resolution. MR. LARSON seconded.
 MR. GREENAN absent for vote

CARRIED UNANIMOUSLY.

FROM LEGISLATOR CHASE

Item 43 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 266

Re: Request to Change Vote on
 Amendment to Comm. 12D-7
 (2001) & Comm. 12D-7 as
 Amended. (Comm. 13E-3)

May 24, 2001

Laurie Manzella, Clerk

MEETING NO. 13

June 7, 2001

ERIE COUNTY LEGISLATURE

Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Dear Madam Clerk:

I would like to change my vote on the amendment to Communication 12D-7 (2001) and to Communication 12D-7 (2001) as amended to the NEGATIVE.

Thank you for your attention to this request.

Sincerely,

JEANNE Z. CHASE
Legislator, 12th District

MR. RANZENHOFER moved the approval of the resolution. MS. CHASE seconded. MR. GREENAN absent for vote.

CARRIED UNANMOUSLY.

FROM LEGISLATOR McCARVILLE

Item 44 – MR. McCARVILLE presented the following resolution and moved for immediate consideration. MR. LARSON seconded. MR. GREENAN absent for vote.

CARRIED UNANIMUOSLY.

RESOLUTION NO. 267

Re: Request to Change Vote on
Amendment to Comm. 12D-7
(2001) & Comm. 12D-7 as
Amended. (Comm. 13E-4)

May 24, 2001

Laurie Manzella, Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Dear Madam Clerk:

I would like to change my vote on the amendment to Communication 12D-7 (2001) and to Communication 12D-7 (2001) as amended to the NEGATIVE.

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Thank you for your attention to this request.

Sincerely,

STEVEN P. McCARVILLE
Legislator, 13th District

MR. McCARVILLE moved the approval of the resolution. MR. LARSON seconded. MR. GREENAN absent for vote.

CARRIED UNANMOUSLY.

FROM LEGISLATOR WEINSTEIN

Item 45 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded. MR. GREENAN absent for vote.

CARRIED UNANIMUOSLY.

RESOLUTION NO. 269

Re: Request to Change Vote on
Amendment to Comm. 12D-7
(2001) & Comm. 12D-7 as
Amended. (Comm. 13E-5)

May 24, 2001

Laurie Manzella, Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Dear Madam Clerk:

I would like to change my vote on the amendment to Communication 12D-7 (2001) and to Communication 12D-7 (2001) as amended to the NEGATIVE.

Thank you for your attention to this request.

Sincerely,
BARRY A. WEINSTEIN, M.D.
Legislator, 15th District

MR. RANZENHOFER moved the approval of the resolution. MR. WEINSTEIN seconded. MR. GREENAN absent for vote.

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CARRIED UNANMOUSLY.

FROM LEGISLATOR RANZENHOFER

Item 46 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded. MR. GREENAN absent for vote.

CARRIED UNANIMUOSLY.

RESOLUTION NO. 269

Re: Request to Change Vote on
Amendment to Comm. 12D-7
(2001) & Comm. 12D-7 as
Amended. (Comm. 13E-6)

May 24, 2001

Laurie Manzella, Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Dear Madam Clerk:

I would like to change my vote on the amendment to Communication 12D-7 (2001) and to Communication 12D-7 (2001) as amended to the NEGATIVE.

Thank you for your attention to this request.

Sincerely,

MICHAEL H. RANENHOFER
Legislator, 16th District

MR. RANZENHOFER moved the approval of the resolution. MR. LARSON seconded. MR. GREENAN absent for vote.

CARRIED UNANMOUSLY.

FROM LEGISLATOR LARSON

Item 47 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded. MR. GREENAN absent for vote.

CARRIED UNANIMUOSLY.

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RESOLUTION NO. 270

Re: Request to Change Vote on
Amendment to Comm. 12D-7
(2001) & Comm. 12D-7 as
Amended. (Comm. 13E-7)

May 24, 2001

Laurie Manzella, Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Dear Madam Clerk:

I would like to change my vote on the amendment to Communication 12D-7 (2001) and to Communication 12D-7 (2001) as amended to the NEGATIVE.

Thank you for your attention to this request.

Sincerely,

DALE W. LARSON
Legislator, 17th DistrictMR. RANZENHOFER moved the approval of the resolution. MR. LARSON seconded.
MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

FROM THE COMPTROLLER

Item 48 – (Comm. 13E-8) Apportionment & Distribution of 4% Sales Tax Revenue for May.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 49 – (Comm. 13E-9) Mortgage Tax Receipts & Disbursements for 10/00 – 1/01.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 50 – (Comm. 13E-10) ECC 2001 – 2002 Tentative Budget.

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Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMPTROLLER

Item 51 – (Comm. 13E-11) 2000 Year End Closing Report.

Item 52 – (Comm. 13E-12) Bond Resolution - \$44,623,000 – Partial Reconstruction of Existing Courthouse Buildings.

Item 53 – (Comm. 13E-13) Bond Resolution - \$8,000,000 – Construction of the Erie County Secure Youth Detention Facility.

Item 54 – (Comm. 13E-14) Bond Resolution - \$300,000 – Site Investigation & Design Phase of 2001 Urban Brownfield Development Project.

The above four items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR DeBENEDETTI

Item 55 – MR. DeBENEDETTI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 271

Re: Request to Change Vote on
Amendment to Comm. 12D-7
(2001) & Comm. 12D-7 as
Amended. (Comm. 13E-15)

May 24, 2001

Laurie Manzella, Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Dear Madam Clerk:

I would like to change my vote on the amendment to Communication 12D-7 (2001) and to Communication 12D-7 (2001) as amended to the NEGATIVE.

Thank you for your attention to this request.

Sincerely,

MEETING NO. 13

June 7, 2001

ERIE COUNTY LEGISLATURE

Al DeBenedetti
Erie County Legislator, 6th District

MR. DeBENEDETTI moved the approval of the resolution. MR. RANZENHOFER seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 56 – (Comm. 13E-16) Municipal Solid Waste Transfer Services for City of Buffalo.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

CHALLENGE TO THE CHAIR.

AYES: CHASE, McCARVILLE, RANZENHOFER & WEINSTEIN. NOES: LARSON, PAULY, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, & SWANICK. AYES - 4, NOES – 12. MR. GREENAN absent for vote.

DEFEATED.

Item 57 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 272

Re: 2001 Overlay 'A' Program –
Various Roads. (Comm. 13E-17)

WHEREAS, bids were taken for the 2001 Overlay 'A' Program. which consists of the following roads: East and West Road (CR 363)/Leydecker Road (CR 364), Town of West Seneca; Mineral Springs Road (CR 534)/Indian Church Road (CR 109), Town of West Seneca; and Willett Berg Roads (CR 187), Towns of Hamburg, Lackawanna, Orchard Park and West Seneca, on May 3, 2001, the low bidder was Amherst Paving, Incorporated of Amherst, New York at a low bid amount of \$1,290,419.25

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project Number CHIPS OP-01A, for the 2001 Overlay "A" Program, in the Towns of Hamburg, Lackawanna, Orchard Park and West Seneca, between the County of Erie and the low bidder Amherst Paving Incorporated at its low bid of \$1,290,419.25, and be it further

MEETING NO. 13**June 7, 2001****ERIE COUNTY LEGISLATURE**

RESOLVED, that an amount of \$1,290,419.25 be allocated from the 2001 Capital Overlay Oil Program (SFG 219), and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works and one copy to the Erie County Comptroller.

MS. PEOPLES moved the approval of the resolution. MR. FITZPATRICK seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

Item 58 – (Comm. 13E-18) Agreement with NYSDOT – North Forest Road from Millersport Highway to Dodge Road, Town of Amherst.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 59 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 273

Re: 2001 Overlay 'B' Program –
Various Roads. (Comm. 13E-19)

WHEREAS, bids were taken for the 2001 Overlay 'B' Program. which consists of the following roads: Hopkins Road (CR 87), Town of Amherst; Clark Street (CR 51)/ Legion Drive (CR 134); Town of Hamburg; and Brighton Road (CR (CR 196), Town of Tonawanda on May 17, 2001, the low bidder was Amherst Paving, Incorporated of Amherst, New York at a low bid amount of \$1,120,063.83

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project Number CHIPS OP-01 B, for the 2001 Overlay "B" Program, in the Towns of Amherst, Hamburg, and Tonawanda, between the County of Erie and the low bidder Amherst Paving Incorporated at its low bid of \$1,120,063.83, and be it further

RESOLVED, that an amount of \$1,120,063.83 be allocated from the 2001 Capital Overlay Program (SFG 219), and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works and one copy to the Erie County Comptroller.

MEETING NO. 13**June 7, 2001****ERIE COUNTY LEGISLATURE**

MS. PEOPLES moved the approval of the resolution. MR. FITZPATRICK seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

Item 60 – (Comm. 13E-20) Youth Services – Authorization to Adjust Homeless & Runaway Program Contracts.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 61 – (Comm. 13E-21) Ralph Wilson Stadium – 2001 Suite & Office Renovations.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 62 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 274

Re: Home Rule Request – Dunn
Tire Park. (Comm. 13E-22)

WHEREAS, The City of Buffalo, the County of Erie, the Erie County Industrial Development Agency and the Buffalo Bisons have had continuing negotiations regarding the operation of a sports stadium and ancillary facilities in the City of Buffalo; and

WHEREAS, pursuant to said negotiations the County of Erie has explored various alternatives to assist or replace the City of Buffalo in the operation, management, repair, continuing maintenance and ownership and/or leasing of a sports stadium and ancillary facilities to induce the Buffalo Bisons to continue its operations thereat; and

WHEREAS, the continued operations of the Buffalo Bisons in the City of Buffalo, the County of Erie and the State of New York will benefit the people of such city, county and state by advancing recreation, trade and commerce therein; and

WHEREAS, Assembly Bill and Senate Bill, now pending before the New York State Legislature, would declare participation by the County of Erie in the operation of a sports stadium and ancillary facilities in the City of Buffalo to be for a public and governmental purpose, and would authorize the County of Erie to enter into one or more operating agreements and take such other action found to be necessary or appropriate for the operation, management, repair, continuing use and maintenance, and ownership and/or lease of such sports stadium and ancillary facilities.

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

MEETING NO. 13

June 7, 2001

ERIE COUNTY LEGISLATURE

To the Legislature:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill entitled "AN ACT to authorize the participation of the county of Erie in the operation of a sports stadium and ancillary facilities in the city of Buffalo"

It is hereby declared that a necessity exists for the enactment of such legislation and that the facts establishing such necessity are as follows:

The Local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

The operation of a sports stadium and ancillary facilities is vital to the continued operation of the Buffalo Bisons, a Triple A minor league affiliate of the Cleveland Indians, whose presence in the City of Buffalo and County of Erie benefits the residents hereof by providing and promoting recreation, entertainment, trade and commerce.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

WHEREAS, The City of Buffalo, the County of Erie, the Erie County Industrial Development Agency and the Buffalo Bisons have had continuing negotiations regarding the operation of a sports stadium and ancillary facilities in the City of Buffalo; and

WHEREAS, pursuant to said negotiations the County of Erie has explored various alternatives to assist or replace the City of Buffalo in the operation, management, repair, continuing maintenance and ownership and/or leasing of a sports stadium and ancillary facilities to induce the Buffalo Bisons to continue its operations thereat; and

WHEREAS, the continued operations of the Buffalo Bisons in the City of Buffalo, the County of Erie and the State of New York will benefit the people of such city, county and state by advancing recreation, trade and commerce therein; and

WHEREAS, Assembly Bill and Senate Bill, now pending before the New York State Legislature, would declare participation by the County of Erie in the operation of a sports stadium and ancillary facilities in the City of Buffalo to be for a public and governmental purpose, and would authorize the County of Erie to enter into one or more operating agreements and take such other action found to be necessary or appropriate for the operation, management, repair, continuing use and maintenance, and ownership and/or lease of such sports stadium and ancillary facilities.

MEETING NO. 13
June 7, 2001

ERIE COUNTY LEGISLATURE

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

To the Legislature:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill entitled "AN ACT to authorize the participation of the county of Erie in the operation of a sports stadium and ancillary facilities in the city of Buffalo"

It is hereby declared that a necessity exists for the enactment of such legislation and that the facts establishing such necessity are as follows:

The Local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

The operation of a sports stadium and ancillary facilities is vital to the continued operation of the Buffalo Bisons, a Triple A minor league affiliate of the Cleveland Indians, whose presence in the City of Buffalo and County of Erie benefits the residents hereof by providing and promoting recreation, entertainment, trade and commerce.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

MS. PEOPLES moved the amendment of the resolution to include add Bill numbers to the Home Rule Requests as follows: Assembly # 9069, Senate #5463. MR. FITZPATRICK seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

MS. PEOPLES moved the approval of the resolution as amended. MR. FITZPATRICK seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

Item 63 – (Comm. 13E-23) Adult Medicine Services at 608 William Street.

Item 64 – (Comm. 13E-24) Lease of Space at ECMC for Retail Development.

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

MEETING NO. 13**June 7, 2001****ERIE COUNTY LEGISLATURE**

Item 65 – (Comm. 13E-25) Funding for the Union Ship Canal Testing & Remediation.

Item 66 – (Comm. 13E-26) ECSD Nos. 1-6 & Southtowns Sewage Treatment Agency – NYSERDA Program Opportunity Notice.

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

Item 67 – (Comm. 13E-27) Erie County Hall Elevator Modernization.

Item 68 – (Comm. 13E-28) ECC North – Renovations to Erie Dining Room Phase II – Spring Student Center.

Item 69 – (Comm. 13E-29) DPW – New Maintenance Facility.

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

Item 70 – (Comm. 13E-30) Health – Working with Wellness Program Grant 5/1/01 – 4/30/02.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 71 – (Comm. 13E-31) Lease of County Property to Living Opportunities of DePaul.

Received and referred to the HEALTH COMMITTEE.

Item 72 – (Comm. 13E-32) Budget, Management & Finance – 2000 Year-End Budget Balancing Round Three Amendments.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 73 – (Comm. 13E-33) Request of Williamsville Central Schools – Purchase Contracts.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 74 – (Comm. 13E-34) A/E Services for Miscellaneous Projects at ECMC & Erie County Home.

Item 75 – (Comm. 13E-35) Abandonment of a Portion of Existing Highway Right-Of-Way – Dick Road, Village of Depew.

Item 76 – (Comm. 13E-36) ECC – Medium Voltage Switch Replacement.

MEETING NO. 13**June 7, 2001****ERIE COUNTY LEGISLATURE**

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

Item 77 - (Comm. 13E-37) ECSD No. 2 - Engineering Services Agreements.

Item 78 - (Comm. 13E-38) ECSD No. 6 - "A" Street ORF Improvement Project – General Construction Change Order No. 1.

Item 79 – (Comm. 13E-39) ECSD No. 6 - "A" Street ORF Improvement Project – Electrical Change Order No. 1.

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

Item 80 – (Comm. 13E-40) Contract – Rural Van Transportation Services Program 2001-02.

Item 81 – (Comm. 13E-41) Senior Services – Authorization to Accept Cash Award & Amend Adult Day Care Contracts.

Item 82 – (Comm. 13E-42) Senior Services – Authorization to Amend Older Americans Act Grants & Amend the Elder Abuse Contract with American Red Cross.

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

Item 83 – (Comm. 13E-43) Senior Services – Authorization to Establish Elder Caregiver Support Program Grant.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

FROM LEGISLATOR OLMA

Item 84 – MR. OLMA presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 275

Re: Request to Change Vote on
Amendment to Comm. 12D-7
(2001) & Comm. 12D-7 as
Amended. (Comm. 13E-44)

June 1, 2001

Laurie Manzella, Clerk Erie County Legislature

MEETING NO. 13
June 7, 2001

ERIE COUNTY LEGISLATURE

25 Delaware Ave.

Dear Clerk:

I would like to change my vote on the amendment to Communication 1213-7 (2001) to NO. I would also like to have my vote on the Communication 1213-7 (2001) itself be recorded as NO as well. As you know, I approached you after the vote was called and asked you to record me in the negative at the time.

This letter will therefore confirm my intentions.

Thank you.

Sincerely,

Gregory Olma

MR. DeBENEDETTI moved the approval of the resolution. MR. RANZENHOFER seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

Item 85 – (Comm. 13E-45) Local Law Intro. No. 3 –2001.

CHAIRMAN SWANICK directed that Comm. 13E-45 remain on the table.

A Public Hearing was also held on Local Law Intro. No. 3-2001 by the undersigned on Thursday, May 24, 2001, due notice thereof having been published in the official newspapers of the County of Erie. Additionally, a second Public Hearing was held on Local Law Intro. No. 3-2001 by the undersigned on Wednesday, May 30, 2001, with notice to newspapers within the County of Erie.

After due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO Local Law Intro. No. 3-2001 this 6th day of June, 2001.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM BUDGET, MANAGEMENT & FINANCE

Item 86 – (Comm. 13D-1) Budget Monitoring Report for Period Ending 3/31/01.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

MEETING NO. 13
June 7, 2001

ERIE COUNTY LEGISLATURE

Item 87 – (Comm. 13D-2) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECMC

Item 88 – (Comm. 13D-3) Board of Managers Financial Statements for 4/01.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 89 – (Comm. 13D-4) Copy of Memo to County Attorney Re: Receipt of Order to Show Cause.

Item 90 – (Comm. 13D-5) Memo to All Legislators Re: Order to Show Cause.

The above two items were received and filed.

FROM DEP

Item 91 – (Comm. 13D-6) Negative Declaration – Notice of Determination of Non-Significance Re: Saint Johns Place & Lemon Street, City of Lackawanna.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECMC

Item 92 – (Comm. 13D-7) Notice of Board of Managers Regular Meeting to be Held 6/14/01.

Item 93 – (Comm. 13D-8) Notice of Finance Committee Meeting to be Held 6/22/01.

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

FROM THE COUNTY ATTORNEY

Item 94 – (Comm. 13D-9) Notice of County Executive's Approval of Intros 9-5, 9-8 & 9-13.

Received, filed and printed.

May 24, 2001

Via Hand Delivery

MEETING NO. 13**June 7, 2001****ERIE COUNTY LEGISLATURE**

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

**Re: Resolution Intro. No. 9-5
 Resolution Intro. No. 9-8
 Resolution Intro No. 9-13**

Dear Laurie:

Enclosed for filing in your office, please find certified copies of the above-referenced Resolutions.

Thank you for your assistance with this matter.

Very truly yours,

FREERICK A. WOLF
 Erie County Attorney

By: Brian D. White
 Assistant County Attorney

Enclosures

BDW:slm

Cc: (w / Enclosures)
 Jennifer D. Anger, Erie County Legislature

A Public Hearing was held on the foregoing Resolution Intro. No. 9-5 on Thursday, May 17, 2001, due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, JOEL A GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution this 17th day of May, 2001.

JOEL A. GIAMBRA

A Public Hearing was held on the foregoing Resolution Intro. No. 9-8 on Thursday, May 17, 2001, due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, JOEL A GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution this 17th day of May, 2001.

JOEL A. GIAMBRA

MEETING NO. 13
June 7, 2001

ERIE COUNTY LEGISLATURE

A Public Hearing was held on the foregoing Resolution Intro. No. 9-13 on Thursday, May 17, 2001, due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, JOEL A GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution this 17th day of May, 2001.

JOEL A. GIAMBRA

FROM DEP

Item 95 – (Comm. 13D-10) Letter to Chairman Swanick Re: Legislature Relocation.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 96 – (Comm. 13D-11) Letter to Legislators Re: Comm. 12D-7 (2001).

Received and filed.

FROM ECC

Item 97 – (Comm. 13D-12) Board Meeting Minutes from Meeting Held 5/30/01.

Received and filed.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 98 – (Comm. 13D-13) Year 2000 Annual Report.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM DPW

Item 99 – (Comm. 13D-14) Memo to Legislators Re: New Secure Detention Facility.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 100 – (Comm. 13D-15) Notice of County Executive's Public Hearing for Intro 12-4.

Received, filed and printed.

MEETING NO. 13**June 7, 2001****ERIE COUNTY LEGISLATURE**

May 31, 2001

VIA HAND DELIVERY

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

**Re: Legal Notice: Notice of Public Hearing for
 Contingency Spending Resolution Intro. No. 12-4**

Dear Laurie:

Enclosed herein is a copy of the Public Hearing Notice for the above captioned Resolutions, which were approved by the Erie County Legislature on May 24, 2001.

Please post the enclosed 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

BDW/cc
 Encl.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, Wednesday, June 13, at 10:00 a.m., concerning appropriations from the present year's County contingency fund as follows:

Boy Scouts of Erie County

Public Benefit Services	\$3,000
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Town of West Seneca

Public Benefit Services	\$40,000
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MEETING NO. 13**June 7, 2001****ERIE COUNTY LEGISLATURE**

Thank you for your assistance with this matter.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

By: Brian D. White
Assistant County Attorney

Enclosures

Cc: (w / enclosures)
Jennifer D. Anger, Erie County Legislature

A Public Hearing was held on the foregoing Resolution Intro. No. 11-2 on Thursday, May 24, 2001, due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution this 24th day of May, 2001.

JOEL A. GIAMBRA

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM KRISTINE NOONAN

Item 102 – (Comm. 13M-1) Letter to Legislator Fisher Re: Letter to Mayor Masiello Concerning Increase in Murders in Buffalo.

Received and referred to the HEALTH COMMITTEE.

FROM ALAN KORMAN

Item 103 – (Comm. 13M-2) Order to Show Cause.

Received and referred to the COUNTY ATTORNEY.

FROM THE ERIE-NIAGARA TOBACCO-FREE COALITION POLICY COMMITTEE

Item 104 – (Comm. 13M-3) Letter to Legislator Fisher Re: Supplemental Information for Meeting Held 5/3/01.

Received and referred to the HEALTH COMMITTEE.

MEETING NO. 13

June 7, 2001

ERIE COUNTY LEGISLATURE

**FROM THE NIAGARA COUNTY DEPARTMENT OF PLANNING DEVELOPMENT &
TOURISM**

Item 105 – (Comm. 13M-4) Copy of Letter to County Executive Re: Invite County Executive & Clerk of Legislature to Press Conference.

Received and filed.

FROM HISPANICS FOR FAIR & EQUITABLE REAPPORTIONMENT

Item 106 – (Comm. 13M-5) Proposed Redistricting Plan.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM FESSENDEN LAUMER & DEANGELO

Item 107 – (Comm. 13M-6) Notice of Claim.

Received and referred to the COUNTY ATTORNEY.

FROM THE TOWN OF LANCASTER

Item 108 – (Comm. 13M-7) Resolution Opposing Present Reapportionment Plan.

Received and filed.

FROM ASSEMBLYMAN BURLING

Item 109 – (Comm. 13M-8) Receipt of Resolution.

Received and filed.

FROM THE EGGERTSVILLE COMMUNITY ORGANIZATION

Item 110 – (Comm. 13M-9) Letter to Chairman Swanick Re: Legislative Redistricting Plan.

Received and filed.

FROM THE NAACP

Item 111 – (Comm. 13M-10) Letter to Chairman Swanick Re: Support of Proposed Redistricting Plan.

Received and filed.

MEETING NO. 13

June 7, 2001

ERIE COUNTY LEGISLATURE

FROM THE LEAGUE OF WOMEN VOTERS

Item 112 – (Comm. 13M-11) Statement from Marjorie Gardner Re: Reapportionment Process.

Received and filed.

FROM THE ARTS COUNCIL IN BUFFALO & ERIE COUNTY

Item 113 – (Comm. 13M-12) Letter to Legislator Marinelli Re: Support for Proposed Office of Arts, Culture & Tourism.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM GRAYCLIFF CONSERVANCY

Item 114 – (Comm. 13M-13) Letter to Legislator Marinelli Re: Update on Progress of Restoration Project.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM WNY CITIZENS FOR SAFE DRINKING WATER

Item 115 – (Comm. 13M-14) Copy of Article “Floridation Folly.”

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE WEST VALLEY CITIZEN TASK FORCE

Item 116 – (Comm. 13M-15) Draft Agenda for Meeting Held 6/6/01.

Received and filed.

FROM THE SENECA COUNTY BOARD OF SUPERVISORS

Item 117 – (Comm. 13M-16) Copy of Resolution Re: Opposing Assembly Bill 508 Re: Appointment of Directors of Mental Health.

Received and referred to the HEALTH COMMITTEE.

FROM THE NFTA

Item 118 – (Comm. 13M-17) Board Minutes.

MEETING NO. 13
June 7, 2001

ERIE COUNTY LEGISLATURE

Received and filed.

FROM THE PUTNAM COUNTY LEGISLATURE

Item 119 – (Comm. 13M-18) Copy of Resolution Re: Asking NYS to Assume the County Share of Medicaid.

Received and referred to the HEALTH COMMITTEE.

FROM TOSKI SCHAEFFER & COMPANY

Item 120 – (Comm. 13M-19) Independent Auditors Report Re: Deferred Compensation Plan for Employees of Erie County.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHOICE COMMITTEE BUFFALO BOARD OF EDUCATION

Item 121 – (Comm. 13M-20) Compilation of Data About the BPS District.

Received and filed.

FROM ALCOHOL & DRUG DEPENDANCY SERVICES

Item 122 – (Comm. 13M-21) Annual Report for 2000.

Received and referred to the HEALTH COMMITTEE.

FROM THE ECIDA

Item 123 – (Comm. 13M-22) Notice of Meeting to be Held 6/13/01.

Received and filed.

FROM THE NFTA

Item 124 – (Comm. 13M-23) Metro Actual Cash Flow for 4/1/00 – 3/31/01 & Projected Cash Flow for 4/1/01 – 3/31/02.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ADJOURNMENT

Item 125 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MEETING NO. 13
June 7, 2001

ERIE COUNTY LEGISLATURE

MS. PEOPLES moved that the Legislature adjourn until **2 p.m. Thursday, June 21, 2001.**
MR. RANZENHOFER seconded. MR. GREENAN absent for vote.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until **Thursday, June 21, 2001 at 2 p.m. Eastern Standard Time.**

LAURIE MANZELLA
CLERK