

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 15**  
**July 6, 2000**

The Legislature was called to order by Chairman Swanick.

All Members Present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Mr. Marshall

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

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

Minutes of the previous meeting were tabled.

**MISCELLANEOUS RESOLUTIONS**

Item 3 – MR. WEINSTEIN presented a resolution Congratulating Catherine Cohen on the Celebration of Her 100<sup>th</sup> Birthday. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 4 – MR. WEINSTEIN presented a resolution Recognizing the Life & Accomplishments of Harold Berke. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. MARSHALL presented a resolution Acknowledging the Contributions that Mrs. Mead Has Made through Her Volunteerism & Artistic Talents. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. KUWIK presented a resolution Congratulating Sts. Cyril & Methody Macedonian Orthodox Church Celebrating the Tenth Annual Macedonian Heritage Festival. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. KUWIK presented a resolution Congratulating Martin & Doris Miller on Their 50<sup>th</sup> Golden Wedding Anniversary. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 8 – CHAIRMAN SWANICK directed that Local Law Intro No. 4 (Print #2) 1999 remain on the table.

Item 9 – CHAIRMAN SWANICK directed that Local Law Intro No. 2 (Print #1) 2000 remain on the table.

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

Item 11 – CHAIRMAN SWANICK directed that Local Law Intro No. 4 (Print #1) 2000 remain on the table.

Item 12 – CHAIRMAN SWANICK directed that Local Law Intro No. 4 (Print #2) 2000 remain on the table.

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

CARRIED UNANIMOUSLY.

**COUNTY OF ERIE**  
**LOCAL LAW NO. \_\_\_\_ - 2000**  
**LOCAL LAW INTRO NO. 4 - 2000**  
**(PRINT #3)**

A LOCAL LAW authorizing the creation by the County of Erie of a local development corporation and the sale by the County to such corporation of the County's rights to receive payments under the Master Settlement Agreement with various tobacco companies and the related Consent Decree and Final Judgment.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Legislative intent.

A. The County of Erie is entitled to receive payments under the Master Settlement Agreement entered into on November 23, 1998 among the attorneys general of 46 states and six other United States jurisdictions and the four largest United States tobacco manufacturers (hereinafter, the "MSA") and the Consent Decree and Final Judgment of the Supreme Court of the State of New York, County of New York, dated December 23, 1998 (hereinafter, as the same may be amended or modified, the "Decree") in the class action entitled State of New York et al. v. Philip Morris Incorporated, et.al. (Index No. 400361/97); and

B. In order to secure to present generations a portion of the benefits intended to be conferred by the MSA and the Decree, and thereby provide a source of financing for financial support payments by the County

to the Erie County Medical Center ("ECMC") and for medicaid, debt service, regionalism and economic development purposes and to further certain other County purposes, it is necessary or desirable for the County to sell its rights, title and interest in and to all of the monies to become payable to the County under the MSA and the Decree (the "Tobacco Asset") in order to facilitate the securitization of the Tobacco Asset; and

C. In order to provide the financing structure for such securitization and a source of financing for certain County financial support obligations to the ECMC and for medicaid, debt service, regionalism and economic development purposes and other present and future County purposes, while protecting the County's existing credit ratings, it is necessary or desirable for the County to sell such rights, title and interest to a local development corporation to be created by the County pursuant to the New York Not-For-Profit Corporation Law (the "Erie Tobacco Asset Securitization Corporation" or "ETASC"), with the powers to acquire such rights, title and interest, to issue bonds, notes and other evidence of indebtedness and incur other obligations, to create a business trust under the laws of the State of Delaware (the "Residual Trust") and assign and deliver to the Residual Trust the monies to become payable to the County under the MSA and the Decree in excess of the amounts necessary to pay debt service on such bonds, notes and other evidence of indebtedness, the expenses of ETASC, the expenses of the trustee which is a party to the indenture of trust with ETASC authorizing the issuance of such bonds, notes and other evidence of indebtedness (the "Indenture"), any amounts necessary to maintain the reserve funds required by the Indenture to be maintained, and certain other ancillary pecuniary obligations, and to take all other actions as may be necessary, convenient or desirable in furtherance of its powers, in exchange for the net proceeds of the securitization of the Tobacco Asset. The monies from the Residual Trust will be delivered to the County and for the calendar years 2001, 2002, 2003, 2004 and 2005 only shall be deposited in a separate County fund and will be used fifty percent (50%) for economic development purposes (half of which is dedicated to economic development in economically depressed areas of the County) and fifty percent (50%) for regionalism purposes pursuant to the County's budgetary process provided however that in no event shall the dollar amount of such monies so deposited in the calendar years 2001, 2002, 2003, 2004 and 2005 exceed the sum of five million dollars (\$5,000,000) for each year.

Section 2. Creation of local development corporation. The County Executive and/or his designee(s) are hereby authorized to take all actions necessary to create the ETASC pursuant to Section 1411 of the New York Not-For-Profit Corporation Law. The ETASC shall be created for the purposes and shall exercise and perform the powers described in Section 1 hereof, in accordance with the provisions of the Certificate of Incorporation of the ETASC. The ETASC shall have five directors. One director shall be appointed by the County Executive. One director shall be appointed by the County Comptroller. The third director, whose affirmative vote shall be necessary for the approval of any securitization transactions after the initial securitization transaction, shall be appointed jointly by the Chairperson and Minority Leader of the County Legislature. The fourth and fifth directors shall be appointed by the majority of the other three directors and shall be independent of the County in accordance with the provisions of the Certificate of Incorporation of the ETASC.

Section 3. Sale of Tobacco Asset. The sale by the County to the ETASC of the County's rights, title and interest in and to all of the Tobacco Asset, without recourse, is hereby authorized in exchange for the delivery, to or upon the order of the County, of (i) the net proceeds of the initial issuance of bonds by the ETASC in conjunction with such sale (the "ETASC Bonds") after (A) payment of all costs, fees, credit and liquidity enhancements, costs of issuance, and other expenses of the ETASC and (B) the funding of all reserves funds, debt service accounts for the payment of capitalized interest, and other pledged funds which may be necessary or desirable in connection with the issuance of the ETASC Bonds and (ii) the undivided beneficial interest in the Residual Trust, and upon such other terms and conditions as are set forth in the proposed Purchase and Sale

Agreement between the ETASC, as purchaser, and the County, as seller, in substantially the form presented to the Legislature (the "Sale Agreement").

Section 4. Approval of Sale Agreement. The form and substance of the Sale Agreement, substantially in the form presented to the members of the Legislature at this meeting, is hereby approved.

Section 5. Execution and delivery of Sale Agreement. The execution and delivery on behalf of and in the name of the County by the County Executive and/or his designee(s) of the Sale Agreement, substantially in the form presented to the members of the Legislature at this meeting, is hereby authorized and directed, with such changes therein as the County Executive and/or his designee(s) may approve, and the execution and delivery of such agreement shall be conclusive evidence of his approval of any such changes and of the authorization and direction thereof by this Legislature.

Section 6. Approval of MSA and Decree. The County hereby approves the terms and conditions of the MSA and the Decree.

Section 7. Further actions. The County Executive and/or his designee(s) are hereby further authorized to execute and deliver, on behalf of the County, such other agreements, instruments or authorizations as may be contemplated by, or necessary or advisable to consummate or otherwise give full effect to, the Sale Agreement and this Local Law, and which are deemed necessary or desirable to effectuate the transactions contemplated by the Sale Agreement and this Local Law, and to perform all acts and do all things required or contemplated to be performed or done by the Sale Agreement or by this Local Law or by any agreement, instrument or authorization approved, contemplated or authorized hereby.

Section 8. County pledge. The County hereby pledges to and agrees with the ETASC and the holders of any bonds, notes and other obligations of the ETASC (hereinafter the "Obligations"), including without limitation the ETASC Bonds, that the County will not alter, limit or impair the rights of the ETASC to fulfill the terms of its agreements with such holders, or in any way impair the rights and remedies of such holders or the security for the Obligations, until the Obligations, together with the interest thereon, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged and such agreements are fully performed on the part of the ETASC. The Legislature hereby further delegates to the County Executive and/or his designee(s) the power to make, ratify and confirm such pledge to and agreement with the ETASC and the holders of its Obligations and to take any and all actions necessary or desirable to cause such pledge to and agreement with the ETASC and the holders of its Obligations to be made or enforced. The ETASC is hereby authorized to include in any agreement with or for the benefit of the holders of its Obligations the pledges and agreements made by the Legislature and by the County Executive and/or his designee(s) on behalf of the County pursuant to this Section. The County agrees that as a member of the class of releasing parties under the Decree it is bound by the terms and conditions of the MSA and the Decree and will not take any action inconsistent therewith.

Section 9. Repeal of prior Local Law. Upon the effective date of this Local Law the prior Local Law adopted by the County Legislature pertaining to the subject matter described herein, and assigned Local Law Intro No. 3-2000, shall be deemed repealed and superseded in all respects.

Section 10. Effective date. This Local Law shall be effective immediately upon filing with the Secretary of State pursuant with Section 27 of the New York Municipal Home Rule Law.

CHARLES M. SWANICK	CRYSTAL D. PEOPLES
EDWARD J. KUWIK	MICHAEL A. FITZPATRICK
GEORGE A. HOLT, JR.	JUDITH P. FISHER
RAYMOND K. DUSZA	LYNN M. MARINELLI
WILLIAM A. PAULY	JOHN W. GREENAN
JEANNE Z. CHASE	FREDERICK J. MARSHALL
BARRY A. WEINSTEIN, MD	MICHAEL H. RANZENHOFER
DALE W. LARSON	

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 240

June 27, 2000

PUBLIC SAFETY  
COMMITTEE  
REPORT NO. 7

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

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

Item	Page	-2000	(Comm. 6M-12)
a.	<b>NYS UNIFIED COURT SYSTEM EIGHTH JUDICIAL DISTRICT: Copy of Letter to Sheriff Re: EC Security Contract – Unified Court System.</b>		
	(5-0)		

Item	Page	-2000	(Comm. 7M-13)
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- b. **NYS UNIFIED COURT SYSTEM EIGHTH JUDICIAL DISTRICT:** Magnetometer/X-Ray Weapons Screening – 1999.  
(5-0)

Item Page -2000 (Comm. 10M-14)

- c. **JOHN B. SHEFFER II, CHAIR-CORRECTIONAL FACILITY/HOLDING CENTER TASK FORCE:** Recommendation of Consultant.  
(5-0)

- 2. Item Page -2000 (Comm. 14E-14)  
**COUNTY EXECUTIVE**

WHEREAS, the City of Buffalo has requested the participation of the Erie County Probation Department in its Anti-Crime Program, and

WHEREAS, the City has \$3,396, from Anti-Crime Program to reimburse overtime expense for probation officer participating in this program,

NOW, THEREFORE, BE IT

RESOLVED, that that the County Executive is hereby authorized to enter into agreement with the City of Buffalo to receive reimbursement for Probation Department participation in the Anti-Crime Program, and to receive donations of computer related equipment from the City grant, and be it further

RESOLVED, the 2000 operating budget of the Probation Department shall be adjusted as follows:

<u>Revenue</u>	<u>Increase</u>
Account 360, other local sources	\$3,396
 <u>Appropriations</u>	
Account 801 - Overtime	3,000
Account 805 - Fringe Benefits	<u>396</u>
Total Appropriations	\$3,396

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, and the Probation Department.  
(5-0)

- 3. Item Page -2000 (Comm. 14E-46)  
**COUNTY EXECUTIVE**

WHEREAS, the New York State Division of Criminal Justice Services has awarded \$354,000 to Central Police Services (CPS) for laboratory accreditation - related improvements, and

WHEREAS, the Buffalo Police Department has agreed to provide additional building space for laboratory use,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to transfer available balances within the grant fund as follows:

Department of Central Police Services  
Aid to Localities - Lab Funding  
Project #113  
4/1/98 to 12/31/00

<u>Appropriation</u>	<u>Decrease</u>
Acct. 800 - Personal Services	\$36,132
Acct. 801 - Overtime	20,000
Acct. 805 - Fringe Benefits	20,993
Acct. 825 - Out of Area Travel	11,123
Acct. 933 - Lab & Technical Equipment	1,663
	<u>Increase</u>
Acct. 826 - Other Expenses	<u>\$89,911</u>
Total Adjustment	\$0

and be it further,

RESOLVED, that authorization is hereby provided to extend the entitlement period of the grant to December 31, 2000, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into any contract or agreement with the City of Buffalo, as may be required for the renovation of the CPS Forensic Laboratory, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Central Police Services. (6-0) Chairman Swanick present as Ex-Officio Member.

4. Item Page -2000 (Comm. 14E-48)  
**COUNTY EXECUTIVE**

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

WHEREAS, Erie County has been awarded additional funds for the "Child Passenger Safety" program, and

WHEREAS, the County budget must be amended to agree with the finally approved State grant budget, which includes the additional, State funding.

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized in order that the amended budget will agree with the final State authorization.

**OFFICE OF TRAFFIC SAFETY**

Project #172  
 10/1/99 - 9/30/00

	<b><u>APPROPRIATIONS</u></b>	<b><u>FROM</u></b>	<b><u>CHANGE</u></b>	<b><u>TO</u></b>
Acct. 800 Personal Services	\$40,548		\$3,519	\$44,067
Acct. 805 Fringe Benefits	11,711		(1,791)	9,920
Acct. 810 Office Supplies	225		150	375
Acct. 814 Medical Supplies	0		11,000	11,000
Acct. 824 Travel and Mileage	800		300	1,100
Acct. 825 Out of Area Travel	1,200		1,200	2,400
Acct. 826 Other Expense	15,383		6,931	22,314
Acct. 830 Contractual Agencies	107,000		(107,000)	0
Acct. 880 Interfund				
1100 Dept. Co. Executive	4,055		0	4,055
1500 Sheriff's Office	11,000		8,000	19,000
5100 D.I.S.S.	2,478		(900)	1,578
Acct. 882 I/D EXP				
1109 County Exec-Grants	<u>0</u>		<u>1,847</u>	<u>1,847</u>
<b>TOTAL APPROPRIATIONS</b>	<b><u>\$194,400</u></b>		<b><u>(\$76,744)</u></b>	<b><u>\$117,656</u></b>
	<b><u>REVENUES</u></b>	<b><u>FROM</u></b>	<b><u>CHANGE</u></b>	<b><u>TO</u></b>
Acct. 592 State Aid		\$189,350	(76,744)	\$112,606
Dept. of Transportation				
Acct. 686 Interfund Revenue				
1100 County Executive		<u>5,050</u>	<u>0</u>	<u>5,050</u>
<b>TOTAL REVENUE</b>		<b><u>\$194,400</u></b>	<b><u>(\$76,744)</u></b>	<b><u>\$117,656</u></b>

and be it further

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

(5-0)



**SHERIFF**

WHEREAS, procedures have been established by Resolution #Comm. 6E-13 adopted on April 29, 1999,  
and

WHEREAS, there are adequate funds available for distribution to the Sheriff's Office in the K-9 Unit Trust Account, and

WHEREAS, there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that \$ 529 in available balances in the K-9 Unit Trust Fund is hereby transferred to the Erie County Sheriffs Office Budget to be used for the purchase of a Remote Canine Deployment System, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

**ERIE COUNTY SHERIFF'S OFFICE - Department #150**

	<u>REVENUE</u>	<u>Increase</u>
521	Other Unclassified Revenue	<u>529</u>
	Total Revenue	<u>529</u>
	<u>APPROPRIATION</u>	<u>Increase</u>
933	Lab & Technical Equipment	<u>529</u>
	Total Appropriations	<u>529</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Erie County Comptroller and the Office of the Sheriff for implementation.  
(5-0)

6. Item Page -2000 (Comm. 14E-51)

**SHERIFF**

WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on December 1, 1994,  
and

WHEREAS, there are adequate funds available for distribution to the Sheriff's Office in the Asset Forfeiture Trust Account, and

WHEREAS, there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that \$3,575 in available balances in the Asset Forfeiture Trust Fund is hereby transferred

to the Erie County Sheriff's Office Asset Forfeiture Grant, Project #493 to be used for the purchase of ACT Portable Radio Battery Chargers, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

**ERIE COUNTY SHERIFFS OFFICE ASSET FORFEITURE GRANT – PROJECT #493**

<u>REVENUE</u>		<u>Increase</u>
502	Forfeiture Crime Proceeds	<u>3,575</u>
	Total Revenue	<u>3,575</u>
<b><u>APPROPRIATION</u></b>		<b><u>Increase</u></b>
933	Lab & Technical Equipment	<u>3,575</u>
	Total Appropriations	<u>3,575</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Erie County Comptroller and the Office of the Sheriff for implementation.  
(5-0)

**EDWARD J. KUWIK**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 241

June 27, 2000

ENERGY & ENVIRONMENT  
COMMITTEE  
REPORT NO. 9

ALL MEMBERS PRESENT.

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

a.           Item           Page                           -2000           (Comm. 2E-38)  
**COUNTY EXECUTIVE:** ECSD No. 6 – NYS Clean Water/Clean Air Bond Act of 1996 Grant Agreement.  
(5-0)

b.           Item           Page                           -2000           (Comm. 14D-6)  
**DEP:** SEQR – Negative Declaration – Seibert Road Extension, Town of Lancaster.  
(5-0)

c.           Item           Page                           -2000           (Comm. 14E-32)  
**COUNTY EXECUTIVE:** DEP – ECSD No. 5 – Engineering Agreement – Change Order No. 1.  
(5-0)

**AS AMENDED**

2.           Item           Page                           -1999           (Comm. 1E-23)  
**COUNTY EXECUTIVE**  
RESOLUTION NO. \_\_\_\_\_ - 2000

BOND RESOLUTION DATED JULY \_\_\_\_\_, 2000

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, REAUTHORIZING INCREASE AND IMPROVEMENT OF CERTAIN FACILITIES FOR ERIE COUNTY SEWER DISTRICT NOS. 3 AND 5, STATING THE ESTIMATED TOTAL MAXIMUM COST THEREOF IS \$598,933, STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$598,933 BONDS HEREIN AUTHORIZED;  
PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT TO SAID COUNTY.

(Introduced) JUNE 27, 2000

(Adopted) \_\_\_\_\_, 2000

**Recitals**

WHEREAS, the County Legislature of the County of Erie, New York, has heretofore duly authorized the issuance of bonds to finance the increase and improvement of certain facilities for Erie County Sewer District Nos. 3 and 5 pursuant to Resolution No. 92-1977 duly adopted on March 24, 1977, Resolution No. 536-1977 duly adopted on December 22, 1977, Resolution No. 318-1979 duly adopted on May 17, 1979, and Resolution No. 292-1980 duly adopted on July 24, 1980, and it has now been determined that such resolutions are deemed to be repealed ten years after their respective dates, except to the extent that any indebtedness shall already have been contracted or encumbrances made thereunder; and

WHEREAS, it is now appropriate to reauthorize the issuance of bonds to finance a portion of the costs for such increase and improvement of facilities, at the estimated total maximum cost of \$598,933, in order to complete certain projects, comprising Project Numbers 430-511, 430-508, 430-507, and 430-516, which have been delayed due to circumstances beyond the County's control and which were approved in Sewer Agency

Reports approved on their respective dates and intended to be financed through issuance of bonds pursuant to the above-referenced resolutions;

NOW THEREFORE, BE IT

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 undertake the increase and improvement of facilities projects for Erie County Sewer District Nos 3 and 5 as described in column A of the attached schedule, each as more fully described in column F of the attached schedule. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2000 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The respective estimated maximum costs of the specific objects or purposes set forth in the attached schedule, including preliminary costs and costs incidental thereto and to the financing thereof, is set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor. The plan of financing includes the issuance of \$598,933 aggregate principal amount of bonds of the County to finance said appropriations, 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, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in Erie County Sewer District Nos. 3 and 5.

Section 2. Bonds of the County in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued 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 the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said specific objects or purposes for which said \$598,933 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column E of the attached schedule.

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 respective specific objects or purposes described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts 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 the 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 respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative 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.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.  
(5-0)

3. Item Page -1999 (Comm. 16E-43)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Sewer District No. 2 Board of Managers and the Erie County Legislature have previously authorized construction of a network of sanitary sewers in the Town of Hamburg; and

WHEREAS, Erie County Sewer District No. 2 would like to revise an existing sewer easement and transfer ownership of the Lakeview Pumping Station building which will no longer be needed or necessary on completion of construction of a new sewer on Lakeview Road, and

WHEREAS, the Sewer District's continual use of the existing easement and building would expose the District to unnecessary liability and/or costs; and

WHEREAS, negotiations have resulted in acceptance by the property owner, Susan D. Bieber, of an offer to revise the easement at 1957 Lakeview Road (SBL No. 193.00-4-4) located in the Town of Hamburg and buy back the existing building for the sum of \$1.00.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Sewer District No.2 be authorized to revise the existing easement and sell the old pumping station building contained on it, located at 1957 Lakeview Road (SBL 193.00-4-4) Hamburg, New York, to Susan D. Bieber, 5484 Rogers Road, Hamburg, New York for the sum of one dollar (\$1.00), and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute any necessary documents to effectuate revising the easement and transferring the property subject to Approval as to Form by the County Attorney, and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy Naples, Erie county Comptroller, Ken Kruly, Director, Budget and Management, and Stephen F. Gawlik, Assistant County Attorney.  
(5-0)

**AS AMENDED**  
(Comm. 25E-40)

4. Item Page -1999  
**COUNTY EXECUTIVE**

WHEREAS, it has been determined that it may be necessary to commence Eminent Domain Proceedings to acquire the necessary easements needed for the installation of gravity sewers to service Farmington Woods/Hidden Oaks in the Town of Clarence.

NOW, THEREFORE, BE IT

RESOLVED, that the County Attorney be authorized and is hereby directed to commence Eminent Domain Proceedings pursuant to Chapter 839 of the Laws of 1977 to acquire easements for sewer purposes in connection with the lands listed below:

ECSD NO.	PARCEL NO.	TOWNSHIP
5	43.10-3-10	Clarence
5	43.10-2-50	Clarence
5	43.06-2-17	Clarence
5	43.10-1-43.1	Clarence
5	43.10-1-1	Clarence

and be it further

RESOLVED, that certified copies of this resolution be sent to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, Nancy A. Naples, County Comptroller, and Stephen F. Gawlik, Assistant County Attorney.  
(5-0)

**AS AMENDED**  
(Comm. 12E-15)

5. Item Page -2000

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Stahley Road Sewer Extension Project, Contract No. 6L, on June 22, 2000.

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
6L	Tom Greenauer Development, Inc. 2699 Transit Road Elma, New York 14059	\$779,445.00

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Stahley Road Sewer Extension Project, Contract No. 6L, be awarded to the low bidder as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
6L	Tom Greenauer Development, Inc. 2699 Transit Road Elma, New York 14059	\$779,445.00

and be it further

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

RESOLVED, that the Comptroller is authorized and directed to allocate \$779,445.00 from Sewer Capital, Erie County Sewer District No. 5, Fund No. 430, Project No. 534, and be it further

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

(5-0)

6. Item Page -2000 (Comm. 14E-24)

**COUNTY EXECUTIVE**

RESOLUTION NO. \_\_\_\_\_, 2000

BOND RESOLUTION DATED \_\_\_\_\_, 2000

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE PREPARATION

OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING AN INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 3, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$200,000, STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$200,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT TO SAID COUNTY.

(Introduced) JUNE 20, 2000

(Adopted) \_\_\_\_\_, 2000

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 is hereby authorized to undertake preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning an increase and improvement of facilities for Erie County Sewer District No. 3, including engineering services related to determining whether to replace or eliminate the Southwestern and Greenmeadow Pumping Stations. The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$200,000, and said amount is hereby appropriated therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 2000. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2000 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$200,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds 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 and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in Erie County Sewer District No. 3 and all participating communities including the Towns of West Seneca, Hamburg and Orchard Park.

Section 2. Bonds of the County in the principal amount of \$200,000 are hereby authorized to be issued 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. The period of probable usefulness for the specific object or purpose for which the \$200,000 bonds herein authorized are to be issued, within the limitations of §11.00 a. 62(2nd) of the Law, is five (5) 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 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 the 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 respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative 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.

Section 8. This Resolution shall take affect immediately upon approval by the County Executive.

(5-0)

**AS AMENDED**  
(Comm. 14E-31)

7. Item Page -2000  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning has requested electrical service to the Aurora South Pumping Station II in Erie County Sewer District No. 4, for which New York State Electric and Gas Corporation requires a permanent easement; and

WHEREAS, the granting of this easement will have no negative effect on the ability of Erie County Sewer District No. 4 personnel to operate and maintain the Pump Station; and

WHEREAS, the easement will be at no cost to the County; and

WHEREAS, the Erie County Advisory Review Committee has reviewed this matter and recommends the granting of this easement.

NOW, THEREFORE, BE IT

RESOLVED, that the easement be granted to the New York State Electric & Gas Corporation for the purpose of providing electric service to the Aurora South Pumping Station II, in Erie County Sewer District No. 4; and be it further

RESOLVED, that the County Executive be authorized to sign said easement subject to approval by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one (1) certified copy to Stephen Gawlik, Assistant County Attorney.

(5-0)

8. Item Page -2000 (Comm. 14E-33)

**COUNTY EXECUTIVE**

WHEREAS the Intent of this Resolution is Authorizing the Filing of an Application for a State Grant-In-Aid for a Municipal Structural Pest Control Project and Authorizing the County Executive to Enter into the Associated State Contract, Under the Appropriate Laws of New York State; and

WHEREAS, the State of New York provides financial aid for Municipal Structural Pest Control Projects; and

WHEREAS, the County of Erie, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT

RESOLVED, by the Erie County Legislature that the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized, and be it further

RESOLVED, that the Erie County Executive is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE, and be it further

RESOLVED, that the MUNICIPALITY set forth its respective responsibilities by attached joint resolution relative to a joint Municipal Structural pest control project, and be it further

RESOLVED, that this resolution shall take effect immediately.

RESOLVED, that six (6) Certified Copies of this Resolution be prepared and sent to the Erie County Commissioner of Environment and Planning, five (5) of which will be forwarded to the NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION with a complete application, and that additional certified copies of this resolution be sent to the Erie County Director of Budget and Management, the County Comptroller, and the Erie County Attorney.

(5-0)

9. Item Page -2000 (Comm. 14E-35)

**COUNTY EXECUTIVE**

WHEREAS, Erie County desires to assist in funding the 25 Cycle electric power study, and

WHEREAS, Niagara Mohawk has agreed to contribute \$10,000 to the study, and

WHEREAS, NYSERDA has agreed to contribute \$30,000 to the study, and Niagara County has agreed to contribute \$5,000 to the study, and

WHEREAS, it is essential to the survival of firms operating on 25 Cycle electric power to know what costs will be associated with the upgrade of their facilities to 60 Cycle power, and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with New York State Energy Research and Development Authority (NYSERDA) in amounts not to exceed a total of \$15,000, for the purpose of funding a portion of the 25 Cycle electrical power study, and that the source of these funds shall be from 2000 funds available in General Fund 110, Project 904, Department 303, Extraordinary Aid to Local Government, Account 830, Contractual Services, Sub-account 1117, Economic Development Tourism Fund, which is hereby transferred to a Sub-account for the 25 Cycle power study in Department 302, Agency Payments monitored by Environment and Planning, Account 830, Contractual Services;

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of Budget and Management, the Comptroller, the Commissioner of the Department of Environment and Planning, and the County Attorney.

(5-0)

10. Item Page -2000 (Comm. 14E-39)

**COUNTY EXECUTIVE**

RESOLVED, that the County Executive is hereby authorized to enter into all necessary agreements with Belmont Shelter Corporation for an amount not to exceed \$400,000 for the purpose of undertaking site improvements and related soft costs associated with the development of 86 unit rental apartment complex for

low income seniors on 4791 William Street in the Town of Lancaster, commonly known as Woodland Place Apartments; and be it further

RESOLVED, that the source of funds for said contract shall be Federal Community Development Block Grant monies allocated to the Erie County Community Development Block Grant Consortium; 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 the 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.  
(5-0)

11. Item Page -2000 (Comm. 14E-41)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning received a request asking the County to sell a 6 feet wide by 120 feet long strip of land at the south end of Keicher Road to the adjacent homeowner of Sublot 6 of the Borden Como subdivision, Cheektowaga, New York for \$275.00 plus filing fees; and

WHEREAS, the sale of this strip of County owned land to said homeowner will allow access to Keicher Road from the homeowners lot; and

WHEREAS, the sale of this strip of land will have no effect on Erie County Sewer District No. 1's ability to operate and maintain the sanitary sewer line since an easement will be maintained for the existing sanitary sewer crossing this parcel; and

WHEREAS, the granting of the sale of this strip of land will return it to the tax rolls; and

WHEREAS, the Advisory Review Committee has reviewed this matter and recommends the sale of this County owned strip of land.

NOW, THEREFORE, BE IT

RESOLVED, that the sale of a 6 feet wide by 120 feet long strip of land north of and abutting Sublot 60, Map Cover 2581 in the Borden Como Subdivision, Cheektowaga, New York to the homeowner, Mr. Michael Didley is authorized; and be it further

RESOLVED, that the County Executive be authorized to sign said sale of this County owned strip of land subject to approval by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature send a certified copy of the resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; Stephen F. Gawlik, Assistant County Attorney; Joseph Passafiume, Director of Budget and Management; and Nancy Naples, Erie County

Comptroller.  
(5-0)

**ALBERT DeBENEDETTI**  
**CHAIRMAN**

MR. DeBENEDETTI moved to separate items #2 and # 6 and moved the approval of the balance of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

MR. DeBENEDETTI moved the approval of item #2. MS. PEOPLES seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, MARSHALL, PAULY, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. AYES – 17, NOES - 0.

CARRIED UNANIMOUSLY.

MR. DeBENEDETTI moved the approval of item #6. MS. PEOPLES seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, MARSHALL, PAULY, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. AYES – 17, NOES - 0.

CARRIED UNANIMOUSLY.

MR. RANZENHOER moved to reconsider. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved to separate item #4 and moved the approval of the balance of the resolution. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved to return item #4 to committee. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.



WHEREAS, funds are available in the personal services appropriations of the Health Department's Adopted 2000 Budget to achieve the foregoing.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the establishment of a variable minimum in Job Group 21, Step 5, \$116,890 annually, effective June 1, 2000, for the position of Commissioner of Health, 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.  
(5-0)

4. Item Page -2000 (Comm. 14E-18)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Division of Information and Support Services as presently staffed at the present time is unable to properly provide the level of technical support necessary., and

WHEREAS, the Erie County Division of Information and Support Services is requesting the deletion of the position of Data Entry Operator, Job Group 4, Step 1; and one position of Information Specialist, regular part-time, Job Group 12, Step 3, and

WHEREAS, the Erie County Division of Information and Support Services is requesting the addition of Information Systems Operator, Job Group 7, Step 0; and Technical Support Services Specialist, Job Group 12, Step 0;

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Division of Information and Support Services is authorized to delete the position of Data Entry Operator, Job Group 4, Step 1; and Information System Specialist, regular part-time, Job Group 12, Step 3, and be it further

RESOLVED, that the Erie County Division of Information and Support Services is authorized to add the position of Information System Operator, Job Group 7, Step 0, and Technical Support Services Specialist, Job Group 12, Step 0; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Division of Information and Support Services, the Department of Personnel, the Division of Budget, Management and Finance and to the Office of the Comptroller.  
(5-0)

5. Item Page -2000 (Comm. 14E-21)  
**COUNTY EXECUTIVE**

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of

the New York State Finance Law ("*Section 5*") and the Regulations of the New York State Deferred Compensation Board (the "*Regulations*"), has promulgated the Model Deferred Compensation Plan for Employees of Erie County (the "*Model Plan*") and offers the Model Plan for adoption by local employers; and

WHEREAS, Erie County, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of Erie County; and

WHEREAS, effective January 1, 2000, the Board amended the Model Plan to include modifications required by the U.S. Department of Treasury Internal Revenue Service (the "*Internal Revenue Service*") in conjunction with a favorable letter ruling that it issued concerning the status of the Model Plan as an "eligible deferred compensation plan" under Section 457(b) of the Internal Revenue Code to permit participants who elect to receive benefit distributions in the form of a larger initial distribution followed by smaller installment payments to delay the commencement of installment payments for a period of just less than two years from the payment of the initial distribution; and

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, Erie County has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of Erie County by adopting the amended and restated Model Plan.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County hereby amends the Deferred Compensation Plan for Employees of Erie County effective the date of this Resolution by adopting the amended and restated Model Plan effective January 1, 2000, in the form attached hereto as Exhibit A, and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Personnel, the Office of the Comptroller and the Division of Budget, Management and Finance.  
(5-0)

6. Item Page -2000 (Comm. 14E-22)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works is in the process of reviewing the operations of the Highway Division and the Division of Buildings and Grounds, and

WHEREAS, in order to increase the effectiveness of its design and construction compliance and related administrative activities, it is desirable to have a position created entitled Senior Principal Engineer of Design and Construction, Job Group 16, and the creation of a position entitled, Secretary to the Commissioner of Public Works, Job Group 7, and

WHEREAS, funds for these positions are available from the deletion of the current positions of, Associate Civil Engineer, Job Group 15, Highway Division County Road Fund, and Receptionist Job Group 3, Buildings and Grounds Division, and from unexpended balances in both administrative units.



NOW, THEREFORE, BE IT

RESOLVED, that a position of Senior Principal Engineer Highways, Design and Construction, Job Group 16 Step A is hereby created in the Highway Division County Road Fund at an annual salary of \$80,307.00 and a position of Associate Civil Engineer, Job Group 15 Step A, is hereby deleted in the same administrative unit at an annual salary of \$72,552.00, and be it further

RESOLVED, that a position of Secretary to the Commissioner of Public Works, Job Group 7, Step 3 is hereby created in the Division of Buildings and Grounds, at an annual salary of \$31,520.00, and a position of Receptionist, Job Group 3, Step 3, is hereby deleted in the same administrative unit at an annual salary of \$24,197.00, and be it further

RESOLVED, that the necessary funding for the increase of each newly created position is available from there being sufficient funds in the unexpended balances of the personnel services appropriations of both the Highways Division County Road Fund and the Buildings and Grounds Division to fund the proposed position adjustments, and be it further

RESOLVED, that Account 800, Personnel Services, in the Highway Division is increased by \$7,755.00, and that Account 802, Reductions from Personnel Services Account is increased in a like amount (\$7,755) and be it further

RESOLVED, that Account 800, Personnel Services, in the Buildings and Grounds Division is increased by \$7,323.00 and that Account 802, Reductions from Personnel Services Account in the General Fund (DAC 110923310802) is increased in a like amount (\$7,323), and be it further

RESOLVED, that two certified copies of this resolution shall be sent to the Commissioner of Public Works, and one copy to the Director of the Division of Budget, Management, & Finance, the Commissioner of Personnel and the County Comptroller.  
(5-0)

7. Item Page -2000 (Comm. 14E-36)  
**COUNTY EXECUTIVE**

WHEREAS, in January of 1997 the U.S. Environmental Protection Agency - Region II (USEPA-Region II) provided the County of Erie \$132,000 in federal grant funding to implement a "Mercury Pollution Prevention Education Program" for County residents, and

WHEREAS, the U.S. Environmental Protection Agency - Great Lakes National Program Office (GLNPO) provided the County of Erie \$70,000 in federal grant funding to enhance the existing program and implement a "Mercury Pollution Prevention in Healthcare Initiative," and

WHEREAS, the additional funding secured through the U.S. EPA - GLNPO grant included funds to support a change in the job description, and

WHEREAS, it is necessary to retain current program staff and revise the job description to reflect the additional responsibilities associated with the expanded project, and

WHEREAS, sufficient funds exist to fully support the creation of a new Environmentalist - Hazardous Waste

(JG-9) position and thereby retain qualified project personnel to implement program objectives through the grant expiration date of September 30, 2001.

NOW THEREFORE BE IT

RESOLVED, that the following position is hereby created in the Department of Environment and Planning, to be funded from the established grant budget of the Mercury Pollution Prevention Programs (SFG#751):

Environmentalist - Hazardous Waste (JG-9)

and be it further,

RESOLVED, that the following position is hereby deleted in the Department of Environment and Planning (SFG# 751):

Junior Environmentalist (JG-7)

and be it further,

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

(5-0)

8. Item Page -2000 (Comm. 14E-43)

**COUNTY EXECUTIVE**

WHEREAS, the Chief, PROMIS Bureau must deal with complex upgrades and changes to existing Criminal History hardware and software and related unique incompatibility problems that need to be addressed, and

WHEREAS, it is necessary that the title of Chief, PROMIS Bureau be reallocated to be commensurate with duties performed and to align compensation with similar titles within the County.

NOW, THEREFORE, BE IT

RESOLVED, that the position of Chief, PROMIS Bureau is hereby reallocated from Job Group 14 to Job Group 15. The B-100 is attached, and be it further

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

(5-0)

9. Item Page -2000 (Comm. 14E-45)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Division of Information & Support Services operates a records

management program for county departments, and

WHEREAS, there is a need to appropriately staff the records management services function in the Division of Information and Support Services, and

WHEREAS, a New York State Archives and Records Administration grant which funded a Senior Records Inventory Clerk, JG 8, is expiring on June 30, 2000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the funding of one full-time position of Senior Records Inventory Clerk, JG 8 in the General Fund operating budget of the Division of Information and Support Services effective July 1, 2000. Funds for the remainder of 2000 are available from unexpended salary and fringe benefit appropriations in the Division of Information and Support Services.

The following personnel detail is hereby submitted:

TITLE: Senior Records Inventory Clerk

JG: 8

Step 2

Annual Salary: \$ 32,394

Annual Benefits: \$8,099

and be it further

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

(5-0)

10.    Item            Page                   -2000            (Comm. 14E-47)  
      **COUNTY EXECUTIVE**

WHEREAS, the United States Environmental Protection Agency (USEPA) has solicited two proposals from Erie County for participation in the Wetlands Restoration Program and the Great Lakes National Program; and

WHEREAS, the USEPA has granted approval of the application allocating funding of \$96,500 over two years for the Buffalo River Watershed Protection, Corridor and Wetland Restoration program, and funding of \$69,750 over two years for the Cazenovia Creek Habitat Restoration and Stewardship Project, both to be implemented in Erie County; and

WHEREAS, the County Executive through authorization received through resolutions passed on July 16, 1998 and November 4, 1999, executed two agreements to accept and implement a USEPA Wetlands Restoration program and a USEPA Great Lakes National program respectively; and

WHEREAS, the Department of Environment and Planning provides technical assistance and environmental education expertise to schools, communities, and businesses to address habitat restoration, watershed protection, and environmental stewardship needs; and

WHEREAS, the USEPA has authorized changes in the budget of the Buffalo River Watershed Protection, Corridor, and Wetland Restoration grant to meet the needs of the changing scope of the work; and

WHEREAS, the DEP to maximize the amount of work to be done with the resources available through these two grant programs, requires skilled and experienced personnel to perform the required duties; and  
NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature authorizes the transfer of \$18,000 from the contractual category (830) of which \$16,000 is transferred to the personnel category (800), and \$2,000 to the fringe benefits category (805) in the Buffalo River Watershed Protection, Corridor, and Wetland Restoration grant budget (SFG# 897); and be it further

RESOLVED, that the following position be created in the Department of Environment and Planning grant fund and will be funded entirely from the budget for the Buffalo River Watershed Protection, Corridor, and Wetland Restoration program, SFG# 897:

Environmental Education Specialist (JG9)

and be it further

RESOLVED, that the following positions be created in the Department of Environment and Planning grant fund and will be funded entirely from the budget for the Cazenovia Creek Habitat Restoration and Stewardship program, SFG #361:

Environmental Education Specialist (JG-9)

Environmental Intern (JG-1)

and be it further

RESOLVED, the one position of Jr. Environmentalist (JG-7) is deleted in both the Buffalo River Watershed Protection, Corridor, and Wetland Restoration program and the Cazenovia Creek Habitat Restoration and Stewardship program, and be it further

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

(5-0)

**CHARLES M. SWANICK**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 244

June 27, 2000

HEALTH/MENTAL HEALTH  
COMMITTEE  
REPORT NO. 7

ALL MEMBERS PRESENT.

1. Item Page - 2000 (Comm. 14E-37)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, in carrying out these responsibilities, employees of the Department of Mental Health incur travel and mileage costs which are reimbursable in accordance with county policy and county collective bargaining agreements, and

WHEREAS, current appropriations within the accounts of the Department of Mental Health are not adequate to compensate employees for required travel expenses, as required by county policy and county collective bargaining agreements,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby granted to transfer funds within the accounts of the Department of Mental Health as follows:

<u>Dept No.</u>	<u>Account</u>	<u>Description</u>	<u>Amount</u>	
240	826	Other Expenses	\$4,602	Decrease
240	824	Travel and Mileage	2,780	Increase
241	824	Travel and Mileage	547	Increase
241	825	Out of Area Travel	1,275	Increase

and be it further

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

(5-0)

2. Item Page - 2000 (Comm. 14E-40)  
**COUNTY EXECUTIVE**

WHEREAS, the United States Environmental Protection Agency (USEPA) has determined that radon and other indoor air contaminants are significant threats to public health, and

WHEREAS, Western New York has been designated by the USEPA as a Zone 1 Radon Potential Area (highest risk), and

WHEREAS, Erie County has established and operated a very successful Radon/Indoor Air Quality Awareness Program for several years and has acquired valuable experience and expertise, and

WHEREAS, the New York State Department of Health (NYSDOH) has solicited Erie County to continue its coordination of a partnership of Western New York Counties and Tribal Lands for cooperative and coordinated Radon/Indoor Air Qualities Programs and to implement a comprehensive Radon Risk Reduction Program, and

WHEREAS, the objective of this program is to reduce the health and safety risks associated with exposure to radon, carbon monoxide, and other residential indoor air contaminants to the residents of Western New York, and

WHEREAS, under environmental equity, the program will identify low-income minority populations that may be disproportionately at risk, and

WHEREAS, NYSDOH, in conjunction with the USEPA, will enter into agreement with Erie County to provide funding from the SIRG 10 Grant, and

WHEREAS, Erie County will implement this initiative and provide technical assistance, in-kind service, and logistical support to the residents of Western New York and affiliated program members,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute the agreement necessary to accept a grant from NYSDOH to implement the Erie County/Western New York Comprehensive Radon Risk Reduction Program, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Attorney, the County Comptroller, the Commissioner of Health, and the Commissioner of Environment and Planning.  
(5-0)

**JUDITH P. FISHER**  
**CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 245

June 29, 2000

ECONOMIC DEVELOPMENT  
COMMITTEE  
REPORT NO. 5

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

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

Item Page -2000 (Comm. 14D-10)  
a. **DPW:** Copy of Letter to Robert Hochberg Re: North Forest Road Bridge, Town of Amherst.  
(4-0) Legislator Holt absent.

Item Page -2000 (Comm. 14M-10)  
b. **TOWN OF LANCASTER:** Certified Resolution Proposing Increases for New Erie County Snow  
Contract.  
(4-0) Legislator Holt absent.

2. Item Page - 2000 (Comm. 14E-19)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids for the Upgrade of Petroleum Underground Storage Tanks at Various Erie County Facilities on December 4, 1998, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidder, Kimmins Construction Co., in the amount of \$501,500, and

WHEREAS, during excavation for the petroleum underground storage tanks, contaminated soil from an abandoned fuel tank was discovered, and

WHEREAS, the contaminated soil removal has been requested by the NYSDEC, and

NOW, THEREFORE, BE IT,

**RESOLVED**, that the construction contingency fund be increased by \$85,000.00 to a new total amount of \$135,000.00, with authorization for the Commissioner of Public Works to approve change orders, and be 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 following accounts:

Highway Building Rehabilitation encumbered in Project 912, Fund 110, DP30993	\$ 66,290.00
Highway & DPW Fuel Tank Upgrades encumbered in Project 912, Fund 110, DP24020	8,710.00
ECC Fuel Tank Replacement Project 612, Fund 480	<u>10,000.00</u>
Total:	\$ 85,000.00

and be it further,

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

(4-0) Legislator Holt absent.

**AS AMENDED**  
(Comm. 14E-20)

3. Item Page - 2000  
**COUNTY EXECUTIVE**  
(A)

WHEREAS, a project for the replacement of the Bullis Road Bridge, BR 330-7, over Little Buffalo Creek, BIN 3-32728-0, in the Town of Marilla, Erie County, PIN 5755.67 (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 Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5755.67.

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 Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$266,000 is hereby appropriated from the 2000 Federal Aid Projects Program (SFG 153) 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 full federal and non-federal share 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 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 one certified copy to the Erie County Comptroller.  
(4-0) Legislator Holt absent.

(B)

WHEREAS, a project for the Reconstruction with Widening of CR 299, East Robinson and North French Roads, CR 299, from US Route 62, Niagara Falls Boulevard to Sweet Home Road, CR 301, in the Town of Amherst, Erie County, PIN 5755.43, (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 15% State funds and the County (local) share 5%, and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the up-front costs (\$508,000) of the Preliminary Engineering (Scoping and Design I-VI) Phase of the Project, PIN 5755.43.

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 and Design I-VI) Phase of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$482,600 is hereby authorized from the 2000 Budget and the sum of \$25,400 be authorized from the 2000 Various Highway Design Federal Aid Program (SFG 153) 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 full federal and non-federal share 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 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 one certified copy to the Erie County Comptroller.

(4-0) Legislator Holt absent.

(C)

WHEREAS, a project for the replacement of the Hall Road Bridge 333-1, over Little Buffalo Creek, BIN 3-32729-0, in the Towns of Lancaster and Elma, PIN 5755.92 (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 Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5755.92.

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 share of the costs of Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$242,000 is hereby appropriated from the 2000 Federal Aid Projects Program (SFG 153) 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 full federal and non-federal share 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 be and is hereby authorized to execute all

necessary agreements, certifications or reimbursement requests for Federal 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 one certified copy to the Erie County Comptroller.  
(4-0) Legislator Holt absent.

(D)

WHEREAS, a project for the replacement of the Lake Shore Road Bridge, BR 111-5 over Delaware Creek, BIN 3-32749-0, in the Town of Evans, Erie County, PIN 5755.66 (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 Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5755.66.

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 share of the costs of Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$304,000 is hereby appropriated from the 2000 Federal Aid Projects Program (SFG 153) 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 full federal and non-federal share 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 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 one certified copy to the Erie County Comptroller.

(4-0) Legislator Holt absent.

(E)

WHEREAS, a project for the replacement of the CR 139, Pavement Road Bridge over CSX Railroad, BIN 3-36354-0 and the removal of the CR 139, Pavement Road Bridge over an abandoned railroad, BIN 3-36253-0, in the Town of Lancaster, Erie County, PIN 5755.38, (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 Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5755.38.

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 Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$355,000 is hereby appropriated from the 2000 Federal Aid Projects Program (SFG 153) 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 full federal and non-federal share 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 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 one certified copy to the Erie County Comptroller.

(4-0) Legislator Holt absent.

(F)

WHEREAS, a project for the replacement of the Ransom Road Bridge, BR 155-2, over Cayuga Creek, BIN 3-32705-0, in the Town of Lancaster, Erie County, PIN 5755.68, (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 Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5755.68.

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 Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$356,000 is hereby appropriated from the 2000 Federal Aid Projects Program (SFG 153) 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 full federal and non-federal share 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 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 one certified copy to the Erie County Comptroller.

(4-0) Legislator Holt absent.

(G)

WHEREAS, a project for the replacement of two (2) Erie County Bridges; CR 547, Two Rod Road Bridge over a Tributary of Cayuga Creek, BIN 3-36801-0 in the Town of Alden and CR 269, Strickler Road, Bridge over a Tributary of Beeman Creek, BIN 3-32663-0, in the Town of Clarence, PIN 5754.88 (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 15% State funding (Marchiselli) and 5% local (County share), and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the up-front costs of the Construction Phase of the Project, PIN 5754.88.

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 Construction Phase for the Project or portions thereof; and be it further

RESOLVED, that the sum of \$433,000 be authorized for this project wherein \$21,650, the local share, be appropriated from the 1998 Bridge Reconstruction - Federal Aid Program (SFG 122) and \$411,350 be appropriated from the 2000 Budget and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the full federal and non-federal share 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 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 one certified copy to the Erie County Comptroller.

(4-0) Legislator Holt absent.

(H)

WHEREAS, a project for the replacement of the Zoeller Road Bridge, BR 348-2 Over Ellicott Creek, BIN 3-32870-0 in the Town of Alden, P.I.N. 5755.91 (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 Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5755.91.

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 share of the costs of Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$288,000 is hereby appropriated from the 2000 Federal Aid Projects Program (SFG 153) 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 full federal and non-federal share 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 be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal 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 one certified copy to the Erie County Comptroller.

(4-0) Legislator Holt absent.

**AS AMENDED**

4. Item Page - 2000 (Comm. 14E-26)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids on June 27, 2000, for the Ralph Wilson Stadium - Vending Station Modifications, and

WHEREAS, the Engineer and the Department of Public Works are recommending award to the lowest responsible bidder for the Ralph Wilson Stadium - Vending Station Modifications, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph Wilson Stadium - Vending Station Modifications, as follows:

**SITE WORK**

Kandey Co., Inc.	
Base Bid	\$63,636.00

and be it further,

RESOLVED, that the sum of \$6,864.00 be allocated for 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 \$2,500.00 for contractor's maximum bonus/penalty, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2000 Stadium - Various Capital Improvement Bond Account, Fund 410, Project 150, in an amount not to exceed \$73,000, 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 and Finance, and one copy to the Comptroller's Office.

(4-0) Legislator Holt absent.



5. Item Page - 2000 (Comm. 14E-29)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature approved a contract for the 1999 Overlay "B" Program, Project Number CHIPS OP-99B, between Omer Construction Company, Inc. and the County of Erie, in Meeting Number 14, held on July 15, 1999, Communication Number 13D-12, and

WHEREAS, the cost of fuel and asphalt has escalated in the past few months, affecting asphalt paving items adversely, and

WHEREAS, this increase in asphalt paving items amounts to approximately \$150,000, which the County of Erie is obligated to fund, by contract, and

WHEREAS, it is desirous and advantageous to the County of Erie to have this work performed timely and without delay, and

WHEREAS, the cost for this portion of the contract work exceeds the contingency amount previously authorized for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the contract amount be increased by an additional sum of \$150,000 to be allocated from the following funding sources: \$95,172 from the 1998 Bonded Overlay Project Program (SFG 834); \$51,170 from the 1998 Consolidated Highway Improvement Program (SFG 839); and \$3,658 from the 2000 Consolidated Highway Improvement Program (SFG 156) for a change order to the construction contract with Omer Construction Co., Incorporated, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner Highways, Department of Public Works and one certified copy to the Erie County Comptroller.  
(4-0) Legislator Holt absent.

**MICHAEL A. FITZPATRICK**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 246

June 29, 2000

FINANCE & MANAGEMENT  
COMMITTEE  
REPORT NO. 9

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

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

- |    |  |   |       |               |
|----|--|---|-------|---------------|
|    | Item                                     | Page  | -1999 | (Comm. 8E-3)  |
| a. | <b>COMPTROLLER:</b>                      | Response to Intro. 2-6 Re: Investment of Idle Funds.<br>(5-0)   |       |               |
|    | Item                                     | Page  | -1999 | (Comm. 19E-1) |
| b. | <b>COMPTROLLER:</b>                      | Response to Amendment for Intro 18-2 (1999).<br>(5-0)   |       |               |
|    | Item                                     | Page  | -1999 | (Comm. 24D-4) |
| c. | <b>BUDGET, MANAGEMENT &amp; FINANCE:</b> | Budget Monitoring Report for<br>the Period Ending 10/31/99.<br>(5-0)  |       |               |
|    | Item                                     | Page  | -1999 | (Comm. 25M-8) |
| d. | <b>JOEL A GIAMBRA:</b>                   | Copy of Letter to County Executive Re: Concerns Regarding Total Project Cost<br>of New Courthouse.<br>(5-0)     |       |               |
|    | Item                                     | Page  | -2000 | (Comm. 1E-3)  |
| e. | <b>SWANICK &amp; PEOPLES:</b>            | Copy of Letter to County Executive Re: Proposal to Seat a Task Force to<br>Examine Operations at ECMC.<br>(5-0) |       |               |
|    | Item                                     | Page  | -2000 | (Comm. 9M-7)  |
| f. | <b>IROQUOIS CENTRAL SCHOOL:</b>          | Copy of Letter to Legislators Swanick & Peoples Re: Opposing<br>Elimination of Sales Tax.<br>(5-0)              |       |               |
|    | Item                                     | Page  | -2000 | (Comm. 9M-14) |
| g. | <b>TOWN OF AMHERST:</b>                  | Certified Resolution Re: Sales Tax.<br>(5-0)  |       |               |
|    | Item                                     | Page  | -2000 | (Comm. 10D-3) |
| h. | <b>COUNTY ATTORNEY:</b>                  | Draft Bill Re: Tobacco Settlement Securitization Financing.<br>(5-0)  |       |               |

i. Item Page -2000 (Comm. 10E-9)  
**COUNTY EXECUTIVE & SWANICK:** Copy of Letter to State Legislators Requesting Home Rule Legislation.  
 (5-0)

j. Item Page -2000 (Comm. 12M-3)  
**BUFFALO & ERIE COUNTY PRIVATE INDUSTRY COUNCIL INC:** Financial Statements & Federal Awards for Year Ended 6/30/99 & Independent Auditors Report.  
 (5-0)

k. Item Page -2000 (Comm. 14M-17)  
**NYS COMPTROLLER:** Financial Reporting Under GASB Statement 34.  
 (5-0)

l. Item Page -2000 (Int. 14-6)  
**MARSHALL, GREENAN, CHASE, LARSON, RANZENHOFER, OLMA, WEINSTEIN & DEBENEDETTI:** Calling on State Assembly to Immediately Transmit A. 11161-A/S. 7917-A to Governor.  
 (5-0)

2. Item Page - 2000 (Comm. 14E-42)  
**COUNTY EXECUTIVE**  
 WHEREAS, the following grant programs are included in Book B of the 2000 Adopted Budget, and

WHEREAS, the 2000 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 2000.

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 and Management with respect to the availability of State and/or Federal funds, for the following grant programs which commence on or after July 1, 2000 and before October 1, 2000:

<u>Department</u>	<u>Grant Program</u>	<u>Dates</u>	<u>2000 Budget Book B Page No.</u>
140 - Dist. Atty.	BE-SAFE	07/01/00-06/30/01	27
140 - Dist. Atty.	Victim/Witness Assistance Program	07/01/00-06/30/01	27
140 - Dist. Atty.	Child Victim Advocacy Program	07/01/00-06/30/01	29

650 - CPS	Points of Entry Drug Interdiction	07/01/00-06/30/01	68
270 - Health	HIV Seroprevalence Study	07/01/00-06/30/01	135
270 - Health	Healthy Heart Grant	07/01/00-06/30/01	136
270 - Health	Eat Well/Play Hard Nutrition Grant	07/01/00-06/30/01	137
270 - Health	Infant Mortality Review Program	07/01/00-06/30/01	137
200 - Social Svcs.	Family Court Foster Care Improvement	09/30/00-09/29/01	227
200 - Social Svcs.	Day Care Registration	08/16/00-08/15/01	228
250 - Youth Svcs.	DCJS - Title 5 Grant	09/01/00-08/31/01	362

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 and Management with respect to the availability of State and/or Federal funds, for the following grant programs which commence on October 1, 2000 and thereafter:

<u>Department</u>	<u>Grant Program</u>	<u>Dates</u>	<u>Page No.</u>
110 - Co. Exec.	Office of Traffic Safety	10/01/00-09/30/01	13
140 - Dist. Atty.	BE-SAFE NOW	10/01/00-09/30/01	27
140 - Dist. Atty.	Points of Entry Grant	11/01/00-10/31/01	28
140 - Dist. Atty.	Juvenile Justice Prosecution Project	10/01/00-09/30/01	29

2000  
Budget  
Book B

140 - Dist. Atty.	Local Law Enforcement Block Grant	10/01/00-09/30/01	29
150 - Sheriff	C.E.O.S.C. Security Grant	10/01/00-09/30/01	85
660 - Corr. Fac.	High Impact Incarceration Program	11/01/00-10/31/01	107
270 - Health	Women, Infants and Children's Supplemental Nutrition Program (WIC)	10/01/00-09/30/01	133
270 - Health	Youth Tobacco Enforcement and Prevention Grant	10/01/00-09/30/01	133
270 - Health	Immunization Action Plan	11/01/00-10/31/01	134
270 - Health	Infant/Child Health Assessment Program	10/01/00-09/30/01	135
270 - Health	Healthy Neighborhoods Grant	10/01/00-09/30/01	135
270 - Health	Children With Special Health Needs Case Mgmt.	10/01/00-09/30/01	135
270 - Health	HIV Training and Tech. Assistance to Health Depts.	12/01/00-11/30/01	136
200 - Social Svcs.	Energy Services Packaging Project	11/01/00-10/31/01	227
200 - Social Svcs.	Child Care Block Grant	10/01/00-09/30/01	227

200 - Social Svcs.	Home Energy Assistance Program (HEAP)	10/01/00-09/30/01	229
200 - Social Svcs.	Food Stamp Employment and Training Project	10/01/00-09/30/01	230
252 - Youth-Child Special Needs	Early Intervention Case Management	10/01/00-09/30/01	362
252 - Youth-Child Special Needs	Early Intervention Administration	10/01/00-09/30/01	362

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 Department, the Law Department, the Office of the Comptroller and the Division of Budget, Management and Finance.

(5-0)

3. Item Page - 2000 (Comm. 14E-49)

**COUNTY EXECUTIVE**

WHEREAS, the Division of Budget, Management and Finance did receive a request from a non-adjacent property owner to purchase a parcel of County owned inventory, and

WHEREAS, the parcel was reviewed and approved for sale by the Advisory Review Committee with the following restriction: Reserving from the above parcel by the grantor, on behalf of Erie County Sewer District No. 2, a permanent easement over the northerly thirty-nine (39) feet of said parcel to replace, relocate, operate, repair and maintain an existing 12 inch sanitary sewer with the right of ingress and egress thereto, as shown on the attached sketch labeled exhibit "A". The grantee hereby agrees that no permanent structure shall be built within the permanent easement area, and

WHEREAS, the Erie County Legislature approved this parcel to be put to sale in a resolution adopted at the 10th Session of the Legislature on May 25, 2000 (REF: Comm. 9E-36) and

WHEREAS, in addition to the advertisement of the sale in the Buffalo Law Journal and the Buffalo News, all adjacent property owners were sent a letter indicating the date, time and place of the sale in order to give all interested parties the opportunity to attend the sale and bid,

NOW, THEREFORE, BE IT RESOLVED, that the Erie County Legislature is requested to approve the sale of the following parcel to the successful bidder from the June 6, 2000 sale.

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Hamburg, County of Erie, State of New York being part of Farmlot 45, Township 9, Range 8 and is further described on Erie County Tax Maps as Section, Block and Lot No. 180.680-2-19 (Maplewood Ct. 157.00 x 215.00). Intending to convey all land acquired by Erie County as Serial No. 2418 in the County In Rem Tax Foreclosure Action 139 to Don R Sickau and Leslie Sickau, 3566 Fuller Street, Blasdell, New York 14216 for the sum of Five Hundred and 00/100 Dollars (\$500.00)

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

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

**CRYSTAL D. PEOPLES**  
**CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUION NO. 247

Re: Funding for Greenspace Preservation in the Town of West Seneca. (Intro. 15-1)

**A RESOLUTION SUBMITTED BY LEGISALTOR GREENAN**

**WHEREAS**, the Legislature has set aside funds in the 2000 Erie County Budget for various worthy organizations and governmental agencies, and

**WHEREAS**, this funding may be provided by the County of Erie to local community based organizations and agencies for the purposes of assisting our youth or senior citizens, and to assist with crime fighting, emergency services or other types of positive governmental projects that boost our community, and

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$10,000 from the legislative contractual (DAC: 110905100830) and \$10,000 from the Sports Development Fund (DAC: 922302830894) to Fund 110, Project 921, Department 301 Agency Payments & Grants – Public Benefit Services (DAC: 110921301830) for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Town of Elma	830/0770	\$20,000
<b>TOTAL</b>		<b>\$20,000</b>

and be it further

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

**RESOLVED**, that the Clerk of the Legislature and 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, Jennifer Anger – Administrative Assistant to the Erie County Legislature, First Assistant County Attorney Susannah Bochenek, and to Gerald Barry, Building Inspector, Town of Elma, 1910 Bowen Road, Elma, NY, 14059.

**Fiscal Impact: Appropriation of budgeted funds.**

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

CARRIED UNANIMOUSLY.

**DELETE THE RE: CLAUSE IN ITS ENTIRETY AND REPLACE WITH THE FOLLOWING:**

RE: FUNDING FOR GREENSPACE PRESERVATION IN THE TOWN OF ELMA

**DELETE THE FIRST RESOLVE CLAUSE IN ITS ENTIRETY AND REPLACE WITH THE FOLLOWING:**

**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$10,000 from the Sports Development Funds (DAC: 922302830894) to the legislative contractual account (DAC: 110905100830) and be it further



**RESOLVED**, that the Erie County Legislature does hereby approve the transfer of \$20,000 from the legislative contractual (DAC: 110905100830) to Fund I 10, Project 92 1, Department 301 Agency Payments & Grants - Public Benefit Services (DAC: 110921301830) for paying the following agency:

<b><u>NAME</u></b>	<b><u>LINE</u></b>	<b><u>AMOUNT</u></b>
<b>Town of Elma</b>	<b>830/0770</b>	<b>\$20,000</b>
<b>TOTAL</b>		<b>\$20,000</b>

and be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 248

Re: Construction of Parking Area on  
Niagara Mohawk Property for Limited  
Recreational Purposes, Town of West  
Seneca. (Intro. 15-2)

A RESOLUTION SUBMITTED BY LEGISLATOR GREENAN

**WHEREAS**, a proposal has been advanced for the construction of a parking lot in the Town of West Seneca on property owned by the Niagara Mohawk Power Corporation to be used to provide access to Buffalo Creek for limited recreational purposes, and

**WHEREAS**, the Niagara Mohawk Power Corporation (NMPC) has agreed to grant a license to the County of Erie to use and occupy land owned by the NMPC in the Town of West Seneca, County of Erie, State of New York in exchange for the payment of \$1 which will allow the County to construct a parking lot with the dimensions of 50' x 150', and

**WHEREAS**, the opportunity to provide county residents with additional access to the Buffalo Creek Watershed at minimal cost is viewed as a positive goal

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Executive is hereby authorized to enter into a contract with the NMPC to provide use and access to the site for the purposes of developing said new public access, parking lot and walkway to Buffalo Creek, and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to County Executive Joel Giambra, County Attorney Fred Wolf, Environment and Planning Commissioner Laurence Rubin and to Dennis G. Gleason, Regional Manager, Frontier Region, Niagara Mohawk Power Corporation.

**Fiscal Impact: Minimal**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 249

Re: Support for Erie County's Fair Share of  
Transportation Bond Act Funding. (Intro. 15-3)

A RESOLUTION SUBMITTED BY LEGISLATORS  
SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, DUSZA,  
MARINELLI, GREENAN, CHASE, MARSHALL, PAULY, WEINSTEIN,  
RANZENHOFER, & LARSON

WHEREAS, Erie County owns and maintains the largest County road system in the State of New York, which is comprised of 1,200 miles of roadway and over 280 bridges, and

WHEREAS, Erie County has a critical need to improve its transportation system, and

WHEREAS, Erie County has needs of over \$500 million in the next 20 years for our roads and bridges, and

WHEREAS, New York State authorized public consideration of a Transportation Bond Act during the 2000-01 budget process, and

WHEREAS, voters across New York State will vote on a referendum to approve or defeat this Bond Act in November, and

WHEREAS, Erie County has prepared an extensive list of candidate projects for the proposed State Transportation Bond Act, and

WHEREAS, Erie County continues to be committed to an aggressive highway program as outlined in the 2000 Erie County Budget, and

WHEREAS, additional funding from the Transportation Bond Act is critical to allow Erie County advance its commitment to this continued improvement of our roads and bridges,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the continued improvement to its roads and bridges located throughout Erie County; and be it further

RESOLVED, that should said Transportation Bond Act be authorized by voters in November, this Honorable Body does hereby call upon Governor George Pataki and the New York State Senate and Assembly to enter into an MOU with Erie County to include County projects within the proposed Transportation Bond Act, with such proposed projects outlined within the attached schedule "A"; and be it further

RESOLVED, that the funds requested by Erie County from the State of New York should said Transportation Bond Act be approved by state voters this November would represent a supplement to the County's road program and overall commitment to its infrastructure improvement program, and

RESOLVED, that certified copies of this resolution be forwarded to Governor George Pataki, Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver, to the members of the Western New York State Legislative Delegation, and to the Erie County Commissioner of Public Works.

Fiscal Impact: Positive; additional state road repair funds for Erie County.

MR. DeBENEDETTI moved to amend the resolution to include ET AL Sponsorship. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 23 – CHAIRMAN SWANICK directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Intro. 15-4 From LEGISLATORS SWANICK, PEOPLES, MARINELLI, ET AL Re: Buffalo & Erie County Public Library "Educational Technology Initiative."

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 250

Re: Transfer of Surplus Prior Year  
Contingency Funds for Year 2000 County  
Road Repair. (Intro. 15-5)

A RESOLUTION SUBMITTED BY LEGISLATORS  
SWANICK, MARINELLI, PEOPLES & MARSHALL

WHEREAS, Erie County owns and maintains the largest County road system in the State of New York, which is comprised of 1,200 miles of roadway and over 280 bridges, and

WHEREAS, Erie County has an aggressive road improvement plan slated for the year 2000, and

WHEREAS, sharp increases in petroleum costs, in addition to continued aggressive action in dealing with repairs to county roads have resulted in a funding shortfall for this fiscal year, and

WHEREAS, the Legislature, working with the County Administration, has identified as a source for additional funds for road improvement projects \$1.5 million in surplus prior years' county contingency funds, and

WHEREAS, in order to effectuate this transfer of funds, the Legislature must adopt a resolution such as this,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the preservation of safe conditions along its highways and other county owned roads, and be it further

RESOLVED, that this Honorable Body does hereby authorize the transfer of \$1,500,000 from the county's prior year's (1998) contingency to the Erie County Road fund, Fund 420, Project 155, Account 972, 2000 Capital Overlay Program, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Comptroller, the Budget Director, the Commissioner of Public Works, and the Deputy Commissioner of Public Works – Highways.

Fiscal Impact: Use of prior-year budgeted funds to fill road funding gap.

MR. HOLT moved to amend the resolution to include ET AL Sponsorship. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

Item 25 – MR. PAULY presented the following resolution and moved for immediate consideration.  
MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 251

Re: Funding for the Town of Amherst Justice Court. (Intro. 15-6)



ERIE COUNTY LEGISLATURE

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>	<u>+/-</u>	<u>AMOUNT</u>
Town of Amherst Justice Court	830/	\$3,758	\$7,661	\$11,419
<b>TOTAL</b>			<b>\$7,661</b>	

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passfiume, Jennifer Anger – Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek and James V. Loughran, Clerk, Town of Amherst Justice Court, (400 John James Audobon Pkwy., W. Amherst, NY 14228.)

**Fiscal Impact:** Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 252

Re: Funding for Neighborhood Youth.  
(Intro. 15-7)

A RESOLUTION SUBMITTED BY LEGISLATOR GREENAN

WHEREAS, the Legislature set aside funds in the 2000 Erie County Budget for use by worthy community organizations and governmental agencies, and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$20,000 from the legislative contractual (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Town of West Seneca - Youth Board	830/	\$20,000
<b>TOTAL</b>		<b>\$20,000</b>

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek and to Paul Clark, Town Supervisor, Town of West Seneca (1250 Union Road, West Seneca, NY 14224.)

**Fiscal Impact:** Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 27 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded. MR. MARSHALL voted in the negative.

CARRIED.

RESOLUTION NO. 253

Re: Institution of an Erie County Capital Spending Cap. (Intro. 15-8)

A RESOLUTION SUBMITTED BY LEGISLATORS  
MARINELLI, SWANICK & KUWIK

**WHEREAS,** The Erie County Legislature has forged a history of fiscal responsibility and tax reduction for the benefit of those who live and do business in our community, and

**WHEREAS**, This Honorable Body continued and augmented these efforts by approving an 18 percent property tax reduction for the year 2000, and

**WHEREAS**, There are also plans to further strengthen Erie County's finances by reducing our long term capital debt, and

**WHEREAS**, During the years of the Gorski administration there was a self-imposed cap on capital spending of approximately \$25 million per year, rising to approximately \$30 million later to take into account the courthouse project, and

**WHEREAS**, Using this cap, the County Development Coordination Board was able to prioritize projects, yet remain fiscally prudent at the same time, and

**WHEREAS**, The Giambra administration has yet to take a public position on the issue of instituting a cap on capital spending, and

**WHEREAS**, The departments and institutions of Erie County have requested in excess of \$155 million for capital spending in the year 2001, and

**WHEREAS**, In order to prioritize these requests during their July and August deliberations and recommend a programmatically and fiscally sound package for inclusion in the 2001 budget, the Development Coordination Board would be well-served in having a cap in place from the Giambra administration, and

**WHEREAS**, Failure to institute such a cap could put in jeopardy the work to date by this Honorable Body and the Development Coordination Board in the areas of capital improvements and fiscal responsibility,

**NOW, THEREFORE, BE IT**

**RESOLVED**, That the Erie County Legislature does hereby reaffirm its commitment to continue to pursue tax and debt reduction for the benefit of the residents of this county, and be it further

**RESOLVED**, That this Honorable Body does hereby strongly urge Erie County Executive Joel Giambra to publicly announce the institution of a cap on capital spending for the year 2001 in the amount of approximately \$30 million, and be it further

**RESOLVED**, That this Honorable Body does further urge County Executive Giambra to issue a list of priorities for capital spending projects to the County Development Coordination Board and this Honorable Body in order to better enable the Board to deliberate and recommend a capital spending package for inclusion in the 2001 county budget, and be it further

**RESOLVED**, That certified copies of this resolution be sent to Erie County Executive Joel Giambra, Budget Director Joseph Passafiume, Comptroller Nancy Naples, Department of Environment and Planning Commissioner Laurence Rubin, Spencer Schofield in Environment and Planning, Department of Public Works Commissioner Maria Lehman, and County Development Coordination Board Chair John Bis (UB School of Architecture & Planning, Hayes Hall, 3435 Main St., Buffalo, NY 14214-3087).



**Fiscal Impact:** None for resolution.

MS. MARIENLLI moved to amend the resolution. MS. PEOPLES seconded. MR. MARSHALL voted in the negative.

CARRIED.

**DELETE, in its entirety, the fourth WHEREAS clause, and REPLACE with the following:**

**WHEREAS,** In the past there has been a cap on capital spending imposed by the county administration of approximately \$20 million per year, rising to approximately \$30 million later to take into account the courthouse project, and

**DELETE, in its entirety, the sixth WHEREAS clause.**

**DELETE, in its entirety, the eighth WHEREAS clause, and REPLACE with the following:**

**WHEREAS,** In order to prioritize these requests during their July and August deliberations and recommend a programmatically and fiscally sound package for inclusion in the 2001 budget, the Development Coordination Board would be well-served in having a cap in place from the current administration,

**DELETE, in its entirety, the second RESOLVE clause, and REPLACE with the following:**

**RESOLVED,** That in order to continue providing fiscally-responsible budgets for the taxpayers of this county, this Honorable Body does hereby urge Erie County Executive Joel Giambra to institute a cap on capital spending for the year 2001 in the amount of approximately \$30 million, and be it further

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, MARSHALL, RANZENHOFER, WEINSTEIN. NOES: PAULY, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. AYES – 6, NOES – 11.

DEFEATED.

MR. MARSHALL moved to amend the resolution. MR. GREENAN seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, MARSHALL, RANZENHOFER, WEINSTEIN. NOES: PAULY, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. AYES – 6, NOES – 11.

DEFEATED.

MS. PEOPLES moved to amend the resolution to add Legislators Pauly, Fisher, Peoples, and Dusza as co-sponsors. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: PAULY, WEINSTEIN, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. NOES: CHASE, GREENAN, LARSON, MARSHALL, RANZENHOFER. AYES – 12, NOES – 5.

CARRIED.

Item 28 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 254

Re: Support for a Community Event.  
(Intro. 15-9)

**A RESOLUTION SUBMITTED BY LEGISLATOR SWANICK**

WHEREAS, the Legislature set aside funds in the 2000 Erie County Budget for use by worthy community organizations and governmental agencies, and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,500 from the legislative contractual (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Tonawandas' Hydromania "2000" – United Way of the Tonawandas	830/	\$2,500
<b>TOTAL</b>		<b>\$2,500</b>

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passfiume, Jennifer Anger – Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek and to Vincent Bart, United Way of the Tonawandas, (34 Seymour Street, Tonawanda, NY 14150.)

**Fiscal Impact:** Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 29 – MR. HOLT moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 14E-38. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 255

Re: Erie County Department of Senior Services –  
Authorization To Amend Title V Grant Budgets.

WHEREAS, the Erie County Legislature has already appropriated funds for the Senior Aides grant and the Senior Community Services Employment grant for the period July 1, 1999 to June 30, 2000, and

WHEREAS, the National sponsor, the National Senior Citizens Education & Research Council (NSCERC), and the State sponsor, the New York State Office of the Aging, have both provided additional Title V funding to expand the employment programs for older workers, and

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

WHEREAS, no additional County funds are required

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to amend contracts with Supportive Services Corporation for the period July 1, 1999 to June 30, 2000, and be it further

RESOLVED, that the budget for the Senior Aides grant for the period July 1, 1999 to June 30, 2000, Project 163, be revised as follows:

<u>REVENUES</u>		<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED BUDGET</u>
<u>Account</u>	<u>Description</u>			
664	Federal Aid	\$760,423	+ 8,000	\$768,423
	TOTAL CHANGE TO REVENUES		<u>\$+ 8,000</u>	
 <u>APPROPRIATIONS</u>				
830/235	Supportive Services	\$864,912	\$+ 8,000	\$872,912
	TOTAL CHANGE TO APPROPRIATIONS		<u>\$ 8,000</u>	

and be it further

RESOLVED, that the budget for the Senior Community Services Employment grant for the period July 1, 1999 to June 30, 2000, Project 162, be revised as follows:

<u>REVENUES</u>		<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED BUDGET</u>
<u>Account</u>	<u>Description</u>			
443	In-Kind Contrib	\$ 5,371	\$+ 667	\$ 6,038
664	Federal Aid	280,537	+ 6,000	286,537
	TOTAL CHANGE TO REVENUES		<u>\$+ 6,667</u>	
 <u>APPROPRIATIONS</u>				
830/235	Supportive Services	\$311,708	+ 6,667	\$318,375
	TOTAL CHANGE TO APPROPRIATIONS		<u>\$+ 6,667</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, the County Attorney and the Department of Senior Services.

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

CARRIED UNANIMOUSLY.

Item 30 – MR. DeBENEDETTI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 14E-27. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 256

Re: City Riverwalk Renovations.

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

CARRIED UNANIMOUSLY.

WHEREAS, the Department of Public Works received bids on June 29, 2000 for the City Riverwalk Renovations project, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder for the City Riverwalk Renovations,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the City Riverwalk Renovations project as follows:

SITE WORK

Man O'Trees, Inc.

Base Bid	\$497,981.00
Alternate Bid #1	<u>\$ 6,500.00</u>
Total Contract Award:	\$504,481.00

and be it further,

RESOLVED, that the sum of \$43,519.00 be allocated for 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 funds being returned to the contingency account, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the following accounts:

2000 City Riverwalk Renovations,  
Project 151, Fund 410 \$498,000.00  
Parks & Recreation O&M Budget,  
Project 942, Fund 110, Acct. 823 \$ 50,000.00  
  
In the total amount of: \$548,000.00

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 Comptroller's Office; and one copy to the Department of Parks & Recreation.

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

CARRIED UNANIMOUSLY.

Item 31 – MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 1D-15 (A). MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 257

Re: Correction of Errors.

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

CARRIED UNANIMOUSLY.

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

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

RESOLVED, that petitions numbered 201695 through 201709 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 201695 / 2001 - ASSESSOR - Cancel - \$100.76

SBL No. 69.17-2-31 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 100.76 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

VILLAGE OF WILLIAMSVILLE

85.59

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 193,300 AND SHOULD BE 177,500.  
RPTL 550(2)A.

Petition No. 201696 / 2001 - ASSESSOR - Cancel - \$168.06

SBL No. 69.17-3-55 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County  
Acct. No. 132 - \$ 168.06 - Town/SpecialDist/School

Charge to : VILLAGE OF WILLIAMSVILLE

168.06

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 31,025 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL  
RPTL 550(2)C.

Petition No. 201697 / 2001 - ASSESSOR - Cancel - \$165.16

SBL No. 80.08-2-12 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County  
Acct. No. 132 - \$ 165.16 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

24.86

VILLAGE OF WILLIAMSVILLE

140.30

CANCEL - CLERICAL ERROR, THE ASSESSMENT WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 325,900 AND SHOULD BE 300,000.  
RPTL 550(2)A.

Petition No. 201698 / 2001 - ASSESSOR - Cancel - \$48.46

SBL No. 80.08-6-45 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County  
Acct. No. 132 - \$ 48.46 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

7.29

VILLAGE OF WILLIAMSVILLE

41.17

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 70,400 AND SHOULD BE 62,800.  
RPTL 550(2)A.

PETITION NUMBER 201698 CONTINUED

Petition No. 201699 / 2001 - ASSESSOR - Cancel - \$468.27

SBL No. 266.19-1-18 - TOWN OF BRANT

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 468.27 - Town/SpecialDist/School

Charge to : VILLAGE OF FARNHAM

468.27

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 44,031 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX . RPTL 550(2)C.

Petition No. 201700 / 2001 - ASSESSOR - Cancel - \$175.01

SBL No. 266.19-1-21 - TOWN OF BRANT

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 175.01 - Town/SpecialDist/School

Charge to : VILLAGE OF FARNHAM

175.01

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 16,456 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201701 / 2001 - ASSESSOR - Cancel - \$797.63

SBL No. 266.19-1-23 - TOWN OF BRANT

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 797.63 - Town/SpecialDist/School

Charge to : VILLAGE OF FARNHAM

797.63

CANCEL - UNLAWFUL ENTRY, PARCEL IS A RELIGIOUS ORGANIZATION AND IS WHOLLY EXEMPT FROM TAXES. PARCEL SHOULD BE PLACED IN ROLL SECTION 8. RPTL 550(7)A.

Petition No. 201702 / 2001 - ASSESSOR - Cancel - \$80.68

SBL No. 282.07-1-13.1 - TOWN OF BRANT

Acct. No. 112 - \$ 0.00 - County



Acct. No. 132 - \$ 80.68 - Town/SpecialDist/School

Charge to : VILLAGE OF FARNHAM

80.68

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 7,587 THAT THIS PARCEL IS ENTITLED WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201703 / 2000 - ASSESSOR - Refund - \$162.00  
SBL No. 159.00-1-17.1/160 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 162.00 - Town/SpecialDist/School

Charge to : TOWN OF HAMBURG

162.00

REFUND - CLERICAL ERROR, THE PARCEL WAS CHARGED IN ERROR FOR A SEWER PETITION NUMBER 201703 CONTINUED TAX WHEN IT DOES NOT BELONG IN THIS DISTRICT. RPTL 550(2)E. CHECK IN FAVOR OF: ROBERT PRIEST

Petition No. 201704 / 2001 - ASSESSOR - Cancel - \$2,104.09

SBL No. 183.18-14-16 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 2,104.09 - Town/SpecialDist/School

Charge to : VILLAGE OF HAMBURG

2,104.09

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 73,800 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201705 / 2000 - ASSESSOR - Cancel - \$326.01

SBL No. 139.13-1-3 - TOWN OF MARILLA

Acct. No. 112 - \$ 310.08 - County

Acct. No. 132 - \$ 15.93 - Town/SpecialDist/School

Charge to : TOWN OF MARILLA

15.93

CANCEL - CLERICAL ERROR, THE RPTL 520 INCLUDED A CHARGED FOR AN EXEMPTION ON THE 1999 COUNTY TAX ROLL THAT DID NOT EXIST . RPTL 550 (2)A.

Petition No. 201706 / 2001 - ASSESSOR - Cancel - \$143.70

SBL No. 47.06-3-1.112 - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 143.70 - Town/SpecialDist/School

Charge to : VILLAGE OF AKRON

143.70

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION IN THE AMOUNT OF 30,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201707 / 2001 - ASSESSOR - Cancel - \$206.54

SBL No. 47.11-3-22 - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 206.54 - Town/SpecialDist/School

Charge to : VILLAGE OF AKRON

206.54

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 29,920 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FORM THE TAX ROLL. RPTL 550(2)C.

Petition No.

201708 / 2000 - ASSESSOR - Cancel - \$192.97

SBL No. 304.00-4-1.111 - TOWN OF NORTH COLLINS

Acct. No. 112 - \$ 192.97 - County

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

Charge to :

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 38,981 FOR COUNTY TAX PURPOSES WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201709 / 2000 - ASSESSOR - Cancel - \$245.39

SBL No. 286.00-8-6.1 - TOWN OF NORTH COLLINS

Acct. No. 112 - \$ 117.85 - County

Acct. No. 132 - \$ 127.54 - Town/SpecialDist/School

Charge to : TOWN OF NORTH COLLINS

127.54

CANCEL - CLERICAL ERROR, THE AGRICULTRUAL EXEMPTION IN THE AMOUNT OF 20,655 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 32 – MS. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 15E-50 From MAJORITY LEADER PEOPLES Re: Letter to GBS Board President.

CHAIRMAN SWANICK directed that Comm. 15E-50 be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY CLERK**

Item 33 – (Comm. 15E-1) Copy of Letter to Chairman Swanick Re: Acknowledgement of Mosey-Pawloski's Appointing Resolution & Oath Card.

Received and filed.

**FROM CHAIRMAN SWANICK & THE COUNTY EXECUTIVE**

Item 34 – (Comm. 15E-2) Copy of Letter to NYS Office of Alcoholism & Substance Abuse Services Re: State Funding of ECMC's Division of Chemical Dependency.

Received and referred to the HEALTH COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 35 – (Comm. 15E-3) EC Sport Fishery Promotion Program – 1999 Annual Report.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE COMPTROLLER**

Item 36 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 258

Re: Bond Resolution. (Comm. 15E-4)

RESOLUTION NO. 258 - 2000

BOND RESOLUTION DATED JULY 6, 2000

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING COMPLETION OF THE BOTANICAL GARDENS DOME PROJECT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$760,000, APPROPRIATING \$260,000 IN ADDITION TO THE \$500,000 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$260,000 BONDS OF THE COUNTY IN ADDITION TO THE \$500,000 PREVIOUSLY AUTHORIZED THEREFOR TO PAY THE COST THEREOF.

(Introduced) JUNE 28, 2000

(Adopted) JULY 6, 2000

**Recitals**

WHEREAS, the Legislature of the County of Erie, New York, has heretofore duly authorized the financing of various improvements to the Botanical Gardens, including but not limited to rehabilitation of portions of the deteriorated glass dome and miscellaneous improvements, pursuant to Resolution No. 101-1999 duly adopted on March 18, 1999 by said Legislature; and

WHEREAS, it is now necessary to authorize the issuance of \$260,000 County bonds to finance the additional costs of completion of the Botanical Gardens Dome rehabilitation project;

NOW, THEREFORE, BE IT

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 complete the Botanical Gardens Dome rehabilitation project, including miscellaneous improvements to the Botanical Gardens. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$760,000, and \$260,000 is hereby appropriated therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 2000, in addition to the \$500,000 previously appropriated therefor. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2000 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$260,000 bonds of the County to finance said appropriation, in addition to the \$500,000 bonds previously authorized therefor, 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 \$260,000, are hereby authorized to be issued 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. The period of probable usefulness for the specific object or purpose for which said \$260,000 bonds herein authorized are to be issued, within the limitations of §11.00 a. 19(c) of the Law, is fifteen (15) years, provided that the maximum term of such bonds shall not extend beyond July 6, 2015.

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 objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of funds available in the General Fund 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 the 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 respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative 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 provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, MARSHALL, PAULY, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. AYES – 17, NOES – 0.

CARRIED UNANIMOUSLY.

Item 37 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 259

Bond Resolution. (Comm. 15E-5)

RESOLUTION NO. 259 - 2000

BOND RESOLUTION DATED JULY 6, 2000

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING COMPLETION OF PLANNING FOR VARIOUS HIGHWAY AND BRIDGE PROJECTS, STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$440,925, APPROPRIATING \$140,950 IN ADDITION TO THE \$299,975 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$140,950 BONDS OF THE COUNTY IN ADDITION TO THE \$299,975 PREVIOUSLY AUTHORIZED THEREFOR TO PAY THE COST THEREOF.

(Introduced) JUNE 28, 2000

(Adopted) JULY 6, 2000

NOW, THEREFORE, BE IT

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 complete planning for (i) various highway projects, at the estimated maximum cost of \$197,250 and (ii) various bridge

projects, at the estimated maximum cost of \$243,675. The total estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$440,925. \$25,400 is hereby appropriated for planning of such highway projects pursuant to the duly adopted Capital Budget of said County for fiscal year 2000, in addition to the \$171,850 previously appropriated therefor. \$115,550 is hereby appropriated for planning of such bridge projects pursuant to the duly adopted Capital Budget of said County for fiscal year 2000, in addition to the \$128,125 previously appropriated therefor. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2000 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$140,950 aggregate amount of bonds of the County to finance said appropriation, in addition to the \$299,975 aggregate amount of bonds previously authorized therefor pursuant to Resolution No. 136-2000 duly adopted on April 13, 2000 by said Legislature (as set forth in rows 6(a) and 6(b) of the schedule attached to such Resolution), 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 respective principal amounts of \$25,400 and \$115,550 are hereby authorized to be issued 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 appropriations.

Section 3. The period of probable usefulness for the specific objects or purposes for which said \$25,400 and \$115,550 respective principal amounts of bonds herein authorized are to be issued, within the limitations of §11.00 a. 62(2nd) of the Law, is five (5) 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 objects or purposes described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of funds available in the General Fund 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 the 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 respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative 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.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, MARSHALL, PAULY, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. AYES – 17, NOES – 0.

CARRIED UNANIMOUSLY.

Item 38 – (Comm. 15E-6) 6/00 Report – 4% Sales Tax Revenue.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 39 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 260

Re: Surplus Revenue Road Repair Reserve  
Fund Public Hearing Request. (Comm.  
15E-7)



WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d, and

WHEREAS, the Road Repair Reserve Fund has \$1,425,358 available for repairs of roads and bridges in the County during 2000, and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following public hearing,

NOW, THEREFORE, BE IT

RESOLVED, that a Public Hearing be held by this Legislature on Thursday, July 13, 2000 at 2:00 p.m. in the Legislative Chambers at 25 Delaware Avenue in the City of Buffalo, and be it further

RESOLVED, that the subject of such public hearing shall be the appropriation of \$1,425,358.00 from the Erie County Road Repair Reserve Fund for the following road and bridge repair projects during 2000:

**2000 TRANSFER TAX PROJECTS**

<b><u>IN-HOUSE OVERLAY</u></b>	<b><u>COST</u></b>	<b><u>TOTAL</u></b>
NEWHOUSE	\$ 30,000.00	
BASELINE	45,000.00	
TWO MILE CREEK	165,000.00	
PAVEMENT	162,000.00	
TOWNLIN (CLINTON-BULLIS)	101,000.00	
AERO (WEHRLE-REIN)	41,000.00	
AERO (REIN-TRANSIT)	41,000.00	
WEHRLE	51,000.00	
SENECA	41,000.00	
FISHER	36,000.00	
SCHERF	140,000.00	
PRATHAM	66,758.00	

TOTAL IN HOUSE OVERLAY \$ 919,758.00

<b><u>OIL &amp; CHIPPING</u></b>	<b><u>COST</u></b>
RAPIDS	\$ 48,000.00
SCOTLAND	20,000.00
NEW OREGON	25,000.00
LEWIS	21,000.00
HAYES HOLLOW	24,000.00
WARNER HILL	28,000.00
CRUMP	20,000.00
GROVER	50,000.00

WEST FALLS	20,000.00	
DUTCHTOWN	3,500.00	
N.PROTECTION	6,000.00	
EAST BLOOD	23,000.00	
NEW OREGON	27,000.00	
ZOAR VALLEY	30,000.00	
KETCHUM	11,000.00	
MARSHFIELD	5,000.00	
GROTH	4,000.00	
JENNINGS	15,500.00	
GOWANDA-ZOAR	18,500.00	
SCRABBLE HILL/DUPONT	11,100.00	
GENESEE	6,000.00	
TREVETT	19,000.00	
CONCORD	14,000.00	
PRATHAM	14,000.00	
BROWN HILL	8,000.00	
ALLEN	12,000.00	
SNYDER	12,000.00	
SUMMIT	4,000.00	
MATTESON CORNERS	6,000.00	
TOTAL OIL & CHIPPING		\$ 505,600.00
<b><u>GRAND TOTAL</u></b>		<b>\$ 1,425,358.00</b>

And be it further

RESOLVED, that the Clerk of the Legislature is directed to publish a Notice of Public Hearing once in each of the official newspapers of the County, at least six days prior to the date of the Public Hearing, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Budget Director Joseph Passafiume, Public Works Commissioner Maria Lehman, Deputy Commissioner of Highways Daniel J. Rider and First Assistant County Attorney Susannah Bochenek.

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

CARRIED UNANIMOUSLY.

**FROM THE COMPTROLLER**

Item 40 – (Comm. 15E-8) Quarterly Investment Report 1/1/00 – 3/31/00.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 41 – MR. DeBENEDETTI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 261

RE: USEPA – Grant for Chemical Emergency  
Preparation & Prevention – Project PROTECT.  
(Comm. 15E-9)

WHEREAS, in May 1998, the County of Erie secured \$112, 875.00 in funding from the United States Environmental Protection Agency (USEPA), through the New York State Emergency Management Commission (SERC), to implement a "Chemical Emergency Preparedness and Prevention Technical Assistance Project", entitled "Project PROTECT" regarding Risk Management Plans, a mandate under the Clean Air Act, and

WHEREAS, the best use of the grant resources is not consistent with the budget appropriated by a May, 21 1998 Legislative Resolution, and

WHEREAS, it is necessary to revise the grant budget to meet the needs of the project, and

WHEREAS, the USEPA and SERC have processed these necessary revisions, and

WHEREAS, the USEPA and SERC have agreed to and approved a no-cost time extension for the Erie County program extending the project completion date to December 31, 2000.

NOW THEREFORE BE IT

RESOLVED, that the budget of the Erie County Project PROTECT (SFG#882) is hereby revised as follows for the period 8/1/98 - 12/31/00:

<u>Object</u>	<u>Descriptions</u>	<u>Original</u>	<u>Revisions</u>	<u>New</u>
800	Salaries	\$69,500	0	\$69,500
805	Fringe Benefits	\$17,375	\$1,110	\$18,485
810	Office Supplies	\$2,000	(\$1,565)	\$435
824	Travel & Mileage	\$100	0	\$100
825	Out of Area Travel	\$4,900	(\$1,190)	\$3,710
826	Other	\$4,000	(\$2,500)	\$1,500
830	Contractual	\$7,000	\$1,975	\$8,975
933	Equipment	\$8,000	\$2,170	\$10,170
<b>TOTAL</b>		<b>\$112,875</b>	<b>0</b>	<b>\$112,875</b>

and be it further,

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

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

CARRIED UNANIMOUSLY.

Item 42 – (Comm. 15E-10) ECSD No. 3/Southtowns – Streamns & Wheler – Contract Close-Out.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 43 – MR. PAULY presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 262

Re: ECSD Nos. 1-6 – Funding Request Regional Initiative.  
(Comm. 15E-11)

WHEREAS, the County of Erie and the six Erie County Sewer Districts desire to provide sewage treatment operations in the most cost effective and efficient manner possible; and

WHEREAS, it is the desire of the County of Erie, Department of Environment and Planning and the six Erie County Sewer Districts to study the potential efficient and cost effective opportunities a collaborative merger of these entities would present by performing, through the Request For Proposals process (RFP), an independent cost/benefit analysis; and

WHEREAS, the cost to perform an independent cost/benefit analysis of the potential merger of the existing Erie County Sewer Districts is estimated to be approximately \$50,000.00; and

WHEREAS, it is in the best interest of the taxpayers and ratepayers of the County of Erie and the six Erie County Sewer Districts to investigate the opportunities a merger of these sewer districts could provide to supply this service in the most effective and efficient manner possible.

NOW, THEREFORE, BE IT

RESOLVED, that the County Comptroller be authorized and directed to allocate \$50,000.00 from the County's Consolidation/Regional Program (DAC 110 904303830699) to pay for the consulting services to perform a cost/benefit analysis of merging Erie County Sewer Districts, which is hereby transferred to a sub-account for this purpose under Agency Payments Monitored by Environment and Planning (DAC 110 922302830); and be it further

RESOLVED, that the Clerk of the Legislature send a certified copy of this resolution to the Commissioner of Environment and Planning, the County Attorney, the Erie County Comptroller, and the Director of Budget and Management.

MR. PAULY moved the approval of the resolution. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 44 – (Comm. 15E-12) CPS – New Training Facility – Assessment of Space Needs Study.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 45 – (Comm. 15E-13) ECSD Nos. 1 & 4 – Auditing Agreement Close-Out – Fox & Company.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 46 – MR. PAULY presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 263

Re: Consultant Agreement – EC Alt Fuels  
Grant Program (SFG-223). (Comm.15E-14)

WHEREAS, the Federal Highway Administration (FHA) has provided the New York State Department of Transportation (DOT) with funds for the purpose of implementing the Congestion Mitigation/Air Quality (CMAQ) Improvement Program, and

WHEREAS, the Niagara Frontier has qualified for CMAQ program funds as a result of being in non-attainment of Federal air quality standards, and

WHEREAS, Erie County has been allocated through the Greater Buffalo - Niagara Regional Transportation Councils (GBNRTC) Transportation Improvement Program (TIP) funds for the purpose of carrying out the "Erie County Alternative Vehicle Consortium Project," and

WHEREAS, NYSDOT has entered into agreement with Erie County to administer the allocated \$376,000 in CMAQ program funds, and

WHEREAS, a resolution (Comm. 13E-18) passed July 15,1999, provided the necessary authorization to accept the CMAQ funding and established a grant budget for the Erie County Alternative Fuel Vehicle Consortium Project, and

WHEREAS, the Federal CMAQ grant program requires a minimum 20% local match to access the federal grant funding, and

WHEREAS, a resolution (Comm. 6E-21) passed April 13, 2000 provided the authorization to transfer

necessary funds to General Fund 110, Department 620, Environment and Planning, Account 886, Subaccount 6209 to meet the required local match for the Federal CMAQ grant program, and

WHEREAS, pursuant to Section 19.08 of the Erie County Administrative Code, the Department of Environment and Planning requested and reviewed proposals from bidders to delineate plans and specification for the construction of a CNG fueling station, and

WHEREAS, the RFP review committee has recommended the Department of Environment and Planning award a contract for the proposed work to Wendel, Inc.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is authorized to execute the necessary contract with Wendel, Inc. to delineate plans and specifications for the construction of a CNG fueling station for an amount not to exceed \$10,000, the source of funds being monies set aside for the County match to the CMAQ grant program, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 47 – (Comm. 15E-15) NYSDEC – Solid Waste Management & Reduction Grant.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 48 – (Comm. 15E-16) Social Services – Child & Family Services After Hours Homeless Hotline Contract.

Item 49 – (Comm. 15E-17) Social Services – Child Care Block Grant.

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

Item 50 – (Comm. 15E-18) Proposed Local Law to Authorize Lease Terms in Excess of 5 Years for Wireless Service Providers.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 51 – (Comm. 15E-19) Appointments to EC Board of Ethics.

Item 52 – (Comm. 15E-20) Expansion of Assisted Outpatient Treatment Program Grant.

Item 53 – (Comm. 15E-21) Health – Personnel Adjustment.

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

Item 54 – (Comm. 15E-22) Granting Town of Amherst Permanent Public Storm Sewer Drainage Easement (on 336 Ayer Road).

Item 55 – (Comm. 15E-23) Granting Town of Amherst Permanent Public Storm Sewer Drainage Easement (on 210 Ayer Road).

Item 56 – (Comm. 15E-24) Granting Town of Amherst Permanent Public Storm Sewer Drainage Easement (on 131 Brush Creek Road).

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

**FROM THE COMPTROLLER**

Item 57 – (Comm. 15E-25) Certificate of Determination – Sale & Issuance of Bonds.

Received and filed.

**FROM THE COUNTY EXECUTIVE**

Item 58 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 264

Re: Sheriff – Law Enforcement Education  
Partnership Grant. (Comm. 15E-26)

WHEREAS, the New York State Office of Alcoholism and Substance Abuse Services has approved the above referenced grant in the amount of \$60,000 to enable the Sheriff's Office to implement a Law Enforcement Education Partnership with Erie 1 BOCES, and

WHEREAS, the Office of the Sheriff, in conjunction with Erie 1 BOCES Western New York Comprehensive Health and Wellness Center and Erie 1 BOCES Alternative Learning Program, will be able to provide programs to high risk youths aimed at decreasing substance abuse and violence and increasing school attendance and academic success.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Office of Alcoholism and Substance Abuse Services to accept funds in the amount of \$60,000 for a Law Enforcement Education Partnership Grant, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with Erie

BOCES 1, and be it further

RESOLVED, that authorization is hereby provided to establish funding for this grant as follows:

SHERIFF'S OFFICE GRANT FUND  
Law Enforcement Education Partnership Grant  
07/01/00 - 08/31/01

<u>REVENUE</u>	<u>INCREASE</u>
553 - State Aid Other	<u>\$60,000</u>
TOTAL REVENUE	<u>\$60,000</u>
<u>APPROPRIATIONS</u>	
Code 826 - Miscellaneous Expenses	\$3,000
Code 830 - Contractual Services	38,000
Code 933 - Technical Equipment	<u>19,000</u>
TOTAL APPROPRIATIONS	<u>\$60,000</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

**ADD, following the third RESOLVE clause:**

RESOLVED, That the Office of the Sheriff submit a written report to this Honorable Body on or before December 31, 2000 detailing the number of youths served, measurable outcomes of said service, and any other pertinent information in gauging the success and effectiveness of the program, and be it further

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

CARRIED UNANIMOUSLY.

Item 59 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. OLMA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 265

Re: Sheriff – Psychological Screening Contract.  
(Comm. 15E-27)



WHEREAS, The Erie County Sheriff's Office, as a part of the hiring process for Deputy Sheriffs, requires that each candidate receive a psychological evaluation by a licensed psychologist or psychiatrist, and

WHEREAS, The Erie County Department of Mental Health is no longer able to provide these services for the Sheriff's Office, and

WHEREAS, The Erie County Sheriff's Office published a Request for Proposal detailing the requirements for such services and all responses were evaluated by a committee of law enforcement professionals and it was determined that George T. Deitz, Ph.D. submitted the only acceptable proposal, and

WHEREAS, there will be no impact on County tax dollars since funds are available in the Sheriff's Office and Holding Center's 2000 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with George E. Deitz, Ph.D. of East Aurora, New York to provide psychological screening evaluations for prospective Deputy Sheriffs at a cost of \$230 per screening, and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Department of Law, the Bureau of Purchasing, the Office of the Comptroller and the Office of the Sheriff for implementation.

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

CARRIED UNANIMOUSLY.

Item 60 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 266

RE: Sheriff – Erie 1 BOCES Agreement.  
(Comm. 15E-28)

WHEREAS, The Erie County Sheriff's Office has implemented a Students Ambassador Program and organized Youth Summits where students from public and private schools throughout the County meet to address the problems of tobacco, alcohol and substance abuse within our community, and

WHEREAS, The Erie County Sheriff's Office has identified the need for assistance from Erie 1 BOCES to continue and expand these programs, and

WHEREAS, there will be no impact on County tax dollars since funds are available in the Sheriff's Office 2000 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the Western New York Regional Center for Comprehensive School Health and Wellness at Erie 1 BOCES to obtain assistance from Erie 1 BOCES in the expansion of the Erie County Sheriff's Office current comprehensive school based education and prevention programs, and be it further

RESOLVED, that funding for this contract, in the amount of \$11,450 shall be obtained from the available balances in the Sheriff's Division, Account 821, Dues and Fees, and transferred to account 830, Contractual Services, in an appropriate sub account for the BOCES program, and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Department of Law, the Office of the Comptroller and the Office of the Sheriff for implementation.

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

CARRIED UNANIMOUSLY.

**ADD, following the second RESOLVE clause:**

RESOLVED, That the Office of the Sheriff submit a written report to this Honorable Body on or before December 31, 2000 detailing the number of youths served, measurable outcomes of said service, and any other pertinent information in gauging the success and effectiveness of the program, and be it further

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

CARRIED UNANIMOUSLY.

Item 61 – (Comm. 15E-29) Sheriff's Public Awareness is Prevention Grant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 62 – MS. PEOPLES presented the following resolution as moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 267

Re: Senior Services – Authorization to Create a Project Coordinator, Special Events – Senior Services Position. (Comm. 15E-30)

WHEREAS, in 1965 the United States Congress approved the OLDER AMERICANS ACT that included establishment and operation of nutritional and educational programs benefiting the health and well being of our senior citizens population, and

WHEREAS, beginning with 19 dining sites in 1974 the Erie County Nutrition Program has served the senior residents of our area for more than 26 years and is now supporting 55 dining sites which annually serve more than 500,000 meals to senior adults throughout Erie County, and

WHEREAS, Erie County now has the sixth (6th) largest percentage of senior citizens in the continental United States and the projections are that this percentage will continue to increase, and

WHEREAS, the rapid growth of Erie County's senior population presents critical humanitarian and fiscal challenges, and

WHEREAS, a response to these critical challenges is the addition of a fitness and wellness event coordinator who would implement and promote cost effective senior fitness and wellness programs with the objective of containing health care costs and reducing the incidence of institutionalization, and

WHEREAS, the Department of Senior Services desires to create a Project Coordinator, Special Events - Senior Services position in the AAA Grant, Project 275, effective July 31,2000, and

WHEREAS, creation of this position will generate a meaningful fiscal return on investment while serving to enhance and benefit the health, well being, independence and quality of life for the senior residents of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that a Project Coordinator, Special Events - Senior Services Position (Job Group 9, Step o) be added to the AAA grant effective July 31, 2000 (B - 100 attached) and be it further

RESOLVED, that the AAA grant, Project 275 be revised as follows for the year January 1, 2000 to December 31, 2000:

<u>Revenues</u>	<u>Current Budget</u>	<u>Change</u>	<u>Amended Budget</u>
Acct. 664 Fed Aid	<u>\$1,511,360</u>	<u>\$15,930</u>	<u>\$1,527,290</u>
<u>Appropriations</u>			
Acct 800 Personal	\$1,001,153	\$13,100	\$1,014,253
Acct 805 Fringes	204,858	<u>2,830</u>	207,688
		<u>\$15,930</u>	

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 63 – (Comm. 15E-31) Establishment of Office of Workforce Development.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 64 – (Comm. 15E-32) DPW – EC Home – Repair of Parapet Walls – Phase II.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 65 – MR. DeBENEDETTI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 268

Re: ECSD No. 6 – Transfer of Funds.  
(Comm. 15E-33)

WHEREAS, there are insufficient funds presently available in the Sewer Operating Fund 220, Project 854, Department 840, Code 933 of Erie Sewer District No. 6 for the 2000 Budget Year; and

WHEREAS, it is necessary to transfer the amount of \$86,000.00 to pay the vendor for a pumping station controller system necessary for effective and efficient operation of the Sewer District.

NOW, THEREFORE, BE IT

RESOLVED, that the following amount be transferred to adequately provide funds to make payment to the vendor for the pumping station controller system:

The amount of \$86,000.00 from Fund Balance, Fund 220, Project 854, Account 299, to Use of Fund Balance, Fund 220, 854 840 698 105, and Fund 220, Project 854, Department 840, Code 933;

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, the Director of Budget and Management and the Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

Item 66 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 269

Re: Rath Building Plaza Rehab – Architectural/  
Engineering Supplemental Agreement.  
(Comm. 15E-34)

WHEREAS, a project initiation report is required in order to implement Rath Building Plaza Rehabilitation, including ADA and code compliant issues, and

WHEREAS, the firm of Duchscherer Oberst Design presently has a General Engineering contract with the County of Erie to provide design services,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Duchscherer Oberst Design (Wendel Duchscherer Architects & Engineers, P.C.), 70 West Chippewa Street, Suite 400, Buffalo, New York, 14202, for the Rath Building Plaza Rehabilitation, Project Initiation Report, in an amount not to exceed \$25,000, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the following accounts:

Code Compliance, Project 586, Fund 410	\$ 5,760.00
Code Compliance, Project 748, Fund 410	2,300.00
Code Compliance, Project 912, Fund 110	
DP24022	<u>16, 940.00</u>
	\$25,000.00

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 Comptroller's Office, and one copy to Budget, Management & Finance.

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

CARRIED UNANIMOUSLY.

Item 67 – (Comm. 15E-35) ECC North – Parking Lot Reconstruction.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 68 – (Comm. 15E-36) Establishment of Regional Cultural Tourism Program.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 69 – (Comm. 15E-37) EC Coordinating Council on Children & Families – Authorization to Enter Intro Contract with Junior League of Buffalo.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 70 – (Comm. 15E-38) DPW – 2000 CHIPS Revenue Increase.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 71 – (Comm. 15E-39) Social Services – Merit Incentive/Community Support Schools.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 72 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 270

Re: Senior Services – Authorization to Amend CSE & EISEP Budgets. (Comm. 15E-40)

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services for the Elderly (CSE) and Expanded In-Home Services for the Elderly Program (EISEP) grants for the period April 1, 2000 to March 31, 2001, and

WHEREAS, the New York State Office for the Aging has made additional funding available to the Department of Senior Services to enable the department to expand case management, errand and chore and transportation services at the cluster agency level; to provide additional funding to the adult day care respite and home care programs; and to service well elderly by encouraging their involvement in the community by providing transportation, nutrition-related service, information and referral, counseling and other varied informational services, and

WHEREAS, Senior Services desires to revise the CSE and EISEP grant budgets to reflect the additional funding which will be earmarked for expanding the above services at various community agencies and to reflect actual needs of the programs, and

WHEREAS, services provided to older residents of the City of Lackawanna by Friendship House will be administered by South Buffalo Community Center as of 8/1/00, without any interruption in these services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept the additional State funds and to amend the contracts with the various community agencies as stipulated herein, and be it further

RESOLVED, that the CSE grant, Project 279, be revised as follows:

ERIE COUNTY LEGISLATURE

Account	Description	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED BUDGET</u>
<u>REVENUES</u>				
443	In-Kind Contr	\$112,013	\$- 3,000	\$ 109,013
617	State Aid	817,761	<u>+201,267</u>	\$1,019,028
	TOTAL CHANGES		<u>\$ +198,267</u>	
 <u>APPROPRIATIONS</u>				
826	Other Expenses	\$ 29,600	\$+ 3,015	\$ 32,615
830/230	Friendship House	44,418	- 29,000	15,418
830/228	St. Augustine Comm	115,650	+ 14,344	129,994
830/231	Concerned Ecumenical	127,299	+ 4,000	131,299
830/237	Catholic Charities	125,280	+ 4,000	129,280
830/302	Town of Amherst	19,109	+ 4,800	23,909
830/309	Kensington Bailey	65,902	+ 20,992	86,894
830/317	North Buffalo Comm	28,854	+ 4,000	32,854
830/321	South Buffalo Comm	38,370	+ 35,000	73,370
830/355	Bailey Delavan Comm	53,039	+ 8,992	62,031
830/356	Northwest Buffalo Com	47,015	+ 7,959	54,974
830/362	Polish Community Ctr	98,088	+ 11,540	109,628
830/373	Bflo Fed Neigh Center	87,497	+ 11,071	98,568
830/385	Other Projected Agen	55,722	+ 84,881	140,603
830/397	Comm Concern-Evans/Br	36,999	<u>+ 12,673</u>	49,672
	TOTAL CHANGES		<u>\$+198,267</u>	

and be it further

RESOLVED, that the EISEP grant, Project 280, be revised as follows:

Account	Description	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED BUDGET</u>
<u>REVENUES</u>				
443	In-Kind Contr	\$ 84,594	\$ - 3,000	\$ 81,594
617	State Aid	1,421,721	<u>+\$36,955</u>	1,458,676
	TOTAL CHANGES		<u>+\$33,955</u>	
 <u>APPROPRIATIONS</u>				
830/230	Friendship House	36,197	-21,000	15,197
830/317	North Buffalo Comm	37,555	+ 3,200	40,755
830/321	South Buffalo Comm	36,366	+30,255	66,621
830/362	Polish Community Ctr	29,588	+ 2,000	31,588
830/385	Other Projected Agen	30,000	+14,649	44,649
830/391	Other Home Care Agen	1,083,690	+ 1,978	1,085,668

830/397	Comm Concern-Evans/Br	29,963	+ 2,873	32,836
	TOTAL CHANGES		<u>\$+33,955</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, the County Attorney and the Department of Senior Services.

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

CARRIED UNANIMOUSLY.

Item 73 – (Comm. 15E-41) Legal Aid Bureau – Retention of 1999 Surplus.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 74 – (Comm. 15E-42) Buffalo & Erie County Historical Society's Rare Books Exhibit Feasibility Study.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 75 – (Comm. 15E-43) Request for Legislative Action Authorizing EC to Amend its 2000 Contract with YWCA of WNY by an Additional \$93,288 in 1000% NYSOMH State Aid.

Received and referred to the HEALTH COMMITTEE.

Item 76 – (Comm. 15E-44) Social Services – Medicaid Managed Care Grant.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 77 – (Comm. 15E-45) Social Services – Community Support Schools Program.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 78 – (Comm. 15E-46) Social Services – Enhanced Drug & Alcohol Services Grant.

Item 79 – (Comm. 15E-47) Social Services – Preventive Services Funding Reallocation.

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

Item 80 – (Comm. 15E-48) Health – EMS – Loan of Three Automated External Defibrillator Trainers.

Received and referred to the HEALTH COMMITTEE.

Item 81 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.



CARRIED UNANIMOUSLY.

RESOLUTION NO. 271

Re: Sheriff – Donation of an Automated  
External Defibrillator. (Comm. 15E-49)

WHEREAS, New York State's 1998 Public Access Defibrillation Law ensures the wider use of a new technology to deal with heart attacks, and

WHEREAS, the Wyoming-Erie Regional Emergency Medical Services Council has made available an Automated External Defibrillator (AED) for use by the Sheriff's Road Patrol staff.

NOW, THEREFORE, BE IT

RESOLVED, that the Sheriff's Office is hereby authorized to accept donation of an AED with a value of \$2,900 from the Wyoming-Erie Regional Emergency Medical Services Council, and be it further

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

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

Item 82 – (Comm. 15D-1) Notice of County Executive's Public Hearing – Comms. 10E-11 & 9E-20.

RECEIVED, FILED & PRINTED.

June 21, 2000

VIA HAND DELIVERY

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

Re: Notice of Public Hearing  
Resolution Int. 10E-11  
Resolution Int. 9E-20



June 21, 2000

VIA HAND DELIVERY

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

Re: **Notice of Public Hearing**  
**Local Law Intro. No. 3 - 2000**

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above captioned Local Law Intro. No. 3-2000, which was adopted by the Erie County Legislature on June 8, 2000.

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

Very truly yours,

FREDERICK A. WOLF  
Erie County Attorney

Susannah M. Bochenek  
1<sup>st</sup> Assistant County Attorney

SMB/cc  
encl.

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Erie County Executive, Joel A. Giambra, will hold a public hearing Wednesday, June 28, 2000 at 3:00 p.m., concerning:

A LOCAL LAW authorizing the creation by the County of Erie of a local development corporation and the sale by the County to such corporation of the County's rights to receive payments under the Master Settlement Agreement with various tobacco companies and the related Consent Decree and Final Judgment.

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

On June 8, 2000, the Erie County Legislature adopted Erie County Local Law Introduction Number 3 of 2000. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7<sup>th</sup> Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA  
Erie County Executive

**FROM MENTAL HEALTH**

Item 84 – (Comm.15D-3) Copy of Letter to Norine Thibault Re: ECMC.

Received and referred to the HEALTH COMMITTEE.

**FROM BUDGET, MANAGEMENT & FINANCE**

Item 85 – (Comm. 15D-4) Budget Monitoring Report for Period Ending 4/30/00.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM ECC**

Item 86 – (Comm. 15D-5) Minutes of Board of Trustees Meeting Held 5/8/00, 5/31/00 & 6/28/00.

Received and filed.

**FROM THE COUNTY ATTORNEY**

Item 87 – (Comm. 15D-6) Notice of County Executive's Approval of Comms. 9E-20 & 10E-11.

RECEIVED, FILED & PRINTED.

June 29, 2000

VIA HAND DELIVERY

Ms. Laurie A. Manzella  
Clerk of the Erie County Legislature  
25 Delaware Avenue, 7<sup>th</sup> Floor  
Buffalo, New York 14202

RE: RESOLUTIONS FOR INT. NO. 9E-20 AND 10E-11

Dear Ms. Manzella:

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

Thank you for your assistance with this matter.

Very truly yours,

FREDERICK A. WOLF  
Erie County Attorney

BY: Susannah Bochenek  
First Assistant County Attorney

SMB/cc  
Enc.

cc: Bradley J. Stamm, Sr. Executive Assistant (w/out enc.)

A Public Hearing was held on the foregoing Resolution Int. No. 9E-20 on Thursday, June 29, 2000, due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation, I JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution this 29<sup>th</sup> day of June, 2000.

JOEL A. GIAMBRA

A Public Hearing was held on the foregoing Resolution Int. No. 10E-11 on Thursday, June 29, 2000, due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation, I JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution this 29<sup>th</sup> day of June, 2000.

JOEL A. GIAMBRA

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NFTA**

Item 88 – (Comm. 15M-1) Minutes of Board Meeting Held 5/15/00.

Received and filed.

**FROM OTB**

Item 89 – (Comm. 15M-2) Minutes of Board of Directors Meeting Held 4/27/00.

Received and filed.

**FROM THE EC SHERIFF'S PBA**

Item 90 – (Comm. 15M-3) Copy of Letter to Legislator Kuwik Re: Safety Concerns at EC Correctional Facility.

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE TOWN OF HAMBURG**

Item 91 – (Comm. 15M-4) Certified Resolution Re: Buffalo & Erie County Public Library's Strategic Plan.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE ERIE COUNTY WATER AUTHORITY**

Item 92 – (Comm. 15M-5) 1999 Annual Report.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NFTA**

Item 93 – (Comm. 15M-6) Financial Statements – 3/31/00 & 1999.

Received and filed.

**MEMORIAL RESOLUTIONS**

Item 94 – Legislator Olma requested that when this legislature adjourns, it do so in memory of Edward Pawlak.

Item 95 – Legislator Larson requested that when this legislature adjourns, it do so in memory of Mr. Montour.

Item 96 – Legislator Chase requested that when this legislature adjourns, it do so in memory of Ed Nader.

Item 97 – Legislator Peoples requested that when this legislature adjourns, it do so in memory of Michelle Dixon.

**ADJOURNMENT**

Item 98 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. PEOPLES moved that the Legislature adjourn until **2:00 p.m. Thursday, July 13, 2000**. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until **Thursday, July 13, 2000 at 2 p.m. Eastern Standard Time**.

**LAURIE MANZELLA**  
**CLERK**