

MEETING NO. 15
July 18, 2002

ERIE COUNTY LEGISLATURE

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MEETING NO. 15
July 18, 2002

The Legislature was called to order by Chairman DeBenedetti.

All Members Present except Legislator Swanick.

The invocation was led by Rev Barbara Hulsing, Pastor Good Shepard Baptist Church.

The Pledge of Allegiance was led by Ms. Cusack.

Item 1 – CHAIRMAN DeBENEDETTI directed that Comm. 13E-45 (2001) remain on the table.

MR. GREENAN moved the approval of the minutes of Meeting No. #4 of 2002. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 2 – MR. DeBENEDETTI presented a resolution Honoring the 1952 Graduates of SUNY Institute of Applied Arts and Sciences (Now ECC) on Their 50th Anniversary. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 3 – MS. PEOPLES presented a resolution Recognizing Eleard Hill as an Active Member of the Fernhill Block Club. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 4 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #1) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 5 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #2) 2001 be referred to the HUMAN SERVICES COMMITTEE.

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Item 6 – CHAIRMAN DeBENEDETTI directed that Local Law No. 9 (Print #3) 2001 be referred to the HUMAN SERVICES COMMITTEE.

Item 7 – CHAIRMAN DeBENEDETTI directed that Local Law No. 4 (Print #1) 2002 remain on the table.

Item 8 – CHAIRMAN DeBENEDETTI directed that Local Law No. 5 (Print #1) 2002 be referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 9 – CHAIRMAN DeBENEDETTI directed that Local Law No. 7 (Print #1) 2002 remain on the table.

COMMITTEE REPORTS

Item 10 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 321

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ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 12

ALL MEMBERS PRESENT EXCEPT LEGISLATOR LARSON.

1. Item Page -2002 **AS AMENDED**
 (Comm. 3E-30)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on June 14, 2002 for Bid Package No. 2 for the New Secure Youth Detention Facility, and

WHEREAS, the Architect/Engineer, the Construction Manager, and the Department of public Works are recommending award to the lowest responsible bidders,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contracts for the New Secure Youth Detention Facility, Bid Package #2:

C105 - DETENTION EQUIPMENT

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United Prison Equipment Company, Inc.

Base Bid	\$ 890,000	
Alternate Bid #8	\$ <u>400</u>	
Total		\$ 890,400

C209 - GENERAL TRADES

Huber Construction, Inc.

Base Bid	\$2,348,000	
Alternate Bid #16	\$ <u>14,000</u>	
Total		\$2,362,000

C210 - RESILIENT/CARPET FLOORING

Shaw Contract Flooring Services, Inc. d/b/a

Spectra Contract Flooring

Base Bid	\$ 21,170	
Alternate Bid #18	\$ 21,995	
Alternate Bid #19B	\$ 19,450	
Alternate Bid #21B	\$ 5,195	
Alternate Bid #22B	\$ <u>16,495</u>	
Total		\$ 84,305

C211 - TILE

DeSpirit Mosaic & Marble Co., Inc.

Base Bid	\$ 75,500	
Alternate Bid #20	\$ <u>(10,500)</u>	
Total		\$ 65,000

C212 - PAINTING

KAM Painting, Inc.

Base Bid	\$ 157,300	
Alternate Bid #16	\$ <u>(350)</u>	
Total		\$ 156,950

C213 - FIRE PROTECTION

Allied Fire Protection Systems, Inc.

Base Bid		\$ 143,150
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C214 - PLUMBING

John W. Danforth Company		
Base Bid		\$ 753,000

C215 - HVAC

John W. Danforth Company		
Base Bid	\$1,143,000	
Alternate Bid #12	\$ 61,600	
Alternate Bid #15	\$ 25,000	
Total		\$1,229,600

C216 - ELECTRICAL

Frey Electric Construction Co., Inc.		
Base Bid	\$ 863,000	
Alternate Bid #12	\$ 1,300	
Alternate aid #23	\$ 1,000	
Total		\$ 865,300

C217 - SECURITY ELECTRONICS

Com-Tech, Inc.		
Base Bid		\$ 987,000

C218 - BUIDLING CONTROLS & FIRE ALARM

Siemens Building Technologies, Inc.		
Base Bid	\$ 364,738	
Alternate Bid #12	\$ 2,500	
Alternate Bid # 15	\$ 2,300	
Total		\$ 369,538

C219 - TESTING & BALANCING

Air Systems Balancing and Testing Service, Inc.		
Base Bid	\$ 25,800	
Alternate Bid #15	\$ 250	
Total		\$ 26,050

Total of all contracts:		\$7,932,293
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and be it further,

RESOLVED, that the sum of \$400,000 be allocated for a construction contingency fund to be increased from \$182,000, Phase I to the total project contingency of \$582,000 for Phases 1 & 2, with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that additional Architectural/Engineering design fees be increased in an account not to exceed \$405,000, including reimbursables, and be it further,

RESOLVED, that additional Construction Management fees be increased in an amount not to exceed \$442,000, including reimbursables, and be it further,

RESOLVED, that commissioning fees for energy evaluation and compliance be allocated in the amount not to exceed \$55,000 to reimburse (NYSERDA) for 50% of the cost of commissioning and be it further,

RESOLVED, that the County Executive be authorized to enter into a contract with Jacobs Justice Team for an amount not to exceed \$250,000 to provide assistance in design and staffing procedures for American Corrections Association accreditation for the new facility, requested by the Commissioner of Probation & Youth Services, and be it further,

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

RESOLVED, that the sum of \$60,000 be allocated for DPW overhead and Project Engineer salaries, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from Youth Detention Facilities, Project 806, Fund 410 in the amount of \$9,544,293 and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller and one copy to the Department of Youth Services.
 (4-0) Legislator Larson absent.

2.	Item	Page	-2002	AS AMENDED (Comm. 11E-17)
	COUNTY EXECUTIVE			

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WHEREAS, bids were taken for the Reconstruction of Omphalius Road (CR 439), Town of Boston, on May 23, 2002, and the low bidder was Diamond D Construction Corporation of Depew, New York at a low bid amount of \$1,350,078.40, and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Wendel Duchscherer Architects and Engineers, and it has been determined that the contract must be increased to include Construction and Construction Inspection services, and

WHEREAS, this bid also included, at the request of the Town of Boston, alternate bids for waterline work along this roadway, and

WHEREAS, the Town of Boston has provided the County with a resolution (No. 2002-20) that they will pay for the cost of this work that is expected to be \$150,000.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project No. HRP 439-02, in the Town of Boston between the County of Erie and the low bidder Diamond D Construction Corporation at its low bid of \$1,350,078.40, and be it further

RESOLVED, that an amount of \$1,350,078.40 be allocated from the 2002 Highway Reconstruction Program (SFG 330), and be it further

RESOLVED, that an additional amount of \$135,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$135,000.00 from the 2002 Highway Reconstruction Program, and be it further

RESOLVED, that an amount of \$80,000 be allocated from the 2002 Highway Reconstruction Program (SFG 330) for a change order to the contract for engineering services with Wendel Duchscherer Architects and Engineers, and be it further

RESOLVED, that the waterline work for the Town of Boston be included in this project with the full reimbursement for the waterline work to be paid by the Town of Boston, and be it further

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

(4-0) Legislator Larson absent.

3. Item Page -2002 (Comm. 14E-9)

COUNTY EXECUTIVE

WHEREAS, The County of Erie, desires to participate in the final design and construction of the Erie Canal Harbor Project in the City of Buffalo; and

WHEREAS, The Erie Canal Harbor Project seeks to create a first class waterfront which can be a tourism draw and also a premier attraction to the residents of the City and County; and

WHEREAS, The development of the waterfront will be an important tool for tourism and convention activity and the attraction of new industry to the Buffalo Niagara region; and

WHEREAS, The City of Buffalo and the New York State are also contributing to this waterfront development project; and

WHEREAS, A non-binding Memorandum of Understanding by and among Erie County, the Empire State Development Corporation, the City of Buffalo and the Buffalo Sewer Authority has been prepared,

NOW, THEREFORE, BE IT

RESOLVED, That the non-binding Memorandum of Understanding by and among the Empire State Development Corporation, the County of Erie, the City of Buffalo and the Buffalo Sewer Authority is approved; and be it further

RESOLVED, That the County Executive is authorized to enter into contracts with the Empire State Development Corporation, in amounts not to exceed a total of \$125,000.00, for the purpose of planning, engineering and construction activities for the Erie Canal Harbor Project; and be it further

RESOLVED, That the source of these funds shall be \$125,000.00 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830 1299, which will transferred to a separate subaccount under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning and the County Attorney.
 (4-0) Legislator Larson absent.

4. Item Page -2002 (Comm. 14E-11)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation has asked the County of Erie for acquisition of a portion of the County owned parcel located on Broadway, Cheektowaga (Depew), New York.

WHEREAS, this acquisition would be used for the reconstruction of NY Route 130, Broadway, in the Town of Cheektowaga, Village of Depew, and

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WHEREAS, it is necessary that this approval be granted to allow this project to proceed, and

WHEREAS, the Director of Real Property Tax Services has determined that this acquisition of County land can be granted, and

WHEREAS, the Advisory Review Committee has reviewed and approved this proposal, and

WHEREAS, the parties of the first part, in consideration of other good and valuable consideration and One Thousand Eight Hundred Fifty and 00/100 Dollars (\$1,850.00), lawful money, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and transfers the portion of said parcel of land as described below, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to transfer to the State of New York, Department of Transportation, Real Estate Group, 403 Main Street Suite 250, Buffalo, New York 14203 in consideration of One Thousand Eight Hundred Fifty and 00/100 on the following described portion of Broadway, Cheektowaga, (Depew) New York parcel:

All that piece or parcel of property hereinafter designated as Parcel No. 125 situate in Lot 72, Township 11, Range 7, Village of Depew, Town of Cheektowaga, County of Erie, State of New York as shown on the accompanying map.

The proposed centerline of improvement, as shown on the accompanying map, is established from the 1995 survey control line for the reconstruction of Depew Village S.H. No. 916, as shown on a map and plan on file in the Office of the State Department of Transportation, a portion of said centerline being described as follows:

Beginning at P.I. Station 6+346/177 BK. = 6+341.104 AHD.; thence AZ 85°03'16" to P.I. Station 7+009.613 BK. = 6+999.379 AHD.

All azimuths referred to True North at the 78°35'00" Meridian of West Longitude.

Referring to a portion of SBL # 103.190-1-16.

RESOLVED, that the Clerk of the Legislature provide certified copies of this resolution to the Division of Budget, Management and Finance, the Office of the Comptroller, the County Attorney and the Finance Department.

(4-0) Legislator Larson absent.

5. Item page -2002 (Comm. 14E-13)
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WHEREAS, the New York State Department of Transportation has asked the County of Erie for acquisition of a portion of the County owned parcel located on Broadway, Cheektowaga (Depew), New York.

WHEREAS, this acquisition would be used for the reconstruction of NY Route 130, Broadway, in the Town of Cheektowaga, Village of Depew, and

WHEREAS, it is necessary that this approval be granted to allow this project to proceed, and

WHEREAS, the Director of Real Property Tax Services has determined that this acquisition of County land can be granted, and

WHEREAS, the Advisory Review Committee has reviewed and approved this proposal, and

WHEREAS, the parties of the first part, in consideration of other good and valuable consideration and Seven Hundred and 00/100 Dollars (\$ 700.00), lawful money, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and transfers the portion of said parcel of land as described below, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to transfer to the State of New York, Department of Transportation, Real Estate Group, 403 Main Street Suite 250, Buffalo, New York 14203 in consideration of Seven Hundred and 00/100 (\$ 700.00) on the following described portion of Broadway, Cheektowaga, (Depew) New York parcel:

A permanent easement to be exercised in, on and over the property above delineated and hereinafter described for the purpose of constructing, reconstructing and maintaining a State Highway, together with such bridges and other facilities in connection therewith, in and to all that piece or parcel of property hereinafter designated as Parcel No. 147, situate in Lot No. 2, Township No. 11, Range No. 7, Village of Depew, Town of Cheektowaga, County of Erie, State of New York, as shown on the accompanying map.

RESERVING, however, to the owner of any right, title or interest in and to the property heretofore designated as Parcel No. 147, and such owner's successors or assigns, the right of using said property and such use shall not be further limited or restricted under this easement beyond that, which is necessary to effectuate its purposes for, and as established by, the construction of the herein identified project.

The proposed centerline of improvement, as shown on the accompanying map, is established from the 1995 survey control line for the reconstruction of Depew Village S.H. No. 916, as shown on a map and plan on file in the Office of the State Department of Transportation, a portion of said centerline being described as follows:

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Beginning at P.I. Station 5+467.135 BK. = Station 5+466.390 AHD.; thence AZ 72°45'33" to P.I. Station 5+998.749 BK. = Station 5+984.499 AHD, thence AZ 116°00'18" to P.I. Station 6+346.177 BK. = 6+341.104 AHD.

All azimuths referred to True North at the 78°35'00" Meridian of West Longitude.

Referring to a portion of SBL # 103.140-4-10.

RESOLVED, that the Clerk of the Legislature provide certified copies of this resolution to the Division of Budget, Management and Finance, the Office of the Comptroller, the County Attorney and the Finance Department.

(4-0) Legislator Larson absent.

6. Item Page -2002 (Comm. 14E-25)

COUNTY EXECUTIVE

WHEREAS, Erie County formed a Consortium (Erie County HOME Consortium) with the Town of West Seneca and Town of Hamburg for funding under the HOME Investment Partnership Act (HOME); and

WHEREAS, Erie County HOME Consortium has been awarded a grant of \$1,082,000 for fiscal year 2000, \$1,204,000 for fiscal year 2001, and \$1,294,000 for fiscal year 2002 by the U. S. Department of Housing and Urban Development under HOME; and

WHEREAS, a minimum of fifteen percent of funds made available pursuant to the HOME Investment Partnership Act are to be provided to eligible Community Housing Development Organizations (CHDOs).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into all necessary agreements with Lackawanna Housing Development Corporation, Inc., (LHDC) to sponsor and operate a homeownership program in the City of Lackawanna for low income home buyers, Southtowns Rural Preservation Company, Inc., (SRPC) for the purpose of developing rental housing in the Town of Boston for low income persons and Southern Tier Environments for Living, Inc. (STEL) for the purpose of developing rental housing in the Town of Collins for physically disabled persons; and be it further

RESOLVED, that said agreements shall provide for the transfer of an amount not to exceed \$64,000 in federal HOME Investment Partnership funds to the Lackawanna Housing Development Corporation, Inc.; and be it further

RESOLVED, that said agreements shall provide for the transfer of an amount not to exceed \$357,411 in federal HOME Investment Partnership funds to Southtowns Rural Preservation Company, Inc.; and be it further

RESOLVED, that said agreements shall provide for the transfer of an amount not to exceed \$70,000 in federal HOME Investment Partnership funds to Southern Tier Environment for Living, Inc.; and be it further

RESOLVED, that disbursement of said funds shall be conditioned on the following:

1. Completion of all state and federal environmental review requirements relative to the housing project.
2. Completion of all necessary subsidy layering analysis as required by the federal Department of Housing and Urban Development; and be it further

RESOLVED, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with by the Department of Environment and Planning, and a summary is included as Attachment A to this resolution; and be it further

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

(4-0) Legislator Larson absent.

7. Item Page -2002 (Comm. 14E-28)

COUNTY EXECUTIVE

WHEREAS, a Project for the Pavement Rehabilitation (Multi-Course Overlay) of Hopkins Road (CR 87), from Klein Road to the Bridge over Ransom Creek, BIN 3-32630-0, in the Town of Amherst, Erie County, PIN 5755.86 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) and Construction and Construction Inspection phases of the Project, PIN 5755.86, and

WHEREAS, the Project's Construction and Construction Inspection Phase total cost has increased from \$1,236,000 to \$1,250,000 or by \$14,000.

NOW, THEREFORE, the County of Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the above subject project, and be it further

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RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases of the project or portions thereof, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes an increase of \$14,000 in appropriation for the Construction Phase, with financing currently available in the 2001 Highway Reconstruction Program, (SFG 204), and be it further

RESOLVED, that the sum of \$3,000.00 is to be provided to the State of New York for the increased non-Federal share contribution for this Project from the 2001 Highway Reconstruction Program (SFG 204) where \$59,600.00 previously appropriated for the Project's Preliminary Engineering (Scoping and Design I-VI) phase via County Resolution No. 16E-13 adopted on the 13th day of July, 2000 and \$247,200.00 previously appropriated for the project's Construction & Construction Inspection phase via County Resolution No. 15E-30 adopted on the 12th day of July, 2001 and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection phases exceeds the County's non-Federal share appropriated, \$309,800.00 and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection phase exceeds \$1,548,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and also one copy each to the Commissioner of Public Works and the Erie County Comptroller.

(4-0) Legislator Larson absent.

8. Item Page -2002 (Comm. 14E-31)

COUNTY EXECUTIVE

WHEREAS, a project for the Replacement of the NY Route 240 Bridge over Cattaraugus Creek, Vaughn Street Bridge (CR 198), BIN 3-06057-0 in the Town of Concord, Erie County and County Road 32 in the Town of Ashford, Cattaraugus County, PIN 5268.28, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie will share the burden of project costs equally with the County of Cattaraugus, and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of their portion (50%) of the non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way Incidentals of the Project, or portions thereof, with the federal share of such costs to be applied directly by the NYSDOT pursuant to Agreement.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the Erie County Legislature hereby approves the above subject project, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance their portion (50%) of the non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way Incidentals Phases for the Project or portions thereof, and be it further

RESOLVED, that the sum of \$42,000 is hereby appropriated from the 2002 Unanticipated Road and Bridge Design Program (SFG 323) in addition to \$49,000 previously appropriated for the project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases via Erie County Resolution No. 2D-15 adopted on the 2nd day of February, 1995 and \$18,600 previously appropriated for the project's Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way Incidentals phases via Erie County Resolution No. 22D-14 adopted on the 17th day of December, 1998, and be it further

RESOLVED, that in the event the non-Federal share of the costs of the project exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or

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Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and also one copy each to the Commissioner of Public Works and to the County Comptroller.

(4-0) Legislator Larson absent.

9. Item Page -2002 (Comm. 14E-32)

COUNTY EXECUTIVE

WHEREAS, a Departmental Professional Services Agreement was awarded to FRA Engineering, P.C. to perform engineering services for the design of intersection improvements at William (CR 338) and Aurora Street (CR 243), in the Town of Lancaster, and

WHEREAS, it has been determined that the Professional Services Agreement must be increased due to additional engineering design services required to complete the design of this Intersection Safety Improvement Project

NOW, THEREFORE, BE IT

RESOLVED, that an amount of \$25,000.00 be appropriated from the 2001 Various Intersections Program (SFG 220) for which there is sufficient financing available for a change order to the professional services contract for engineering services with FRA Engineering, P.C., and be it further

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

(4-0) Legislator Larson absent.

10. Item Page -2002 (Comm. 14E-33)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids for the Buffalo Convention Center, Interior Renovations, and

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WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidders: BRD, Inc., CEM, Inc., and Electrical Service & Systems Installation, Inc. in the amount of \$705,800, and

WHEREAS, during the course of work, it was discovered that unforeseen conditions and additional work was required in preparation for the reconstruction of the lobby and corridors, and

WHEREAS, because of the scheduled events at the Buffalo Convention Center, July and August are the prime months for renovations to occur, and the lobby area floor requires extensive work, requiring an additional \$200,000 funding to the construction contingency,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$200,000 to a new total amount of \$215,000, with authorization for the Commissioner of Public Works to approve change orders, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the 2002 Buffalo Convention Center Bond Account, Project 285, Fund 410, in the total amount of \$200,000, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.
 (4-0) Legislator Larson absent.

11. Item page -2002 (Comm. 14E-34)

COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on December 20, 2001 for the alterations to the existing fueling station at the ECMC site for the CNG (Compressed Natural Gas) Fueling Station, and

WHEREAS, the Engineer and the Department of Public Works are recommending award to the lowest responsible bidder,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contract for the CNG (Compressed Natural Gas) Fueling Station at ECMC as follows:

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SITWORK, CONTRACT NO. 2

Thomann Asphalt Paving Corp.

Base Bid	\$86,649.50	
Alternate Bid #1	<u>\$ 4,550.00</u>	
Total		\$91,199.50

and be it further,

RESOLVED, that the sum of \$5,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the project's Construction and Construction Inspection Phase exceeds the amount appropriated above \$108,140 and/or 100% of the full Federal and non-Federal shares of the cost of the project's Construction and Construction Inspection Phase exceeds \$540,700,

"the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof", and be it further,

RESOLVED, that this project is funded by a Federal CMAQ (Congestion Mitigation & Air Quality) Grant, Fund 281, Project 223 for \$79,199.50 and 2001 Code Compliance, Project 196, Fund 410, for \$17,000.00, and be it further,

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

(4-0) Legislator Larson absent.

12. Item Page -2002 (Comm. 14E-35)

COUNTY EXECUTIVE

WHEREAS, NYSERDA has agreed through PON 3550, Cooling Re-Commissioning to fund \$84,720 with a required match of funds of \$18,376 to implement specific Energy Conservations Measures described in the Detailed Energy Study prepared by C.J. Brown Energy, PC for ECMC in September 1999, and

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WHEREAS, in Comm. No. 9E-23 dated May 9, 2002, the Erie County Legislature authorized a change order to C.J. Brown Energy, PC to implement this project, and

WHEREAS, in the C.J. Brown Energy, PC scope of work, it was anticipated that the condenser water control valves for the cooling towers would be repaired, and

WHEREAS, after disassembly and inspection of the valves by C.J. Brown Energy, PC, it was determined that the valves had deteriorated to a point that they required replacement, and

WHEREAS, due to the immediate need to replace these valves, ECMC paid for the valve replacement,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the reimbursement of ECMC for \$31,405 taken from Fund 410, Project 833, for the work in implementing the valve replacement instead of repair on this project, and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Commissioner of Public Works, the Director of Budget Management and Finance, and the Office of the Comptroller.

(4-0) Legislator Larson absent.

13. Item Page -2002 (Comm. 14E-37)

COUNTY EXECUTIVE

WHEREAS, a project for the Replacement of the East Church Street Bridge, BR 488-1, over the South Branch of Eighteen Mile Creek, BIN 3-32781-0, in the Town of Eden, Erie County, PIN 5754.59, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5754.59; and

WHEREAS, the Project cost for Preliminary Engineering (Scoping and Design VI), Right of Way Incidentals and Acquisition Phases has increased from \$327,000 to \$381,500 or \$54,500; and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of TVGA Engineering & Surveying, P.C. Consultants and it has been determined that the contract must be increased by the amount of \$54,500 for additional engineering services required for this project.

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NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the Erie County Legislature hereby approves the above subject project; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project or portions thereof; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes an increase of \$54,500 in appropriations for Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project, with financing currently available in the 1999 Federal Aid - Various Road and Bridge Design Program (SFG 134), and be it further

RESOLVED, that the sum of \$16,900 is hereby requested for the State of New York which is an increase of \$700 in local share financing which is available in the 1999 Federal Aid - Various Road and Bridge Design Program (SFG 134) in addition to \$65,400 previously appropriated for the Project's Preliminary Engineering (Scoping & Design I-VI) and ROW Incidentals Phases via Resolution No. 6D-25, adopted on April 29, 1999, and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the project's Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds the amount appropriated \$82,300 and/or 100% of the full Federal and Non-Federal shares of the costs of the Project's the Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds \$381,500, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amounts immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

RESOLVED, that amount of \$54,500 be allocated from the 1999 Federal Aid Various Road and Bridge Design Program (SFG 134) for a change order to the contract for engineering services with TVGA Engineering and Surveying, P.C., Consultants, and be it further

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RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy each to the Commissioner of Public Works and to the County Comptroller.

(4-0) Legislator Larson absent.

14. Item Page -2002 (Comm. 14E-41)

COUNTY EXECUTIVE

WHEREAS, the City of Lackawanna is desirous of participating in an Energy Conservation Program operated by the Supportive Services Corporation of Western New York; and

WHEREAS, a local contribution to offset the costs necessary to administer the program by the Supportive Services Corporation of Western New York will permit more timely attention to City of Lackawanna applications; and

WHEREAS, the City of Lackawanna has requested that the Erie County Department of Environment and Planning utilize federal Community Development Block Grant funds, specifically set aside for housing activities in the City, for said administration expenses; and

WHEREAS, the City of Lackawanna has requested that the Lackawanna Housing Development Corporation serve as the local contracting agency for said funds,

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the Lackawanna Housing Development Corporation for an amount not to exceed \$12,000, for the purpose of coordinating the administrative program delivery requirements of the Energy Conservation Program; and be it further

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

(4-0) Legislator Larson absent.

MICHAEL H. RANZENHOFER
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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Item 11 – MR. GREENAN presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 322

July 15, 2002

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT.

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

a.

Item	Page	-2001	(Comm. 8M-9)
WNY SPORTSMEN'S ASSOCIATION: Copy of Letter to Parks Re: Request to Lease Area on Miller Road, Town of Holland (EC Forestry #11)			
(5-0)			

b.

Item	Page	-2002	(Comm. 14E-46)
COUNTY EXECUTIVE: ECSD No. 1 – Engineering Service Agreements Work Order: URS-3.			
(5-0)			

c.

Item	Page	-2002	(Comm. 14E-47)
COUNTY EXECUTIVE: ECSD No. 3 – Creekside Sewer Replacement Change Order No. 1 – Tom Greenauer Development.			
(5-0)			

d.

Item	Page	-2002	(Comm. 14E-48)
COUNTY EXECUTIVE: ECSD No. 2 – Construction Inspection Service Agreement Work Order: DG-5.			
(5-0)			

AS AMENDED

2.

Item	Page	-2002	(Comm. 7E-31)
COUNTY EXECUTIVE			
WHEREAS, the Erie County Legislature had awarded Contract No. 44EV to Donald J. Braasch Construction, Inc.; and			

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

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WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 44EV in the amount of \$413,582.76, and approval of final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 44EV between the County of Erie and Donald J. Braasch, Construction, Inc., 1661 Lakeview Road, Lakeview, New York 14085, be accepted in the amount of \$413,582.76; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 44EV between the County of Erie and Donald J. Braasch, Construction, Inc., in the amount of \$413,582.76 and make final payment from Sewer Capital Account SD No. 2, Fund No. 430, Project No. 913; and be it further

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

(5-0)

3. Item Page -2002 (Comm. 14E-10)

COUNTY EXECUTIVE

WHEREAS, Erie and Niagara Counties are desirous of preparing a Framework for Regional Growth; and

WHEREAS, said Framework will represent the first bi-county comprehensive planning effort since 1974; and

WHEREAS, the Framework will provide a common reference point for County actions that affect physical development in the region, including capital investment, permitting, and review functions; and

WHEREAS, the Erie County Department of Environment and Planning has been designated as the lead coordinating agency for preparing the Framework; and

WHEREAS, Erie County included \$250,000 for this effort in the 2002 Capital budget; and

WHEREAS, on June 18, 2002 the Niagara County Legislature approved an allocation of \$50,000 for said Framework,

NOW, THEREFORE BE IT

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RESOLVED, that the County Executive is hereby authorized to execute all necessary agreements with Niagara County, in an amount not to exceed \$50,000, for the purpose of undertaking a Framework for Regional Growth; and be it further

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

(5-0)

4. Item Page -2002 (Comm. 14E-20)

COUNTY EXECUTIVE

WHEREAS, in Comm. No. 3E-27 [C], dated March 7, 2002, authorization was received to accept a grant from NYSERDA for \$50,000 and to issue a change order to C.J. Brown Energy, PC for work in establishing and implementing a Performance Contract on the reconstruction of the existing Court Buildings, and

WHEREAS, the Commissioner of Public Works has assigned other County-owned facilities to be studied under the Performance Contract, and

WHEREAS, the Department of Public Works wishes to hire C.J. Brown Energy, PC to assist in establishing and implementing the Performance Contract on these studies,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes a change order be made to C.J. Brown Energy, PC for \$75,000 for their work in establishing and implementing a Performance Contract on various County-owned facilities and study of potential Energy Conservation Measures that may become a portion of a Performance Contract, \$37,810 to be taken from Fund 410, Project 810, and \$37,190 to be taken from Fund 410, Project 833, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Director of Budget Management and Finance and the Office of the Comptroller.

(5-0)

5. Item Page -2002 (Comm. 14E-23)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Parks, Recreation & Forestry is in need of funds to cover expenses associated with additional recreational events, such as the Winterfest, Summerfest, and Ribbon Regatta for the year 2002, and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry's Golf Course Improvement Grant has, after all major improvements have been done, more than sufficient funds to transfer to the Division of Recreation's Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the revenue amount of \$12,000 be moved from the Erie County Department of Parks, Recreation and Forestry's Golf Course Improvement Grant, account 281555641453, along with the expense account 281555641816, to the Division of Recreation's Budget accounts:

(\$ 12,000)	110943641518	Miscellaneous Revenue
\$ 1,000	110943641811	Recreational Supplies
\$ 1,000	110943641824	Local Mileage
\$ 10,000	110943641826	Other Expenses

and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Office of the Comptroller, and the Division of Budget, Management and Finance.

(5-0)

6. Item Page -2002 (Comm. 14E-24)

WHEREAS, Erie County is desirous of improving waterfront access along the Niagara River in the City of Buffalo; and

WHEREAS, New York State is seeking grant applications from local governments for financial assistance aimed at municipal park development projects,

NOW, THEREFORE, BE IT

RESOLVED, that Joel A. Giambra, as County Executive of the County of Erie, be, and hereby is, authorized to file an application on forms prescribed by the New York State Office of Parks, Recreation, and Historic Preservation for financial assistance in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or Title 3 of the Clean Water/Clean Air Bond Act, in an amount not to exceed \$350,000 and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the County of Erie for Phase II of improvements to the Erie County Park known as Tow Path Park in the City of Buffalo; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioners of the Department of Parks, Recreation, and Forestry, the Department of Environment and Planning, the Department of Public Works and the County Comptroller.

(5-0)

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7. Item Page -2002 (Comm. 14E-26)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Environmental Conservation's (NYSDEC) Bond Act-Environmental Protection Fund solicited a grant proposal from Erie County to implement aquatic habitat restoration and non-agricultural non-point source pollution prevention projects; and

WHEREAS, the NYSDEC granted approval of the application allocating funding of \$106,500 over two years for the Seneca Bluffs Wetland Restoration Project; and

WHEREAS, through Legislative resolution (Comm. 20E-34) dated November 29, 2001, the County Executive executed an agreement to accept this funding and implement a NYSDEC Bond Act project; and

WHEREAS, the City of Buffalo has committed a cash contribution of \$100,000 over two years for the Seneca Bluffs Wetland Restoration Project; and

WHEREAS, the New York State Department of State (NYSDOS) Great Lakes Coastal Watershed Restoration Grant Program provides grant assistance to improve water quality and restore aquatic habitats; and

WHEREAS, NYSDOS solicited a proposal from Erie County for participation in the Great Lakes Coastal Watershed Restoration Grants Program; and

WHEREAS, in February 2002, the Erie County Department of Environment and Planning developed and submitted a proposal to NYSDOS to implement the Seneca Bluffs Aquatic Habitat Restoration Project as Phase II of the Seneca Bluffs restoration; and

WHEREAS, on May 2, 2002, the NYSDOS granted approval of the application allocating funding of \$100,000 over two years for a Phase II - Seneca Bluffs Aquatic Habitat Restoration Project to be implemented in Erie County; and

WHEREAS, in order to meet the requirements of the grant awards for the local match of project costs it is necessary to allocate \$50,000 in County funds during the life of the Seneca Bluffs Wetland and Aquatic Habitat Restoration Project; and

WHEREAS, the NYSDEC has authorized changes in the budget of the Seneca Bluffs Wetland Restoration Project to meet the needs of the changing scope of work.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to accept a two-year grant of \$100,000 from NYSDOS to assist in the implementation of Phase II – Seneca Bluffs Aquatic Habitat Restoration Project commencing in September of 2002, and be it further

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RESOLVED, that the sum of \$50,000 is hereby transferred from the Regionalism/Economic Development Fund (DAC 110 9043038301299) to Account 886, Interfund Subsidies, in the budget of the Department of Environment and Planning to be used for the required local match, and be it further

RESOLVED, that the existing grant budget for the Seneca Bluffs Wetland Restoration Project (SFG #578) is hereby revised to include the new grant resources as follows:

REVENUES:

<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised budget</u>
State Aid - NYSDEC	\$106,500	0	\$106,500
Other Local Share Revenue	100,000	0	100,000
State Aid - NYSDOS	0	\$100,000	100,000
Interfund Revenue-Environment and Planning	<u>0</u>	<u>50,000</u>	<u>50,000</u>
Total Revenues	\$206,500	\$150,000	\$356,500

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
800	Salaries	\$89,000	\$31,000	\$120,000
805	Fringe Benefits	24,920	8,080	33,000
824	Travel and Mileage	1,000	1,000	2,000
826	Other Expenses	1,000	0	1,000
830	Contractual Services	90,580	109,920	200,500
Total	Appropriations	\$206,500	\$150,000	\$356,500

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(5-0)

8. Item Page -2002 (Comm. 14E-29)

COUNTY EXECUTIVE

WHEREAS, Phase I of the County-wide Fuel Management System was implemented in 2001, and

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WHEREAS, the sixteen locations installed under Phase I were Gas Boy Fuel Management System Units, and

WHEREAS, many municipalities have progressed to a computerized fuel management system, and

WHEREAS, the fifteen units required under Phase II will complete the Countywide Fuel Management System, and

WHEREAS, to maintain fuel management system continuity, the same units purchased under Phase I need to be purchased for Phase II,

NOW, THEREFORE, BE IT,

RESOLVED, that your Honorable Body authorize the County Executive to enter into a contract with the Pump Doctor for the purchase of fifteen Gas Boy fuel management system units at a cost not to exceed \$96,000, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from Project 309, Fund 420, and be it further,

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

(5-0)

9. Item Page -2002 (Comm. 14E-43)

COUNTY EXECUTIVE

WHEREAS, Erie County Sewer District No. 6 has 3.51± acres of excess land not needed for Sewer District purposes; and

WHEREAS, the City of Lackawanna desires to obtain said 3.51± acres for the expanded development of an adjoining 8± acre parcel; and

WHEREAS, the City's development of the land will put more property on the tax rolls; and

WHEREAS, the County's Advisory Review Committee (ARC) approved the transfer of said parcel at their meeting of May 21, 2002.

NOW, THEREFORE, BE IT

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RESOLVED, that the transfer of 3.51± acres of Erie County Sewer District No. 6 property (SBL No. 140.20-1-11) to the City of Lackawanna for one dollar (\$1.00) is hereby approved; and be it further

RESOLVED, that the County Attorney be authorized and directed to prepare the legal paperwork to transfer 3.51± acres of Parcel No. 140.20-1-11 to the City of Lackawanna; and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute legal documents, subject to approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, Gregory J. Dudek, Assistant County Attorney, Nancy Naples Erie County Comptroller, and Joseph Passafiume, Director, Budget, Management and Finance.

(5-0)

10. Item Page -2002 (Comm. 14E-44)

COUNTY EXECUTIVE

WHEREAS, the Village of Blasdell has requested Erie County Sewer District No. 3 assume ownership and maintenance of the Village's sanitary sewer lines; and

WHEREAS, an intermunicipal agreement is necessary to consolidate the ownership and operation of the Village of Blasdell's sewerage system with Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that intermunicipal agreements between the County, on behalf of Erie County Sewer District No. 3, and the Village of Blasdell for the purpose of operating and then transferring ownership of the Village's sewer lines and appurtenances to Erie County Sewer District No. 3 be approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Ernest Jewett, Mayor, Village of Blasdell.

(5-0)

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11. Item Page -2002 (Comm. 14E-45)

COUNTY EXECUTIVE

WHEREAS, the County of Erie on behalf of Erie County Sewer District No. 3 entered into a sanitary sewer service agreement with the Erie County/Southtowns Sewage Treatment Agency on December 30, 1974; and

WHEREAS, the Village of Blasdell has requested the Erie County/Southtowns Sewage Treatment Agency consolidate sewage services with the Village; and

WHEREAS, the Southtowns Agency members now desire to provide sewage treatment to the Village of Blasdell.

NOW, THEREFORE, BE IT

RESOLVED, that on behalf of Erie County Sewer District No. 3 and the Erie County/Southtowns Sewage Treatment Agency, the proposed Erie County/Southtowns Sewage Treatment Agency agreement with the Village of Blasdell to provide sewage treatment services and for the Agency to take over the sewerage facilities of the Village is hereby authorized; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Ernest Jewett, Mayor, Village of Blasdell.

(5-0)

AS AMENDED

12. Item Page -2002 (Comm. 14E-49)

COUNTY EXECUTIVE

WHEREAS, Development Downtown Incorporated (DDI) has requested Erie County Sewer District No. 6 (ECSD NO. 6) to provide sanitary sewer service to the Union Ship Canal properties; and

WHEREAS, the Buffalo Sewer Authority is unable to provide sanitary sewer service; and

WHEREAS, by providing sanitary sewer service to the Union Ship Canal properties there will be significant cost savings to both DDI and Erie County Sewer District No. 6.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement between the County, on behalf of Erie County Sewer District No. 6, and Development Downtown Incorporated for the purpose of providing sanitary sewer service to the Union Ship Canal properties is approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the agreement subject to approval as to form by the County Attorney, and content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Nancy Naples, Erie County Comptroller, Gregory Dudek, Assistant County Attorney, Joseph Passafiume, Director of Budget and Management, and Peter Cammarata, Development Downtown Incorporated.

(5-0)

13. Item Page -2002 (Comm. 14E-50)

COUNTY EXECUTIVE

WHEREAS, in Communications Number 12E-20 (c), dated July 5, 2001, legislative authorization was received to enter into contracts with two Performance Contracting firms, and

WHEREAS, the first step in a Performance Contract is to perform a comprehensive energy audit, and

WHEREAS, if cost effective Energy Conservation Measures are found at a facility, and a construction contract is executed, the cost for the comprehensive energy audit is included in the construction contract, and

WHEREAS, if cost effective Energy Conservation Measures are found at a facility, and a construction contract is not executed by the County, the Performance Contractor then expects and deserves payment for the comprehensive energy audit, and

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) has committed to reimbursing the Department of Environment & Planning, Division of Sewerage Management for 50% of the comprehensive energy audit costs up to \$40,000, and

WHEREAS, the Department of Environment and Planning has advised the County Legislature that there are benefits to completing the comprehensive energy audits.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Environment & Planning, Division of Sewerage Management is authorized to issue supplemental agreements to the County's Performance Contractors to perform comprehensive energy audits providing that a clause is included in the

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contract that states that no specific payment will be made for this service provided cost effective Energy Conservation Measures are found at a facility, and a construction contract is executed, and be it further

RESOLVED, that should the Performance Contractor perform a comprehensive energy audit and cost effective Energy Conservation Measures are found at a facility, and a construction contract is not executed by the County, the cost of this comprehensive energy audit work will be paid from Sewer District funds, not-to-exceed a total of \$120,000, and be it further,

RESOLVED that the Director of Budget, Management and Finance be directed to allocate funds accordingly, as follows:

ECSDs No. 1, 4, & 5

Use of Fund Balance, 220 851 810 698 105 - \$30,000

Contractual Services, 220 851 810 830

ECSD No. 2

Use of Fund Balance, 220 852 820 698 105 - \$30,000

Contractual Services, 220 852 820 830

ECSD No. 3/Southtowns

Use of Fund Balance, 220 853 830 698 105 - \$30,000

Contractual Services, 220 853 830 830

ECSD No. 6

Use of Fund Balance, 220 854 840 698 105 - \$30,000

Contractual Services, 220 854 840 830;

and be it further,

RESOLVED, that the County Executive be, and hereby is, authorized to execute said supplemental agreements subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

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

(5-0)

14. Item Page -2002 (Comm. 14E-51)

COUNTY EXECUTIVE

WHEREAS, The County of Erie, desires to participate in the retention and expansion of farming and agricultural activity in Erie County; and

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WHEREAS, The production of sweetcorn in Erie County is coming under pressure from new cooling and packaging requirements and competition from outside the County and region; and

WHEREAS, The Eden Valley Growers Farm Cooperative has served as a source for cooling and packaging of locally grown produce and is willing to provide up to \$65,000 in cash and installation services for the acquisition of a hydro-cooler; and

WHEREAS, The Erie County Industrial Development Agency has acted as a pass-through agency for the purchase of this type of equipment,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency, in amounts not to exceed a total of \$150,000.00, for the purpose of purchasing a hydro-cooling unit for use by the Eden Valley Growers Farm Cooperative; and be it further

RESOLVED, That the Erie County Industrial Development Agency shall retain ownership of the cooling unit, which will be leased to the Eden Valley Growers Farm Cooperative; and be it further

RESOLVED, That the source of these funds shall be \$150,000.00 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830 1299, which will transferred to a separate subaccount under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning and the County Attorney.
(5-0)

JOHN W. GREENAN
CHAIRMAN

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

CARRIED UNANIMOUSLY.

Item 12 – MR. LARSON presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 323

July 15, 2002

FINANCE & MANAGEMENT COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT EXCEPT LEGISLATORS SWANICK & PEOPLES.

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

a.

Item	Page	-2002	(Comm. 7E-3)
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COMPTROLLER: Review of Countywide Vendor Payments for Period 1/1/00 – 12/31/00.
 (3-0) Legislators Swanick and Peoples absent.

b.

Item	Page	-2002	(Comm. 14D-4)
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BUDGET, MANAGEMENT & FINANCE: Letter to County Executive Re: 2002 Annual Report of EC Division of Real Property Tax.
 (3-0) Legislators Swanick and Peoples absent.

c.

Item	Page	-2002	(Comm. 14D-9)
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BUDGET, MANAGEMENT & FINANCE: Response to Expenditure Review of Tobacco Fund Capital Projects.
 (3-0) Legislators Swanick and Peoples absent.

d.

Item	Page	-2002	(Comm. 14D-10)
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BUDGET, MANAGEMENT & FINANCE: Response to Review of Countywide Vendor Payments.
 (3-0) Legislators Swanick and Peoples absent.

e.

Item	Page	-2002	(Comm. 14E-4)
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COMPTROLLER: Apportionment & Distribution of 4% Sales Tax Received by County from NYS for June.
 (3-0) Legislators Swanick and Peoples absent.

2. **RESOLVED**, that the following item is hereby received, filed and referred to the Community Enrichment Committee.

a.

Item	Page	-2002	(Comm. 11E-3)
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COMPTROLLER: Copy of Letter to ECC Re: Payroll Audit of ECC for Period 9/1/00 – 8/31/01.
 (3-0) Legislators Swanick and Peoples absent.

3.

Item	Page	-2002	(Comm. 10E-16)
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COUNTY EXECUTIVE

WHEREAS, Niagara Mohawk Power Corporation ("Niagara Mohawk") desires to obtain a utility easement from the County to install and service electrical equipment on lands owned by the

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County of Erie and occupied by the Erie County Medical Center ("ECMC") at 663 Kensington Avenue, Buffalo; and

WHEREAS, the installation of such electrical equipment is for the benefit of the County and ECMC; and

WHEREAS, the Department of Public Works has determined that the location of the easement will not interfere with the operations of the County or ECMC.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby grants authority to the County Executive to sign an easement with Niagara Mohawk for the purposes of installing and servicing electrical equipment on lands owned by the County of Erie at 663 Kensington Avenue, Buffalo; and be it further

RESOLVED, that the easement documents prepared by Niagara Mohawk shall be subject to the review and approval of the Commissioner of Public Works and the County Attorney; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Attorney, County Comptroller, Commissioner of Public Works and Chief Executive Officer of ECMC.

(3-0) Legislators Swanick and Peoples absent.

4. Item Page -2002 (Comm. 13E-19)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance in consultation with various departments has identified accounts with projected budget deficiencies, and

WHEREAS, budget amendments are required to eliminate these projected deficiencies, and

WHEREAS, budgeted funds for the year 2002 are not sufficient to provide for the projected year-end needs of various departments,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to transfer available balances in the 2002 Operating Budget, in order to adequately provide for the projected year-end needs of various departments, as follows:

APPROPRIATION

INCREASE

Department 220-Public Works-Commissioner

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Acct.826-Other Expenses	\$6,900
Department 221-Public Works-Buildings & Grounds	
Acct. 813-Auto Supplies	20,000
Acct. 816-Maintenance Supplies	100,000
Acct. 822 Rental Charges	140,000
Acct. 823-Repairs & Maintenance	160,000
Acct. 930-Automotive Equipment	16,100
Acct. 931-Buildings & Grounds Equipment	25,000
Department 510-DISS	
Acct. 823-Repairs & Maintenance	69,000
Acct. 933-Lab & Tech Equipment	13,000
Department 223-Public Works-Highways	
Acct. 813-Auto Supplies	150,000
Acct. 817-Highway Supplies	<u>300,000</u>
Total Appropriation Increase	\$1,000,000

DSS AMENDMENTS

SOURCE

Department 200-Social Services	
Acct. 640-1003 Federal Aid-TANF(MOE)	2,000,000
Acct. 634- State Aid-TANF(MOE)	<u>(1,000,000)</u>
Total Sources	\$1,000,000

and be it further

RESOLVED, that in the General Fund, DAC 110 9253208862230, Interfund-Road Fund is hereby increased by \$450,000 and in the Road Fund, DAC 210 9632236863200, Interfund-Subsidy is hereby increased by \$450,000, and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to make any necessary budgetary adjustments to implement the \$82,000 increase in the budget of the Division of Information and Support Services, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Department of Public Works-Commissioners Office, Buildings &

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Grounds and Highway Division, the Division of Information and Support Services, the Department of Social Services and the County Comptroller.

(3-0) Legislators Swanick and Peoples absent.

5. Item Page -2002 (Comm. 14E-12)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive a request from Paul E. Rudnicki, Esq. as the legal representative of the owners of the real property designated on the Erie County Tax Maps as SBL# 281.060-1-20 (Jamey Solecki and the Estate of Merle B. Solecki), and

WHEREAS, it has been determined that the Merle and Jamey Solecki parcel (SBL# 281.060-1-20) and a County of Erie inventory parcel (SBL# 281.060-1-18) have overlapping descriptions, and

WHEREAS, after thorough research, it was determined that the overlapping portion of the tax description for the County parcel (SBL# 281.060-1-18) should be quit-claimed to the parties as stated in paragraph 1, and

WHEREAS, the Advisory Review Committee has reviewed and approved the execution of a Quit Claim Deed to the concerned parties, and

WHEREAS, it is the intention of the County of Erie to relinquish any current claim it may have to the north part of the premises which lies within Subdivision Lot 28, Cover 1087, which lot was conveyed to the County of Erie as a result of In Rem Action 153, Index I-1996-9592, Serial 1636 followed by a Referee's Deed to the County of Erie recorded in Liber 10950 of Deeds at Page 994, and

WHEREAS, it is the intention of the County that title to the southerly 90.50 feet of Subdivision Lot 28, Cover 1087, remain in the name of the County of Erie,

NOW, THEREFORE, BE IT RESOLVED, that the following described portion of land be transferred without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Charlene Dudczak, as Administratrix of the Estate of Merle B. Solecki, residing at 1481 Quaker Road, Orchard Park, New York 14127 and Jamey Solecki, residing at 436 Linwood Avenue, Post Office Box 747, Buffalo, New York 14209-0747.

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Brant, County of Erie and State of New York, being part of Lot Number eighty-eight (88), Township 8 (8), Range nine (9) of the Holland Land Company's Survey and further distinguished as the northerly one hundred twenty-two (122) feet of Subdivision Lot Number twenty-eight (28) as shown on a subdivision map of Wide Beach filed in Erie County Clerk's Office under Cover Number 1087, and be it further

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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 above parties, 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.

(3-0) Legislators Swanick and Peoples absent.

6. Item Page -2002 (Comm. 14E-15)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive a request on behalf of Alex Szur who owns property adjoining the above County owned parcel of land to purchase this land, and

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

WHEREAS, this office has received no other interests in this property as a result of the canvass letters sent to other adjacent property owners,

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 Alex Szur, 40 Woodcreek Lane, Grand Island, New York 14072 for the sum of One Hundred and 00/100 Dollars (\$ 100.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Grand Island, County of Erie and State of New York being part of Farmlot 54, Township 12, Range 9, Sublot 15, as filed in Map Cover 332 at the Erie County Clerk's Office and is further described on Erie County Tax Maps as Section, Block and Lot No. 37.040-1-59 (Whitehaven Road 30.00 x 120.00). Intending to convey land acquired by Erie County as Serial No. 828 in the County In Rem Tax Foreclosure Action No. 148, 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 properties 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.

(3-0) Legislators Swanick and Peoples absent.

7. Item Page -2002 (Comm. 14E-16)

COUNTY EXECUTIVE

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WHEREAS, the Division of Budget, Management and Finance did receive a request from Mark and Joan Bouvier who own property adjoining the above County owned parcel of land to purchase this land, and

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

WHEREAS, this office has received no other interests in this property as a result of the canvass letters sent to other adjacent property owners,

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 Mark and Joan Bouvier, 9424 Lemon Street, Angola, New York for the sum of Five Hundred and 00/100 Dollars (\$ 500.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Evans Seneca, County of Erie and State of New York being part of Farmlot 81, Township 8, Range 9 of the Holland Land Company Survey and being further described as Sublots 11076 to 11078 under Map Cover 1347 and known on Erie County Tax Maps as Section, Block and Lot No. 250.070-2-8 (Sycamore 60.00 x 100.00).

Intending to convey those lands acquired by Erie County in In Rem 139, Serial 2193 by deed filed in Liber 9239, Page 273 and amended by Liber 9267 Page 212 as filed in the Erie County Clerk's Office, 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 properties 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.

(3-0) Legislators Swanick and Peoples absent.

8. Item Page -2002 (Comm. 14E-17)
COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive a request from the Akron Fire Company to purchase this land, and

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

WHEREAS, this parcel would be used for a future access road to the Thruway facilitating the fire protection for that area, and

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WHEREAS, this parcel in the future would be used for water line placement, and

WHEREAS, this office has received no other interest in this property as a result of the canvass letter sent to the Town Supervisor, and

WHEREAS, if this property were to be sold in the future by the Akron Fire Company, it is understood that the County of Erie would share in the profits from that sale

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 The Akron Fire Company, Inc., 1 Main Street, P.O. Box 1, Akron, New York, 14001-001 for the sum of One and 00/100 Dollars (\$1.00),

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Newstead, County of Erie and State of New York, being part of Lot Number 5 (5), Section five (5), Township twelve (12) and Range five (5) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the Steiner Road, which said point is the southwest corner of said Lot Number five (5); THENCE EAST in the Steiner Road, and along the south line of said Lot number five (5), ninety-five (95) feet to a point; THENCE NORTH on a line parallel with the west line of said Lot number five (5), to the southerly bounds of lands formerly owned by Asher Moore; THENCE WEST and along the south bounds of lands formerly owned by Asher Moore to a point in the west line of said Lot number five (5); THENCE SOUTH on the west line of said Lot number five (5), seven (7) chains and nine (9) links to the place of beginning; containing one (1) acre of land, more or less.

EXCEPTING that portion taken by the New York State Thruway Authority and also that portion south of said New York State Thruway Authority taking fronting on Steiner Road,

Further described on Erie County Tax Maps as Section, Block and Lot No. 74.00-2-20,

Intending to convey lands acquired by Erie County under In Rem 154, Serial 2578 and filed in the Erie County Clerk's Office under Liber 10938 Page 8508.

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 properties 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.

(3-0) Legislators Swanick and Peoples absent.

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9. Item Page -2002 (Comm. 14E-18)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive a request from George C. Beiring who owns property adjoining the above County owned parcels of land to purchase this land, and

WHEREAS, these parcels were reviewed and approved for sale by the Advisory Review Committee, and

WHEREAS, this office has received no other interests in this property as a result of the canvass letters sent to other adjacent property owners,

NOW, THEREFORE, BE IT RESOLVED, that the following parcels of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to George C. Beiring, 321 Cleveland Drive, Tonawanda, New York 14223 for the total sum of Three Thousand Five Hundred and 00/100 Dollars (\$3,500.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Grand Island, County of Erie and State of New York being part of Farmlot 30, Township 12, Range 9 and further described as sublots 62, 63, 66 and 67 under Map Cover 1551.

Further described on Erie County Tax Maps as Section, Block and Lot Nos., 51.100-1-58, 51.100-1-59, 51.100-1-62 and 51.100-1-63.

Intending to convey lands acquired by the County of Erie under In Rem 129, Serial Nos. 86 and 87 as filed in the Erie County Clerk's Office under Liber 8039, Page 29 and In Rem No. 148, Serial Nos. 830 and 831 as filed in the Erie County Clerk's Office under Liber 10483, Page 367.

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 properties 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.

(3-0) Legislators Swanick and Peoples absent.

DALE W. LARSON
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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Item 13 – MS. CHASE presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 324

July 15, 2002

PUBLIC SAFETY
 COMMITTEE
 REPORT NO. 8

ALL MEMBERS PRESENT. CHAIRMAN DeBENEDETTI PRESENT AS EX-OFFICIO MEMBER.

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

a.

Item	Page	-2002	(Comm. 14D-7)
SHERIFF: Response to State Comptroller's Audit.			
(5-0)			

b.

Item	Page	-2002	(Comm. 14E-36)
COUNTY EXECUTIVE: Open Item – New Secure Youth Detention Facility – Bid Package No. 2.			
(5-0)			

2.

Item	Page	-2002	(Comm. 14E-8)
COUNTY EXECUTIVE			

WHEREAS, the parcel of land known as 372 Michigan Avenue in the City of Buffalo is available for purchase; and

WHEREAS, the public safety of all residents and the responsibility of the public sector to enhance and assist the improvement of the facilities for public safety in the County is of utmost importance; and

WHEREAS, it is the desire of the owners of 372 Michigan Avenue have offered the property to the County for purchase at an acquisition price of \$1,150,000; and

WHEREAS, an independent appraisal obtained by the County supports such acquisition price; and

WHEREAS, in order to effectuate the County's public objectives for enhancing public safety, it is necessary for the County to enter into various agreements including, but not limited to, a contract of purchase for the aforementioned property with said owners

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract of sale for an acquisition price of \$1,150,000 and such ancillary agreements necessary or appropriate to effectuate the purchase of 372 Michigan Avenue in the City of Buffalo, NY, upon completion of reviews under New York State Environmental Quality Review Act by Erie County Department of Environment and Planning; and be it further

RESOLVED, that funds necessary to meet the obligations of the County pursuant to these agreements shall be derived from funds that will be made available from a \$25 million dollar bond resolution to be adopted by your Honorable Body amending the 2002 capital budget, to the extent permitted; and be it further

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

(5-0)

3. Item Page -2002 (Comm. 14E-22)

COUNTY EXECUTIVE

WHEREAS, the Department of Probation and Youth Detention Services is responsible for providing secure and non-secure detention services in Erie County, and

WHEREAS, the 38 bed Secure Detention Facility in Alden cannot handle the projected summer 2002 population peak of (65) sixty-five Secure Juvenile Youth remanded to the custody of Detention, and

WHEREAS, currently (15) Secure youth from Erie County are being housed at a juvenile Detention facility in the Bronx, New York City, and use of this site as an overflow facility also incurs tremendous overtime, transportation and food cost; and

WHEREAS, the petty cash fund authorized for five hundred dollars (\$500) is insufficient to cover the expenses needed for two trips a week to the Bridges Detention Facility in the Bronx, New York, and

WHEREAS, the Erie County Department of Probation and Youth Detention Services is requesting that the petty cash fund be increased to (\$1,000) one thousand dollars, and

WHEREAS, funds are available within existing accounts in the 2002 Adopted Budget of the Division of Youth Detention to fund expenses,

NOW THEREFORE, BE IT

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ERIE COUNTY LEGISLATURE

RESOLVED, that authorization is hereby provided to increase the petty cash fund in the Erie County Department of Probation's Detention division from \$500 to \$1,000 dollars, and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Probation and Youth Detention Services, the Erie County Comptroller, and the Division of Budget, Management and Finance.
 (5-0)

4. Item Page -2002 (Comm. 14E-39)

COUNTY EXECUTIVE

WHEREAS, the Department of Central Police Services seeks to hire a well trained, qualified Senior Programmer Analyst, Job Group XIV, and

WHEREAS, the starting step for this title will not attract such an individual,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the hiring of a Senior Programmer Analyst, Job Group XIV, at a variable minimum rate of, Step 3, and be it further

RESOLVED, that said variable minimum shall take effective May 31, 2002, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Central Police Services, the Erie County Comptroller, the Commissioner of Personnel and the Director of Budget, Management and Finance.
 (5-0)

5. Item Page -2002 (Comm. 14E-75)

COUNTY EXECUTIVE

WHEREAS, the District Attorney through the Victim/Witness Assistance and Child Advocacy Program Grants provides needed services to the residents of Erie County, and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets in Book B for 2001, and

WHEREAS, the amended contract received from the Crime Victims Board authorizes funding levels different from the adopted budget,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Victim Witness and Child Advocacy Grants to match final state authorized funding levels, to be adjusted as follows:

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ERIE COUNTY LEGISLATURE

VICTIM/WITNESS ASSISTANCE GRANT – Project 411
October 1, 2001 – September 30, 2002

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 627 NYSDCJS	\$ 267,321	\$ 2,025	\$ 269,346
Acct. 686 Interfund DA	<u>26,802</u>	<u>(2,025)</u>	<u>24,777</u>
Total Revenue	<u>\$ 294,123</u>	<u>\$ - 0 -</u>	<u>\$ 294,123</u>
<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 800 Personal Services	\$ 237,465	\$ (3,765)	\$ 233,700
Acct. 801 Overtime	5,159	(3,297)	1,862
Acct. 805 Fringe Benefits	54,814	- 0 -	54,814
Acct. 824 Travel & Mileage	6,685	- 0 -	6,685
Acct. 883 Interfund-County Exec	(10,000)	- 0 -	(10,000)
Acct. 933 Lab & Tech Equip	<u>- 0 -</u>	<u>7,062</u>	<u>7,062</u>
Total Appropriations	<u>\$ 294,123</u>	<u>\$ - 0 -</u>	<u>\$ 294,123</u>

CHILD ADVOCACY GRANT – Project 410
October 1, 2001 – September 30, 2002

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 627 NYSDCJS	\$ 56,354	\$ - 0 -	\$ 56,354
Acct. 686 Interfund DA	<u>2,788</u>	<u>- 0 -</u>	<u>2,788</u>
Total Revenue	<u>\$ 59,142</u>	<u>\$ - 0 -</u>	<u>\$ 59,142</u>
<u>Appropriations</u>			
Acct. 800 Personal Services	\$ 49,821	\$ (3,500)	\$ 46,321
Acct. 805 Fringe Benefits	<u>9,321</u>	<u>3,500</u>	<u>12,821</u>
Total Appropriations	<u>\$ 59,142</u>	<u>\$ - 0 -</u>	<u>\$ 59,142</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget, Management and Finance.
(5-0)

6. Item Page -2002 (Comm. 14E-76)

COUNTY EXECUTIVE

WHEREAS, it is necessary to provide matching funds for the District Attorney's Multi-Jurisdictional Grant, and

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ERIE COUNTY LEGISLATURE

WHEREAS, it is desirable to replace one investigative automobile with an odometer reading of over 100,000 miles, and

WHEREAS, it is necessary to transfer appropriated budget funds in order to provide for the purchase of an automobile,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Asset Forfeiture Grant to provide funding for investigative, surveillance and prosecutorial purposes to benefit the District Attorney's Office and thus provide matching funds for the Multi-Jurisdictional Grant:

DISTRICT ATTORNEY ASSET FORFEITURE GRANT
FUND 280 - PROJECT 333

	<u>Adjustment</u>
Acct. 930 Motor Vehicle Equipment	\$ 8,000
Acct. 933 Laboratory & Technical Equip.	<u>(8,000)</u>
Total Appropriations	<u>\$ 0</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget, Management and Finance.
 (5-0)

JEANNE A. CHASE
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

Item 14 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 325

July 15, 2002

HUMAN SERVICES

COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT EXCEPT LEGISLATORS LARSON AND HOLT. LEGISLATOR DeBENEDETTI PRESENT AS EX-OFFICIO MEMBER.

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

	Item	Page	-2001	(Comm. 26E-8)
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COUNTY EXECUTIVE: ECMC Renovations at Health Department Building “BB” Water Lab – Contingency Fund Increase.
 (4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.
 - b.

	Item	Page	-2002	(Intro. 5-20)
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PEOPLES & SWANICK: Guaranteeing Flexibility and Accountability and Accountability at ECMC.
 (3-1) Legislator Fisher in the negative. Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.
 - c.

	Item	Page	-2002	(Comm. 13D-2)
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HEALTH: 2001 Rodent Control & West Nile Virus Reports.
 (4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.
 - d.

	Item	Page	-2002	(Comm. 14E-3)
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COMPTROLLER: Audited Financial Statements for ECMC – Fiscal Year Ending 12/31/01.
 (4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.
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	Item	Page	-2002	(Comm. 14E-19)
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COUNTY EXECUTIVE: ECMC – Blood Bank Relocation (for Information Only).
 (4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

2.

	Item	Page	-2002	(Comm. 14E-40)
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COUNTY EXECUTIVE

WHEREAS, the County of Erie, desires to participate in the Master Planning process for the Buffalo Niagara Medical Campus in the City of Buffalo; and

WHEREAS, the Buffalo Niagara Medical Campus Master Plan seeks to create a world class medical campus capitalizing on institutions such as Buffalo General Hospital, Roswell Park Cancer Institute, and the Center for Excellence in Bioinformatics; and

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WHEREAS, the expansion of the medical research and product development in Buffalo and Erie County will be a preferred alternative for new industry sectors which will promote the retention of existing jobs and the creation of new jobs; and

WHEREAS, the City of Buffalo and the John R. Oishei foundation are also expected to contribute to this master planning effort,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Buffalo Niagara Medical Campus, in amounts not to exceed a total of \$100,000.00, for the purpose of funding master planning efforts for the medical campus; and be it further

RESOLVED, that the source of these funds shall be \$100,000.00 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830 1299, which will transferred to a separate subaccount under Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning and the County Attorney.
 (4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

3. Item Page -2002 (Comm. 14E-52)

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 recently awarded the Erie County Department of Health a revised grant in the amount of \$552,084 which authorizes budgetary adjustments in order to balance the accounts in the grant.

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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LEAD POISONING PREVENTION
PROGRAM

01/01/01 - 12/31/01

PROJECT # 507

<u>SFG SUB REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
553 STATE AID	\$ 552,084	\$0	\$ 552,084
TOTAL	<u>\$ 552,084</u>	<u>\$0</u>	<u>\$ 552,084</u>
<u>EXPENSES</u>			
800 PERSONNEL SERVICES	\$378,421	\$ 139	\$ 378,560
801 OVERTIME	3,000	0	3,000
805 FRINGE BENEFITS	83,253	6,964	90,217
810 OFFICE SUPPLIES	1,250	0	1,250
811 CLOTHING SUPPLIES	500	0	500
814 MEDICAL SUPPLIES	6,435	0	6,435
821 DUES & FEES	1,770	0	1,770
823 REPAIRS & MAINTENANCE	9,462	0	9,462
824 TRAVEL & MILEAGE	17,000	0	17,000
825 OUT OF AREA TRAVEL	3,000	0	3,000
826 OTHER EXPENSES	26,739	0	26,739
933 LAB & TECH EQUIP	<u>21,254</u>	<u>-7,103</u>	<u>14,151</u>
TOTAL	<u>\$ 552,084</u>	<u>\$ 0</u>	<u>\$ 552,084</u>

and be it further

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

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

4. Item Page -2002 (Comm. 14E-53)

COUNTY EXECUTIVE

WHEREAS, the Erie County Medical Examiner Division currently charges a \$5.00 fee for photocopying of all autopsy reports, and

WHEREAS, families of the deceased coming to the office are in a state of severe confusion, sadness, shock and disbelief, and

WHEREAS, revenues generated through charges to next of kin are minimal, and

WHEREAS, the time to explain to families and the extensive bookkeeping required to process these numerous checks at this small amount is not cost effective, but more importantly puts an undue burden on the grieving families.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby waives the \$5.00 fee for autopsy reports to the next of kin and they will receive these reports free of charge upon request, and

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.

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

5. Item Page -2002 (Comm. 14E-54)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Health has awarded \$60,000 to the Erie County Department of Health for the purpose of continuing the HIV Seroprevalence Study for a twelve-month period ending 6/30/03.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept a revised contract with the New York State Department of Health for the purpose of receiving reimbursement for participating in the HIV Seroprevalence Study which is budgeted as follows:

HIV SEROPREVALANCE GRANT
 07/1/02 - 06/30/03
PROJECT #710

<u>SFG SUB REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
388 HIV COUNSELING & TESTING	\$48,532	\$26,028	\$74,560
521 150 CHLAMYDIA STUDY FORMS	0	3,000	\$3,000

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553	STATE AID	<u>77,500</u>	<u>-17,500</u>	<u>60,000</u>
	TOTAL	<u>\$126,032</u>	<u>\$11,528</u>	<u>\$137,560</u>
 <u>EXPENSES</u>				
800	PERSONNEL SERVICES	\$102,017	\$2,805	\$104,822
805	FRINGE BENEFITS	23,627	5,723	29,350
814	MEDICAL SUPPLIES	0	1,500	1,500
824	TRAVEL & MILEAGE	388	0	388
933	LAB & TECHNICAL EQUIPMENT	<u>0</u>	<u>1,500</u>	<u>1,500</u>
	TOTAL	<u>\$126,032</u>	<u>\$11,528</u>	<u>\$137,560</u>

and be it further

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

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

6. Item Page -2002 (Comm. 14E-55)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department operates an Adolescent Wellness Program which is a free, abstinence based program provided by Women’s Health Services in collaboration with the Erie County Department of Social Services, and

WHEREAS, it has been determined that budgetary adjustments are necessary to balance the accounts within the program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to make the budgetary adjustments necessary to balance the accounts within the program as follows:

ADOLESCENT WELLNESS PROG
 07/1/01 - 06/30/02
 PROJECT # 554

CURRENT	REVISED
BUDGET	BUDGET
CHANGES	

EXPENSES

800	SALARIES	\$136,811	\$-26,000	\$110,811
805	FRINGE BENEFITS	28,731	-2,000	26,731
810	OFFICE SUPPLIES	600	185	785
823	REPAIRS & MAINTENANCE	421	-200	221
824	TRAVEL & MILEAGE EXPENSES	2,270	-1,700	570
825	OUT OF AREA	0	3,200	3,200
826	OTHER EXPENSES	14,921	8,493	23,414
880 5100	DISS	999	0	999
883 2009	ID-SOCIAL SERVICES	-200,000	0	-200,000
932	FURNITURE, FIXTURES & OFFICE	447	-88	359
933	LABORATORY & TECHNICAL EQUIP	<u>14,800</u>	<u>18,110</u>	<u>32,910</u>
TOTAL		<u>\$ -0</u>	<u>\$ 0</u>	<u>\$ 0</u>

and be it further

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

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

7. Item Page -2002 (Comm. 14E-56)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department operates dental health clinics at various locations throughout Erie County, and

WHEREAS, the Erie County Department of Health wishes to contract with dental health professionals to provide the clinical support for the operation of the dental clinic, and

WHEREAS, funds are available in Account 821, Dues & Fees, in the Health Department's 2002 adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition by the Erie County Department of Health of such necessary services from qualified individuals within the bounds of the appropriations stated above for those categories as are listed in Exhibit B, incorporated herein, and be it further

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RESOLVED, inasmuch as it is impractical to follow the request for proposal (RFP) procedure in the case of doctors, dentists and other professionals, the Erie County Legislature hereby waives the procedure for these categories of service as provided for in Local Law No. 6, Section 19.08.

Exhibit B
 Erie County Department of Health
 Contractual Service Rate for Fee-For-Service Personnel
 Annual Compensation Will Be \$10,000 or More

TITLE	RATE
Dental Office Auxiliary	\$13.00 per hour

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, the Personnel Department and the Department of Law.
 (4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

8. Item Page -2002 (Comm. 14E-57)
COUNTY EXECUTIVE

WHEREAS, the use of tobacco is a significant risk behavior contributing to the onset of and exacerbating such chronic diseases as heart disease, cancer, respiratory disease and diabetes, and

WHEREAS, the Erie County Department of Health has received a continuation grant award from the New York State Department of Health in the amount of \$389,400 for the period of 6/1/02 – 5/31/03 to support the Tobacco Control and Insurance Initiatives Erie Niagara Tobacco Free Coalition, and

WHEREAS, the Roswell Park Cancer Institute has been selected by the Coalition as the lead agency to coordinate coalition activities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the New York State Health Department to accept the grant which is budgeted as follows:

**DEPARTMENT OF HEALTH, TOBACCO CONTROL AND INSURANCE
 INITIATIVES
 ERIE NIAGARA TOBACCO FREE COALITION
 6/01/02 - 5/31/03
 Project #687**

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SFG ACCOUNT REVENUE		CURRENT BUDGET	CHANGES	REVISED BUDGET
553	STATE AID	<u>\$ 300,000</u>	<u>\$89,400</u>	<u>\$ 389,400</u>
TOTAL		<u>\$ 300,000</u>	<u>\$89,400</u>	<u>\$ 389,400</u>
EXPENSES				
821	DUES & FEES	\$ 500	\$-500	\$ 0
825	OUT OF AREA TRAVEL	2,000	-1,000	1,000
826	OTHER EXPENSES	4,000	-500	3,500
830-1184	CONTRACTUAL-HRI-ROSWELL	285,000	84,930	369,930
880-5100	DISS	500	-500	0
932	OFFICE EQUIPMENT	2,000	1,470	3,470
933	LAB & TECHNICAL EQUIPMENT	<u>6,000</u>	<u>5,500</u>	<u>11,500</u>
TOTAL		<u>\$ 300,000</u>	<u>\$ 9,400</u>	<u>\$ 389,400</u>

and be it further

RESOLVED, that the Erie County Department of Health is authorized to enter into an amended subcontract with the Health Research Institute – Roswell Park Division in the amount of \$369,930 for the purpose of coordinating Coalition activities, and be it further

RESOLVED, that the subcontract with Health Research Institute – Roswell Park Division is a special service which must be provided immediately and continuously, and therefore the RFP procedure required under Erie County Local Law No. 6, Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

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

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

9. Item Page -2002 (Comm. 14E-58)

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a agreements with agencies 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 2002 adopted budget of the Department of Health Division of Public Health Laboratory:

REVENUE

Increase Account 398 – Public Health Lab Fees	<u>\$9,790</u>
TOTAL	<u>\$9,790</u>

APPROPRIATION

Increase Account 814 – Medical & Laboratory Supplies	<u>\$9,790</u>
TOTAL	<u>\$9,790</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.

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

10. Item Page -2002 (Comm. 14E-59)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department operates a Tuberculosis Control Elimination Activities Program, and

WHEREAS, the Erie County Department of Health has received a grant award in the amount of \$92,168 for the enhancement of the Tuberculosis Elimination Activities Program by providing improvements of the isolation rooms at the Erie County Holding Center and Correctional Facility, and to provide additional incentives to encourage patients to complete the course of treatment for TB infection, and

WHEREAS, the purposes of this program include: follow up of active TB cases, suspect cases, persons receiving preventive therapy for TB and persons exposed to TB; outreach services, and targeted screening and preventive therapy for at-risk groups.

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept a grant from the New York State Department of Health which extends the contract period from 1/31/02 to 8/30/02 to continue the Tuberculosis Elimination Activities, and be it further

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

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

11. Item Page -2002 (Comm. 14E-60)
COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department provides tuberculosis control services through an existing contract with Academic Medicine Service, Inc. at a yearly rate of \$94,800, and

WHEREAS, the Erie County Health Department wishes to amend the existing contract effective of August 1, 2002, at a new yearly rate of \$22,500 to reflect a decreased need for physician services, and

WHEREAS, the physician component of the Tuberculosis Clinic will work in conjunction with a physician assistant thereby saving significant county dollars, and

WHEREAS, funds are available in Account 821, Dues and Fees in the Health Department's 2002 adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an amended contract commencing August 1, 2002 with Academic Medicine Service, Inc. at a yearly rate of \$22,500, 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.

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

12. Item Page -2002 (Comm. 14E-61)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health operates the Healthy Homes Initiative under the guidelines established by the U.S. Department of Housing and Urban Development (HUD), and

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WHEREAS, the purpose of the Healthy Homes Initiative is to improve the quality of life of children through reduced exposure to health and safety risks associated with the home environment, and

WHEREAS, the Erie County Department of Health has received an additional Federal grant from the U.S. Environmental Protection Agency (EPA) in the amount of \$25,000 for in-home asthma education and risk mitigation, and

WHEREAS, both federal agencies have authorized budgetary and staffing adjustments to augment the in-home asthma education portion of the Healthy Homes Initiative, and

WHEREAS, these budgetary adjustments include the funding for one position of Investigating Public Health Sanitarian, Full-Time, JG 7 and establishing a fee-for-service rate for a Data Management Intern.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept the revised federal grant which is budgeted as follows:

HEALTHY HOMES INITIATIVE PROGRAM
02/01/01 - 01/31/04
PROJECT #539

ACCT	SUB-ACCT	REVENUE	NEW BUDGET CHANGES		REVISED BUDGET
640	500	FEDERAL AID	\$ 918,752	\$ 0	\$ 918,752
641		ENVIRONMENTAL PROTECTION	<u>\$ 0</u>	<u>25,000</u>	<u>25,000</u>
		TOTAL	<u>\$ 918,752</u>	<u>\$ 25,000</u>	<u>\$ 943,752</u>
 EXPENSES					
800		Personal Services	\$ 431,390	\$ 19,054	\$ 450,444
801		Overtime	8,000	1,000	9,000
805		Fringe Benefits	88,848	0	88,848
810		Office Supplies	9,000	0	9,000
811		Clothing Supplies	1,095	665	1,760
821		Dues and Fees	11,000	7,250	18,250
823		Repairs and Maintenance	200	0	200
824		Local Travel	13,502	1,900	15,402

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825		Out of Area Travel	8,520	1,100	9,620
826		Other Expenses	180,257	-10,278	169,979
830		Contractual - SUNYAB Research	47,061	0	47,061
830		Contractual - Channing L. Bete	28,184	0	28,184
830		Contractual - Neigh Housing Services	8,544	0	8,544
880	2720	Interfund - Public Health Laboratory	18,000	0	18,000
880	5100	DISS	3,240	0	3,240
880	6200	Interfund – Environment & Planning	30,750	0	30,750
882	6209	Interdepartmental - Environment & Planning Grants	8,920	0	8,920
932		Office Equipment	7,580	1,420	9,000
933		Lab & Tech Equipment	<u>14,661</u>	<u>2,889</u>	17,550
TOTAL			<u>\$ 918,752</u>	<u>\$ 25,000</u>	<u>\$ 943,752</u>

and be it further

RESOLVED, that one position of Investigating Public Health Sanitarian, Full-Time, JG 7 is hereby created.

The following personnel detail is hereby submitted:

TITLE: Investigating Public Health Sanitarian	FUNDING: 100% Federally Funded
JG: 7	CIVIL SERVICE: Yes - Competitive
STEP: 0	CIVIL SERVICE LIST: Yes
ANNUAL SALARY: \$29,399	
ANNUAL BENEFITS: \$6,809	

and be it further

RESOLVED, that the Erie County Legislature hereby approves the acquisition by the Erie County Health Department of such necessary services from qualified individuals within the bounds of the appropriations stated above for the category listed in Exhibit A incorporated herein, and be it further

RESOLVED, that inasmuch as it is impractical to follow the Request for Proposal

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(RFP) procedures in the case of doctors, dentists and other professionals, the Erie County Legislature hereby waives the procedure for this category of service as provided for in Local Law No. 6, Section 19.08.

Exhibit A
 Erie County Department of Health
 Contractual Services Rate for Fee-for-Service
 Annual Compensation Will Be Less Than \$10,000

TITLE	Rate for Fee-for-Service
Data Management Intern	\$10.00 per hour

and be it further

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

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

13. Item Page -2002 (Comm. 14E-62)

COUNTY EXECUTIVE

WHEREAS, the prevalence, hospitalization, missed school days and mortality due to asthma has significantly increased in New York State, and

WHEREAS, the burden of asthma affects numerous sectors of our Western New York communities, including primary and acute health care, public health, education, business, health insurers, etc., and

WHEREAS, asthma-related costs to the New York State taxpayer, while not fully known, exceeded \$160 Million in 1995 alone, and

WHEREAS, the New York State Department of Health has awarded the Erie County Department of Health, as a lead agency of the Asthma Coalition of Western New York, an amount of \$200,000 to develop and implement a systems approach for reducing the burden of asthma in the eight counties of Western New York, and

WHEREAS, the Asthma Coalition of Western New York is a regional collaborative partnership of community stakeholders from diverse sectors who are concerned about the burden of asthma.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the New York State Health Department to accept the revised grant award which is budgeted as follows:

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A SYSTEMS APPROACH FOR REDUCING THE BURDEN OF ASTHMA

7/1/02 - 6/30/03

PROJECT #694

SFG		CURRENT		REVISED
ACCOUNT	REVENUE	BUDGET	CHANGES	BUDGET
553	STATE AID	\$ 200,000	\$0	\$ 200,000
	TOTAL	<u>\$ 200,000</u>	<u>\$0</u>	<u>\$ 200,000</u>
	EXPENSES			
821	DUES & FEES	\$ 2,500	\$ -1,500	\$ 1,000
825	OUT OF AREA TRAVEL	2,500	0	2,500
826	OTHER EXPENSES	2,500	-1,000	1,500
830-551	CONTRACTUAL-FAMILY MEDICINE			
	FACULTY ASSOCIATES, INC.	20,000	-5,500	14,500
830-	CONTRACTUAL-SOUTHERN TIER HEALTH CARE SYSTEM	5,000	0	5,000
830-1186	CONTRACTUAL-HEALTHY COMMUNITY ALLIANCE	2,500	2,500	5,000
830-1187	CONTRACTUAL-LAKE PLAINS COMMUNITY			
	CARE COALITION	2,500	2,500	5,000
830-1209	CONTRACTUAL-AMERICAN LUNG ASSOC.	145,000	-6,100	138,900
830-1210	CONTRACTUAL-NIAGARA HEALTH QUALITY COALITION	15,000	6,600	21,600
932	OFFICE EQUIPMENT	500	1,500	2,000
933	LAB & TECHNICAL EQUIPMENT	<u>2,000</u>	<u>1,000</u>	<u>3,000</u>
	TOTAL	<u>\$ 200,000</u>	<u>\$0</u>	<u>\$ 200,000</u>

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with Family Medicine Faculty Associates, Inc. in the amount of \$14,500 for project evaluations, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with three rural health networks, the Lake Plains Community Care Coalition, the Southern Tier Health Care System and the Healthy Community Alliance, each in the amount of \$5,000 to train local volunteer firemen and emergency medical staff on asthma, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the American Lung Association in the amount of \$138,900 for project coordination and implementation, and be it further

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RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the Niagara Health Quality Coalition in the amount of \$21,600 for securing and implementing the "Rules of Two" asthma program through a network of pharmacists, and be it further

RESOLVED, that the subcontracts with the American Lung Association, Family Medicine Faculty Associates, Inc., the Niagara Health Quality Coalition, the Southern Tier Health Care System, the Lake Plains Community Care Coalition and the Healthy Community Alliance are special services which must be provided immediately and continuously and therefore, the RFP procedure required under Erie County Local Law No. 6, Section 19.08 of the Erie County Administrative Code is hereby waived, and be it further

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

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

14. Item Page -2002 (Comm. 14E-63)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has recently been awarded an amendment to an existing grant from the New York State Health Department in the amount of \$1,751,731 which includes an increased funding award for expansion of family planning services, operated at various Women's Health Services clinic locations throughout Erie County, and

WHEREAS, the purpose of the grant is to provide comprehensive family planning services to at-risk adolescents and other medically indigent women and men in areas where infant mortality, morbidity, adolescent pregnancy and out-of-wedlock birth rates are high.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the New York State Health Department to accept the amended grant which is budgeted as follows:

WOMEN'S HEALTH SERVICES

4/1/02- 3/31/03

PROJECT #717

SFG CODE	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
326	INTEREST & EARNINGS	\$ 0	\$ 84,000	\$ 84,000
386	PRIVATE PAY	1,000	1,120	2,120
387	MEDICAID	552,261	- 146,004	406,257
549-138	PRIOR YEARS ROLLOVER	0	463,309	463,309
549-166	INSURANCE	12,000	8,043	20,043

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551-100 STATE AID-BDCC	200,000	0	200,000
553 STATE AID-OTHER	337,568	169,799	507,367
685-2700 INTERFUND-NON SUBSIDY	68,635	0	68,635
	<u> </u>	<u> </u>	<u> </u>
TOTAL REVENUE	\$ 1,171,464	\$ 580,267	\$ 1,751,731
APPROPRIATIONS			
800 PERSONAL SERVICES	\$ 629,747	\$ 179,676	\$ 809,423
803 M/C SALARY ADJUSTMENT	- 1,498	0	- 1,498
805 FRINGE BENEFITS	145,849	56,131	201,980
810 OFFICE SUPPLIES	9,000	2,000	11,000
814 MEDICAL SUPPLIES	95,000	26,484	121,484
816 MAINT SUPPLIES	250	2,300	2,550
821 DUES & FEES	74,840	253,302	328,142
822 RENTAL CHARGES	500	0	500
823 REPAIRS & MAINT	9,000	30,310	39,310
824 LOCAL MILEAGE	9,150	1,460	10,610
825 TRAVEL-OUT OF AREA	5,500	6,500	12,000
826 OTHER EXPENSES	60,000	- 7,377	52,623
880-2700 INTERFUND-HEALTH DEPT.	24,083	0	24,083
880-2720 INTERFUND-PUBLIC HEALTH LAB	22,103	0	22,103
880-4000 INTERFUND-ECMC	42,500	0	42,500
880-5100 INTERFUND-DISS	11,340	3,961	15,301
883-2709 INTERDEPT-HEALTH GRANTS	- 150	0	- 150
931 BUILDINGS & GROUNDS EQUIP	0	20,000	20,000
932 OFFICE EQUIPMENT	9,250	- 7,850	1,400
933 LAB & TECHNICAL EQUIPMENT	25,000	13,370	38,370
	<u> </u>	<u> </u>	<u> </u>
TOTAL APPROPRIATIONS	\$ 1,171,464	\$ 580,267	\$ 1,751,731

and be it further

RESOLVED, that one full-time position of Junior Executive Assistant, JG12, one full-time position of Account Clerk Typist, JG 4, one full-time position of Senior Clerk Typist, JG 4, five full-time positions of Head Nurse, JG N3, one full-time position of Medical Office Assistant, JG 4 are hereby created, one vacant full-time position of Sr. Nurse Practitioner, (position number 815795) and one vacant position of Clerk Typist – Regular Part-Time (position number 810548) are hereby deleted.

The following personnel detail is hereby submitted:

TITLE: Junior Executive Assistant
 JG: 12
 STEP:0

FUNDING: 100% State Funded
 CIVIL SERVICE: Pending Classification
 CIVIL SERVICE LIST: No

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ANNUAL SALARY: \$43,133
 ANNUAL BENEFITS: \$9,990

TITLE: Account Clerk Typist
 JG: 4
 STEP:0
 ANNUAL SALARY: \$24,109
 ANNUAL BENEFITS: \$5,584

FUNDING: 100% State Funded
 CIVIL SERVICE: Competitive
 CIVIL SERVICE LIST: Yes

TITLE: Senior Clerk Typist
 JG: 4
 STEP:0
 ANNUAL SALARY: \$24,109
 ANNUAL BENEFITS: \$5,584

FUNDING: 100% State Funded
 CIVIL SERVICE: Competitive
 CIVIL SERVICE LIST: Yes

TITLE: Head Nurse
 JG: N3
 STEP:2
 ANNUAL SALARY: \$39,510
 ANNUAL BENEFITS: \$9,151

FUNDING: 100% State Funded
 CIVIL SERVICE: Competitive
 CIVIL SERVICE LIST: Yes

TITLE: Medical Office Assistant
 JG: 4
 STEP: 0
 ANNUAL SALARY: \$24,109
 ANNUAL BENEFITS: \$5,584

FUNDING: 100% State Funded
 CIVIL SERVICE: Competitive
 CIVIL SERVICE LIST: Yes

and be it further

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

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

15. Item Page -2002 (Comm. 14E-64)
COUNTY EXECUTIVE

WHEREAS, the Centers for Disease Control and Prevention (CDC) has awarded funding to upgrade state and local public health preparedness and response capabilities relative to bioterrorism, and

WHEREAS, the Erie County Department of Health has received a grant award in the amount of \$950,265 from New York State Health Research, Inc. (HRI) to plan and develop response capacity to a bioterrorism event in collaboration with New York State, and

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WHEREAS, the Bioterrorism Plan will address preparedness planning and readiness assessment, surveillance and epidemiology capacity, Health Alert Network communications and information technology, public health risk communications, education and training, and

WHEREAS, the eight (8) Counties of Western New York comprised of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming have joined together as the Western New York Public Health Coalition (WNYPHC) for the purpose of protecting the public health through regional planning and cooperation, and

WHEREAS, the eight (8) Counties of the WNYPHC have designated Erie County as the lead County for the purpose of coordination of the Bioterrorism Plan and are desirous of contracting to provide certain deliverables which are required by the HRI contract, and will pay Erie County one-third of their State grant for these services, and

WHEREAS, in order to efficiently meet the requirements of this award, it is necessary to create one full-time position of Regional Coordinator, JG XI, one full-time position of Sr. Clerk Typist, JG IV, one part-time position of Safety Coordinator, JG X, one full-time Erie County Coordinator, JG X, one full-time Assistant Epidemiologist, JG XI, one full-time Training Coordinator, JG VIII, and one part-time position of Laboratory Technician, JG VII, and

WHEREAS, due to the increased demands placed upon the Coordinator – Advanced Life Support Systems (position number 150123), it is necessary to upgrade this position from JG X to JG XI, and

WHEREAS, increased responsibilities for the Public Health Laboratory Division necessitates the creation of a Director – Public Health Laboratory, JG XVIII, Step 5, and the deletion of an Assistant Director – Public Health Laboratory, JG XVI, (position number 165201), and

WHEREAS, in order to enable the Department to provide 24 hour per day, 7 day per week monitoring and response capability to bioterrorism incidences, it is necessary to negotiate changes in working conditions for certain Environmental Health Staff. Funds that may be required for this action are contained in a contingency account pending successful completion of these negotiations, and

WHEREAS, the SUNY Buffalo Department of Social and Preventive Medicine and Calspan - UB Research Center, Inc. (CUBRC) have agreed to provide surveillance and epidemiological services by contract, and

WHEREAS, Niagara County, by contract, has agreed to provide services related to the focus areas of public health risk communication and education and training for the regional plan.

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Department of Health is hereby designated as the lead agency for the WNYPHC for the purposes of coordinating the provision of certain deliverables required by the HRI contract, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into agreements with the following counties for the purpose of coordinating the regional plan at the following rates to be paid by the said Counties to Erie County:

Allegany County	\$25,000	Cattaraugus County	\$32,985
Chautauqua County	\$51,583	Genesee County	\$28,333
Niagara County	\$73,283	Orleans County	\$25,000
Wyoming County	\$25,000		

and be it further

RESOLVED, that the County Executive is authorized to accept the grant award from HRI which is budgeted as follows:

Department of Health –
Public Health Preparedness/Response to Bioterrorism
5/1/02 – 8/31/03

SFG	REVENUE	BUDGET
360	2000 BIOTERRORISM-OTHER COUNTIES	261,183
557	200 NYS HEALTH RESEARCH INC.	<u>950,265</u>
	TOTAL	<u>\$ 1,211,448</u>
	EXPENSES	
800	PERSONAL SERVICES	262,133
801	OVERTIME	20,000
805	FRINGE BENEFITS	58,585
810	OFFICE SUPPLIES	1,700
811	CLOTHING SUPPLIES	55,000
814	MEDICAL SUPPLIES	10,000
821	DUES AND FEES	114,300
822	RENTAL CHARGES	15,600
824	TRAVEL & MILEAGE	11,500
825	OUT OF AREA TRAVEL	26,605
826	OTHER EXPENSES	46,544
830	CONTRACTUAL	350,000
893	CONTINGENCY ACCOUNT	90,232

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930	MOTOR VEHICLE EQUIPMENT	14,000
932	OFFICE EQUIPMENT	2,200
933	LAB & TECH EQUIPMENT	<u>133,049</u>
	TOTAL	<u>\$ 1,211,448</u>

and be it further

RESOLVED, that one full-time position of Regional Coordinator, JG XI, one full-time position of Sr. Clerk Typist, JG IV, one part-time position of Safety Coordinator, JG X, one full-time Erie County Coordinator, JG X, one full-time Assistant Epidemiologist, JG XI, one full-time Training Coordinator, JG VIII, and one part-time Laboratory Technician, JG VII are hereby created.

The following personnel detail is hereby submitted:

TITLE: Regional Coordinator	FUNDING: 100% State
JG: XI	CIVIL SERVICE: Yes
STEP: 0	CIVIL SERVICE LIST: No
ANNUAL SALARY: \$41,715	
ANNUAL BENEFITS: \$9,661	

TITLE: Sr. Clerk Typist	FUNDING: 100 % State
JG: IV	CIVIL SERVICE: Yes
STEP: 0	CIVIL SERVICE LIST: Yes
ANNUAL SALARY: \$24,890	
ANNUAL BENEFITS: \$5,764	

TITLE: Safety Coordinator – Part - Time	FUNDING: 100 % State
JG: X	CIVIL SERVICE: No
STEP: 0	CIVIL SERVICE LIST: No
ANNUAL SALARY: \$17,152	
ANNUAL BENEFITS: \$1,828	

TITLE: Erie County Coordinator	FUNDING: 100% State
JG: X	CIVIL SERVICE: Yes
STEP: 0	CIVIL SERVICE LIST: No
ANNUAL SALARY: \$37,757	
ANNUAL BENEFITS: \$8,684	

TITLE: Assistant Epidemiologist	FUNDING: 100% State
JG: XI	CIVIL SERVICE: Yes
STEP: 0	CIVIL SERVICE LIST: Yes

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ANNUAL SALARY: \$41,715
 ANNUAL BENEFITS: \$9,661

TITLE: Training Coordinator	FUNDING: 100% State
JG: VIII	CIVIL SERVICE: Yes
STEP: 0	CIVIL SERVICE LIST: No
ANNUAL SALARY: \$32,711	
ANNUAL BENEFITS: \$7,576	

TITLE: Laboratory Technician Part - Time	FUNDING: 100% State
JG: VII	CIVIL SERVICE: No
STEP: 0	CIVIL SERVICE LIST: No
ANNUAL SALARY: \$13,847	
ANNUAL BENEFITS: \$1,476	

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with SUNY Buffalo Department of Social and Preventive Medicine for an amount not to exceed \$75,000 for the purpose of epidemiological and biostatistical services, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with CUBRC (Calspan - UB Research Center, Inc.) in an amount not to exceed \$125,000 for the purpose of the development of a system which will collect and analyze surveillance data, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with Niagara County in an amount not to exceed \$100,000 for the purpose of providing public health risk communication, education and training services for the region, and be it further

RESOLVED, that the subcontracts with SUNY Buffalo Department of Social and Preventive Medicine, CUBRC and Niagara County are special services which must be provided immediately and continuously, and therefore, the RFP procedure required under Erie County Local Law No.6, Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

RESOLVED, that the Coordinator – Life Support Systems (position number 150123) is hereby upgraded from JG X to JG XI, in the Emergency Medical Services Division, and be it further

RESOLVED, that the Assistant Director – Public Health Laboratory position (position number 165201) is hereby deleted, and one full-time position of Director – Public Health Laboratory, JG XVIII is hereby created in the Public Health Laboratory Division, and be it further

RESOLVED, that variable hiring rate at Step 5 will be authorized for Director – Public Health Laboratory.

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The following personnel detail is hereby submitted:

TITLE: Director Public Health Laboratory FUNDING:
 JG: XVIII CIVIL SERVICE: No
 STEP: 5 CIVIL SERVICE LIST: No
 ANNUAL SALARY: \$102,521
 ANNUAL BENEFITS: \$23,743

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.

(4-0) Legislators Larson Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

16. Item Page -2002 (Comm. 14E-65)
 COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a revised grant award from the New York State Department of Health which extends the grant year for the Working with Wellness Grant, and

WHEREAS, worksite wellness programs have been shown to measurably improve employee productivity, reduce health insurance utilization, and create safe and healthier work environments, and

WHEREAS, health risk assessment profiles utilized by worksite wellness initiatives are able to measure employee health while benchmarking progress toward wellness.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept the revised grant award which extends the grant year through 3/31/03, and be it further

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

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

17. Item Page -2002 (Comm. 14E-66)
 COUNTY EXECUTIVE

WHEREAS, the Reach Out Program of the Erie County Health Department is designed to comprehensively train adolescent peer educators regarding HIV/AIDS in order to help adolescents in Erie County protect themselves from contracting HIV and/or spreading the virus, and

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WHEREAS, the American Red Cross, Buffalo Chapter, utilizes an approved HIV/AIDS curriculum to train peer educators, and

WHEREAS, the Health Department has received an additional one-time funding award in the amount of \$2,500 to fund our Peer Educators/Navigators to promote the Expanded Syringe Access Demonstration Program by performing outreach activities in the community, and

WHEREAS, the Health Department wishes to amend the contract with the American Red Cross from \$35,000 to \$37,500 to utilize this increased funding to implement the Expanded Syringe Access Demonstration Program, and

WHEREAS, funds are available in Account 821, Dues and Fees, in the Western Regional Training Grant.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an amended contract with the American Red Cross, Buffalo Chapter, in an amount not to exceed \$37,500, to provide peer educators and peer education leaders, and be it further

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

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

18. Item Page -2002 (Comm. 14E-68)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services conducts a job training program with the Salvation Army entitled STRIVE, and

WHEREAS, at the inception of the program, the prime contractor was identified as the Buffalo Municipal Housing Authority with Salvation Army as a sub contractor, and

WHEREAS, in order to streamline client referral and enrollment as well as contractor payment, the prime contractor was changed in the 2002 Budget to the Salvation Army, and

WHEREAS, the 2001 Food Stamp Employment and Training grant budget covering the period October 2001 - September 2002 needs to be amended to reflect the change in the prime contractor, and

WHEREAS, this change is needed in order to pay the Salvation Army for 2002 service provided to Safety Net clients until the 2002 grant budget begins in October 2002, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or Commissioner of Social Services are authorized to enter into a contract for the STRIVE program with the Salvation Army, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2001 Adopted Budget:

Department of Social Services, Department 200, Fund 281, Project 474

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
830 - 1040	BMHA STRIVE	(\$48,375)
830 - 1474	Salvation Army - STRIVE	<u>48,375</u>
	Total Expenditure	<u>-0-</u>

and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

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

(4-0) Legislators Larson and Holt absent. Chairman DeBendetti present as Ex-Officio Member.

19. Item Page -2002 (Comm. 14E-69)

COUNTY EXECUTIVE

WHEREAS, the Department has established a successful contract with the Goodwill Industries of Western New York for a Maintenance Training Program which has an initial site based at Dunn Tire Park, and

WHEREAS, the maintenance and cleaning of the ballpark by program participants requires specialized equipment including power washers, blowers, carts, scrapers and other miscellaneous cleaning materials, and

WHEREAS, these items were previously provided by the City of Buffalo and are no longer available for use in cleaning of the premises, and

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WHEREAS, there is no fiscal impact to this change.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2002 Adopted Grants Budget:

Department of Social Services, Department 200, Fund 281, Project 604

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
880 - 2006	Allocated Indirect Expenses	(\$93,000)
931	Building and Grounds Equipment	<u>\$93,000</u>
	Total Expenditures	<u>-0-</u>

and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2002 Adopted Main Department Budget:

Department of Social Services, Department 200, Fund 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
685 - 2009	Interfund - Social Services Grants	(\$93,000)
596	State Aid - Soc Serv Admin	31,000
649	Federal Aid - Soc Serv Admin	<u>62,000</u>
	Total Revenue	<u>-0-</u>

and be it further

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

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

20. Item Page -2002 (Comm. 14E-70)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Home Energy Assistance Program (HEAP), the Energy Service Weatherization Referral and Packaging Program (WRAP-DSS) and the New York State Office for Aging Weatherization Referral and

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Packaging Program (WRAP-SOFA) grants for the period October 1, 2001 through September 30, 2002, and

WHEREAS, an increased number of HEAP-eligible WRAP clientele have accessed Last Resort funding through the Department's outreach efforts, and

WHEREAS, the Department of Senior Services (Department) has compared the grant budgets to actual expenditures as of May 31, 2002, and desires to revise the energy grant budgets to cover all costs.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the HEAP grant, Project No. 436, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
800	Personal Services	\$355,792	-\$11,800	\$343,992
805	Fringe Benefits	60,033	13,500	73,533
824	Travel & Mileage	4,000	-1,100	2,900
880/5100	Interfund Expense - DISS	27,000	<u>-600</u>	26,400
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the budget for the WRAP-DSS grant, Project No. 439, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
800	Personal Services	\$37,349	\$10,350	\$47,699
805	Fringe Benefits	6,496	4,650	11,146
824	Travel & Mileage	2,500	-1,500	1,000
825	Out Of Area Travel	500	-500	0
826	Other Expenses	18,861	<u>-13,000</u>	5,861
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that the budget for the WRAP-SOFA grant, Project No. 440, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
800	Personal Services	\$172,384	-\$20,000	\$152,384
805	Fringe Benefits	34,397	3,600	37,997
824	Travel & Mileage	7,000	-2,500	4,500
826	Other Expenses	96,531	14,900	111,431
880/5100	Interfund Expense - DISS	5,000	4,000	9,000
TOTAL CHANGE			<u>\$0</u>	

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. (4-0) Legislators Larson and Holt. Chairman DeBenedetti present as Ex-Officio Member.

21. Item Page -2002 (Comm. 14E-71)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining Nutrition Program (III-C-1) grant for the period January 1, 2002 to December 31, 2002, and

WHEREAS, the Department of Senior Services (Department) was notified that the Akron-Newstead Senior Citizens have moved out of Akron Village Hall as of May 28, 2002, and

WHEREAS, sponsorship of the nutrition site now rests with the Town of Newstead, and

WHEREAS, the Department desires to contract with the Town of Newstead to continue serving meals as of May 29, 2002, and

WHEREAS, the County budget for this grant is in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with the Town of Newstead, effective May 29, 2002 through December 31, 2002, for \$554, and be it further

RESOLVED, that the budget for the III-C-1 grant, Project 644, be revised as follows:

CURRENT	AMENDED
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		BUDGET CHANGES	BUDGET
APPROPRIATIONS			
Account	Description		
830/341	Village of Akron	\$1,109	-\$554
830/	Town of Newstead	0	+554
	TOTAL CHANGE	<u> </u>	<u> </u>
		<u> </u>	<u> </u>

and be it further

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

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

22. Item Page -2002 (Comm. 14E-72)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Area Agency on Aging (AAA), the Home Delivered Meals Program (III-C-2), the Disease Prevention and Health Promotion (III-D), the Elder Caregiver Support program (III-E) and the Protective Services for Adults (PSA) grants for the period January 1, 2002 to December 31, 2002, and

WHEREAS, the New York State Office for the Aging (SOFA) has notified the Department of Senior Services of final 2002 federal allocations for the Title III grants, and

WHEREAS, the County budgets for these grants are in need of revision, and

WHEREAS, the Department desires to use the additional Federal funds to expand the various supportive services already provided under these grants and to cover actual costs of the programs, and

WHEREAS, the Department desires to use a portion of the III-C-2 funds to contract with a dietician consultant to provide nutrition assessment, education and counseling services to homebound nutrition participants, primarily in the Southtowns area, and

WHEREAS, no additional County funds are needed.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with a qualified dietician consultant for the period August 1, 2002 to December 31, 2002 at an amount not to exceed \$6,480, and be it further

RESOLVED, that the budget for the AAA grant, Project 649, be revised as follows:

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	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
664 Federal Aid	\$1,457,440	\$5,789	\$1,463,229
TOTAL CHANGE		<u>\$5,789</u>	
APPROPRIATIONS			
933 Lab & Technical Equip	\$16,200	\$5,789	\$21,989
TOTAL CHANGE		<u>\$5,789</u>	

and be it further

RESOLVED, that the budget for the III-C-2 grant, Project 646, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
664 Federal Aid	\$777,858	\$17,505	\$795,363
TOTAL CHANGE		<u>\$17,505</u>	
APPROPRIATIONS			
805 Fringe Benefits	\$10,545	\$5,025	\$15,570
821 Dues & Fees	0	6,480	6,480
830/1385 Southtowns Meals on Wheels, Inc.	14,005	6,000	20,005
TOTAL CHANGE		<u>\$17,505</u>	

and be it further

RESOLVED, that the budget for the III-D grant, Project 651, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
664 Federal Aid	\$86,001	\$15,840	\$101,841
TOTAL CHANGE		<u>\$15,840</u>	
APPROPRIATIONS			

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805 Fringe Benefits	\$7,247	\$8,023	\$15,270
824 Local Mileage	1,500	500	2,000
830/385 Other Projected Agencies	30,199	<u>7,317</u>	37,516
TOTAL CHANGE		<u><u>\$15,840</u></u>	

and be it further

RESOLVED, that the budget for the III-E grant, Project 652, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
830/385	Other Projected Agencies	\$259,839	-\$50,000	\$209,839
830/1406	Adult Day Care	100,000	<u>50,000</u>	150,000
	TOTAL CHANGE		<u><u>\$0</u></u>	

and be it further

RESOLVED, that the budget for the PSA grant, Project 645, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
	824 Local Travel	\$25,000	-\$1,000	\$24,000
	826 Other Expenses	3,000	-500	2,500
	932 Furniture & Fixtures	0	3,000	3,000
	933 Lab & Technical Equipment	5,000	<u>-1,500</u>	3,500
	TOTAL CHANGE		<u><u>\$0</u></u>	

and be it further

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

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

23. Item Page -2002 (Comm. 14E-74)

COUNTY EXECUTIVE

WHEREAS, the following grant programs are included in Book B of the 2002 Adopted Budget, and

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WHEREAS, the 2002 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2002.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of State and/or Federal funds, for the following grant programs which commence on or after July 1, 2001 and before October 1, 2002:

<u>Department</u>	<u>Grant Program</u>	<u>Dates</u>	2002 Budget Book B <u>Page No.</u>
650 - CPS	Points of Entry Drug Interdiction	07/01/02-06/30/03	66
272 - Public Health Laboratory	Niagara County Health Department - Laboratory Services Grant	07/01/02-06/30/03	122
270 - Health	Systems Approach for Reducing the Burden of Asthma	07/01/02-06/30/03	123
270 - Health	Hepatitis C Transmission Study	08/01/02-07/31/03	123
270 - Health	Bioterrorism - Health Alert Network	08/31/02-08/30/03	124
270 - Health	Breast and Cervical Cancer Early Detection	09/30/02-09/29/03	124
270 - Health	Eat Well/Play Hard Nutrition Grant	07/01/02-06/30/03	125
270 - Health	HIV/AIDS Western Regional Training Grt.	07/01/02-06/30/03	126

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270 - Health	HIV Seroprevalence Study	07/01/02-06/30/03	127
270 - Health	Facilitated Enrollment for Child Health Plus and Medicaid	07/01/02-06/30/03	128
270 - Health	Healthy Heart Grant	07/01/02-06/30/03	128
270 - Health	Adolescent Wellness Program	07/01/02-08/31/03	129
270 - Health	Integration of Viral Hepatitis into Prevention Services	09/30/02-9/29/03	129
200 - Social Svcs.	Day Care Registration	08/16/02-08/15/03	279
250 - Youth Bureau	DCJS - Title 5 Grant	09/01/02-08/31/03	427
250 - Youth Bureau	Juvenile Justice Delinquency Prevention Grant (JJDP)	09/01/02-08/31/03	427
250 - Youth Bureau	Therapeutic Intervention Models Grant (JJDP)	09/01/02-08/31/03	427

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget, Management and Finance with respect to the availability of State and/or Federal funds, for the following grant programs which commence on October 1, 2002 and thereafter:

<u>Department</u>	<u>Grant Program</u>	<u>Dates</u>	<u>2002 Budget Book B Page No.</u>
110 - Co. Exec.	Office of Traffic Safety	10/01/02-09/30/03	9
140 - Dist. Atty.	Child Victim Advocacy Program	10/01/02-09/30/03	23

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140 - Dist. Atty.	Exile Partner	10/01/02-09/30/03	23
140 - Dist. Atty.	BE-SAFE	10/01/02-09/30/03	24
140 - Dist. Atty.	BE-SAFE NOW	10/01/02-09/30/03	24
140 - Dist. Atty.	Internet Crimes Against Children	10/01/02-09/30/03	24
140 - Dist. Atty.	Points of Entry Grant	11/01/02-10/31/03	25
140 - Dist. Atty.	Juvenile Justice Prosecution Project	10/01/02-09/30/03	25
140 - Dist. Atty.	Victim/Witness Assistance Program	10/01/02-09/30/03	26
150 - Sheriff	C.E.O.S.C. Security Grant	10/01/02-09/30/03	85
660 - Corr. Fac.	High Impact Incarceration Program (HIIP)	11/01/02-10/31/03	97
274 - Health Persons With Special Needs	Early Intervention Case Management	10/01/02-09/30/03	121
274 - Health Persons With Special Needs	Early Intervention - Administration	10/01/02-09/30/03	121
270 - Health	Women, Infants and Children's Supplemental Nutrition Program (WIC)	10/01/02-09/30/03	125
270 - Health	Youth Tobacco Enforcement and Prevention Grant	10/01/02-09/30/03	126
270 - Health	Children with Special	10/01/02-09/30/03	127

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	Needs Case Management		
270 - Health	HIV Partner Notification Program	10/01/02-09/30/03	127
270 - Health	Healthy Neighborhoods Grant	10/01/02-09/30/03	128
200 - Social Svcs.	Child Care Block Grant	10/01/02-09/30/03	277
200 - Social Svcs.	Energy Services Packaging Project 02-03	10/01/02-09/30/03	278
200 - Social Svcs.	Home Energy Assistance Program (HEAP)	10/01/02-09/30/03	280
200 - Social Svcs.	Food Stamp Employment and Training Project	10/01/02-09/30/03	280

and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the following departments: County Executive, District Attorney, Central Police Services, the Office of the Sheriff, the Correctional Facility, the Health Department, the Department of Social Services, the Youth Bureau, the Law Department, the Office of the Comptroller and the Division of Budget, Management and Finance.

(4-0) Legislators Larson and Holt absent. Chairman DeBenedetti present as Ex-Officio Member.

BARRY A. WEINSTEIN, M.D.
CHAIRMAN

MS. PEOPLES moved to separate items #1b & #14 and moved the approval of the balance of the report. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved to send item #1b back to the HUMAN SERVICES COMMITTEE. MR. GREENAN seconded.

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CARRIED UNANIMOUSLY.

MR. WEINSTEIN moved the approval of item #14. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 15 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 326

Re: Funding for Sheriff's Mounted Patrol.
 (Intro. 15-1)

A RESOLUTION SUBMITTED BY LEGISLATOR DeBENEDETTI

WHEREAS, the Legislature set aside funds in the 2002 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 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 transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$18,000 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 931, Department 150 Sheriff, (DAC:110931150800), for the purpose of funding the Sheriff's Mounted Patrol Division which will patrol the Riverwalk, and be it further

RESOLVED, that the Erie 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

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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 A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; and to Erie County Sheriff Patrick M. Gallivan.

Fiscal Impact: Appropriation of 2002- budgeted funds

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 327 Re: Funding for Various Community Groups.
(Intro. 15-2)

A RESOLUTION SUBMITTED BY LEGISLATORS WEINSTEIN AND CUSACK

WHEREAS, the Legislature set aside funds in the 2002 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 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 transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$7,600 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Angels Among Us <i>(Defibrillators for area schools)</i>	830/	\$4,000
Town of Amherst	830/0653	\$3,600

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(Generators)

TOTAL **\$7,600**

and be it further

RESOLVED, that the Erie 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 A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; David Clemons, Angels Among Us (P.O. Box 334, Holland, New York 14080); and to Councilwoman Shelly Schratz; Town of Amherst (Amherst Town Hall, 5583 Main Street, Williamsville, NY 14221).

Fiscal Impact: Appropriation of 2002- budgeted funds

MR. WEINSTEIN moved the approval of the resolution. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 328

Re: Funding for Various Community
Organizations. (Intro. 15-3)

A RESOLUTION SUBMITTED BY LEGISLATOR CUSACK

WHEREAS, the Legislature set aside funds in the 2002 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 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 transfer of funds,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$40,000 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Harlem Kensington Cleveland Community Association <i>(Flag poles and installation)</i>	830/1362	\$6,000
Egbertsville/Snyder Library	830/	\$5,000
Angels Among Us <i>(Defibrillators for schools in 14th District)</i>	830/	\$24,000
Mel Ott Little League <i>(Sponsorship of little league team)</i>	830/	\$5,000
TOTAL		\$40,000

and be it further

RESOLVED, that the Erie 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 A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Tom Schratz, Harlem Kensington Cleveland Community Association (3908 Harlem Road, # 230, Amherst, NY 14226-4702); Mary Bobinski, Egbertsville/ Snyder Library (4622 Main Street, Amherst, NY 14226-4702); David Clemmons, Angels Among Us (P.O. Box 334, Holland, NY 14080); and to Tom Halter, Mel Ott Little League (P.O. Box 642, Amherst, NY 14226).

Fiscal Impact: Appropriation of 2002- budgeted funds

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

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CARRIED UNANIMOUSLY.

Item 18 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 329

Re: Funding for Boy Scouts. (Intro. 15-4)

A RESOLUTION SUBMITTED BY LEGISLATORS WEINSTEIN AND CUSACK

WHEREAS, the Legislature set aside funds in the 2002 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 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 transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,000 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Greater Niagara Frontier Council – Boy Scouts of America (Recruitment)	830/ 1169	\$2,000
TOTAL		\$2,000

and be it further

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

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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 A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Allen Powell, Greater Niagara Frontier Council – Boy Scouts of America (401 Maryvale Drive, Buffalo, NY 14225).

Fiscal Impact: Appropriation of 2002- budgeted funds

MR. WEINSTEIN moved to amend the resolution. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

DELETE the First RESOLVED and REPLACE with the following:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,000 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Greater Niagara Frontier Council – Boy Scouts of America (Recruitment)	830/ 1169	\$4,000
TOTAL		\$4,000

MR. WEINSTEIN moved the approval of the resolution as amended. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

Item 19 – MS. CUSACK presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 330

Re: Requesting that ECC Prepare a Draft
Marketing and Advertising Plan for Presentation

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at Future Meeting of Community Enrichment
Committee. (Intro. 15-5)

A RESOLUTION SUBMITTED BY LEGISLATOR CUSACK

WHEREAS, on July 11, 2002, the Erie County Legislature approved Erie Community College's (ECC) 2002-2003 budget; and

WHEREAS, the Legislature amended ECC's budget prior to its passage by increasing the amount allocated towards student advertising by \$89,500 from \$210,500 to \$300,000; and

WHEREAS, this increase in the student advertising line will allow ECC to create a more intensive and effective marketing campaign to maintain the students already enrolled at ECC and to attract new students to ECC in the future; and

WHEREAS, this increase will also allow ECC to update its application, publication, and brochure materials, pursue targeted, direct mailings to prospective student groups, better market its weekend and summer class offerings, and hopefully increase the visibility of some of ECC's low enrolled programs; and

WHEREAS, this amendment to the ECC budget is geared towards making ECC the workforce development leader in Erie County; and

WHEREAS, this Legislature would respectively request that ECC prepare a draft advertising and marketing plan for the next year and attend a future meeting of the Community Enrichment Committee to present the plan;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature reiterates its support for the work of ECC in its mission of educating the citizens of western New York; and be it further

RESOLVED, that the Erie County Legislature urges ECC to accept this amendment to its budget and utilize the funds reallocated towards student advertising; and be it further

RESOLVED, that the Erie County Legislature respectively requests that ECC prepare a draft advertising and marketing plan for the next year and attend a future meeting of the Community Enrichment Committee to present its plan; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Giambra, Chairman of the ECC Board of Trustees DiVincenzo, and ECC President Marinani.

Fiscal Impact: None for the Resolution

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

CARRIED UNANIMOUSLY.

Item 20 – MR. McCARVILLE presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 331

Re: Supporting the Activities of Local
Ownership Groups Seeking to Purchase the
Buffalo Sabres. (Intro. 15-6)

A RESOLUTION SUBMITTED BY LEGISLATOR McCARVILLE

WHEREAS, in 1970, Seymour and Northrup Knox were awarded an expansion franchise in the National Hockey League (NHL); and

WHEREAS, the Knoxes located their hockey franchise in Buffalo, NY and named them the Buffalo Sabres (Sabres); and

WHEREAS, the Sabres have provided the residents of the Buffalo-Niagara region with exciting hockey action over the last 32 seasons with appearances in the Stanley Cup Finals in 1975 and 1999; and

WHEREAS, the Sabres have been and will continue to be an important economic engine for the Buffalo-Niagara region; and

WHEREAS, the Sabres were purchased by John J. Rigas and his family from the Knoxes; and

WHEREAS, the Rigas family has recently undergone a serious financial difficulties both personally and with the recent bankruptcy of their former company, Adelphia Communications; and

WHEREAS, the NHL has taken steps to operate the Sabres for the Rigas family until new local ownership can be identified; and

WHEREAS, several local ownership groups have emerged as potential purchasers of the Buffalo Sabres;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urges the NHL to seek local ownership groups to purchase the Buffalo Sabres; and be it further

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RESOLVED, that the Erie County Legislature is heartened to see that several local ownership groups have emerged as potential purchasers of the Buffalo Sabres; and be it further

RESOLVED, that the Erie County Legislature is committed to seeing the Buffalo Sabres remain in the Buffalo-Niagara region as an important economic engine; and be it further

RESOLVED, that certified copies of this resolution be sent to NHL Commissioner Gary Bettman, County Executive Giambra, and Mayor Masiello.

Fiscal Impact: None for the Resolution

MR. McCARVILLE moved to amend the resolution to include ET AL Sponsorship. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

MR. McCARVILLE moved the approval of the resolution as amended. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 21 – MR. WEINSTEIN presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 332

Re: Funding for Community Groups.
(Intro. 15-7)

A RESOLUTION SUBMITTED BY LEGISLATOR WEINSTEIN

WHEREAS, the Legislature set aside funds in the 2002 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 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 transfer of funds,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$8,000 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Town of Amherst <i>(Highway Department Training)</i>	830/0653	\$5,000
Amherst Youth Foundation <i>(Youth Programming)</i>	830/1454	\$3,000
TOTAL		\$8,000

and be it further

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

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,000 from the Legislature – Contractual Expense (DAC: 110905100830) to General Fund, Interfund Transfers, Interfund-Library (DAC 1109253208864200), and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following account: Interfund-Subsidy revenue (DAC 8209734206863200) \$2,000, and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following account by \$2,000: Amherst Public Library (8209734208300156), 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 A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Tom Wik, P.E., Town of Amherst Highway Department (1042 North Forest, Williamsville, NY 14221); Mary Diana Pouli, Amherst Youth Foundation (4255 Harlem Road, Amherst, NY 14226); Mary Bobinski, Amherst Public Library (350 John James Audubon Parkway, Amherst, NY 14228); Kenneth Stone, Erie County Public Library.

Fiscal Impact: Appropriation of 2002- budgeted funds

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

CARRIED UNANIMOUSLY.

Item 22 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 333

Re: Funding for Buffalo and Erie County Public
 Libraries. (Intro. 15-8)

A RESOLUTION SUBMITTED BY LEGISLATOR DeBENEDETTI

WHEREAS, the Legislature set aside funds in the 2002 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 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 transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$20,000 from the Legislature – Contractual Expense (DAC: 110905100830) to General Fund, Interfund Transfers, Interfund-Library (DAC 1109253208864200), and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following account: Interfund-Subsidy revenue (DAC 8209734206863200) \$20,000, and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following accounts: Building & Grounds Equipment - Book Drops (DAC820973420931) \$5,000, Building & Grounds Equipment - External Signs (DAC 820973420931) \$7,500, and Maintenance Supplies-Landscaping improvements (DAC 820973420816) \$7,500, and be it further

RESOLVED, that the Erie 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

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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 A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; and to Kenneth Stone, Buffalo and Erie County Public Library.

Fiscal Impact: Appropriation of 2002- budgeted funds

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

CARRIED UNANIMOUSLY.

Item 23 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 334

Re: Requesting that NYS Make the \$50 Million Previously Pledged for Adelphia's National Operations Center Available to Local Area. (Intro. 15-9)

A RESOLUTION SUBMITTED BY LEGISLATOR DeBENEDETTI

WHEREAS, New York State pledged \$50 million in aid towards the construction of a 15 story national operations center for Adelphia Communications (Adelphia) in downtown Buffalo; and

WHEREAS, the future viability of Adelphia and its affiliated companies has become suspect with its recent bankruptcy filing; and

WHEREAS, Governor Pataki has stated publicly that he would favor making this pledged \$50 million available to the local area for job creation and economic development should this 15 story building not be built; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature reiterates its support for job creation and economic development in Erie County and in downtown Buffalo; and be it further

RESOLVED, that the Erie County Legislature urges Governor Pataki to stand behind his offer to make this pledged \$50 million available to the local area for job creation and economic development; and be it further

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RESOLVED, that the Erie County Legislature requests that the members of the WNY delegation to the NYS Legislature secure this funding for job creation and economic development in the local area; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Pataki, County Executive Giambra, Mayor Masiello, Commissioner of Environment and Planning Rubin, and the members of the WNY delegation to the NYS Legislature.

Fiscal Impact: None for the Resolution

MR. GREENAN moved to amend the resolution to include ET AL Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 335

Re: Wales Agricultural District (EC #12) 8-Year Review. (Intro. 15-10)

A RESOLUTION SUBMITTED BY LEGISLATORS DeBENEDETTI, GREENAN, SWANICK, CHASE, CUSACK, LARSON, McCARVILLE, RANZENHOFER, WEINSTEIN, DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, PEOPLES & SCHROEDER

RESOLVED, that the Clerk of the Legislature be directed to hold a Public Hearing on August 1, 2002, at 7:30 p.m. at the Wales Community Center, 12345 Big Tree Road, Wales Center, New York, 14169 concerning the 8-year review of the Wales Agricultural District, Erie County #12, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to publish a Notice of Public Hearing in the newspaper having general circulation within the Wales Agricultural District, to so notify the affected municipality and any property owners affected by any proposed modifications (additions/deletions) to the Wales Agricultural District.

FISCAL IMPACT: To Be Determined.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 336

Re: Funding for Various Community Organizations. (Intro. 15-11)

A RESOLUTION SUBMITTED BY LEGISLATOR GREENAN

WHEREAS, the Legislature set aside funds in the 2002 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 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 transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$12,282 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Moving Miracles, Inc. <i>(Operating Expenses)</i>	830/	\$5,000
West Seneca Rotary Foundation <i>(Operating First Tee Program)</i>	830/1326	\$5,282
Miracles Summer Basketball League <i>(Operating Expenses)</i>	830/	\$2,000
TOTAL		\$12,282

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and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$6,000 within 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>OLD</u> <u>AMOUNT</u>	<u>+/-</u>	<u>NEW</u> <u>AMOUNT</u>
West Seneca Youth Baseball (Equipment)	830/0638	\$6,000	(\$6,000)	-0-
Town of West Seneca Youth Bureau (General Operating Expenses)	830/	\$40,000	\$6,000	\$46,000
TOTAL				-0-

and be it further

RESOLVED, that the Erie 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 A. Passafiume; Kelly Brown – First Administrative Assistant Erie County Legislature; First Assistant County Attorney Susannah M. Bochenek; Shelia Pilc, Moving Miracles (7731 Zimmermann Road, Hamburg, NY 14075); Richard E. Gurney, Trustee, West Seneca Rotary Foundation (3052 Transit Road, Orchard Park, NY 14127); Marius Owens, Miracles Summer Basketball League (191 Ridge Road, Lackawanna, NY 14218); Mark Lazarra, West Seneca Youth Bureau (2001 Union Road, West Seneca, NY 14224).

Fiscal Impact: Appropriation of 2002-budgeted funds

MR. GREENAN moved to amend the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

DELETE the First RESOLVED Clause and REPLACE with:

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RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$13,282 from the Legislature – Contractual fund (110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (110921301830) for payment to the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Moving Miracles, Inc. <i>(Operating Expenses)</i>	830/	\$5,000
West Seneca Rotary Foundation <i>(Operating First Tee Program)</i>	830/1326	\$5,282
Miracles Summer Basketball League <i>(Operating Expenses)</i>	830/	\$2,000
Eden Seniors Club <i>(Supplies, operating expenses)</i>	830/	\$1,000
TOTAL		\$13,282

ADD to the Fifth RESOLVED Clause:

...Jim Bulger, Eden Seniors Club (4274 Mary Drive, Eden, NY 14057).

MR. GREENAN moved the approval of the resolution as amended. MS. CUSACK seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 28 – MS. CHASE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 14E-30. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 339

Re: New Central Police Public Safety Campus,
Phase I Architectural / Engineering Contract
Award.

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WHEREAS, your Honorable Body has in previous years allowed the County Executive to enter into Architectural/Engineering contracts during the summer recess, and

WHEREAS, the Department of Public Works issued a Request for Qualifications and the Consultant Selection Committee will be ready to make a recommendation in the near future, and

WHEREAS, the CPS DNA Laboratory needs to be relocated to the new building by September 2004, and

WHEREAS, in order to progress the project to fast-track bidding by February 2003, contracts must be awarded as soon as possible,

NOW, THEREFORE, BE IT,

RESOLVED, that after the Department of Public Works Architectural/ Engineering Selection Committee recommends a consultant, that the County Executive be authorized to enter into various architectural/engineering contracts in an amount not to exceed \$2,500,000 for the new Central Police Public Safety Campus, Phase I, and be it further,

RESOLVED, that the Commissioner of Public Works inform the Erie County Legislature which consultant/consultants were awarded a contract, and, be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for the above from the 2002 CPS Public Safety Campus, Project 306, Fund 410, in an amount not to exceed \$2,500,000, and be it further,

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

MS. CHASE moved the approval of the resolution. MR. GREENAN seconded. MS. PEOPLES voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.961)

Item 27 – MR. LARSON moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 14E-80. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 338

Re: Bond Resolution – New Central Police Services Training Facility.

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RESOLUTION NO. ___-2002

BOND RESOLUTION DATED _____, 2002

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE ACQUISITION OF LAND AND THE CONSTRUCTION OF A NEW CENTRAL POLICE SERVICES TRAINING FACILITY THEREON, STATING THE ESTIMATED TOTAL COST THEREOF IS \$25,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$25,000,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) _____, 2002

(Adopted) _____, 2002

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to (i) acquire a 1.6 acre parcel of land situate at 372 Michigan Avenue between South and North Division Streets, at the estimated maximum cost of \$1,150,000 and (ii) construct a new Central Police Services Training Facility thereon, including all of the original equipment, furnishings, machinery, apparatus and ancillary or related site, demolition and other work required in connection therewith, at the estimated maximum cost of \$23,850,000. The estimated total cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$25,000,000, and said amount is hereby appropriated therefor. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2002 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$25,000,000 bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$25,000,000 are hereby authorized to be issued for the specific object or purpose described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. (a) The period of probable usefulness applicable to the purpose for which \$1,150,000 of said bonds are authorized to be issued (land acquisition), within the limitations of Section 11.00 a. 21 of the Law, is thirty (30) years; and (b) the period of probable usefulness applicable to the purpose for which \$23,850,000 of said bonds are authorized to be issued (building construction), within the limitations of Section 11.00 a. 11(a) of the Law, is thirty (30) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

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Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

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

CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, PEOPLES, SCHROEDER, CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN.

CARRIED UNANIMOUSLY.

Item 28 – MR. RANZENHOFER moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 14E-38. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 339

Re: 2002 Contractor Placed Pavement – North –
 Amherst Paving, Contingency Fund Increase.

MR. RANZENHOFER moved to amend the resolution. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

ADD the following:

WHEREAS, the Department of Public Works received bids for the 2002 Contractor Placed Pavement – North on May 23, 2002, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidder, Amherst Paving, in the amount of \$2,899,965, and

WHEREAS, additional work needs to be performed on the project that was not initially anticipated and the County needs to increase the project in order to replace pavement to various County Parks facilities and at the Erie County Medical Center, due to demolition,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency be increased by an additional amount of \$220,000 to a new contingency amount of \$520,000 with authorization for the Commissioner of Public Works to approve change orders, and be it further,

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RESOLVED, that the Comptroller's Office be authorized to make payments from EC Parks Roadway, Project 302, Fund 410, in the amount of \$200,000 and from Project 888, Fund 511, in the amount of \$20,000, and be it further,

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

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

CARRIED UNANIMOUSLY.

Item 29 – MR. McCARVILLE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 14E-77. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 340

Re: Renewal of Cheektowaga Auto Bureau Lease.

WHEREAS the current lease of the Cheektowaga Auto Bureau will expire on September 30, 2002. and

WHEREAS the County Clerk wishes to renew the lease at the present location,

NOW, THEREFORE, BE IT

RESOLVED, that the renewal of the lease for the Cheektowaga Auto Bureau, located at the Urbandale Plaza, Depew, New York, from the landlord, Urbandale Development Co., Inc., is hereby approved with the new terms as outlined in the attached Addendum to Lease, incorporated herein by reference, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, and the Director of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

Item 30 – MS. PEOPLES moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of Intro. 11-1. MS. MARINELLI seconded.

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CHAIRMAN DeBENEDETTI directed a roll call vote to be taken.

AYES: DALE, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, PEOPLES & SCHROEDER. NOES: CHASE, CUSACK, DeBENEDETTI, GREENAN, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN.

FAILED. (WEIGHTED VOTE: 7.456 – 8.502)

SUSPENSION OF THE RULES

Item 31 – MR. GREENAN moved for a suspension of the rules to include an item not on the agenda. MS. CHASE seconded.

GRANTED.

RESOLUTION NO. 341

Re: Support for Trap, Neuter, Return Pilot
 Projects by the Western New York No
 Homeless Pets Coalition. (Intro. 15-12)

A RESOLUTION SUBMITTED BY LEGISLATORS DeBENEDETTI, CHASE, WEINSTEIN,
 RANZENHOFER, CUSACK, McCARVILLE, GREENAN & LARSON

WHEREAS, Western New York currently suffers from substantial cat overpopulation; and

WHEREAS, cat overpopulation results in the destruction of thousands of healthy, but homeless cats each year; and

WHEREAS, there are a large number of feral or wild cats living in Western New York whose reproductive activity contributes to this cat overpopulation; and

WHEREAS, communities throughout the nation are seeking non-lethal control techniques for cat overpopulation; and

WHEREAS, Trap, Neuter, Return (TNR) program is one such non-lethal technique for managing feral cats and stabilizing their population; and

WHEREAS, TNR is being utilized in numerous locations nationally; and

WHEREAS, the goal of Western New York No Homeless Pets Coalition (WNTNHPC), a collaborative effort amongst local government agencies, humane societies, veterinarians, and not-for-profit animal welfare organizations, is to ensure that no cat or dog is destroyed due to the lack of available homes; and

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WHEREAS, the WNYNHPC has pledged to conduct several TNR pilot projects in Erie and Niagara Counties to assess the effectiveness of this technique in stabilizing feral cat populations through cost/benefit data, control cat overpopulation nuisance problems, and reduce public health problems related to cat overpopulation;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the magnitude of the cat overpopulation problem and the need to address the issue; and be it further

RESOLVED, that the Erie County Legislature endorses the pilot TNR projects of WNYNHPC and urges cooperation on the part of those involved in the conduct of these projects; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Giambra, Niagara County Legislature Chairman Erck, and Peter Reese.

Fiscal Impact: None for the Resolution

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR LARSON

Item 32 – (Comm. 15E-1) Copy of Electronic Mail from C. Todd Miles to County Attorney
 Re: Use of Tobacco Funds for Capital Project Soft Costs.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 33 – (Comm. 15E-2) Certificate of Determination Relative to Terms, Form & Details of
 Sale & Issuance of \$1,061,797 EFC Sewer System Serial Bonds.

Received and filed.

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 342

Re: Probation & Youth Detention Services –
Computer Equipment Purchase.
(Comm. 15E-3)

WHEREAS, the Erie County Department of Probation and Youth Detention Services is in need of a two desktop computers for its staff and two laptop computers for the Commissioner and Deputy Commissioner, and

WHEREAS, funds are available within the Erie County Department of Probation and Youth Detention Division's 2002 Budget,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to transfer \$7,000 within the 2002 Budget of Department 251, Erie County Department of Probation and Youth Detention Services Division, from Account 821, Dues and Fees, to Account 933, Lab and Technical Equipment for the purchase of two laptop and two desktop computers, and be it further

RESOLVED, that said appropriation be on the condition that the State of New York provide revenues of 50% for a local youth and 100% for an out-of-state youth receiving secure detention services, and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Probation and Youth Detention Services, the Office of the Comptroller, and the Division of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

Item 35 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 343

Re: Budget, Management & Finance – Transfer
of Funds. (Comm. 15E-4)

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WHEREAS, the Division of Budget, Management and Finance must pay licensing fees to New York State for the Real Property Tax Systems, and

WHEREAS, other expenses in the appropriations for Account 821, Dues and Fees exceeded estimated budgeted amounts.

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$7,000 is hereby transferred from Account 830, Contractual Expenses to Account 821, Dues and Fees in the budget of the Division of Budget, Management and Finance, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 36 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 344

Re: Health Insurance Consultant.
(Comm. 15E-5)

WHEREAS, Erie County provides approximately twelve thousand (12,000) policies of health insurance for County employees and retirees and

WHEREAS, the Erie County Health Insurance Consultant Committee published a Request for Proposals for insurance professionals to act as a Health Insurance Consultant and

WHEREAS, the Committee has received and reviewed proposal from three (3) health insurance consultant or organizations, and

WHEREAS, the Committee has selected Niagara Insurance Group as the organization that presents the most professional experience and the lowest cost;

NOW, THEREFORE BE IT

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RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Executive to enter into a one (1) year agreement with Niagara Insurance Group to act as the County's Health Insurance Consultant for a fee of forty-five thousand dollars (\$45,000) and be it further

RESOLVED, that the funds for this fee will be paid under DAC 110 961 601 832, Risk Retention Fund, Insurance Charges, and be it further

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

MR. GREENAN moved the approval of the resolution. MR. WEINSTEIN seconded. LEGISLATORS PEOPLES & SCHROEDER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.084 – 1.874)

Item 37 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 345

Re: Creation of Part-Time Positions, Pistol Permit Office. (Comm. 15E-6)

WHEREAS, the County Clerk's Office administers the pistol permit process in Erie County, and

WHEREAS, as part of that process, state law requires investigations of prospective applicants, and

WHEREAS, such investigations have traditionally been conducted by the police agency in Erie County where the applicant lives, namely their respective towns and cities, or where there is no police department, by the Sheriff's Office, and

WHEREAS, the majority of such applications annually come from residents of the City of Buffalo, and

WHEREAS reduced staff in the Buffalo Police Department has made it impossible for that Department to conduct required background investigations, resulting in back-ups in processing and reviewing such applications, and

NOW, THEREFORE, BE IT

RESOLVED, that there are hereby created two (2) part-time positions of pistol permit investigator, Job Group 5, in the Office of the County Clerk, and be it further

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RESOLVED, that the purchase of computer equipment for such function, in an amount not to exceed \$2,500, is hereby approved, and be it further

RESOLVED, that the sum \$10,000 is hereby appropriated to the Personnel Budget of the County Clerk (DAC 110915130800) for the above stated purpose, and be it further

RESOLVED, that the sum of \$2,500 is hereby appropriated to the Lab & Tech Equipment budget of the County Clerk (DAC 110915130933) for the above stated purpose, and be it further

RESOLVED, that the source of funds shall be appropriation of unanticipated revenues in the amount of \$7,000 available in DAC 110915130509, Refund of Prior Years Expenses in the Budget of the County Clerk, Registrar and \$5,500 available in DAC 110923310301 Section 520 Exemption Removal in Countywide Accounts monitored by Budget, Management and Finance, these revenues having been realized in excess of the amount budgeted, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, and the Director of Budget, Management and Finance.

MR. GREENAN moved the approval of the resolution. MR. RANZENHOFER seconded. MR. WEINSTEIN voted in the negative.

CARRIED. (WEIGHTED VOTE: 15.028 – 0.930)

Item 38 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 346

Re: Amendment of State Grant Usage – Auto Bureau. (Comm. 15E-7)

WHEREAS the County Clerk's Office has received a grant from the State of New York for the purpose of improving customer service in the Auto Bureau, and

WHEREAS the County Clerk has requested a change in the approved usage of the grant due to a change in the telephone system for the Auto Bureau,

NOW, THEREFORE, BE IT

RESOLVED, that a resolution approved by this Legislature on March 21, 2002, being Item 6-E-14, 2002, is hereby amended by the deletion of the first resolve clause of said resolution, and the substitution of the following resolve clause,

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RESOLVED, that the Erie County Clerk is hereby authorized to make the following purchases with said state funds:

- \$24,000 for a mobile processing work station
- \$24,000 for a van to transport the mobile processing work station
- \$22,000 for directional service indicators at all 4 branches of the Auto Bureau
- \$12,000 for stanchions at all 4 branches
- \$20,000 for phone system upgrade
- \$ 6,000 for computer stations, printers, chairs, files, calculators and signage
- \$ 7,000 for completion of Auto Bureau renovations, 77 Broadway, Buffalo

and be it further

RESOLVED, that the Clerk's 2002 Budget is hereby increased by \$90,193, to be appropriated as follows:

DAC code 110 916 131 933, Lab & Tech – computer stations	\$ 6,000
DAC Code 110 916 131 933, Lab & Tech – mobile processing work station	\$24,000
DAC Code 110 916 131 933, Phone system upgrade	\$20,000
DAC Code 110 916 131 932, Office Equipment	\$12,000
DAC Code 110 916 131 932, Office Equipment (Stanchions)	\$ 4,193
DAC Code 110 916 131 930, Van for transport of mobile work station	<u>\$24,000</u>
	<u>\$90,193</u>

the source of said appropriation being \$90,193 in unanticipated revenue in DAC Code 110 916 131 509, refund of prior year expenses; said revenues being hereby appropriated, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, and the Director of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

Item 39 – MR. GREENAN presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 347

Re: Emergency Services – Acceptance of
 Trailer & Accompanying Equipment.
 (Comm. 15E-8)

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WHEREAS, a Trailer and accompanying equipment is being donated to the County of Erie,
 and

WHEREAS, the trailer and accompanying equipment will be utilized by the All-Volunteer
 Erie County Hazardous Materials Organization,

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Department of
 Emergency Services, is hereby authorized to accept the donation of this Trailer and Accompanying
 Equipment with a value of approximately \$5000.00, and be it further

RESOLVED, That the Trailer and Accompanying Equipment will be accepted at no cost to
 the County of Erie from the Lender's Bagels Company of West Seneca, and be it further

RESOLVED, that the County of Erie will take possession of this Trailer and Accompanying
 Equipment for the All-Volunteer Erie County Hazardous Materials Organization, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 40 – MR. GREENAN presented the following resolution and moved for immediate
 consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 348

Re: First Time/Last Time Program.
 (Comm. 15E-9)

WHEREAS, the National Conference for Community and Justice is a not-for-profit human
 service organization that is dedicated to fighting bias, bigotry and racism in America through
 advocacy, conflict resolution and education; and

WHEREAS, the First Time/Last Time Program is a one-of-a-kind alternative to incarceration
 program for first time offenders that seeks to restore young lives through its direct service
 component and through its established and collaborative widespread referral network; and

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WHEREAS, in 2001, 600 young people were served with only 31 of those becoming re-involved in the Criminal Justice System during their participation in the program, and it is anticipated that 600 more young people will be served this year; and

WHEREAS, based on a funding request from NCCJ, a not-for-profit organization, the County will provide \$20,000 in support of the First Time/Last Time Program.

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 \$20,000 are hereby transferred from the Regionalism/Economic Development Fund (DAC 110 9043038301299) to the following subaccount under Contractual Agencies in Department 301, Public Benefit Agencies, as monitored by the Division of Budget, Management & Finance:

0262	NCCJ First Time/Last Time Program	\$20,000
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and be it further

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 Department of Environment and Planning, and Lana Benatovich, the Executive Director of NCCJ, located at 360 Delaware Avenue, Buffalo, New York 14202.

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

CARRIED UNANIMOUSLY.

Item 41 – MR. GREENAN presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 349

Re: Evaluation of Solvent Alternatives –
 Consultant Agreement. (Comm. 15E-10)

WHEREAS, the Department of Environment and Planning (DEP) provides technical assistance to businesses and institutions to help address their environmental compliance and pollution prevention needs; and

WHEREAS, the United States Environmental Protection Agency (USEPA) granted funding of \$142,500 specifically targeted for this type of initiative; and

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WHEREAS, through Legislative resolution (Comm. 26E-43) dated December 14, 2000, the County Executive executed an agreement to accept this funding; and

WHEREAS, Section 19.08 of the Erie County Administrative Code does not require a Request for Proposals for professional services less than \$10,000; and

WHEREAS, The Waste Management and Research Center at the University of Illinois (WMRC) is one of only four labs in the United States qualified to prepare an analytical report on alternative solvents specific to manufacturing processes and, of those four, is geographically closest to Erie County; and

WHEREAS, to enlist the services of WMRC, an agreement must be entered into by Erie County; and

WHEREAS, a revision of the budget will allow the objectives of the USEPA grant, "Eliminating Urban Air Toxics and Persistent, Bioaccumulative Toxic Chemicals from Business and Government Operations," to be completed more effectively.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement for an amount not to exceed \$5,000 with WMRC to assist Erie County in providing technical aid to a small business currently using a solvent listed as a persistent, bioaccumulative, and toxic chemical by the USEPA, and be it further

RESOLVED, that the source of this funding for this contract shall be \$5,000 allocated from the Contractual Services line of SFG #570, and be it further

RESOLVED, that the existing grant budget for the "Eliminating Urban Air Toxics and Persistent, Bioaccumulative Toxic Chemicals from Business and Government Operations program (SFG #570) is hereby revised as follows:

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
800	Salaries	\$83,393	\$14,950	\$98,343
805	Fringe Benefits	23,600	4,200	27,800
810	Office Supplies	400	0	400
821	Dues and Fees	650	0	650
824	Travel and Mileage	100	0	100
825	Out of Area Travel	2,750	0	2,750
826	Other Expenses	500	0	500
830	Contractual Services	24,150	(19,150)	5,000

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880	Interfund Exp. Non-Sub	4,607	0	4,607
933	Laboratory and Technical Equipment	2,350	0	2,350
	Total Appropriations	\$142,500	0	\$142,500

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 350

Re: Additional State Funding on Various
Highway Projects. (Comm. 15E-11)

WHEREAS, due to fiscal constraints, New York State has reduced or eliminated certain aspects of funding for highway work, and

WHEREAS, as part of the recent budget negotiations, New York State may reinstate or provide additional funding to various highway programs, and

WHEREAS, the Department of Public Works wishes to accept any additional funding that may be received and use those additional funds to fund unanticipated highway projects,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature accepts any additional funds that New York State may provide for highway work and authorizes those funds be used for unanticipated highway work, and be it further,

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 351

Re: DPW – Additional Roadwork Supplement to Contracts. (Comm. 15E-12)

WHEREAS, bids were taken for the 2002 Overlay "A" and 2002 Overlay "B", 2002 Contractor Placed Pavement North and 2002 Contractor Placed Pavement South and previously awarded by the Legislature and

WHEREAS, due to the fact that favorable pricing was received on these projects, Budget has made additional funds available, and

WHEREAS, due to this funding increase the attached projects can be added to the appropriate contract for construction this season,

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works be authorized to execute change orders to the above contracts to include the required work and be it further

RESOLVED, that \$1,000,000.00 be allocated from the 2000 Highway Capital Projects as follows:

420	155	\$ 15,000.00
420	156	\$372,000.00
420	177	<u>\$613,000.00</u>
		\$1,000,000.00

and be it further,

RESOLVED, that an amount of \$1,500,000.00 be allocated from the Tobacco Fund and be it further

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

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

CARRIED UNANIMOUSLY.

Item 44 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 352

Re: Acceptance of NYSDOL Hazard Abatement
Board Grant. (Comm. 15E-13)

WHEREAS, in March 2002, the Department of Public Works submitted a grant request for over \$134,000 for safety training to the New York State Department of Labor Hazard Abatement Board (NYSDOL HAB) and on June 7, 2002, the Erie County Department of Public Works was notified that the grant request was approved in the amount of \$65,850, and

WHEREAS, in order to fulfill the requirements of the grant, Erie County needs to hire a consultant to perform the training that is experienced and approved by NYSDOL HAB, and

WHEREAS, RFQ's were received for this work and Great Lakes Environmental was found to be the most qualified firm meeting the criteria, and

WHEREAS, the Commissioner of Public Works recommends that the grant be accepted and a contract awarded to Great Lakes Environmental for \$65,850 to perform the training that is included in this grant,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature accepts the \$65,850 grant from NYSDOL and authorizes a contract be issued to Great Lakes Environmental for \$65,850 to perform the training included in this grant, and be it further,

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

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

CARRIED UNANIMOUSLY.

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

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 353

Re: Acceptance of New York State Education
Department Grant. (Comm. 15E-14)

WHEREAS, in February 2002, the Department of Public Works submitted a grant request for almost \$54,000 for archiving records in the Division of Highways to the New York State Department of Education and on July 2, 2002, the Erie County Department of Public Works was notified that the grant request was approved in the amount of \$27,001, and

WHEREAS, in order to fulfill the requirements of the grant, Erie County needs to hire a temporary part-time employee and hire a consultant to perform the archiving work that was approved by NYS Department of Education, and

WHEREAS, bids will be taken for the contractor's work through the summer months, and

WHEREAS, the Commissioner of Public Works recommends that the grant be accepted, a temporary part-time employee be hired and a contract be awarded to the lowest responsible bidder to fulfill the requirements of the grant,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature accepts the \$27,001 grant from NYS Department of Education, authorizes the addition of one temporary part-time person to the Department of Public Works at a title and rate approved by the Department of Personnel and which can be accommodated by the grant, and a contract be executed with the lowest responsible bidder to perform the archiving work contained in the grant, and be it further,

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, one copy to the Director of Budget Management & Finance, and one copy to the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

Item 46 – MR. GREENAN presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 354

Re: Authorization to Enter Into Contract with
National Fire Adjusters – Snowstorm of 12/01.
(Comm. 15E-15)

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WHEREAS, between December 24, 2001 and December 28, 2001, Erie County experienced an average snowfall of over 80 inches, and

WHEREAS, due to the weight of that amount of snow, those Erie County owned buildings experiencing distress had the snow removed and those that experienced roof damage were immediately repaired, and

WHEREAS, subsequent to that action, during recent, normal roof inspections, it was determined that further damage at School 84, Erie County Correctional Facility, the Erie County Home and Infirmary and Erie Community College was sustained due to the snow that could not be detected prior to this inspection, and

WHEREAS, due to the extent of the damage occurred, it is imperative that current leakage be stopped and the damage be repaired immediately, and

WHEREAS, in discussions with officials from Federal Emergency Management Agency, (FEMA) / State Emergency Management Office (SEMO) and the insurance company, they are willing to cover portions of the loss, and

WHEREAS, representatives from the insurance company have recommended that Erie County utilize the services of National Fire Adjusters (NFA) to aid in the claim process, and

WHEREAS, the NFA does not charge "up-front" fees for their services; instead, their services are only paid from a percentage of the insurance payments received, and

WHEREAS, Section 19.08 of the Erie County Administrative Code allows the Erie County Legislature to waive the procedures of RFP advertisement for professional or technical services when a finding of necessity for a service must be provided immediately,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the County Executive to waive the RFP process set forth in Section 19.08 of the Erie County Administrative Code due to the necessity of the required roof repairs and immediately hire National Fire Adjusters to aid the Department of Public Works in assembling a claim to FEMA/SEMO and the insurance company for roof damage incurred during the snow storm of December 2001, and be it further,

RESOLVED, that National Fire Adjusters will only be paid from proceeds of the settlement, and be it further,

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

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one copy to the County Attorney; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

MR. GREENAN moved to amend the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

DELETE the first RESOLVE clause in its entirety and replace with the following:

RESOLVED, that the Erie County Legislature hereby waives the RFP process set forth in Section 19.08 of the Erie County Administrative Code due to the necessity of the required roof repairs and immediately hire National Fire Adjusters to aid the Department of Public Works in assembling a claim to FEMA/SEMO and the insurance company for roof damage incurred during the snow storm of December 2001, and be it further,

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECMC

Item 47 – (Comm. 15D-1) Notice of Meeting Held 7/11/02 & Minutes of Previous Meeting.

Received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 48 – (Comm. 15D-2) Notice of Meeting to be Held 7/18/02 & Agenda.

Received and filed.

FROM ECMC

Item 49 – (Comm. 15D-3) Memo to Clerk of Legislature Re: Resolution Approved by Board of Managers.

Received and filed.

COMMUNICATIONS FROM THE PEOPLES AND OTHER AGENCIES

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FROM THE LEGAL AID BUREAU OF BUFFALO

Item 50 – (Comm. 15M-1) 2001 Financial Statements, 2001 Annual Report & Minutes from Annual Board Meeting (Pursuant to Article 13).

Item 51 – (Comm. 15M-2) 2001 Financial Statements, 2001 Annual Report & Minutes from Annual Board Meeting (Pursuant to Article 14).

The above two items were received and filed.

FROM THE ERIE COUNTY MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 52 – (Comm. 15M-3) Special Board Meeting to be Held 10/10/02.

Received and filed.

FROM GOVERNOR PATAKI

Item 53 – (Comm. 15M-4) Receipt of Resolution.

Received and filed.

FROM CONGRESSMAN QUINN

Item 54 – (Comm. 15M-5) Receipt of Resolution.

Received and filed.

FROM THE PARLIAMENTARIAN, ERIE COUNTY LEGISLATURE

Item 55 – (Comm. 15M-6) Response to Minority Leader's Letter Re: Rules of Legislature.

Received and filed.

MEMORIAL RESOLUTIONS

Item 56 – Legislator Dusza requested that when this legislature adjourns, it do so in memory of William J. Mayo, Jr.

Item 57 – Legislator Peoples requested that when this legislature adjourns, it do so in memory of Eleard Hill.

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Item 58 – Legislator Schroeder requested that when this legislature adjourns, it do so in memory of all former Legislators who served in these Chambers on the occasion of the final legislative session in the current chambers.

ADJOURNMENT

Item 59 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MR. GREENAN moved that the Legislature adjourn until 2 p.m. Thursday, September 5, 2002. MS. PEOPLES seconded.

The Chairman declared the Legislature adjourned until Thursday, September 5, 2002 at 2 p.m. Eastern Standard Time.

LAURIE A. MANZELLA
CLERK