

ERIE COUNTY LEGISLATURE  
MEETING NO. 16  
July 12, 2001

The Legislature was called to order by Chairman Swanick.

All Members Present except Legislator Fitzpatrick.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Weinstein.

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.

Item 3 – CHAIRMAN SWANICK directed that Comm. 13E-45 remain on the table.

Item 4 – MS. PEOPLES moved to reconsider Comm. 14E-68. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 351

Re: Funding for Phase I of the Buffalo  
Public Schools Comprehensive School  
Redevelopment Program.

WHEREAS, the City of Buffalo Board of Education has identified a number of school reconstruction projects to be undertaken as Phase I of the comprehensive school redevelopment program which is comprised of construction of new schools and the reconstruction of existing schools as facilities for education and complementary family support and human service programs; and

WHEREAS, among the buildings to be reconstructed are buildings with significant historic preservation value; and

WHEREAS, the County of Erie, the City of Buffalo and the Joint Schools Construction Board wish to enter into an agreement providing for appropriation of funds for Phase I in such a manner as to provide maximum benefit to the people of Buffalo and Erie County; and

WHEREAS, funding for Phase I shall be reimbursed by the State of New York up to an estimated allowable cost of 93.7%; and

WHEREAS, it is anticipated that the County's previous commitment of \$1,000,000 as a contribution to the local share of the cost of reconstruction of All High Stadium, plus the additional sum of \$5,000,000 as a contribution to the local share of the cost of Phase I will generate more than \$55 million of State reimbursement for the program; and

WHEREAS, the 2001 adopted Erie County Budget included the 2001 portion of the aforementioned \$5 million commitment in the form of a general fund cash transfer, as enumerated within the county's Capital Budget, Book "C," page 174 (attached), and

WHEREAS, concurrently with this authorization, the Legislature is requesting that the Budget Director identify a locally available fund source for said general fund cash transfer and submit the same for subsequent authorization by the Legislature,

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie shall contribute the sum of \$3,936,792.00 from the 2001 budget for purposes of funding a portion of the local share of Phase I of the Buffalo Public Schools comprehensive school redevelopment program; and be it further

RESOLVED, that pursuant to the adopted 2001 Erie County Budget, Capital, the County's share of the funding for Phase I shall be in the form of a county General Fund cash transfer funded from a locally available source of funds, with said source of funds to be proposed by the Budget Director no later than July 10, 2001, and subject to subsequent authorization by the Legislature, and be it further

RESOLVED, that pursuant to the 2001 Capital Budget, said source of funds shall exclude the county's tobacco settlement fund, and be it further

RESOLVED, that the County's share of Phase I funding shall be used to restore and/or preserve the facades of school buildings of historical significance; and be it further

RESOLVED, that the County Commissioner of Environment and Planning, at his discretion, shall accept from the City of Buffalo historic preservation easements for the purpose of preserving the facades of school buildings of historical significance, and be it further

RESOLVED, that in order to effectuate the goal of appropriating a total of \$5,000,000 for the Phase I project, the balance of the County's funding (\$1,063,208) is subject to a budget appropriation of this Legislature in fiscal year 2002; and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with the City of Buffalo, Buffalo Public Schools and the Joint Schools Construction Board to facilitate the implementation of this funding program, subject to County Attorney approval of the contract; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, County Attorney, Commissioner of the Department of Environment and Planning, Division of Budget, Management and Finance, Mayor of the City of Buffalo, Superintendent of the Buffalo Public Schools, and the Joint Schools Construction Board.

MS. PEOPLES moved to amend the resolution. MS. MARINELLI seconded. MR. WEINSTEIN voted in the negative.

CARRIED.

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

WHEREAS, the City of Buffalo Board of Education has identified a number of school reconstruction projects to be undertaken as Phase I of the comprehensive school redevelopment program which is comprised of construction of new schools and the reconstruction of existing schools as facilities for education and complementary family support and human service programs; and

WHEREAS, among the buildings to be reconstructed are buildings with significant historic preservation value; and

WHEREAS, the County of Erie, the City of Buffalo and the Joint Schools Construction Board's wish to enter into an agreement providing for appropriation of funds for Phase I in such a manner as to provide maximum benefit to the people of Buffalo and Erie County; and

WHEREAS, funding for Phase I shall be reimbursed by the State of New York up to an estimated allowable cost of 93.7%; and

WHEREAS, it is anticipated that the County's previous commitment of \$1,000,000 as a contribution to the local share of the cost of reconstruction of All High Stadium, plus the additional sum of \$5,000,000 as a contribution to the local share of the cost of Phase I will generate more than \$55 million of State reimbursement for the program; and

WHEREAS, the 2001 adopted Erie County Budget included the 2001 portion of the aforementioned \$5 million commitment in the form of a general fund cash transfer, as enumerated within the county's Capital Budget, Book "C," page 174 (attached), and

WHEREAS, concurrently with this authorization, the Legislature is requesting that the Budget Director identify a locally available fund source for said general fund cash transfer and submit the same for subsequent authorization by the Legislature,

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie shall contribute the sum of \$3,936,792.00 from the 2001 budget for purposes of funding a portion of the local share of Phase I of the Buffalo Public Schools comprehensive school redevelopment program; and be it further

RESOLVED, that pursuant to the adopted 2001 Erie County Budget, Capital, the County's share of the funding for Phase I shall be in the form of a county General Fund cash transfer funded from a locally available source of funds, with said source of funds to be proposed by the Budget Director no later than July 10, 2001, and subject to subsequent authorization by the Legislature, and be it further

RESOLVED, that pursuant to the 2001 Capital Budget, said source of funds shall exclude the county's tobacco settlement fund, and be it further

RESOLVED, that the County Commissions of Environment and Planning, at his discretion, shall accept from the City of Buffalo historic preservation easements for the purpose of preserving the facades of school buildings of historical significance, and be it further

RESOLVED, that in order to effectuate the goal of appropriating a total of \$5,000,000 for the Phase I project, the balance of the County's funding (\$1,063,208) is subject to a budget appropriation of this Legislature in fiscal year 2002; and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with the City of Buffalo, Buffalo Public Schools and the Joint Schools Construction Board to facilitate the implementation of this funding program, subject to County Attorney approval of the contract; and be it further

RESOLVED, that codified copies of this resolution shall be forwarded to the Erie County Executive, County Attorney, Commissioner of the Department of Environment and Planning, Division of Budget, Management and Finance, Mayor of the City of Buffalo, Superintendent of the Buffalo Public Schools, and the Joint Schools Construction Board.

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

CARRIED UNANIMOUSLY.

Minutes of the previous meeting were tabled.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. WEINSTEIN presented a resolution Congratulating Remarketing Services of America on Their 10<sup>th</sup> Anniversary & New Global Headquarters. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 6 – CHAIRMAN SWANICK directed that Local Law Intro No. 2 (Print #3) 2000 remain on the table.

Item 7 – CHAIRMAN SWANICK directed that Local Law Intro No. 4 (Print #1) 2001 be RECEIVED AND FILED.

Item 8 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE  
LOCAL LAW INTRO. NO. 4 – 2001 (PRINT #2)  
LOCAL LAW NO. \_\_\_\_\_ - 2001

A LOCAL LAW amending the Erie County Charter to create the Erie County Cultural Resources Advisory Board and the Erie County Public Benefits Advisory Board.

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ERIE AS FOLLOWS:

SECTION 1. Legislative Intent. The Erie County Legislature finds and determines that the opportunity to view, enjoy or otherwise participate in musical, dance and ballet, art exhibits, the theater, and other examples or events of cultural, historical and literary displays have a positive effect on the citizens of Erie county. It is hereby further determined that, the practice and enjoyment of the arts and culture are of increasing importance and that the general welfare and quality of life of the people of Erie county will be promoted and enhanced by giving further recognition of arts and culture as a vital aspect of our community and heritage. It is hereby further determined that cultural institutions possess great potential in the area of tourism, and that cultural institutions within Erie county may serve to attract additional visitors to Erie county and in so doing serve to enhance the economy of our region.

It is further determined that public benefit agencies within Erie county serve to enhance the government's ability to deliver services to the general public. Such agencies deliver services in a myriad of ways, including, but not limited to services to our youth, senior citizens, block clubs, civic organizations and other agencies or groups committed to strengthening local communities in particular and our countywide community in general.

It is further determined that Erie county's previously established Cultural Resources Advisory Board be codified in the county charter as a permanent advisory committee reporting to the County Executive for the purposes of making recommendations for funding within the County Executive's annual tentative budget. It is further determined that it would be advisable for the County Executive to codify and thereby establish an additional committee for the purposes of making recommendations to the County Executive for funding for Public Benefit agencies in Erie county, in a manner consistent with the model established by the existing Cultural Resources Advisory Board. It is finally determined that such advice presented to the County Executive, and reported in an advisory fashion similarly to the Legislature, will be of benefit to the County Executive and to the Legislature in their respective charter roles in the presentation and adoption of the county's annual budget.

SECTION 2. Article XVI-D of the Erie County Charter, being local law number one of the year nineteen hundred seventy-seven, is hereby repealed and replaced with the following new Article XVI-D:

ARTICLE XVI-D

ERIE COUNTY CULTURAL RESOURCES ADVISORY BOARD

- |         |                                |
|---------|--------------------------------|
| Section | 1. Creation of board           |
|         | 2. Powers and duties of board. |
|         | 3. Recommendations of board.   |

Section 1. Creation of board. There shall be an Erie County Cultural Resources Advisory Board, consisting of twenty-five members who are appointed by, and serve at the pleasure of the County Executive, in accordance with section 302 (f) of the Erie County Charter and section 19.01 of the Erie County Administrative Code. Of the 25 members of the board, the chair and vice-chair are selected by and serve for terms as specified by the County Executive. Members serve for a term of two years and may serve a maximum of three consecutive terms. Meetings of the board shall be held at the call of the chair on three days written notice, mailed to the last known address of each board member. The Members of the board shall receive no

compensation for their services as members of such board, in accordance with section 19.01 of the Erie County Administrative Code.

Section 2. Powers and duties of board. The board shall have all the powers and duties conferred or imposed upon it by the County Charter, by the Code, and by the by-laws adopted by the board and shall (1) establish eligibility and review criteria and evaluate and make recommendations concerning cultural funding requests and related issues impacting Erie County; (2) advise the County, through the County Executive, as to the effective, equitable and fiscally responsible distribution of County funds to cultural organizations, with the purpose of fostering a vibrant and diverse cultural environment in the County, while enhancing economic development in the County, and (3) advise the County, through the County Executive, on the development, coordination and promotion of the arts and culture in Erie County, including public art projects for county-owned buildings and facilities.

Section 3. Recommendations of board. The board shall make funding recommendations to the budget director on or before the fifteenth day of October of each year. Upon review and investigation of such recommendations, the budget director shall prepare and submit to the County Executive funding recommendations in accordance with section 18.02(e) of the code.

SECTION 3. The Erie County Charter, being local law number one of the year nineteen hundred fifty-nine, as amended, is hereby amended by adding thereto a new article, Article XVI-G, to read as follows:

ARTICLE XVI-G

ERIE COUNTY PUBLIC BENEFITS ADVISORY BOARD

- |         |                                |
|---------|--------------------------------|
| Section | 1. Creation of board           |
|         | 2. Powers and duties of board. |
|         | 3. Recommendations of board.   |

Section 1. Creation of board. There shall be an Erie County Public Benefits Advisory Board, consisting of twenty-five members who are appointed by, and serve at the pleasure of the County Executive, in accordance with section 302 (f) of the Erie County Charter and section 19.01 of the Erie County Administrative Code. Of the 25 members of the board, the chair and vice-chair are selected by and serve for terms as specified by the County Executive. Members serve for a term of two years and may serve a maximum of three consecutive terms. Meetings of the board shall be held at the call of the chair on three days written notice, mailed to the last known address of each board member. The Members of the board shall receive no compensation for their services as members of such board, in accordance with section 19.01 of the Erie County Administrative Code.

Section 2. Powers and duties of board. The board shall have all the powers and duties conferred or imposed upon it by the County Charter, by the Code, and by the by-laws adopted by the board and shall (1) establish eligibility and review criteria and evaluate and make recommendations concerning public benefit funding requests and related issues impacting Erie County; (2) advise the County, through the County Executive, as to the effective, equitable and fiscally responsible distribution of County funds to non-cultural

public benefit organizations, with the purpose of maximizing the beneficial impact of these funds with regard to serving the needs of Erie County and its residents.

Section 3. Recommendations of board. The board shall make funding recommendations to the budget director on or before the fifteenth day of October of each year. Upon review and investigation of such recommendations, the budget director shall prepare and submit to the County Executive funding recommendations in accordance with section 18.02(e) of the code.

SECTION 4. Effective date. This local law shall be placed before the voters of the County of Erie at the next general election following its adoption by the county of Erie and, if approved by a majority of the qualified electors of the county, it shall take effect on the first day of January of the ensuing calendar year.

LYNN M. MARINELLI  
WILLIAM A. PAULY  
CHARLES M. SWANICK  
CRYSTAL D. PEOPLES  
GEORGE A. HOLT, JR.  
JEANNE Z. CHASE  
BARRY A. WEINSTEIN, MD  
DALE W. LARSON

JOHN W. GREENAN  
EDWARD J. KUWIK  
JUDITH P. FISHER  
RAYMOND K. DUSZA  
MICHAEL A. FITZPATRICK  
STEVEN P. MCCARVILLE  
MICHAEL H. RANZENHOFER

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

CHAIRMAN SWANICK directed a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

Item 9 – CHAIRMAN SWANICK directed that Local Law Intro No. 5 (Print #1) 2001 remain on the table.

Item 10 – CHAIRMAN SWANICK directed that Local Law Intro No. 5 (Print #2) 2001 remain on the table.

Item 11– CHAIRMAN SWANICK directed that Local Law Intro No. 5 (Print #3) 2001 remain on the table.

**COMMITTEE REPORTS**

None.

**LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 352

Re: Supporting State Law on  
Confidentiality of Voter Registration  
Records for Domestic Violence Victims.  
(Intro. 16-1)

A RESOLUTION SUBMITTED BY LEGISLATORS FISHER & MARINELLI

WHEREAS, it is of critical importance that victims of domestic violence be able to distance themselves from their abusers, and

WHEREAS, to that end, efforts are made to deny the abuser access to information regarding the whereabouts of the victim, and

WHEREAS, current election law mandates that local boards of elections provide the addresses of registered voters to anyone requesting such information in writing while citing the applicable law, and

WHEREAS, this loophole means that perpetrators of domestic violence can obtain the addresses of past and potential victims through the board of elections, and

WHEREAS, as a result, domestic violence victims who wish to keep their addresses away from their abusers are deterred from exercising their right to vote for fear that they may be discovered by their abuser, and

WHEREAS, in an effort to remedy this situation the New York State Assembly unanimously passed A.3257 on May 2, 2001, which would amend current election law to authorize the confidentiality of voter registration records for domestic violence victims, and

WHEREAS, the New York State Senate has yet to take action on companion bill S.2887-A, and

WHEREAS, there is still an opportunity to pass said bill as the Legislature must reconvene to pass a state budget at some point this year,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to ensuring the safety of domestic violence victims in Erie County, and be it further

RESOLVED, that this Honorable Body does hereby commend the New York State Assembly on the passage of A.3257, and does memorialize the New York State Senate to pass and New York State Governor George Pataki to sign into law S.2887-A in order to authorize the confidentiality of voter registration records for domestic violence victims, and be it further

RESOLVED, that certified copies of this resolution be sent to New York State Governor George Pataki, New York State Assembly Speaker Sheldon Silver, New York State Senate Majority Leader Joseph Bruno, the Western New York delegation of the New York State Legislature, and Erie County Commission on the Status of Women Chair Anne Hayes.

**Fiscal Impact:** None for resolution.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 353

Re: Funding for Ellicott Creek Park  
Playground Equipment & Soccer Field  
Upgrade. (Intro. 16-2)

A RESOLUTION SUBMITTED BY LEGISLATOR MARINELLI

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$48,446 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 1109043038301299) to the Department of Parks, Recreation & Forestry – Parks to be distributed as follows: \$10,000 to Maintenance Supplies (DAC: 110942640908816) and \$38,446 to Buildings & Grounds Equipment (DAC: 110942640908931), and be it further

RESOLVED, that the Clerk of the Legislature, the Commissioner of Parks, Recreation & Forestry, 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 Lawrence D. Jasinski, Commissioner of Parks, Recreation & Forestry.

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 14 - MS. CHASE presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 354

Re: Funding for Community Organizations.  
(Intro. 16-3)

A RESOLUTION SUBMITTED BY LEGISLATOR CHASE

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$7,800 from the Risk Retention Fund (DAC: 1109616018320742) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Lake View Vol. Fire Co.	830/1015	\$2,300
Operation Good Neighbor	830/0634	\$1,000
Town of Evans - Police Dept.	830/0449	\$2,500

<b>Hamburg Fire Company</b>	<b>830/</b>	<b>\$2,000</b>
<b>TOTAL</b>		<b>\$7,800</b>

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Joseph A. Passafiume, Jennifer Anger – Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Michael Trzepacz, Rescue Team Leader, Lake View Vol. Fire Co., (5951 Lakeview Terrace, Lake View, NY 14085,) William Roberts, Operation Good Neighborhood, (2030 South Creek Road, North Evans, NY 14047,) Chief Ferguson, Town of Evans – Police Department, (8787 Erie Road, Angola, NY 14006,) and to Ric Dimpfl, Hamburg Fire Company, (1 Evans Street, Hamburg, NY 14075.)

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 355

Re: Urging Governor Pataki to Provide  
Immediate Assistance to Buffalo Zoo.  
(Intro. 16-4)

A RESOLUTION SUBMITTED BY LEGISLATOR FISHER

WHEREAS, the Buffalo Zoo is one of the truly regional assets in our county, catering especially to children and families, and

WHEREAS, it has been well documented that the Buffalo Zoo is in dire need of facilities repairs and improvements in order to keep their accreditation in the American Zoo and Aquarium Association, and

WHEREAS, to that end Erie County has promised the zoo a \$2 million capital grant to improve their main building, and

WHEREAS, another \$1 million in state funding is needed for the project, and

WHEREAS, New York State Governor George Pataki urged the zoo to seek money in the 2001-2002 state budget, and

WHEREAS, in light of the continuing impasse on the passage of said budget, however, the funds may not be in time for the zoo to save its accreditation, and

WHEREAS, Erie County provided a bridge loan of \$650,000 as a temporary measure to keep the project on track, and

WHEREAS, earlier this year Governor Pataki provided a number of state grants to entities such as the Buffalo Museum of Science, Shea's Performing Arts Center, the Darwin D. Martin House, and Graycliff – all worthwhile regional assets, and

WHEREAS, a similar grant would enable the zoo to move forward with their project and help save their accreditation,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to working with our area's regional assets for the betterment of the county as a whole, and be it further

RESOLVED, that this Honorable Body does hereby strongly urge New York State Governor George Pataki to provide an immediate state grant to the Buffalo Zoo for their main building project, and be it further

RESOLVED, that this Honorable Body does hereby further urge Governor Pataki and the New York State Legislature to include funds for the Buffalo Zoo in the 2001-2002 state budget, and be it further

RESOLVED, that certified copies of this resolution be sent to New York State Governor George Pataki, New York State Assembly Speaker Sheldon Silver, New York State Senate Majority Leader Joseph Bruno, the Western New York delegation of the New York State Legislature, and the Buffalo Zoo.

**Fiscal Impact:** State grant for zoo positive for Erie County.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 356

Re: Calling a Public Hearing Upon the Application of Oakwood Cemetery Assoc for Consent to Acquire Cemetery Property from Richard H Rahn. (Intro. 16-5)

A RESOLUTION SUBMITTED BY LEGISLATOR McCARVILLE

WHEREAS, the Oakwood Cemetery Association, through its attorney Ms. Margery H. Geyer, has requested the Erie County Legislature to approve the acquisition by the Oakwood Cemetery Association of lands located in the Village of East Aurora, Town of Aurora, County of Erie, State of New York, from Mr. Richard H. Rahn such being submitted by letter dated July 2, 2001, a copy of which is attached hereto, and

WHEREAS, Oakwood Cemetery Association and Mr. Richard H. Rahn have entered into an agreement, the purpose of which is to set forth terms and conditions of the proposed conveyance of certain land in the Village of East Aurora, Town of Aurora, County of Erie, State of New York, to the Oakwood Cemetery Association from Mr. Richard H. Rahn, and

WHEREAS, pursuant to Section 1506(c) of the New York State Not-For-Profit Corporation Law, a cemetery corporation cannot take title to land in the County of Erie for cemetery purposes without first having obtained the consent from the Erie County Legislature, and

WHEREAS, Section 1506 (c) of the New York State Not-For-Profit Corporation law requires the Erie County Legislature to conduct a public hearing prior to consideration of granting consent, and said Section also sets forth the requirements for such hearing, including the publication of such notice once for six (6) weeks in a newspaper designated to publish Session laws of the Erie County Legislature,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby order a public hearing to be held on the 20<sup>th</sup> day of September 2001 at 2:00 p.m. in the afternoon of said day at its chambers on the 7<sup>th</sup> floor of 25 Delaware Avenue, Buffalo, New York, 14202, and be it further

RESOLVED, that the attorney for the applicant is directed to publish notice of such public hearing, once a week for six (6) weeks in a newspaper designated to publish Sessions laws of the Erie County Legislature, on the application of the Oakwood Cemetery Association for the consent to acquire cemetery lands from Mr. Richard H. Rahn, pursuant to Section 1506(c) of the New York State Not-For-Profit Corporation Law, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Attorney and to Ms. Margery H. Geyer, 5 Provincetown Lane, Orchard Park, New York, 14127, attorney for the applicant Oakwood Cemetery Association.

Fiscal Impact: None for resolution.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 357

Re: Support for Community Organizations.  
(Intro. 16-6)

A RESOLUTION SUBMITTED BY LEGISLATOR PAULY

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$20,000 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 110904303830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Alleyway Theatre	830/0402	\$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 Neal Radice, Executive Director, Alleyway Theatre, Inc., (One Curtain Up Alley, Buffalo, NY 14202-1911.)

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

**REPLACE the first RESOLVE with the following:**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$30,500 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 110904303830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Alleyway Theatre	830/0402	\$20,000
West Side Community Services	830/0277	\$5,000
Snyder Fire Department	830/0991	\$2,500
STAR Swimming	830/0683	\$3,000
<b>TOTAL</b>		<b>\$30,500</b>

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$21,000 from the legislative contractual (DAC: 110905100830) (2000-budgeted funds) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Delaware Soccer Club	830/	\$5,000
St. Adalbert's Response to Love Center	830/	\$1,000
Cleveland Hill Hose Company	830/	\$2,500
Eggertsville Hose Company	830/0701	\$2,500
Ellicott Creek Fire Company	830/	\$2,500
Getzville Fire Company	830/0614	\$2,500

North Amherst Fire Company	830/	\$2,500
North Bailey Fire Company	830/1108	\$2,500
<b>TOTAL</b>		<b>\$21,000</b>

and be it further

**DELETE the final RESOLVE and REPLACE with the following:**

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, Neal Radice, Executive Director, Alleyway Theatre, Inc., (One Curtain Up Alley, Buffalo, NY 14202-1911,) Lucy Candelario, Executive Director, West Side Community Services, (161 Vermont Street, Buffalo, NY 14213,) Thomas Kenney, President, Snyder Fire Dept., (4531 Main Street, Snyder, NY 14226,) Bill Steger, STAR Swimming, (PO Box 922, Hamburg, NY 14075,) Alan Bozer, Delaware Soccer Club, 643 Lafayette Avenue, Buffalo, NY 14222,) Sister Mary Johnice, Director, St. Aldabert's Response to Love Center, (130 Kasciuszko Street, Buffalo, NY 14212,) Douglas Egloff, Chief, Cleveland Hill Hose Co., (440 Cleveland Drive, Cheektowaga, NY 14227,) David Winzig, President, Eggertsville Hose Company, (1880 Eggert Road, Eggertsville, NY 14226,) Peter Calandra, Chief, Ellicott Creek Fire Company, (45 South Ellicott Creek Road, Amherst, NY 14228,) Alan Herberger, President, Getzville Fire Company, (630 Dodge Road, Po Box 111, Getzville, NY 14068-0111,) Daniel Spoth, Chief, North Amherst Fire Company, (2200 Tonawanda Creek Road, Amherst, NY 14228,) and to David Humbest, President, North Bailey Fire Company, (966 Sweet Home Road, Amherst, NY 14226.)

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 358

Re: Initiation of Bi-County Land  
Development Study. (Intro. 16-7)

A RESOLUTION SUBMITTED BY LEGISLATORS

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

WHEREAS, the Erie County Legislature has taken many proactive steps to improve the readiness of this region in business attraction and retention efforts, including the development of the Regional Economic Development Database (REDD), the funding of site readiness efforts in the county, and the charter membership in the Buffalo Niagara Enterprise (BNE), and

WHEREAS, as BNE is drawing attention to the area through its marketing effort and REDD will enable potential businesses to get a clearer picture as to whether the area is desirable for location, a hole still exists in that we do not have a ranked list of shovel ready sites for development in our region, and

WHEREAS, furthermore, we do not have a list of the improvements needed to ready other sites in the area for development, and

WHEREAS, the Buffalo Niagara Enterprise approached the Erie-Niagara Regional Partnership with a proposal to conduct a Land Development Study, which would accomplish said goals, and

WHEREAS, the BNE has issued an RFP for a consultant to come to the area and compile the aforementioned list and evaluation of sites, and

WHEREAS, BNE is requesting a total of \$100,000 from Erie and Niagara Counties toward this project, and

WHEREAS, as its contribution the BNE will work with development agencies in Erie and Niagara Counties (Environment & Planning, Planning and Development, NCIDA, ECIDA, BEREC, and others) to gather existing pertinent information on sites for the study, which will be given to the consultant ahead of time so that their time and expertise is maximized, and

WHEREAS, a BNE staff person will coordinate and gather this data from the various sources and also work with the consultants when they are conducting site and community visits, and

WHEREAS, this staff person's time to work on the above two items will be provided by the BNE as an "in-kind" contribution to the study, estimated at approximately \$25,000, and

WHEREAS, based on the preliminary estimates given by the consultants, this study will take approximately four months to complete, and

WHEREAS, the Land Development Study will be useful in linking the proposed bi-national tourism infrastructure and attraction study sponsored by ESD, BNE, Erie and Niagara Counties, and Southern Ontario, and

WHEREAS, BNE will integrate the findings and the results of the Study into the REDD, and

WHEREAS, the Erie-Niagara Regional Partnership has unanimously recommended this project for approval by both counties' Legislatures, with a ratio of  $\frac{3}{4}$  Erie and  $\frac{1}{4}$  Niagara on both the cost and number of sites evaluated, and

WHEREAS, with a total bi-county contribution of \$100,000 and a total of 100 sites to be evaluated and ranked, Erie County would contribute \$75,000 and receive 75 sites in return, and

WHEREAS, Niagara County has already committed to its share of the total cost, and

WHEREAS, the county's 2001 budget includes funding earmarked for regional initiatives such as this, and

WHEREAS, the Legislature and the County Executive have maintained a level of undesignated county funding in excess of \$4 million in 2001 for these purposes within the county's Extraordinary Aid to County Governments Regionalism/Economic Development Fund for initiatives such as this, and it is now appropriate to encumber the funds necessary for these purposes,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the bi-county initiatives generated by the Erie-Niagara Regional Partnership, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$75,000 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 1109043038301299) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Buffalo Niagara Enterprise Council	830/1102	\$75,000
<b>TOTAL</b>		<b>\$75,000</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 said funding is contingent upon the approval of a \$25,000 contribution to the aforementioned program by the Niagara County Legislature, and be it further

RESOLVED, that the BNE submit in writing to the Clerk of the Erie County Legislature progress reports when the consultant is chosen, two months into the study, and at the time of the study's completion, detailing costs, activity of the consultant, and in-kind contributions of the BNE to the study, 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, Assistant County Attorney Brian D. White and to Thomas A. Kucharski, President and CEO, Buffalo Niagara Enterprise Council, (400 Main Street, Buffalo, NY 14202).

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 19 - MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 359

Re: Support for Community Activities.  
(Intro. 16-8)

A RESOLUTION SUBMITTED BY LEGISLATOR SWANICK

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

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Town of Grand Island	830/0452	\$15,000
<b>TOTAL</b>		<b>\$15,000</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 Supervisor Peter A. McMahan, Town of Grand Island, (Grand Island Town Hall, 2255 Baseline Road, Grand Island, NY 14072.)

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

ADD the following after the second RESOLVE clause:

RESOLVED, that the Legislature does hereby approve the transfer of \$7,500, with the source of funds being \$3,750 from Extraordinary Aid to County Governments – Regionalism/economic Development Fund (DAC: 110904303830) and \$3,750 from the Risk Retention Account, to subaccount of the Department of Environment and Planning for the purposes of entering into a contract with Dr. David Dooley, Health Physicist, as a consultant concerning CANIT concerning the nuclear remediation issue in the Town of Tonawanda, and be it further

RESOLVED, that the County Executive be and hereby is authorized to enter into a contractual agreement with Dr. Dooley to perform consultant services for CANIT, and be it further

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

CARRIED UNANIMOUSLY.

Item 20 - MS. CHASE presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 360

Re: Funding for a Head Start Program.  
(Intro. 16-9)

A RESOLUTION SUBMITTED BY LEGISLATORS CHASE & WEINSTEIN

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$3,200 from the Risk Retention Fund (DAC: 1109616018320742) 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>
Community Action Organization – Head Start	830/0530	\$3,200
<b>TOTAL</b>		<b>\$3,200</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 Joseph A. Passafiume, Jennifer Anger – Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, and to Ellen O’Callaghan Sheldon, Community Action Organization – Head Start, (70 Harvard Place, Buffalo, NY 14209.)

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

**REPLACE the first RESOLVE with the following:**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$8,000 from the Risk Retention Fund (DAC: 1109616018320742) 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>
Community Action Organization – Head Start	830/0530	\$3,200
Amherst Soccer Association	830/1145	\$1,000
Amherst Community Foundation	830/1190	\$2,000
Amherst Youth Foundation	830/	\$1,800
<b>TOTAL</b>		<b>\$8,000</b>

and be it further

**DELETE the final RESOLVE and REPLACE with the following:**

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Joseph A. Passafiume, Jennifer Anger – Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Ellen O’Callaghan Sheldon, Community Action Organization – Head Start, (70 Harvard Place, Buffalo, NY 14209,) Anthony Spada, Jr., Amherst Soccer Association, (98 Bramble Court, Williamsville, NY 14221,) Mary Diana Pouli, Amherst Youth Foundation, (Harlem Road Community Center, 4255 Harlem Road, Amherst, NY 14226,) and to Colleen DiPirro, Amherst Community Foundation, (325 Essjay Road, Amherst, NY 14221.)

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 361

Re: Initiating Efforts to Properly Train Our Workforce to be Able to Fill In-Demand Jobs. (Intro. 16-10)

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

WHEREAS, in order to revitalize our region, efforts are underway to market the Western New York area to cutting edge businesses around the nation and the world, and

WHEREAS, a focal point of said marketing campaign is the development, efficiency and availability of our local workforce, and

WHEREAS, this region is fortunate to have several quality institutions of higher learning, including Erie County’s own Erie Community College (ECC), wherein students can access important resources and acquire knowledge that later allows them to become contributing members of the community, and

WHEREAS, the challenge to Western New York is not only developing a well-trained workforce; it is in providing the kinds of incentives to employees that motivate them to seek employment in the Western New York area upon graduation, and

WHEREAS, one of the most urgent needs to be addressed is in the field of nursing, and

WHEREAS, nurses are a primary and necessary group of healthcare professionals who provide for the general health and well being of our communities, and

WHEREAS, the national enrollment of students in bachelor nursing programs fell 4.6 percent in the fall of 2000, fell 1.9 percent in master's programs for nursing for the same year, and this is a trend that has continued for the last five years, and

WHEREAS, the share of Registered Nurses (RNs) population that is below the age of 30 has dropped from 25.1 percent in 1980 to 9.1 percent in 2000, with the average age of all RN's today being over 45 years old, and

WHEREAS, this means that approximately half of the nurses will reach retirement age in the next 15 years, and

WHEREAS, by the year 2020 the nation will need 1.7 million nurses, but will only have the services of just over 600,000, a mere 35 percent of the nurses needed for the 78 million projected baby-boomers who will need care, and

WHEREAS, the County of Erie operates the Erie County Medical Center and the Erie County Home, and therefore has a special relationship with both institutions, and

WHEREAS, both ECMC and the County Home require the expertise of a large number of Registered Nurses, and

WHEREAS, the shortage of Registered Nurses (RNs) in Erie County has already begun to affect daily operations at ECMC and the Erie County Home, and

WHEREAS, if this shortage continues or gets worse, it could directly impact the County by impeding services and health care at ECMC and may require the closing of some beds at the Medical Center, and

WHEREAS, the Erie Community College two-year Nursing Education Program-Associate in Applied Science Degree, that is accredited by the National League of Nursing (NLN), is available days/evenings at North Campus and days at City Campus, and

WHEREAS, ten years ago ECC and ECMC offered a very successful incentive program funded by the New York State Department of Health (NYSDH) that guaranteed any hospital employee aspiring to be a registered nurse full tuition and relief time to time to take classes during the work day, and

WHEREAS, ECC and ECMC are again working on a grant for the fall of 2001 school year that will provide some classes in the Nursing Education Program on site at ECMC and a financial incentive for LPNs that wish to become RNs, and

WHEREAS, coupling this concept with existing programs, the Workforce Investment Act, and traditional financial aid packages, many could achieve a higher education and be better qualified for work in their respective field, and

WHEREAS, the first steps are to create a pilot program in the field of nursing to address this immediate need, and working with the relevant parties to determine what other fields should be included in the project,

NOW, THEREFORE, BE IT

MRS. FISHER moved to amend the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

**ADD the following:**

RESOLVED, that the Erie County Legislature does hereby affirm its strong commitment to developing a Collaborative Registered Nurses Training Program between Erie Community College and the Erie County Medical Center, and be it further

RESOLVED, that this Honorable Body does hereby state its intention to work with officials from Erie Community College, the Buffalo Niagara Enterprise, the Erie County Medical Center, the New York State Nurses Association, the Erie County Industrial Development Agency, the Buffalo & Erie County Workforce Investment Board (WIB), and any other interested parties to develop a plan for a tuition assistance program with the goal of subsidizing tuition for employees in the ECMC Healthcare Network, and be it further

RESOLVED, that in exchange for receiving discounted or cost free tuition, it is recommended that participants commit up to three years of RN service in the ECMC Healthcare Network after they earn their RN degree, and be it further

RESOLVED, that a report be submitted to the Clerk of the Legislature by September 1, 2001 by officials from the above-referenced organizations that details the specifics of a plan for implementation and execution of this program, and be it further

RESOLVED, that board resolutions from each of these respective institutions indicating they agree to the terms and conditions set forth in the plan accompany the document at the time of its submittal; and be it further

RESOLVED, that in order for the program to be underway this fall, a commitment of funding is now appropriate, and be it further,

RESOLVED, that the Board of Managers of the Erie County Medical Center has committed \$25,000 to this initiative to be matched by a commitment of \$25,000 by the Legislature, and be it further,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$25,000 from the General Fund, Legislature, Contractual Expense (DAC: 110905100830) (2000-designated funds) to General Fund , Interfund Transfers, Interfund – Erie Community College (DAC 11092943116854300), and be it further

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

RESOLVED, that said funds totaling \$50,000 be placed in a restricted fund for use solely for the Collaborative Registered Nurses Training Program, and be it further,

RESOLVED, that any remaining funds in this budget line at the end of the fiscal year be rolled over into the following fiscal year into the same restricted fund for use during subsequent fiscal years, and be it further

RESOLVED, that ECC file a quarterly report with the Clerk of the Legislature detailing the expenditure of said funds and the tracking of individuals participating in this program, 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, the Board Chairs and Directors of Erie Community College and the Erie County Medical Center, the Buffalo Niagara Enterprise, the New York State Nurses Association, the Erie County Industrial Development Agency, the Erie County Workforce Investment Board, and the Buffalo & Erie County Office of Workforce Development.

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362

Re: Support for Community Organizations.  
(Intro. 16-11)

**A RESOLUTION SUBMITTED BY LEGISLATOR PEOPLES**

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$3,300 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC:

110904303830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Jusendo	830/	\$3,300
<b>TOTAL</b>		<b>\$3,300</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 Mrs. Nettie Anderson, Jusendo, (735 Humboldt Parkway, Buffalo, NY 14208.)

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

**REPLACE the first RESOLVE with the following:**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,800 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 110904303830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Jusendo	830/	\$5,800
<b>TOTAL</b>		<b>\$5,800</b>

and be it further

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 23 – MS. PEOPLES moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of Comm. 15E-6. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-A

Re: Erie Community College – Capital Expenditures.

WHEREAS, the Erie Community College (ECC) Budget request for 2001-2002 contained \$2,050,000 of capital budget items, and

WHEREAS, the Executive Recommended ECC Budget eliminated these items and recommended that the County fund them separately through a capital budget in order to avoid an adverse impact on the property tax level, and

WHEREAS, funding for these items is available through the use of tobacco proceeds,

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$2,050,000 is available in the Tobacco Capital Proceeds Account, to be used for special projects by Erie Community College, and be it further

RESOLVED, that authorization is hereby provided to establish a capital project in the amount of \$2,050,000 to be utilized by Erie Community College for the following special projects:

College Safety and Improvements	\$ 300,000
Improving Images - Facilities and Grounds	685,000
Enhanced Academic Programming	185,000
Don't Quit Your Day Job	100,000
Equipment Funding	<u>780,000</u>
Total	\$2,050,000

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 Erie Community College.

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

CARRIED UNANIMOUSLY.

Item 24 – MS. PEOPLES moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 15E-5. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-B

Re: Roof Repair – Emergency Response  
Services, All County-Owned Buildings.

WHEREAS, the Department of Public Works received bids on June 28, 2001 for Roof Repair -Emergency Response Services, All County-Owned Buildings, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidders,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract with the following:

Bid Proposal A

Jameson Roofing Co.

A maximum amount of \$35,000.00.

The total expenditure shall be based upon a project-by-project basis.

Bid Proposal B

Jameson Roofing Co.

A maximum amount of \$35,000.00.

The total expenditure shall be based upon a project-by-project basis.

and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for the above from the 2001 Roof Replacement & Waterproofing Project 197, Fund 410, in the total amount, not-to-exceed \$70,000.00, 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; and one copy to the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

Item 25 – MS. PEOPLES moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 15E-7. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-C

Re: DPW – Highways – General  
Highway/Bridge Engineering.

WHEREAS, there is a need for Highway/Bridge Engineering Services performed by a firm specializing in the provision of such services, and

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

WHEREAS, this method of assigning projects to any one of the selected firms will permit a more timely execution of projects,

NOW, THEREFORE, BE IT,

RESOLVED, that your Honorable Body authorize the County Executive to enter into an agreement with each of the following firms to provide General Highway/Bridge Engineering Services for miscellaneous projects:

Abate Engineering Associates, P.C.  
Clark Patterson Associates  
D & S Realty Consultants, Inc.  
Empire Geo Services, Inc.  
Liro Kasner, Inc.  
Sear-Brown

C & S Engineers, Inc.  
Clough Harbour & Associates, LLP  
DiDonato Associates, P.E., P.C.  
Hatch Mott McDonald  
Olson & Terzian, P.C.  
Wendel Duschcherer Architects & Engineers, P.C.

RESOLVED, that the fees for the contracts to the above noted Engineering firms will be \$1,000,000 or less, and be it further

RESOLVED, that the contract duration will be for one year, with a clause to renew the contract for one additional year at the discretion of the Commissioner of the Department of Public Works, subject to final authorization by the Erie County Legislature, and be it further

RESOLVED, that the Engineering fees will be paid to the selected consultants on a project-byproject basis with the amount of each project fee being determined by the Commissioner of Public Works and approved by the Erie County Legislature, and be it further,

RESOLVED, that the Commissioner of Public Works is hereby authorized to issue a change order/supplementary agreement to the consultants for each project, and be it further,

RESOLVED, that funding for such services be identified separately for each such project that is to be accomplished, and be it further,

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

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

CARRIED UNANIMOUSLY.

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

RESOLVED, that the fees for the contracts to the above noted Engineering firms will be \$1,000,000 less, and be it further

RESOLVED, that the contract duration will be for one year, with a clause to renew the contract for one additional year at the discretion of the Commissioner of the Department of Public Works, subject to final authorization by the Erie County Legislature, and be it further

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

CARRIED UNANIMOUSLY.

Item 26 - MS. PEOPLES moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 15E-9. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-D

Re: Award of Contract – Two Rod Road  
Bridge Town of Alden, Strickler Road  
Bridge Town of Clarence.

WHEREAS, bids will be taken for the Reconstruction of Two Rod Road Bridge 547-1 and Strickler Road Bridge 269-2, PIN 5754.88. Towns of Alden and Clarence, consisting of placement of precast concrete box culverts and roadway, approach improvements, and

WHEREAS, the authorization to enter into an agreement with the NYSDOT for this Federal Aid project was approved (Ref:Comm 14E-20 (G)) in the amount of \$433,000 on July 6, 2000, and

WHEREAS, The Erie County Legislature will be in summer recess at the time of the bid opening.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Two Rod Road Bridge 547-1 and Strickler Road Bridge 269-2, PIN 5754.88 between the County of Erie and the responsible low bidder, at its low bid not to exceed \$433,000; and be it further

RESOLVED, that an amount of the low bid be allocated from the funding sources previously approved in the July 6, 2000 resolution; and be it further

RESOLVED, that an additional amount, the balance of the \$433,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed this amount; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 27 - MS. PEOPLES moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 15E-11. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-E

Re: Agreement with NYSDOT for Mill  
Road Bridge over East Branch Cazenovia  
Creek Village of East Aurora.

WHEREAS, a Project for the Replacement of the CR 47, Mill Road, Bridge over the East Branch of Cazenovia Creek, BIN 3-32794-0, in the Village of East Aurora, Erie County, P. I. N. 5754.54 (the "Project") funded under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of non-Federal share of the costs, Construction & Construction Inspection Phases of the Project, PIN 5754.54; and

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

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

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of the costs of the Construction & Construction Inspection Phases of the project or portions thereof; and be it further

RESOLVED, that the sum of \$226,000 is hereby appropriated from the 1996 Federal Aid Projects Program (SFG 727) 75% of which or \$169,500 may become eligible for reimbursement by NYSDOT resulting in a local share of \$56,500 and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of Construction and Construction Inspection Phases exceeds the amount

appropriated \$226,000 and/or 100% of the full Federal and non-Federal shares of the cost of Construction & Construction Inspection Phases exceeds \$1,120, 000, the County of Erie Shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York Sate Department of Transportation thereof, and be it further

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

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

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

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

CARRIED UNANIMOUSLY.

Item 28 - MS. PEOPLES moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 15E-12. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-F

Re: Supplemental Agreement with  
NYSDOT Abbott Road from US Route  
20A, Big Tree Road to Milestrip Road  
Towns of Hamburg and Orchard Park.

WHEREAS, a project for the Pavement Rehabilitation (Multi-Course Overlay) of Abbott Road (CR 4) from US Route 20A, Big Tree Road to Milestrip Road (CR 460), in the Towns of Hamburg and Orchard Park, Erie County, PIN 5755.84, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of the Construction and Construction Inspection Phase of the Project, PIN 5755.84.

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 cost of the Construction and Construction Inspection Phase of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$153,200 is hereby appropriated from the 2001 Highway Reconstruction Program (SFG 204) and made available to cover the cost of Erie County's share to participate in the above phase of the Project; \$114,900 of which may be eligible for reimbursement by the NYSDOT resulting in a local share of \$38,300 and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the project's Construction and Construction Inspection Phase exceeds the amount appropriated \$ 153,200 and/or 100% of the full Federal and non-Federal shares of the cost of the Construction and Construction Inspection Phase exceeds \$766,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie 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.

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

CARRIED UNANIMOUSLY.

Item 29 - MS. PEOPLES moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 15E-17. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-G

Re: Roof Replacement Countywide, ECC North, "G" Building & Botanical Gardens.

WHEREAS, the Department of Public Works received bids on May 31, 2001 and June 21, 2001 for Roof Replacement -County-wide, ECC North "G" Building & Botanical Gardens, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidders,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for Roof Replacement - Countywide, ECC North "G" Building & Botanical Gardens as follows:

ECC NORTH, G BUILDING

Roofing Work

Jameson Roofing Co., Inc.

Base Bid \$328,925.00

BOTANICAL GARDENS

Roofing Work

Weaver Metal & Roofing Co.

Base Bid \$ 86,900.00

Alt. Bid #2 \$ 8,500.00

Total \$ 95,400.00

Total for all contracts: \$424,325.00

and be it further,

RESOLVED, that the sum of \$44,000.00 be allocated for a construction contingency fund with authorization for the commissioner of Public Works to approve change orders in an amount not to exceed the construction contingency allocation as follows: ECC North, "G" Building -- \$32,000.00 Botanical Gardens -\$12,000.00 and be it further,

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

RESOLVED, that the sum of \$2,000.00 be allocated for testing, inspection and miscellaneous expenses with authorization for the commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that fifty percent (50%) matching State funds are available for ECC North "G" Building roofing work, and be it further,

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

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

Budget Management & Finance; and one copy to the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

Item 30 - MS. PEOPLES moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 15E-30. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-H

Re: Supplemental Agreement with  
NYSDOT Hopkins Road from Klein Road  
to the Bridge over Ransom Creek Town of  
Amherst.

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

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of the Construction and Construction Inspection Phase of the Project, PIN 5755.86.

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 cost of the Construction and Construction Inspection Phase of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$247,200 is hereby appropriated from the 2001 Highway Reconstruction Program (SFG 204) and made available to cover the cost of Erie County's share to participate in the above phases of the Project; 75% of which or \$185,400 may become eligible for reimbursement by NYSDOT resulting in a local share of \$61,800 and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the project's Construction and Construction Inspection Phase exceeds the amount appropriated \$247,200 and/or 100% of the full Federal and non-Federal shares of the cost of the Construction and Construction Inspection Phase exceeds \$1,236,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie 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.

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

CARRIED UNANIMOUSLY.

Item 31 – MS. PEOPLES moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 15E-31. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-I

Re: Intersection Safety Improvements, William (CR 338) and Aurora Street (CR 243), William (CR 338) and Penora Street (CR 23), Penora Street (CR 23) and Cloyes (TH), Town of Lancaster Increase to Consultant Contract.

WHEREAS, a Departmental Professional Services Agreement was assigned to FRA Engineering, P.C. to perform engineering services for the design of intersection improvements at William ( CR 338) and Aurora Street (CR 243); William (CR 338) and Penora Street (CR 23); and Penora Street (CR 23) and Cloyes (TH), in the Town of Lancaster, and

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

WHEREAS, the scope of the additional work is such that we will need to enter into a contract with FRA Engineering, P.C. for the necessary engineering services to complete the proposed design.

NOW, THEREFORE, BE IT

RESOLVED, that the amount of the \$30,000 be allocated from the 2001 Various Intersections Program (SFG 220), to allow us to enter into a Professional Services Contract for engineering services with FRA Engineering, P.C.; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 32 - MS. PEOPLES moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 15E-32. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-J

Re: Erie County Correctional Facility,  
Contingency Fund Increase.

WHEREAS, the Department of Public Works received bids for the Erie County Correctional Facility Expansion (Project 410-127) on February 4, 1999 and May 10, 1999, and

WHEREAS, your Honorable Body has previously awarded contracts to the lowest responsible bidders in the total amount of \$4,887,107.00, and

WHEREAS, additional work is required to replace the fence security system, lightning protection and miscellaneous repairs caused by heavy rains during the floods in May, June, July, and August 2000, and

WHEREAS, a FEMA grant for \$362,324.00 has been approved to cover the cost of the damages, an increase in estimated revenues and appropriations of \$362,324.00 is requested in Project 410-127, and

WHEREAS, O'Connell Electric has the experience and expertise to complete the repairs in a timely manner,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$345,868.00 with authorization for the Commissioner of Public Works to approve change orders, and be it further,

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

RESOLVED, that the sum of \$16,456.00 be allocated for Architectural/Engineering Services necessary to complete the project, and be it further,

RESOLVED, that the Project 410-127 estimated revenues and appropriations, to be funded by a FEMA grant, be increased by \$362,324.00, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for the above from Project 127, Fund 410, and be it further,

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

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

CARRIED UNANIMOUSLY.

Item 33 - MS. PEOPLES moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 15E-34. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-K

Re: Upgrade of Petroleum Underground Storage Tanks at Various Erie County Facilities – Fuel Management System, Phase I, Contingency Fund Increase.

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 \$501,500.00, and

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

WHEREAS, Erie County can reduce the cost of operating and maintaining the current fueling areas,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased by \$130,000.00 with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed 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 sum of \$130,000.00 is hereby transferred from the Department of Law - Risk Retention Fund, Insurance Charges, (DAC 110 9616018320742) to the Repairs & Maintenance Account in the Division of Buildings and Grounds (DAC 110 912221823), and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from Account 823, Repairs & Maintenance in the budget of the Division of Buildings and Grounds, in the amount of \$130,000.00, and be it further,

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

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

CARRIED UNANIMOUSLY.

Item 34 - MS. PEOPLES moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 28E-22. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-L

Re: ECSD No. 4 Contract Close-Out  
Granville Constructors.

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

CARRIED UNANIMOUSLY.

Add the following:

WHEREAS, the Erie County Legislature had awarded Contract EC-6A, Depew Pumping Station, to Granville Constructors, Inc.; and

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

WHEREAS, prior to the end of construction, several suppliers and subcontractors had filed mechanics liens against Contract EC-6A; and

WHEREAS, Granville Constructors, Inc.'s Surety Company, Fidelity & Deposit Company of Maryland has now successfully negotiated releases for all outstanding liens filed on this contract; and

WHEREAS, the Surety Company will be providing the Erie County Attorney's Office with copies of the releases relating to the mechanics liens: and

WHEREAS, Granville Constructors, Inc. has directed by "Letter of Direction" that all remaining payments relating to this contract be made payable to Fidelity & Deposit Company of Maryland; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the final acceptance of Contract No. EC-6A, Depew Pumping Stations, in the amount of \$5,291,091.31 which includes Change Order No. 4 (final) a decrease of \$41,972.25, and approves final payment to Fidelity & Deposit Company of Maryland in the amount of \$72,034.55 subject to the County Attorney's Office receipt and approval of the releases to the mechanics liens.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. EC-6A, Depew Pumping Station, between the County of Erie and Granville Constructors, Inc., #23-4444 Eastgate Parkway, Mississauga, Ontario L4W4T6, be accepted in the amount of

\$5,291,091.31 which includes Change Order No. 4 (final) a decrease of \$41,972.25 and approve final payment: and be it further

RESOLVED, that as directed by a "Letter of Direction" from Granville Constructors, Inc. and a communication from the Erie County Attorney's Office, final payment in the amount of \$72,034.55 shall be made payable to Granville Constructors, Inc. Surety Company, Fidelity & Deposit Company of Maryland: and be it further

RESOLVED, that final payment to Granville Constructors Inc.'s Surety Company, Fidelity & Deposit Company of Maryland, be conditioned on the Surety Company providing the Erie County Attorney's Office with copies of the lien releases and the Erie County Attorney's Office approval of said releases: and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. EC-6A, Depew Pumping station in the amount of \$5,291,091.31 and make final payment in the amount of \$72,034.55 from Sewer Capital Account SD #4, Fund No. 430, Project No. 535, to Fidelity & Deposit Company of Maryland, Surety Company of Granville Constructors, Inc. subject to the above conditions; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 35 - MS. PEOPLES moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 14E-45. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-M

Re: Funding for the Polish Community  
Center Crime Prevention Initiative.

WHEREAS, Erie County is interested in providing a safe living environment for citizens within Erie County; and

WHEREAS, Erie County desires to encourage the preservation of neighborhoods within urban areas such as the City of Buffalo; and

WHEREAS, The Polish Community Center has operated a Senior Crime Prevention Initiative and would continue the program if funding was available; and

WHEREAS, Erie County desires to work with the Polish Community Center to continue this successful program,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts not to exceed fifteen thousand dollars (\$15,000.00), with the Polish Community Center of Buffalo, Inc., and be it further,

RESOLVED, that the source of the funds will be \$15,000 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830, Subaccount 1299, which will be transferred to Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830, and be it further,

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

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

CARRIED UNANIMOUSLY.

*DELETE* the second *RESOLVE* and *REPLACE* with the following:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$15,000 from the Risk Retention Fund (DAC: 1109616018320742) to Fund 110, Project 922, Department 302 Agency Payments & Grants - Public Benefit Services - E & P, (DAC: 110922302830), for paying the following agencies:

NAME	LINE	AMOUNT
Polish Community Center of Buffalo, Inc.	830/0917	\$15,000
TOTAL		\$15,000

and be it further

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

CARRIED UNANIMOUSLY.

Item 36 - MS. PEOPLES moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 15E-16. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-N

Re: ECSD No. 2 Transfer of Funds – BANS.

WHEREAS, there are insufficient funds presently available in the Erie County Sewer District No. 2 2001 Budget to make an unanticipated BAN payment of \$6,480.32 for principal and interest.

NOW, THEREFORE, BE IT

RESOLVED, that the following amount be transferred to adequately provide funds to make a required unanticipated BAN payment for the 2001 Budget year:

The amount of \$6480.32 from Fund Balance, Fund 220, Project 852, Department 820, Account 299, Use of Fund Balance, Fund 220, 852 812 698 0105 and Interfund Transfer out Account 220 852 820 886 8208 and then transferred to Capital Project Fund 430 533 and Interfund Transfer in Account 430 533 820 686 8200 and Bond Anticipation Notes, 430 533 820 870; and be it further

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

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, McCARVILLE, PAULY, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, FISHER, HOLT, OLMA, MARINELLI, PEOPLES, SWANICK. AYES – 16, NOES – 0.

CARRIED UNANIMOUSLY.

Item 37 - MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 14E-70. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-O

Re: Purchase of Former Ticor Building 110 Franklin Street.

WHEREAS, the County of Erie desires to consolidate as many of its offices as possible within County-owned buildings; and

WHEREAS, the owners of the former Ticor Building, located at 110 Franklin Street, have agreed to sell the building to the County of Erie for the sum of \$1,373,000.00, subject to the completion of certain necessary improvements by the owners; and

WHEREAS, the purchase price of the Ticor Building was derived largely from the market value of the building as established by a neutral review appraiser jointly retained by the owner and the County; and

WHEREAS, if the County acquires the Ticor Building, the County will own and control all four parcels on the corner of Franklin and West Eagle Streets, thereby facilitating access by and between County offices.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to enter into a contract with the owners of the Ticor Building, subject to the review and approval of the County Attorney, for the purchase of the building for County office space for the sum of \$1,373,000.00; and be it further '

RESOLVED, that prior to the County taking title to the Ticor Building, the owners shall make improvements to the building so that it complies with the Americans with Disabilities Act (ADA) and applicable codes, and the owners shall paint the exterior, paint and caulk the windows, and make other improvements, all to the satisfaction of the Commissioner of Public Works; and be it further

RESOLVED, that the County Attorney shall prepare all necessary legal documents for the purchase and acquisition of the building, including but not limited to a purchase contract that is acceptable to him; and be it further

RESOLVED, that the funds for purchasing this building shall be raised through the sale of tax exempt bonds or tobacco settlement funds; and be it further

RESOLVED, that the ancillary costs of closing this transaction and taking title in the name of the County shall not exceed \$20,000; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, County Attorney, Commissioner of Public Works, Division of Budget, Management and Finance, and the Office of the Comptroller.

MS. PEOPLES moved the approval of the resolution. MS. MARINELLI seconded. MR. PAULY, McCARVILLE & RANZENHOFER voted in the negative.

CARRIED.

Item 38 - MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 15E-10. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-P

Re: Funding Equipment for the Personnel  
Department and the Erie County Home.

WHEREAS, the standardization of computer and telephone equipment would greatly enhance the efficiency of the Department of Personnel, and

WHEREAS, the proposed computer equipment purchases and telephone acquisitions have been thoroughly reviewed and are strongly recommended by the Division of Information and Support Services as a way to increase the effectiveness of Personnel Department staff, and

WHEREAS, the investment in patient handling equipment would materially reduce workers' compensation costs as well as overtime expenses at the Erie County Home.

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$56,000 is hereby transferred to the Department of Personnel, Laboratory and Technical Equipment, Account 933, and \$170,000 to the appropriate asset account in the Erie County Home, the source of funds being a transfer from the Tobacco Trust Account in the amount of \$226,000, and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to make any appropriation adjustments necessary for the proper charging of telephone acquisitions by the Division of Information and Support Services, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of Personnel, the Administrator of the Erie County Home, the Chief Executive Officer (ECMC), the County Comptroller and the Director of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

Item 39 - MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 15E-13. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-Q

Re: Town of Eden: Comprehensive Plan –  
Implementation Activities.

WHEREAS, the Town of Eden adopted a Comprehensive Plan on October 11, 2000; and

WHEREAS, the Plan includes numerous recommendations for farmland preservation, revitalization of rural hamlets, and smart growth principles; and

WHEREAS, implementing elements of the Town of Eden Comprehensive Plan will assist in abiding to the Erie County Guiding Principles for Land Development as outlined in the Erie County Department of Environment and Planning report, dated December 1999,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive shall execute a contract with the Town of Eden for an amount not to exceed \$38,300 for the purpose of implementing various elements of the Town of Eden Comprehensive Plan; and be it further

RESOLVED, that funding for said payment to the Town of Eden shall be established by a transfer of funds in the 2001 Operating Budget

**Department 303 - Extraordinary County Aid to Local Governments**

<u>Appropriation</u>	<u>Decrease</u>
Account 830 - 1299 Regionalism Economic Development	\$38,000

	<u>Increase</u>
Account 830-447 - Town of Eden	\$38,300
Net Change:	\$0

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 40 - MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 15E-20. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-R

Re: Kenmore Avenue Improvements  
General Motors Plant/Kenmore Avenue  
Town of Tonawanda Tobacco Trust Funds.

WHEREAS, Empire State Development (ESD) and Erie County Industrial Development Agency (ECIDA) have initiated a project with General Motors (L-6 Project) at the Tonawanda Plant, and

WHEREAS, this plan requires the full depth reconstruction of Kenmore Avenue, from Sheridan Drive to Vulcan Avenue, at an estimated cost of \$5.25 million, and

WHEREAS, Empire State Development has agreed to fund these reconstruction costs of \$5.25 million, and

WHEREAS, the project is dependent upon the ability of the various agencies and General Motors of meeting an accelerated schedule, making time of the essence, and

WHEREAS, due to the importance of this project to the Western New York economy it is critical that this work continue to progress, and

WHEREAS, the finalization of funding details are being advanced and are being held up as a function of the state budget process, as work is being simultaneously progressed due to this tight schedule, and

WHEREAS, in order to insure this tight schedule is adhered to; it may be necessary for County to provide interim funding for the design & ROW portion of this project.

RESOLVED, that the sum of \$1.00 million is hereby appropriated from the Tobacco Trust Fund and made available, if necessary, to cover the cost of the design & ROW portion of this project until the time when funding details are finalized; and be it further

RESOLVED, that when final funding is established that the Tobacco Trust Fund be reimbursed for all interim funding used for the project; and be it further

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

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

CARRIED UNANIMOUSLY.

DELETE the LAST RESOLVE clause in its entirety and REPLACE with the following:

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies to the Western New York Delegation to the New York State Legislature, three (3) certified copies to the Commissioner of Public Works, and one certified copy to the Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

Item 41 - MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 15E-41. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-S

Re: Contract Amendment: Tax Maps  
CAD/GIS Conversion.

WHEREAS, Erie County has retained professional consulting services from the firm of GIS Resource Group of D'Alba and Donovan, for the purposes of developing automated computer programs to routinely convert the County's tax maps from an AutoCAD file format to a GIS file format; and

WHEREAS, the original contract for these services was executed in July 2000 in the amount of \$50,500; and

WHEREAS, GIS Resource Group has requested a \$9,250 extension to their original contract to cover unforeseen additional expenses in developing the automated conversion routines; and

WHEREAS, the Department of Environment and Planning, along with the Division of Information and Support Services and the County's Tax Mapping Unit, have been monitoring progress on the CAD/GIS automation project; and have determined that the request can be justified; and

WHEREAS, it is essential for this contract to be completed to provide up-to-date tax parcel information in the County's Geographic Information System and in the on-line Internet Mapping System,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to increase the contract with GIS Resource Group of D'Alba and Donovan in the amount of \$9,250; and be it further

RESOLVED, that the source of funds shall be Economic Development Planning funds within the budget of the Community Development Block Grant (DAC 290 829620830721); and be it further

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

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

CARRIED UNANIMOUSLY.

Item 42 - MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 15E-43. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-T

Re: Transfer of County Owned Inventory  
W Blood Road Elma.

WHEREAS, the Division of Budget, Management and Finance did receive a request from the Town of Elma to transfer the above County owned parcel of land to the Town, and

WHEREAS, the Advisory Review Committee has reviewed and approved the transfer of this property, and

WHEREAS, the Town of Elma understands that if it were to sell this parcel at a future date, the County of Erie would be entitled to share in the profit of that sale;

NOW, THEREFORE BE IT RESOLVED, that the following described parcel of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to the Town of Elma, 1910 Bowen Road, Elma, New York 14059 for the sum of One and 00/100 Dollar (\$1.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Elma, County of Erie and State of New York being part of Farmlot 2, Township 10, Range 6 and further described on Erie County Tax Maps as Section, Block and Lot No. 156.0003-16 (W Blood Road 352.97 x 158.88). Intending to convey all land acquired by Erie County in a warranty deed filed October 26, 1971 under Liber 7855 Page 93, and be it further

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

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

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

CARRIED UNANIMOUSLY.

Item 43 - MS. PEOPLES moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 13E-24. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-U

Re: Lease of Space at ECMC for Retail  
Development.

WHEREAS, several months ago, the Erie County Medical Center initiated efforts to explore the development of retail operations in ground floor space adjoining the Hospital's main lobby; and

WHEREAS, this project was initiated in an effort to upgrade the appearance of the lobby, improve ECMC's image and provide needed customer services to the Medical Center's patients, visitors and employees; and

WHEREAS, ECMC's role in the project will be that of a landlord while the project developer will be responsible for leasing space from the County, financing the entire cost of converting the space for retail use and subleasing the space to retail tenants; and

WHEREAS, a Request for Proposal was issued to solicit proposals from local developers to serve as the lead agency for advancing the retail project; and

WHEREAS, the RFP specified that in recruiting tenants, the developer should focus on healthcare related enterprises such as a retail pharmacy, optical services, durable medical goods as well as other retail services that would be viewed as a desirable convenience for employees, patients and visitors; and

WHEREAS, among the two firms responding to the RFP, the Benderson Development Company, Inc. was selected as the developer of the retail project; and

WHEREAS, the results of an independent appraisal indicated that the fair market value of the space to be developed ranges from \$4.00 to \$6.00 per square foot; and

WHEREAS, the pursuit of this project is particularly timely in view of the startup of plans to renovate ECMC's lobby and to modernize the Blind Association's retail outlet which is located there; and

WHEREAS, at its May 10, 2001 session, the Board of Managers approved a resolution requesting the County Legislature's to enact the necessary legislation permitting the lease of the designated retail space to the Benderson Development Company, Inc.; and

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby declare approximately 4,200 square feet of space adjoining the ECMC's lobby as not required for public use and available for development as a retail complex for the benefit of the Medical Center's patients, visitors and employees; and be it further

RESOLVED, that by a two-thirds vote, pursuant to Local Law 2-1986, the County Executive is hereby authorized to lease to the Benderson Development Company, Inc. with its principal offices at 570 Delaware Avenue, Buffalo, New York 14202, approximately 4,200 square feet of space located adjacent to the Medical Center's lobby on the ground floor of 462 Grider Street, Buffalo; and be it further

RESOLVED, that the aforesaid lease shall authorize the Benderson Development Company, Inc. to lease the aforesaid premises for use as a retail complex for an initial term of ten (10) years commencing on or about August 1, 2001, at a charge of \$5.00 per square foot of leased space, and shall require the developer to incur all costs relating to the conversion of such space into a retail complex; and be it further

RESOLVED, that the lease may include a provision authorizing the developer to renew the lease for one successive ten-year term; and be it further

RESOLVED, that the County Executive is hereby authorized and empowered to enter into contracts as may be determined to be necessary to effectuate the terms of said lease to the Benderson Development Company, Inc; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 44 - MS. PEOPLES moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 13E-31. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-V

Re: Lease of County Property to Living Opportunities of DePaul, Inc.

WHEREAS, Living Opportunities of DePaul, Inc. is a not-for-profit organization that is committed to providing high quality residential, rehabilitation and treatment services to persons with mental illness; and

WHEREAS, the DePaul organization has served Western New York with a variety of supportive and therapeutic programs and residential options since 1958; and

WHEREAS, several months ago, the County Commissioner of Mental Health contacted ECMC's administration about DePaul's sincere interest in constructing and operating a 75-bed service-enriched residential complex on ECMC's campus for individuals with psychiatric disabilities; and

WHEREAS, Hospital officials identified 3.5 acres on the Kensington side of ECMC's campus as a potential site for this development; and

WHEREAS, the 663 Kensington Avenue site is an irregular shaped, vacant land parcel that is bisected by an ingress/egress easement which is a service road to the Erie County Medical Center; and

WHEREAS, engineering studies and test borings indicated that the recommended parcel would be a suitable site for the 75-bed residential complex; and

WHEREAS, over the past several weeks, representatives of DePaul and the County Mental Health Department have held numerous meetings with City and County elected officials, block club leaders, community residents and representatives of area schools on the agency's proposed Service Enriched Single Room Occupancy (SRO) program; and

WHEREAS, these sessions have led to a high-level of community support for DePaul's construction and operation of this residential complex; and

WHEREAS, local residents, Hospital officials and mental health advocates alike view this project as an opportunity for providing sorely needed housing and related services for the psychiatric disabled population; and

WHEREAS, this project is also viewed as an initiative that will spur development in the Kensington/Grider Street neighborhood, provide employment opportunities for nearby residents and help beautify the appearance of ECMC's campus; and

WHEREAS, specifically, this project will create employment for approximately 45 full-time individuals and generate new business opportunities for local cleaning, security, local food distributors and merchandisers; and

WHEREAS, additionally, ECMC will be afforded the opportunity to place eligible alternate level of care patients with psychiatric disabilities in DePaul's supervised housing program; and

WHEREAS, it is anticipated that residents of the facility will access primary and specialty healthcare services at the Erie County Medical Center; and

WHEREAS, the SRO program, which will be licensed by the New York State Office of Mental Health, will offer a welcoming residential environment with inviting common areas, lounges, and an outdoor courtyard for increased socialization opportunities; and

WHEREAS, the attractive complex will feature 75 fully-furnished individual efficiency apartments each with a single bed, individual bathroom with a shower stall, microwave, sink, refrigerator, television, fire alarm system and a locking door; and

WHEREAS, the services that will be provided as part of the SRO program include 24-hour security, 24-hour on-site staffing, assistance with the activities of daily living, case management, medication management, social recreation programming, transportation, and medication management; and

WHEREAS, construction of the complex will be financed by a \$6.3 million grant from the New York State Office of Mental Health; and

WHEREAS, to accommodate this project, it is necessary for the County of Erie to enter into a long-term lease with DePaul for the agency's use of the parcel as the site for the residential complex; and

WHEREAS, a fair market rent/appraisal completed for the 663 Kensington Avenue site by an independent, local appraiser established the annual market rent of the parcel at monetary value ranging from \$4,000 to \$7,600; and

WHEREAS, the necessary permission to construct this facility has been obtained from the City of Buffalo and the construction of this project could begin as soon as the summer of 2001.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby declare that the 3.5 acre County owned parcel, which is located on 663 Kensington Avenue, Buffalo, New York on the Erie County Medical Center campus, is not required for public use; and be it further

RESOLVED, that the Legislature recognizes DePaul's project as a sole source not-for-profit provider whose proposal cannot be replicated by another entity; and be it further

RESOLVED, that by a two-thirds vote, pursuant to Local Law 2-1986, the County Executive is hereby authorized to lease to Living Opportunities of DePaul,inc., with it principal offices at 2240 Old Union Road, Cheektowaga, New York 14227, approximately 3.5 acres of vacant land that is situated at 663 Kensington Avenue, Buffalo, New York; and be it further

RESOLVED, that the lease shall authorize the DePaul organization to lease the aforesaid vacant parcel for use as a supervised housing complex for individuals with psychiatric disabilities for an initial term of 25 years commencing on or about August 1, 2001, at a minimum rental charge of \$7,500 annually; and be it further

RESOLVED, that that the lease shall include a provision authorizing the DePaul organization to renew the lease for one successive twenty-five year term; and be it further

RESOLVED, that the County Executive is hereby authorized and empowered to enter into contracts as may be determined to be necessary to effectuate the terms of the said lease to Living Opportunities of DePaul; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the County Attorney, the County Comptroller and the CEO of ECMC.

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

CARRIED UNANIMOUSLY.

Item 45 - MS. PEOPLES moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 15E-18. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-W

Re: Erie County Community Coordinating Council on Children and Families – Authorization to Enter Into a Contract with Danis Gehl of Norman Gehl Associates for the Delivery of Professional Services.

WHEREAS, The Erie County Community Coordinating Council on Children and Families was created in 1988 by an act of the Erie County Legislature; and

WHEREAS, The Erie County Legislature empowered the Erie County Community Coordinating Council on Children and Families to coordinate the delivery of services to children and families among local government and the public voluntary system of social, educational, health, mental health and other supportive rehabilitative services; and

WHEREAS, For the past six months the Erie County Community Coordinating Council on Children and Families has engaged in a process to define its mission and plan for the future; and

WHEREAS, The Erie County Community Coordinating Council on Children and Families has decided that it would benefit from hiring an individual to facilitate this planning process; and

WHEREAS, The Erie County Community Coordinating Council on Children and Families has determined that Danis Gehl of Norman Gehl Associates meets the qualifications to perform such services;

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract with Danis Gehl, in an amount not to exceed \$700.00; and be it further

RESOLVED, that funds in an amount not to exceed \$700.00 are hereby transferred from Account 826, Other Expenses (DAC 281319110826) to Account 830, Contractual Services (DAC 281319110830) in the Grant Fund Budget of the Erie County Community Coordinating Council on Children and Families; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive, Joel A. Giambra; the Director of Budget and Management, Joseph Passaifume; the County Attorney, Frederick Wolf; the County

Comptroller, Nancy Naples; the Coordinator of the Erie County Community Coordinating Council on Children and Families, Susan Davidson and the Chairman of the Erie County Community Coordinating Council on Children and Families, Lana Benatovich, Executive Director, National Conference for Community & Justice, 360 Delaware Avenue, Buffalo, New York 14202.

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

CARRIED UNANIMOUSLY.

Item 46 - MS. PEOPLES moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 15E-22. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-X

Re: Health – Bioterrorism – Health Alert  
Network Grant Revision 8/31/00 – 8/30/01.

WHEREAS, the Erie County Department of Health has received an additional award in the amount of \$9,000 from New York State Health Research, Inc. (HRI) to upgrade local public health surveillance, preparedness and response capabilities relative to bioterrorism, and

WHEREAS, the additional award of \$9,000 will be allocated to Account 933 Laboratory and Technical Equipment for the purpose of surveillance, and

WHEREAS, \$1,500 will be transferred from Account 821- Dues and Fees to Account 826 - Other Expenses to be used for the purpose of training.

NOW, THEREFORE, BE IT

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

**Department of Health**  
**Bioterrorism Health Alert Network**  
**8/31/00 - 8/30/01**  
**Project #480**

<b>SFG</b>	<b>REVENUE</b>	<b>CURRENT BUDGET</b>	<b>CHANGE</b>	<b>REVISED BUDGET</b>
553-200	State Aid-HRI	<u>\$45,900</u>	<u>+\$9,000</u>	<u>\$54,900</u>
	TOTAL	<u>\$45,900</u>	<u>+\$9,000</u>	<u>\$54,900</u>

EXPENSES

821	Dues & Fees	\$18,000	-\$1,500	\$16,500
826	Other Expenses	0	+ 1,500	1,500

933	Lab & Technical Equipment	<u>27,900</u>	<u>+ 9,000</u>	<u>36,900</u>
	TOTAL	<u>\$45,900</u>	<u>+ 9,000</u>	<u>\$54,900</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 47 - MS. PEOPLES moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 15E-23. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-Y

Re: Health – Healthy Neighborhoods Grant  
Revision 10/1/00 – 9/30/01.

WHEREAS, the Erie County Health Department has received a revised grant award from the New York State Department of Health to fund the Healthy Neighborhoods Program, and

WHEREAS, the purpose of the grant is to provide preventive health services and to improve environmental health in various target areas within the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to accept a revised grant award from the New York State Department of Health to be budgeted as follows:

**HEALTHY NEIGHBORHOODS**  
**10/1/00 – 9/30/01**  
**PROJECT # 330**

<b>SFG</b>	<b>REVENUE</b>	<b>CURRENT BUDGET</b>	<b>CHANGES</b>	<b>REVISED BUDGET</b>
553	STATE AID	<u>\$304,054</u>	<u>\$-145,247</u>	<u>\$158,807</u>
	TOTAL	<u>\$304,054</u>	<u>\$-145,247</u>	<u>\$158,807</u>
<b>EXPENSES</b>				
800	SALARIES	\$174,583	\$-31,882	\$142,721
801	OVERTIME	3,000	-1,500	1,500
805	FRINGE BENEFITS	37,577	2,025	35,552
810	OFFICE SUPPLIES	1,500	-1,500	0
811	CLOTHING SUPPLIES	2,000	-2,000	0
814	MEDICAL & HEALTH SUPPLIES	1,000	-1,000	0
821	DUES & FEES	100	-100	0

July 12, 2001

ERIE COUNTY LEGISLATURE

824	TRAVEL & MILEAGE EXPENSES	5,193	-5,193	0
825	OUT OF AREA TRAVEL	2,000	-2,000	0
826	OTHER EXPENSES	20,187	935	21,122
830	CONTRACTUAL SERVICES	5,000	-5,000	0
880	INTERFUND EXP NON-SUB	1,500	-1,500	0
883	ID REDUCT EXP	45,414	-9,828	-45,414
932	FURNITURE, FIXTURES & OFFICE	1,000	-1,000	0
933	LABORATORY & TECHNICAL EQUIP	4,000	-674	3,326
	<b>TOTAL</b>	<b><u>\$304,054</u></b>	<b><u>\$(145,247)</u></b>	<b><u>\$158,807</u></b>

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.

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

CARRIED UNANIMOUSLY.

Item 48 - MS. PEOPLES moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 15E-24. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-Z

Re: Health – Tuberculosis Elimination  
Activities Program 2/1/01 – 1/31/02.

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept a revised grant from the New York State Department of Health to continue the Tuberculosis Elimination Activities Program which is budgeted as follows:

**Department of Health**

**Tuberculosis Elimination Activities Program**  
**2/1/01-1/31/02**  
**Project #508**

<b>SFG Account</b>	<b>Revenue</b>	<b>Current Budget</b>	<b>Changes</b>	<b>Revised Budget</b>
582	STATE AID	\$ 69,544	\$22,624	\$ 92,168
	<b>TOTAL</b>	\$ 69,544	\$22,624	\$ 92,168
<b>EXPENSES</b>				
800	PERSONNEL SERVICES	58,441	0	\$ 58,441
805	FRINGES	11,103	2,124	13,227
826	OTHER EXPENSES	0	5,500	5,500
933	LAB 8 TECH EQUIPMENT	0	15,000	15,000
	<b>TOTAL</b>	\$ 69,544	\$ 22,624	\$ 92,168

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 49 – MS. PEOPLES moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 15E-25. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-AA

Re: Department of Health, Emergency Medical Services Division Contract for Ambulance Transportation Services with Rural/Metro Medical Services.

WHEREAS, several departments within the County of Erie are financially responsible for transporting certain patients, and

WHEREAS, these departments have been utilizing emergency and non-emergency medical transportation services without the benefit of a contract which has resulted in inconsistent pricing and irregular service, and

WHEREAS, the Erie County Division of Emergency Services issued a Request for Proposal (RPF) for medical transportation services and Rural/Metro Services was the sole respondent.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract for ambulance transportation services with Rural/Metro Medical Services for a term of one year with two optional one-year renewals, at the following rates:

Basic Life Support (B.L.S.)	\$160.00
Advanced Life Support (A.L.S.)	\$210.00
Mileage	\$ 5.00 per mile

And be it further

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

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

CARRIED UNANIMOUSLY.

Item 50 - MS. PEOPLES moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 15E-26. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362-BB

Re: Request for Legislative Action  
Authorizing EC to Increase the Hourly Rate  
Paid to Psychiatrists and Establish an Hourly  
Rate for Psychiatric Nurse Practitioners who  
Serve Under Contract with the EC Dept. of  
Mental Health Forensic Service Division.

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, the Erie County Department of Mental Health's Forensic Service Division provides psychiatric services to inmates at the Erie County Correctional Facility and the Erie County Holding Center and to individuals at the Erie County Youth Detention Center, and these services are provided under contracts with psychiatrists who provide the services as independent contractors, and

WHEREAS, in meeting its responsibilities, the Forensic Mental Health Service has experienced an increase in the need for psychiatric coverage and has had difficulty recruiting qualified psychiatrists and retaining existing qualified psychiatrists, and

WHEREAS, the rate of \$64 per hour, established January 1, 1999, which is currently paid by the Forensic Mental Health Service to psychiatrists under contract, is not sufficient to maintain the required level of psychiatrist services, and

WHEREAS, the services of psychiatric nurse practitioners provide a cost effective alternative to increasing psychiatrist coverage, and

WHEREAS, funds for the increased costs of services to be provided by psychiatrists and psychiatric nurse practitioners are available within the 2001 accounts of the Mental Health Department, and

WHEREAS, the Department of Mental Health will establish and use a prequalified list of prospective suppliers of professional psychiatric services and will make known to the community at large that the Department will utilize such list and will advise potential contractors to submit necessary information so that they can be included on the list,

NOW, THEREFORE, BE IT

RESOLVED, that the Request For Proposals (RFP) procedure is waived with respect to psychiatrists' and psychiatric nurse practitioners' services to be provided under contract with the Department of Mental Health, as provided for in Section 19.08 of the Erie County Administrative Code, and be it further

RESOLVED, that the following hourly rates are approved for payment to independent contractors providing service to the Erie County Department of Mental Health:

Psychiatrist	\$90.00
Psychiatric Nurse Practitioner	\$50.00

and, be it further

RESOLVED, that \$75,000 be transferred from the Dues and Fees account in Project 455, Assisted Outpatient Treatment Program, to the Dues and Fees account of the Forensic Mental Health Service, Dept. 241, such funds being 100% New York State reimbursable, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contracts with psychiatrists and psychiatric nurse practitioners on a fee-for-service basis for services provided to the Erie County Department of Mental Health, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 51 - MS. PEOPLES moved to discharge the PERSONNEL AD HOC COMMITTEE from further consideration of Comm. 15E-21. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 632-CC

Re: Health – Personnel Adjustments.

WHEREAS, the Accounting and Fiscal Management Office is responsible for overseeing the Erie County Health Department budget of approximately \$30 million including over 35 grants supported through state and/or federal funding, and

WHEREAS, increased workload and responsibilities require creation of one full-time position of a Supervising Accountant, JG XI and one full-time position of Account Clerk Typist, JG IV, and

WHEREAS, the Health Department's computer network which provides services to over 20 locations and 300 users is being expanded to over 40 locations, and

WHEREAS, the increased workload and responsibilities require creation of one full time position of a Systems Support Specialist - HealthNet, JG X and

WHEREAS, one full time position of Accountant, JG IX, (position number 108707), one full-time position of Principal Clerk, JG VI, (position number 116240), and one full-time position of Nurse's Aide, JG II, (position 128500) will be deleted, and

WHEREAS, funds are also available in the personnel services appropriations in the Health Department's Adopted 2001 Budget to achieve the foregoing.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full time position of Supervising Accountant, JG XI, one full-time position of Account Clerk Typist, JG IV, and one full time position of System Support Specialist HealthNet, JG X, and be it further

RESOLVED, that one vacant full-time position of Accountant, JG IX (position number 108707), one full time position of Principal Clerk, JG VI (position number 116240), and one full-time position of Nurse's Aide, (position number 128500) are hereby deleted.

The following personnel detail is hereby submitted:

TITLE: Supervising Accountant  
JOB GROUP: XI  
STEP: 0  
ANNUAL SALARY: \$37,933  
ANNUAL BENEFITS: \$8,345

CIVIL SERVICE: Competitive  
CIVIL SERVICE LIST: Yes

TITLE: Account Clerk Typist  
JOB GROUP: IV  
STEP: 0  
ANNUAL SALARY: \$22,724  
ANNUAL BENEFITS: \$4,999

CIVIL SERVICE: Competitive  
CIVIL SERVICE LIST: Yes

TITLE: System support Specialist - HealthNet  
JOB GROUP: X  
STEP: 0  
ANNUAL SALARY: \$34,324  
ANNUAL BENEFITS: \$7,551

CIVIL SERVICE: Competitive  
CIVIL SERVICE LIST: No

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, and the Division of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

Item 52 - MS. PEOPLES moved to discharge the REGIONALISM AD HOC COMMITTEE from further consideration of Comm. 15E-42. MR. PAULY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 632-DD

Re: Community Development Cooperation Agreement – City of Tonawanda.

WHEREAS, the City of Tonawanda desires to rejoin the Erie County Community Development Block Grant Consortium for Program Year 2002 following a two-year absence; and

WHEREAS, the United States Department of Housing and Urban Development requires that any municipality wishing to rejoin an urban county consortium execute a cooperation agreement with the lead county; and

WHEREAS, said agreement describes the federal standards which must be adhered to by both parties under the urban county designation as established by the Department of Housing and Urban Development,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a Cooperation Agreement with the City of Tonawanda for the purpose of participating in the federal Community Development Block Grant and HOME Investment Partnership Program, as a member of the Consortia established for both Programs; and be it further

RESOLVED, that said Agreement shall be for the 2002 Program Year and may be renewed thereafter subject to the desires of the City of Tonawanda; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 53 - MS. PEOPLES moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 15E-27. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 632-EE

Re: Senior Services – Authorization to Amend Title V Senior Aides Grant Budget.

WHEREAS, the Erie County Legislature has already appropriated funds for the Senior Aides grant for the period July 1, 2000 to June 30, 2001, and

WHEREAS, the National Senior Citizens Education And Research Center, Inc. has allocated an additional \$22,000 in federal funds to this grant program which delivers employment and training services to persons age 55 and over, and

WHEREAS, the Department of Senior Services contracts with Supportive Services Corp. to administer this program, 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 budget for the Senior Aides grant for the period July 1, 2000 to June 30, 2001, Project 284, be revised as follows:

REVENUES		CURRENT BUDGET	CHANGES	AMENDED BUDGET
Account	Description			
664	Federal Aid	\$741,914	<u>\$+22,000</u>	\$763,914
TOTAL CHANGE TO REVENUES			<u>\$+22,000</u>	
APPROPRIATIONS				
830/235	Supportive Services	\$844,095	<u>\$+22,000</u>	\$866,095
TOTAL CHANGE TO APPROPRIATIONS			<u>\$+22,000</u>	

and be it further

RESOLVED, that the County Executive is authorized to amend the existing contract with Supportive Services Corp. for the period July 1, 2000 to June 30, 2001 to reflect the additional grant funds, 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. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 54 - MS. PEOPLES moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 15E-28. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 632-FF

Re: Senior Services – Authorization to Amend Protective Services for Adult Grant Budget.

WHEREAS, the Erie County Legislature has previously appropriated funds for the Protective Services for Adults (PSA) grant for the period January 1, 2001 to December 31, 2001, and

WHEREAS, the Department has reviewed the grant accounts for sufficiency and identified that additional funds need to be allocated for PSA case manager training, fringe benefits, emergency room and board, and office furniture associated with automating the PSA unit, from unspent funds due to personnel turnover, and

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

WHEREAS, no additional County funds are needed, and

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the PSA grant, Project 420, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
800	Personal Services	\$784,763	-\$22,200	\$762,563
805	Fringe Benefits	152,812	+16,200	169,012
825	Out of Area Travel	1,500	+2,000	3,500
826	Other Expenses	2,500	+2,000	4,500
932	Furniture & Fixtures	650	<u>+2,000</u>	2,650
	TOTAL CHANGE		<u>\$-0--</u>	

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 56 - MS. PEOPLES moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 15E-29. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 632-GG

Re: Senior Services – Authorization to Amend Title III-C and III-C-2 Grant Budgets.

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining Nutrition Program (III-C-1) and the Home Delivered Nutrition Program (III-C-2) grants for the period January 1, 2001 to December 31, 2001, and

WHEREAS, the New York State Office for the Aging (SOFA) has notified the Department of Senior Services of additional federal allocations for these two nutrition programs, and

WHEREAS, the Department has experienced an increase in both programs' food costs due to increased labor and utility price indices, and

WHEREAS, your Honorable Body has already authorized the County Executive to contract with Lisa Gebauer Smith, R.D. to provide nutrition education and counseling, and congregate dining monitoring services for 2001, and

WHEREAS, the Department desires to increase the contract by \$5,000 to cover the increased services needed due to federally mandated registration and nutritional assessment requirements (NAPIS), and

WHEREAS, the Department has identified decreases in meal counts at two of the congregate dining nutrition sites and will not be contracting with one of the anticipated sites, necessitating amendments to their respective contracts as detailed in the III-C-1 grant revision contained herein, and

WHEREAS, the Department anticipates a net decrease in III-C-1 participant contributions due to changes in the State's food stamp program and higher heating costs which will not be offset by the increase in the suggested contribution, and

WHEREAS, the Department contracts with Meals on Wheels of Buffalo and Erie County, Inc. to deliver meals to the frail elderly in Erie County, and

WHEREAS, the Department desires to increase the contract with Meals on Wheels of Buffalo and Erie County, Inc. by \$178,158 to provide for increased meal delivery to the frail elderly, including the absorption of the Town of Hamburg home delivered program, along with other associated program costs, and

WHEREAS, the Department anticipates additional III-C-2 participant contributions as a result of increased meal delivery and an increase in the suggested contribution, and

WHEREAS, the Department needs to transfer \$12,696 of County funds already-appropriated in the Administrative Division, project 939, from DAC 110 939630830 to 110 939630886/6309 to provide the minimum 10 % match requirements of the III-C-2 program, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to increase and amend the contracts with Lisa Gebauer Smith by \$5,000 and the contract with Meals on Wheels of Buffalo and Erie County, Inc. by \$178,158, both for the period January 1, 2001 to December 31, 2001, and be it further

RESOLVED, that the County Executive be and is hereby authorized to amend the contracts with the various congregate dining sites as detailed in the next resolve, and be it further

RESOLVED, that the budget for the III-C-1 grant, Project 419, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
440 Unclassified Fees	\$791,107	-\$25,587	\$765,520
664 Federal Aid	1,358,181	<u>53,128</u>	1,411,309
TOTAL CHANGE		<u>\$27,541</u>	
APPROPRIATIONS			
800 Personal Services	\$489,243	-\$2,155	\$ 487,088
805 Fringe Benefits	95,822	-422	95,400
812 Food & Kitchen Supplies	2,500	-1,120	1,380
821 Dues & Fees	19,201	+5,000	24,201
823 Repairs & Maintenance	800	-200	600
826 Other Expenses	1,263,154	+60,603	1,323,757
830/193 Bflo Area Srv-Salvation Army	83,738	-18,490	65,248
830/302 Tn of Amherst-Sr. Center	94,503	-3,814	90,689
830/385 Other Projected Agencies	1,661	-1,661	0
830/1384 Forest City Residential Mgmt	1,200	-1,200	0
932 Furniture & Fixtures	15,000	-8,000	7,000
933 Lab & Tech Equipment	3,000	<u>-1,000</u>	2,000
TOTAL CHANGE		<u>\$27,541</u>	

and be it further

RESOLVED, that the III-C-2 grant, Project 421, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
440 Unclassified Fees	\$576,864	+\$39,992	\$616,856
664 Federal Aid	732,015	+114,267	846,282
686 Interfund Revenue	81,335	+12,696	94,031
TOTAL CHANGE		<u>+\$166,955</u>	
APPROPRIATIONS			
800 Personal Services	\$43,187	-\$9,087	\$ 34,100
805 Fringe Benefits	8,867	- 1,866	7,001
824 Travel & Mileage	1,500	- 250	1,250
830/141 Meals on Wheels of Erie	1,322,655	+178,158	1,500,813
TOTAL CHANGE		<u>+\$166,955</u>	

and be it further

RESOLVED, that \$12,696 be transferred from Project 939, Contractual Services DAC 110 939630830 to Interfund Expenses-Senior Services Grants DAC 110 939630886/6309, and be it further

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

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 57 – MS. PEOPLES moved to for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 16D-6 from the COUNTY ATTORNEY Re: Notice of County Executive Approval of Local Law Intros. 6 & 7 (Local Law No. 3 & 4).

CHAIRMAN SWANICK directed that Comm. 16D-6 be RECEIVED, FILED AND PRINTED.

July 10, 2001

VIA HAND DELIVERY

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

RE: LOCAL LAW NO. 3-2001  
LOCAL LAW NO. 4-2001

Dear Laurie:

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

Thank you for your assistance with this matter.

Very truly yours,

FREDERICK A. WOLF  
Erie County Attorney

By: Brian D. White  
Assistant County Attorney

Enclosures

A Public Hearing was held on the foregoing Local Law Intro. No. 7-2001 on Thursday, July 5, 2001, due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this 5<sup>th</sup> day of July, 2001

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JOEL A. GIAMBRA

**COMMUNICATIONS FROM ELECTED OFFICIALS**

FROM LEGISLATORS GREENAN, McCARVILLE, OLMA, CHASE, WEINSTEIN, LARSON,  
RANZENHOFER & DeBENEDETTI

Item 58 – (Comm. 16E-1) Memo to Chairman Swanick Re: Votes on Local Law No. 3 (2001).

Received and filed.

FROM LEGISLATOR GREENAN

Item 59 – (Comm. 16E-2) Memo to Chairman Swanick Re: Recessed Meeting of 7/5/01.

Item 60 – (Comm. 16E-3) Letter to Mark Jasen Re: Contact Persons for Two-Hour Notification to Re-Convene.

The above two items were received and filed.

FROM THE SHERIFF

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 363

Re: Asset Forfeiture Grant Appropriations.  
(Comm. 16E-4)

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

WHEREAS, there are adequate funds available for the 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 \$2,710 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 to obtain a forfeited automobile (1995 Mitsubishi Montero, Vin # JA4MR51-MXSJ021306) from the US Marshall's Office, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE ASSET FORFEITURE GRANT - PROJECT # 493

<u>REVENUE</u>		<u>Increase</u>
502	Forfeiture Crime Proceeds	<u>\$2,710</u>
	Total Revenue	<u>\$2,710</u>
<u>APPROPRIATIONS</u>		<u>Increase</u>

930	Motor Vehicle Equipment	<u>\$2,710</u>
	Total Appropriations	<u>\$2,710</u>

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

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

CARRIED UNANIMOUSLY.

Item 62 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 364

Re: K-9 Unit. (Comm. 16E-5)

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

WHEREAS, there are adequate funds available for the 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 \$7,250 in available balances in the K-9 Unit Trust Fund is hereby transferred to the Erie County Sheriff's Office Budget to be used to purchase a German Shepherd trained in narcotic detection, 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>\$7,250</u>
	Total Revenue	<u>\$7,250</u>
<u>APPROPRIATIONS</u>		<u>Increase</u>
826	Other Expenses	<u>\$7,250</u>
	Total Appropriations	<u>\$7,250</u>

and be it further,

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

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 63 – (Comm. 16E-6) Lease of County Property to Living Opportunities of DePaul – LL No. 7-2001 & Comm. 13E-31, 13E-24 & LL No. 6-2001.

Received and filed.

Item 64 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 365

Re: Funding for Buffalo Niagara Enterprise.  
(Comm. 16E-7)

WHEREAS, Erie County is interested in fostering economic growth within Erie County, seeing new jobs created and retaining talented people in the County; and

WHEREAS, The Buffalo Niagara Enterprise has been created to be the primary marketing and promotion entity for the region; and

WHEREAS, Erie County desires to encourage the marketing and business attraction and retention efforts of the Buffalo Niagara Enterprise; and

WHEREAS, Erie County has already contracted with the Buffalo Niagara Enterprise for \$500,000.00 for the 2001 County budget; and

WHEREAS, Erie County desires to increase the funding to the Buffalo Niagara Enterprise by \$500,000.00 to a total of \$1,000,000.00 for 2001,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts not to exceed an additional five hundred thousand dollars (\$500,000.00), with the Buffalo

Niagara Enterprise, bringing the total of County funding in 2001 to \$1,000,000.00; and be it further

RESOLVED, that the source of the funds will be \$500,000 available in the Regionalism/Economic Development Fund, DAC 110 904 303 830, Subaccount 1299, which will be transferred to Agency Payments monitored by the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Account 830, and be it further,

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

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

CARRIED UNANIMOUSLY.

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

RESOLVED, that the BNE be required to submit in writing to the Clerk of the Legislature within 30 days of the passage of this resolution a report regarding the expenditure of the \$1,000,000 in funds appropriated by this Honorable Body at the creation of the BNE, and a written report as to this year's expenditure of funds and planned fall marketing campaign no later than September 4, 2001; and that the BNE be prepared to attend a future meeting of the Legislature's Finance and Management Committee to discuss said reports, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning, the County Attorney, and Buffalo Niagara Enterprise President & CEO Thomas Kucharski (300 Main Place Tower, Buffalo, NY 14202).

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

CARRIED UNANIMOUSLY.

Item 65 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 366

Re: Position Adjustments for DPW,  
Buildings & Grounds, Daily Maintenance &  
Operations for New Family Court Building.  
(Comm. 16E-8)

WHEREAS, the Department of Public Works, Division of Building and Grounds is in the process of preparing the new Family Court building for occupancy, daily operations and maintenance, and

WHEREAS, in order to provide adequate operations and maintenance to the new Family Court building, the Division of Building and Grounds respectfully requests the creation of eighteen (18) full-time and six (6) part-time new positions which conform to existing personnel titles already within the Division, and

WHEREAS, those positions created will be utilized in the following manner. The Chief Stationary Engineer position Job Group 9, will oversee the staff and operations of the building's life lines; for example HVAC, electrical systems, boilers, district heat, fire suppression systems, etc. The building will require five (5) additional Stationary Engineer positions, Job Group 7, to operate efficiently on a 24 hour, seven (7) day a week schedule, and

WHEREAS, the balance of the requested positions would address the daily custodial and maintenance repairs, as well as evening security of the facility, and

WHEREAS, the additional four (4) Building Maintenance Mechanic positions, Job Group 7, would address various repairs to the plumbing, electrical, and other building components, as well as address various requests to modify existing space changes. Those four (4) positions would be comprised of two (2) painters, one (1) electrician and one (1) plumber, and

WHEREAS, the additional custodial personnel will allow the County of Erie to comply with the State Office of Court Administration's requirements to properly maintain the cleaning services and building security on a daily basis,

NOW, THEREFORE, BE IT,

RESOLVED, that the position of one (1) Chief Stationary Engineer, Job Group 9, step one (1), is hereby created in the Division of Building and Grounds at an annual salary of \$34,016.00, and be it further,

RESOLVED, that five positions of (5) Stationary Engineer, Job Group 7, step one (1), are hereby created in the Division of Building and Grounds at an annual salary of \$29,482.00, and be it further,

RESOLVED, that four (4) positions of Building Maintenance Mechanic, Job Group 7, step one (1), are hereby created in the Division of Building and Grounds at an annual salary of \$29,482.00, and be it further,

RESOLVED, that two (2) positions of Head Laborer, Job Group 4, step zero (0) are hereby created in the Division of Building and Grounds at an annual salary of \$22,724.00, and be it further,

RESOLVED, that four (4) positions of Laborer, Job Group 3, step zero (0) are hereby created in the Division of Building and Grounds at an annual salary of \$21,792.00, and be it further,

RESOLVED, that two (2) position of Watch Attendant, Job Group 3, step zero (0) are hereby created in the Division of Building and Grounds at an annual salary of \$21,792.00, and be it further,

RESOLVED, that two (2) positions of Watch Attendant (RPT) are hereby created in the Division of Building and Grounds at an annual salary of \$8,800.68 (840 hours at \$10.477 per hour), and be it further,

RESOLVED, that two (2) positions of Laborer, (RPT) are hereby created in the Division of Building and Grounds at an annual salary of \$8,800.68 (840 hours at \$10.477 per hour), and be it further,

RESOLVED, that two (2) positions of Laborer (PT) are hereby created in the Division of Building and Grounds at an annual salary of \$8,360.65 (798 hours at \$10.477 per hour), and be it further,

RESOLVED, that the sum of \$270,000.00 is hereby transferred from the Department of Law Risk Retention Fund, Account 832, Insurance Charges (DAC 110 961601832), to the Division of Building and Grounds, Account 800, Personnel Services (DAC 110 912221800), in the amount of \$220,000.00 and \$50,000.00 to Account 805, Fringe Benefits (DAC 110 912221805), in the same administrative unit, and be it further,

RESOLVED, that the funding to compensate the aforementioned new positions are eligible for reimbursement at 100% from the State Office of Court Administration, Court reimbursement program for Maintenance and Repairs to Court facilities, and be it further,

RESOLVED, that this personnel adjustment and budget is to cover the personnel and benefit cost for the balance of the 2001 budget year, commencing September 1, 2001, and be it further,

RESOLVED, that two certified copies of this resolution shall be sent to the Deputy Commissioner of Public Works, Division of Building and Grounds; one copy to the Director of the Division of Budget, Management and Finance; one copy to the Office of the Eighth Judicial District Court; and one copy to the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

Item 66 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 367

Re: Funding for 2001 Greater Buffalo  
Italian Heritage & Food Festival. (Comm.  
16E-9)

WHEREAS, special events are an important component of the economic revitalization of our region, because they enhance the image of Buffalo and Erie County and draw tourists to the area, and

WHEREAS, Erie County supports the celebration of diversity, and

WHEREAS, the Greater Buffalo Italian Heritage and Food Festival, Inc. has requested \$5,000 in funding for the 2002 Italian Festival, and

WHEREAS, this annual festival offers the entire community an opportunity to experience Italian culture and heritage, and

WHEREAS, the Italian Festival attracts people from within a 500 mile radius of Buffalo,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements to provide funds to the Greater Buffalo Italian Heritage and Food Festival, Inc. for purposes noted above; and

RESOLVED, that the sum of \$5,000 is hereby transferred from the Regionalism/Economic Development Fund (DAC 1109043038301299) to a new contractual services subaccount for the Greater Buffalo Italian Heritage and Food Festival, Inc. in Department 302, Agency Payments, Public Benefit – monitored by Department of Environment and Planning (DAC 110922302830) in the amount of \$5,000 and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Joel A. Giambra, County Executive; Joseph Passafiume, Director of Budget, Management and Finance; Nancy A. Naples, County Comptroller; Laurence K. Rubin, Commissioner, Environment and Planning and Ron Carnevale, President Greater Buffalo Italian Heritage and Food Festival, Inc.

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

CARRIED UNANIMOUSLY.

**DELETE the second RESOLVE and REPLACE with the following:**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from the Risk Retention Fund (DAC: 1109616018320742) to Fund 110, Project 922, Department 302 Agency Payments & Grants - Public Benefit Services – E & P, (DAC: 110922302830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
<b>Greater Buffalo Italian Heritage and Food Festival, Inc.</b>	<b>830/</b>	<b>\$5,000</b>
<b>TOTAL</b>		<b>\$5,000</b>

and be it further

MS. PEOPLES moved the amendment of the resolution to include et al sponsorship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 67 – (Comm. 16E-10) Funding for Niagara Bi-National Region Economic Round Table.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 68 – (Comm. 16E-11) Appointments & Reappointments – Erie County Environmental Management Council.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 69 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 368

Re: DISS – Funds Transfer. (Comm. 16E-12)

WHEREAS, the Division of Information and Support Services has been discovered that certain accounts in its 2001 Operating Budget were not funded properly, and

WHEREAS, the Division of Information and Support Services proposes to transfer funds between internal accounts, and

WHEREAS, the Division of Information and Support Services is requesting authorization to transfer funds between internal accounts in order to purchase technical equipment and to continue to provide technical support services to all county departments.

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$100,000 is hereby transferred to the Technical/Lab Equipment Account, DAC 110-927510933, in the 2001 Budget of the Division of Information and Support Services from the Utility Account, DAC 110-927510820, and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Division of Information and Support Services, and the Director of Central Data Processing.

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

CARRIED UNANIMOUSLY.

Item 70 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 369

Re: DISS – Upgrade & Purchase of Office  
Equipment. (Comm. 16E-13)

WHEREAS, that the Division of Information and Support Services has been authorized to increase its staffing level, and

WHEREAS, the Division of Information and Support Services proposes to upgrade existing office equipment and purchase new office equipment, and

WHEREAS, the Division of Information and Support Services is requesting authorization to upgrade existing office equipment and purchase new office equipment to allow the Division of Information and Support Services to provide its employees with a more practical and fully functional work environment.

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$100,000 is hereby transferred to account, DAC 110-927510932, Office Equipment, in the 2001 Budget of the Division of Information and Support Services from the Utility Account, DAC 110-927510820, and be it further

RESOLVED, that the Division of Information and Support Services is hereby authorized to upgrade existing office equipment and purchase new office equipment, and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Division of Information and Support Services, and the Director of Central Data Processing.

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

CARRIED UNANIMOUSLY.

Item 71 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 370

Re: Health – Healthy Heart Worksite  
Wellness Grant 4/1/01 – 3/31/02. (Comm.  
16E-14)

WHEREAS, the Erie County Department of Health has been awarded a Healthy Heart Worksite Wellness grant totaling \$70,000 for the purpose of promoting heart health in area worksites, and

WHEREAS, the Erie County Department of Health has joined with the Wellness Institute of Greater Buffalo and Western New York, Inc. to implement this program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a grant award funded by the New York State Health Department which is budgeted as follows:

<b>Healthy Heart Worksite Wellness Grant</b>		
<b>4/1/01- 3/31/02</b>		
<b>Project #517</b>		
<b>SFG ACCOUNT</b>	<b>REVENUE</b>	<b>BUDGET</b>
553	State Aid	<u>\$70,000</u>
	TOTAL	<u>\$70,000</u>
<b>EXPENSES</b>		
825	Out of Area Travel	\$ 1,600
826	Other Expenses	1,300
830	Contractual Expenses	66,500
932	Office Equipment	300
933	Lab & Technical Equipment	<u>300</u>
	TOTAL	<u>\$70,000</u>

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the Wellness Institute of Greater Buffalo and Western New York, Inc. for a sum not to exceed \$66,500 to fulfill the workplan of the project, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 72 – (Comm. 16E-15) Health – HIV Seroprevalence Study.

Received and referred to the HEALTH COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 371

Re: Health – Medical Examiner’s Office  
Fee for Service Rate for Summer Intern.  
(Comm. 16E-16)

WHEREAS, the Medical Examiner’s Office maintains records which date back to 1879, and

WHEREAS, the Erie County Department of Health Division of Medical Examiner requires the services of a summer intern to prepare records of autopsy and toxicology reports to be microfilmed for record retention on a fee-for-service basis, and

WHEREAS, that these records must be maintained pursuant to the New York Record Retention Act, and

WHEREAS, the New York State Commission for the Blind has allocated funding for the purpose of employing a visually impaired individual in the Medical Examiner's Office on a fee-for-service basis for the Summer of 2001.

NOW, THEREFORE, BE IT

RESOLVED, that the following budgetary adjustments are hereby authorized in the Department of Health - Medical Examiner Division

INCREASE ACCOUNT 110986273821 DUES & FEES	\$750
INCREASE ACCOUNT 110986273340 REVENUE	\$750

and be it further

RESOLVED, that the Erie County Legislature hereby approves the acquisition by the Erie County Department of Health of such necessary services from a qualified individual within the bounds of the appropriations stated above for those categories as are listed in Exhibit A, incorporated herein:

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

TITLE	HOURLY RATE
Record Retention Summer Intern	\$6.00

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 74 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 372

Re: Health – Environmental Health Fee for Service Rate for Investigating Public Health Sanitarian. (Comm. 16E-17)

WHEREAS, Environmental Health is responsible for the inspection and issuance of permits to operate various facilities in Erie County, e.g., restaurants, campgrounds, water supplies and day care centers, and

WHEREAS, during the year, peak workloads can exceed staffing abilities, e.g. during the summer, when large numbers of outdoor facilities need inspections in a short period of time, and

WHEREAS, fee-for-service Investigating Public Health Sanitarians would be used during these peak workloads to keep backlogs of required inspections from occurring, and

WHEREAS, an appropriation for Dues & Fees, Account 821, is in the 2001 Health Department budget in the amount of \$1,727,868

NOW THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approved the acquisition by the Erie County Department of Health of such necessary services from a qualified individual within the bounds of the appropriation stated above for those categories as are listed in Exhibit A, incorporated herein:

EXHIBIT A

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

TITLE	HOURLY RATE
Investigating Public Health Sanitarian	\$21.25

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 75 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 373

Re: Health – Integration of Hepatitis  
Prevention Services Grant Revision 9/30/00  
– 9/29/01. (Comm. 16E-18)

WHEREAS, the Centers for Disease Control and Prevention (CDC) has awarded a revised grant in the amount of \$120,932 to the Erie County Department of Health for the purpose of integrating viral hepatitis prevention services into existing Western New York health departments' services, and

WHEREAS, the regional Integration of Hepatitis Prevention Services project will provide hepatitis prevention counseling to patients at high risk, testing for Hepatitis C and B, vaccination for Hepatitis A and B, referral of infected patients to appropriate substance abuse and medical specialist services, staff training and project evaluation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a revised agreement with the Centers for Disease Control (CDC) which is budgeted as follows:

**Department of Health  
Integration of Hepatitis Prevention Services Grant  
9/30/00 - 9/29/01  
Project #568**

<b>SFG ACCOUNT</b>	<b>REVENUE</b>	<b>CURRENT BUDGET</b>	<b>CHANGE</b>	<b>REVISED BUDGET</b>
521	Other unclassified revenue	<u>\$120,932</u>	<u>0</u>	<u>\$ 120,932</u>
	TOTAL	<u>\$120,932</u>	<u>0</u>	<u>\$ 120,932</u>

**EXPENSES**

800	Personnel Services	\$ 34,918	-15,447	\$ 19,471
805	Fringe Benefits	\$ 9,530	-5,986	\$ 3,544
810	Office Supplies	\$ 1,000	2,200	\$ 3,200
821	Dues & Fees	\$ 500	0	\$ 500
824	Travel & Mileage	\$ 1,000	1,500	\$ 2,500
825	Out of area travel	\$ 4,340	0	\$ 4,340
826	Other Expenses	\$ 1,300	2,000	\$ 3,300
830	Contractual Services	\$ 15,000	0	\$ 15,000
880-2720	Interfund-Public Health Lab	\$ 49,344	3,183	\$ 52,527
880-5100	Interfund-Info & Support Services	\$ 500	0	\$ 500

933	Lab & Technical Equipment	<u>\$ 3,500</u>	<u>12,550</u>	<u>\$ 16,050</u>
	TOTAL	<u>\$ 120,932</u>	<u>\$ 0</u>	<u>\$ 120,932</u>

and be it further

RESOLVED, that the following budgetary adjustments are hereby authorized in the Department of Health - Division of Public Health Laboratory:

INCREASE ACCOUNT 814 Medical Supplies	\$3,184
INCREASE ACCOUNT 685-2709 Interfund Grant Revenue	\$3,184

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 76 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 374

Re: Agreement with NYSDOT Smith Road Bridge, Town of Amherst. (Comm. 16E-19)

WHEREAS, a project for the Replacement of Smith Road Bridge, BR 297-2, over Black Creek, BIN 3-32674-0, in the Town of Amherst, Erie County, PIN 5754.39 (the Project), is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Construction Phases for the Project or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement.

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

RESOLVE, that the County Legislature of the County of Erie hereby approves the Project; and be it further

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

RESOLVED, that the sum of \$248,048, representing 20% of the costs, is hereby appropriated from the 1996 Federal Aid Road & Bridge Project (420-727) of which 75% or \$186,036 may become eligible for reimbursement by NYSDOT resulting in a local share of \$62,012, 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 non-Federal share of the costs of the project exceed 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 NYSDOT thereof; and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of the non-federal share 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.

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

CARRIED UNANIMOUSLY.

Item 77 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 375

Re: Award of Contract – Ridge Road from I-90 to Seneca Street – Seneca Street from Ridge Road to NY Route 78, Town of West Seneca. (Comm. 16E-20)

WHEREAS, bids will be taken for the Reconstruction of Ridge Road (CR137)/Seneca Street (CR215), PIN 5755.85. Town of West Seneca, consisting of milling and overlaying the existing roadway, and

WHEREAS, the authorization to enter into an agreement with the NYSDOT for this Federal Aid project, in the amount of \$1,138,000, was previously authorized from the 2001 Highway Reconstruction Program (SFG 204), and

WHEREAS, the Erie County Legislature will be in summer recess at the time of the bid opening.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Ridge Road/Seneca Street Reconstruction, PIN 5755.85 between the County of Erie and the responsible low bidder; and be it further

RESOLVED, that the amount of the low bid be allocated from the 2001 Highway Reconstruction Program (SFG 204); and be it further

RESOLVED, that an additional amount, the balance of the \$1,138,000 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed this amount; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 78 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 376

Re: Federal Aid Program Roadway  
Rehabilitation East Robinson & North  
French Roads, Route 62 Nia Falls Blvd to  
Sweet Home Rd, Town of Amherst.  
(Comm. 16E-21)

WHEREAS, the Department of Public Works needs to advance the design for the Reconstruction of East Robinson and North French roads (CR 299) (Rte. 62, Niagara Falls Boulevard to Sweet Home Road, CR 301) and

WHEREAS, the Commissioner of Public Works desires to engage the services of a local engineering firm to provide engineering services for the reconstruction of this road, and

WHEREAS, the Department of Public Works, Division of Highways, needs to advance this work in an expeditious way due to the rigorous Federal Aid procurement process and the commitment to the local Transportation Improvement Program (TIP) to let this road project by December 2002 and

WHEREAS, the authorization to enter into an agreement with the New York State Department of Transportation for this Federal Aid Project was approved (Ref. Comm. 14E-20 (B)) in the amount of \$482,600 on July 6, 2000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an agreement with a local engineering firm to provide engineering services for the design of the reconstruction of East Robinson and North French Roads, and be it further

RESOLVED, that the sum of \$482,600 has been previously approved in the July 6, 2000 resolution and allocated from the 2000 Various Highway Design Federal Aid Program, 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.

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

CARRIED UNANIMOUSLY.

Item 79 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 377

Re: Supplemental Agreement with  
NYSDOT Ridge Road from I-90, NYS  
Thruway to Seneca Street. (Comm. 16E-22)

WHEREAS, a project for the Pavement Rehabilitation (Multi-Course Overlay) of CR 137, Ridge Road from I-190, the New York State Thruway, to Seneca Street and Seneca Street (CR 215) from Ridge Road to Route 78, Transit Road, in the Town of West Seneca, Erie County, PIN 5755.85, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds: and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of the Construction and Construction Inspection Phase of the Project, PIN 5755.85, and

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 cost of the Construction and Construction Inspection Phase of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$1,138,000 is hereby appropriated as follows: \$388,000 from the 2001 Highway Reconstruction Program (SFG 204) 75% of which or \$291,000 may become eligible for reimbursement by NYSDOT resulting in a local share of \$97,000 and \$750,000 from other County funds and made available to cover the cost of Erie County's share to participate in the above phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the project's Construction and Construction Inspection Phase exceeds the amount appropriated \$1,138,000 and/or 100% of the full Federal and non-Federal shares of the cost of the Construction and Construction Inspection Phase exceeds \$2,690,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie 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.

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

CARRIED UNANIMOUSLY.

Item 80 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 378

Re: Agreement with NYSDOT for Wehrle Drive – Youngs Road to NY Route 78, Town of Amherst. (Comm. 16E-23)

WHEREAS, a Project for the Reconstruction of CR 290, Wehrle Drive from CR 554, Youngs Road to NY Route 78, Transit Road, in the Town of Amherst, Erie County, P.I.N. 5755.19 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of non-Federal share of the costs the Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5755.19; and

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

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

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

RESOLVED, that the sum of \$336,500 is hereby appropriated from the 2000 Federal Aid Various Road and Bridge Design Program (SFG 153) of which 75% or \$252,375 may become eligible for reimbursement by NYSDOT resulting in a local share of \$84,125 and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the amount required to pay the non-Federal share of the cost of the Project's Preliminary Engineering (Scoping) Phase and in the first instance 100% of the federal and non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI) and Right of Way Incidentals exceeds the amount appropriated \$336,600 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping & Design I-VI) and Right of Way Incidentals Phases exceeds \$1,682,500, 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 Sate Department of Transportation thereof, and be it further

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

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

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

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

CARRIED UNANIMOUSLY.

Item 81 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 379

Re: Chestnut Ridge Park Water Line  
Installation, Phase III. (Comm. 16E-24)



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

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

CARRIED UNANIMOUSLY.

Item 82 – (Comm. 16E-25) Surplus Revenue Road Repair Reserve Fund Public Hearing Request.

Item 83 – (Comm. 16E-26) Surplus Revenue Road Repair Reserve Fund.

Item 84 – (Comm. 16E-27) DPW – Division of Highways – Bond Fund Changes.

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

Item 85 – (Comm. 16E-28) Letter to Clerk of the Legislature Re: Comm 6E-29 (2001) as Amended Declared Null & Void.

Item 86 - (Comm. 16E-29) Letter to Clerk of the Legislature Re: Comm 14E-43 as Amended.

Item 87 - (Comm. 16E-30) Letter to Clerk of the Legislature Re: Comm 14E-65.

The above three items were received and filed.

Item 88 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 380

Re: Bond Resolution – Refunding Bond Resolution \$85,000,000 Various Bonds. (Comm. 16E-31)

RESOLUTION NO. **380 - 2001**

RESOLUTION DATED JULY 12, 2001

REFUNDING BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF VARIOUS OUTSTANDING BONDS OF SAID COUNTY, STATING THE PLAN OF REFUNDING, APPROPRIATING AN AMOUNT NOT TO EXCEED \$85,000,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$85,000,000 REFUNDING BONDS OF SAID COUNTY, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN DETERMINATIONS ALL RELATIVE THERETO.

(Introduced) JULY 10, 2001.  
(Adopted) JULY 12, 2001.

Whereas, the County of Erie, New York (herein called "County"), has heretofore issued: on January 16, 1992 its \$38,965,000 Public Improvement Serial Bonds, 1992 (herein called the "1992 Bonds"), now outstanding in the principal amount of \$15,050,000; on August 12, 1993 its \$15,615,000 General Obligation Bonds, 1993 Series C (Current Interest Bonds) (herein called the "1993 Bonds"), now outstanding in the principal amount of \$5,005,000; on June 28, 1994 its \$18,620,000 General Obligation Serial Bonds, 1994 Series B (herein called the "1994 Bonds"), now outstanding in the principal amount of \$7,480,000; on June 7, 1995 its \$20,000,000 General Obligation Bonds, 1995 Series A (herein called the "1995A Bonds"), now outstanding in the principal amount of \$8,020,000; on June 28, 1995 its \$24,460,000 General Obligation Bonds, 1995 Series B (herein called the "1995B Bonds"), now outstanding in the principal amount of \$22,405,000; on May 15, 1996 its \$20,000,000 General Obligation Bonds-1996 Series A (herein called the "1996 Bonds") now outstanding in the principal amount of \$11,150,000, on October 30, 1997 its \$20,000,000 Public Improvement Serial Bonds-1997 Series A (herein called the "1997 Bonds"), now outstanding in the principal amount of \$16,280,000, on November 12, 1998 its \$29,000,000 General Obligation Bonds-1998 (herein called the "1998 Bonds"); now outstanding in the principal amount of \$24,405,000, on October 6, 1999 its \$26,000,000 Public Improvement General Obligation Bonds-1999-A (herein called the "1999A Bonds"), now outstanding in the principal amount of \$26,000,000 and its \$2,560,000 Sewer District Serial Bonds-1999-B (herein called the "1999B Bonds"), now outstanding in the principal amount of \$2,485,000; on July 6, 2000 its \$35,750,000 Public Improvement Bonds-2000A, 2000B, and 2000C (herein collectively called the "2000 Public Improvement Bonds"); now outstanding in the principal amount of \$35,750,000; and on July 6, 2000 its \$670,000 Sewer District Serial Bonds-2000D (herein called the "2000D Bonds"); now outstanding in the principal amount of \$670,000; such bonds bearing interest at the rates and on the dates, and being subject to prior redemption as set forth in each such respective bond; and

Whereas, Section 90.10 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), permits the County to refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the County;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (BY THE FAVORABLE VOTE OF NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS OF SAID LEGISLATURE), AS FOLLOWS:**

Section 1

In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

- a. "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the outstanding 1992 Bonds, 1993 Bonds, 1994 Bonds, 1995A Bonds, 1995B Bonds, 1996 Bonds, 1997 Bonds, 1998 Bonds, 1999A Bonds, 1999B Bonds, 2000 Public Improvement Bonds, and 2000D Bonds of the County of Erie, New York.
- b. "Escrow Contract" means the contract to be entered into by and between the County and the Escrow Holder pursuant to Section 9 hereof.
- c. "Escrow Holder" means the bank or trust company designated as such pursuant to Section 9 hereof.
- d. "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-

annually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid including estimated accrued interest.

e. "Redemption Date" means , as applicable: January 15, 2002 for the 1992 Bonds, August 1, 2003 for the 1993 Bonds, May 15, 2004 for the 1994 Bonds, June 1, 2005 for the 1995A Bonds, June 15, 2005 for the 1995B Bonds, February 1, 2006 for the 1996 Bonds, August 15, 2007 for the 1997 Bonds, November 1, 2008 for the 1998 Bonds, October 1, 2009 for the 1999A Bonds and 1999B Bonds, and July 1, 2010 for the 2000 Public Improvement Bonds and 2000D Bonds.

f. "Refunding Bond" or "Refunding Bonds" means a portion or all of the \$85,000,000 bonds of the County of Erie, authorized pursuant to Section 2 hereof.

g. "Refunding Bond Amount Limitation" means an amount of Refunding Bonds sufficient to pay the sum of the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on each Bond To Be Refunded to and including the applicable Redemption Date, plus redemption premiums payable on such Bonds To Be Refunded as of such applicable Redemption Date, as hereinabove referred to in the Recitals

hereof, plus costs and expenses incidental to the issuance of the Refunding Bonds including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 9 hereof.

## Section 2

The Legislature of the County (herein called "Legislature"), hereby authorizes the refunding of the Bonds To Be Refunded of the County, more particularly described and referred to in the Recitals hereof, and appropriates an amount not to exceed \$85,000,000 therefor to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$85,000,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the County to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the County in the maximum principal amount of \$85,000,000, are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the "refunding financial plan") prepared for the County by Salomon Smith Barney Inc. and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 9 hereof, the payment of all costs incurred by the County in connection with said refunding from such proceeds, and the investment of a portion of such proceeds by the Escrow Holder in certain obligations, the principal of and interest, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay (1) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to each applicable Redemption Date and (2) the principal of and premium on the Bonds To Be Refunded to be called for redemption prior to maturity on each applicable Redemption Date.

## Section 3

The Bonds To Be Refunded referred to in Section 1 hereof are the aggregate unmatured outstanding balances of ten issues of bonds, each originally issued pursuant to various bond resolutions of the County, adopted on their respective dates authorizing various capital improvements for the County. In accordance with the refunding financial plan, the Refunding Bonds have been allocated to the component issues of the Bonds To Be Refunded, and shall mature in amounts and at dates to be determined. The Comptroller, the chief fiscal officer of the County, is hereby authorized to approve all details of the refunding financial plan not contained herein. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness ("PPU") of each issue comprising the Bonds to be Refunded, commencing at the date of issuance of the first bond anticipation notes issued in anticipation of the sale of said bonds, is set forth in the following table:

1992 Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
9/27/90	Rich Stadium Reconstruction	40
3/7/91	Asbestos Abatement at Various County Buildings	20
3/7/91	Reconstruction of Various County Buildings	20
3/7/91	Reconstruction of Roof in Various County Buildings	20
3/7/91	Replacement of Windows at the Erie County Home in Alden	20
3/7/91	Replacement of Roofs at the Erie County Community College South Campus	20
3/7/91	Reconstruction of Park Roadways, Parking Lots, Athletic Courts, Drainage and Culverts in the County	15
7/5/90	Construction and Rehabilitation of Shoreline Facilities at the Northern End of Isle View Park	15
2/15/90 amended 3/7/91	Construction of a Recreational Deck for Psychiatric patients at the Erie County Medical Center	20
3/7/91	Modification or Replacement of an	25

1992 Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
3/7/91	Existing Incinerator at the Erie County Medical Center Purchase and Installation of a Low Load Boiler for the Erie County Medical Center	10
3/7/91	Reconstruction of the Erie County Medical Center	20
5/21/87	Reconstruction of Dodge Road	15
5/5/88 amended 2/15/90	Reconstruction of Various County Roads Construction, Reconstruction and Resurfacing of North Forest Road	15
5/10/90	Reconstruction of County Bridges	20
5/22/86 amended 2/15/90	Reconstruction of County Bridges	20
5/3/84 amended 5/10/90	Construction, Reconstruction and resurfacing of Various County Bridges	15
5/3/84 amended 5/10/90	Reconstruction of Various County Bridges	20
3/7/91	Replacement of Nonserviceable Road Equipment	10
3/7/91	Reconstruction, Resurfacing and Rehabilitation of Various County Roads	15
3/7/91	Design and construction of and the acquisition of land for the Niagra View Section of the Riverwalk between Riverside Park in the Town of Tonawanda	10
11/7/91	Acquisition and Construction of a Field House	30

1993 Series C Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
2-15-90 amended 6/3/93	ECMC Management System	10
3-7-91 amended 6/3/93	Riverwalk	10
2-15-90 amended 6-3-93	1987 Chp Highway	15
4-2-92 amended 6-3-93	A/C Home	10
4-2-92 amended 6-3-93	ECMC Emergency Generators	10
3-7-91 amended 6-3-93	1991 Roads	15
5-21-87 amended 6-3-93	1987 Bridges	20
4-2-92 amended 6-3-93	1992 Roads	15
7-2-92 amended 6-3-93	1992 Dodge Road	15
2-15-90 amended 6-3-93	1990 Ridge Road	15
4-2-92 amended 6-3-93	1992 Equipment	15
5-5-88 amended 6-3-93	1988 Bridges	20
2-15-90 amended 6-3-93	1989 Bridges	20
2-15-90 amended 6-3-93	1985 Bridges	20
5-10-90 amended 6-3-93	1984 Bridges	20
3-7-91 amended 6-3-93	1991 Bridges	20
3-7-91 amended 6-3-93	ECMC Roof	20
5-31-92 amended 6-3-93	Court Facility Project	20
4-2-92 amended 6-3-93	1992 Bridges	20
4-2-92 amended 6-3-93	ECC Roof	20
2-15-90 amended 6-3-93	1990 ROW	30
4-2-92 amended 6-3-93	Rich Stadium Improvements	40

1994 Series B Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
6/3/93	Greiner Road	15
5/6/93	1993 Bridges	20
3/18/93	New Roof ECMC	20
4/28/94	AD IMB Computer	10
3/18/93	A/C Home	10
3/18/93	Library	10
3/18/93	Library	10
3/18/93	Asbestos Abat.	20
3/18/93	DPW Vehicles	15
3/18/93	District Heating	10
3/18/93	Code Deficiencies	10
3/10/94	AD Courts	20
3/18/93	West Eagle	15
3/18/93	Emergency Room	20
3/18/93	ECMC Isolation Rooms	20
3/18/93	Garages DPW	20
3/18/93	AD AIDS Services	20
3/18/93	ECC North	10

1995 Series A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
4/28/94	IBM Computer Upgrade	10
	1994 Bridge	
5/26/94	Reconstruction	20
5/26/94	1994 Roads	15
5/26/94	Rich Stadium	15
	ECMC Facility	
5/26/94	Improvements	15
5/26/94	A/C Home	10
	1994 DPW Heavy	
5/26/94	Equipment	10
5/26/94	1994 Code Compliance	15
	Fire Training	
5/26/94	Academy Water Line	40
	ECMC Safety & Code	
3/9/95	Compliance	15
	Central Library	
5/26/94	Mechanical	10
	ECMC Ambulatory	
3/9/95	Care/ER	15
5/26/94	ECC South HVAC	10
6/3/93	Greiner Road	15
	Fire Training	
5/26/94	Academy Live Fire	20
	Highway Garage	
5/26/94	Renovations	15
5/26/94	ECC North Roof	15
5/6/93	1993 Bridges	20
5/26/94	ECC City Elevator	10

1995 Series A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
	Renovation	
5/26/94	Holding Ctr Windows	15
5/26/94	ECC North Mas	15
5/26/94	ECC North Fire Alarm	10
5/26/94	ECC City Skylites	15
	ECC North Dry	
5/26/94	Memorial Library	15
5/26/94	Convention Ctr	15
5/26/94	ECH Nurse Call	10
	ECC South Barn and	
5/26/94	Greenhouse	15

1995 Series B Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
	CONSTRUCTION OF	
	SPORTS AND	
2/2/95	ENTERTAINMENT ARENA	30

1996 Series A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
	County Home Air	
3/9/95	Cond. System Imp.	10
	County Home Door	
3/9/95	Sec. Imp.	15
	Central Library	
3/9/95	Building Imp.	10
	ECC City No./So.	
3/9/95	Imp. to HVAC System	10
	ECC North Fire Alarm	
3/9/95	Sys. Recons.	10
	Elma Meadows Club	
	House Renov. to	
3/9/95	Bldg.	15
	Parks Recreation	
	Equipment	
3/9/95	Replacement	15
	Fire Training	
	Academy Live Fire	
3/9/95	Training System	20
	Jesse E. Nash Center	
3/9/95	Building Imp.	15
	Highway Recon.	
3/9/95	County Road Fund	15
	County Medical	
	Center Ambulatory	
3/9/95	Care Renovation	15
3/9/95	County Medical	15

1996 Series A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
	Center Various Bldg. Renovations	
	Bridge Road Bridge	
3/9/95	Reconst.	20
3/9/95	Bridge Recons.	20
3/9/95	Highway Equipment	10
	Highway Building	
3/9/95	Recons.	15
	Salt Storage	
3/9/95	Structures	15
3/9/95	Rich Stadium Recons.	15
	County Build. Code	
3/9/95	Comp.	15
	Conven. Center	
3/9/95	Building Recon.	15
	County Bldg.	
3/9/95	Asbestos Abatement	15
	Correctional	
3/9/95	Facilities	15
	1996 Hospital	
2/15/96	Equipment	15
	Health Management	
11/3/94	System	10
4/28/94 & 6/8/95	Information System	10
3/7/91 & 7/20/95	ECMC Incinerator	25

1997 Series A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
	Thompson Road	
	Highway	
4/10/97	Reconstruction	15
	Highway Equipment &	
4/10/97	Vehicles Replacement	5
	Whitehaven Road	
	Highway	
2/15/96	Reconstruction	15
	Various	
	Highways/1996	
2/15/96	Planning & Design	15
	Jewett Holmwood Road	
4/10/97	Reconstruct	15
	Various Improvements	
	to HVAC System	
2/15/96	(County Home)	10
	Various Improvements	
2/15/96	to Rich Stadium	15
	Various Bridges/1996	
2/15/96	Planning & Design	5
2/15/96	Rapid Road Bridge	20

1997 Series A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
	Reconst. Winspear Road Bridge	
5/9/96	Reconst. Borden Road Highway	20
5/9/96	Reconst. Purchase Vehicle Tech Turn Center	15
6/9/97	Land Acq. Purchase Vehicle Tech Turn Center	20
6/9/97	Building Acq. Buffalo & Erie Library Projects On- Line Public Access	20
2/15/96	ECC Sidewalk Roadway Improvement	15
2/15/96	ECMC Code Compliance	15
3/9/95	ECMC Expansion SNF	15
2/15/96	Psych Riverwalk Niagara View Section	15
3/9/95	Asbestos Abatement	15
2/15/96	Reconst. Chestnut Ridge Water Park Lines	15
5/9/96	Installation Buffalo & Erie Library Projects On- Line Public Access	40
2/15/96	Catalog ECC Partial Building Reconst./Exterior	15
2/15/96	Masonry Convention Ctr	15
2/15/96	Renovations ECC Door & Window	15
2/15/96	Renovations ECC Improve to HVAC System	15
2/15/96	ECC North Dry Memorial Library	10
2/15/96	ECC North Improve to HVAC System (Steam Line)	15
2/15/96	ECC Partial Reconst. To City Atrium	15
2/15/96	ECC Equipment Acq./Improve to Security System	5
2/15/96	ECMC Elevator	10
5/26/94	Reconst.	10

1997 Series A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
4/10/97	Asbestos Abatement Reconst.	15
4/10/97	ECMC Ambulatory Care Renovations	15

1998 Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
9/29/98	Acquisition & Installation of a Computerized Hospital Information System	5
4/10/97	Various Improvements to Rich Stadium	15
2/15/96	County Home Improvements to HVAC System	10
5/26/94	Various Highways/1996 Planning & Design	10
4/10/97	County Medical Center Hospital Information Systems	5
4/10/97	Various Bridge Reconstruction	20
4/30/98	County Med. Center Movable Equipment Replacement	15
4/10/97	County Medical Movable Equipment Replace.	5
4/10/97	On-Line Public Access Catalog	15
4/10/97	Darling Road Bridge Recon.	20
4/10/97	Botanical Gardens Various Improv.	15
5/26/94	Various Bridge Recons.	20
4/30/98	Code Compliance Recons. (Alden).	15
4/30/98	Parks Comfort Station Improv.	15
4/30/98	Medical Center Movable Equipment Replacement	15
4/19/97	Ambulatory Care Renovations	15
2/15/96	Riverwalk Niagara	15

1998 Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
	View Section	
	Various Bridge	
4/30/98	Design	5
4/30/98	Var. Road Recon.	15
4/30/98	Var. Bridge Recon.	20
5/26/94	Highway Road Recon.	15
	Highway Design &	
3/9/95	Recon.	5
	Highway Design &	
4/10/97	Recon.	15
4/10/97	Code Compliance	
(3)	Recon.	15
4/10/97	Oil Tank Replace.	
(10)	(Alden)	10
3/9/95	ECMC Various	
(18)	Building Renov.	15
4/10/97	Central Library	
(24)	Mechanics Equipment	10
3/9/95		
(20)	Highway Recon.	15
4/10/97		
(9)	HVAC Improv. (Alden)	10
4/10/97	ECC North Campus	
(21)	(Amherst Recon.)	15
	Highway Recon.	
5/26/94	Planning & Design	
(15)	Overlay Rehab.	5
4/10/97	Wehrle Dr. Recon.	
(16)	Plan & Design	5
4/10/97		
(22)	ECC HVAC Improv.	15
4/10/97	Expansion of Erie	
(5)	Records Center	15
4/30/98	ECC Child Care	
(1)	Center	20
4/10/97	County Home Parking	
(11)	Lot Improv.	15
4/10/97	Bridge Design &	
(17)	Recons. (Countywide)	20
	Various Bridge	
	Recon. Planning &	
4/10/97	Design Federal Aid	
(14)	Program	5
9/28/95	Public Safety Radio	
(12)	Systems Study	5
	Sewer District No. 1	
	Increase &	
10/22/94	Improvement	40
	Sewer District No. 1	
	Increase &	
6/6/85	Improvement	40

1998 Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
2/4/92	Sewer District No. 2 Increase & Improvement	40
12/22/77	Sewer District No. 3 Armour McKinley Extension	40
3/24/77	Sewer District No. 3 Increase & Improvement	40
4/17/80	Sewer District No. 3 Increase & Improvement	40
9/5/85	Sewer District No. 4 Increase Maximum Amount	40
5/17/79	Sewer District No. 5 Increase & Improvement	40
6/2/83	Sewer District No. 6 Lackawanna Facilities	40
3/6/97	Sewer District No. 6 Bethlehem Steel Tax Cert.	5

1999A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
3/9/95	EC Medical Center Various Building Renovations	15
4/30/98	Rich Stadium Various Improvements (Phase V)	15
4/30/98	Botanical Gardens Various Improvements	15
4/30/98	Chestnut Ridge Park Water Lines (Phase II)	40
4/30/98	EC Medical Center Ambulatory Care/Oper. Room/Trauma/ICU Renovation	15
4/30/98	Various Highway Design	5
4/30/98	McKinley Pkwy Highway Reconstruction	15
4/30/98	Various Bridge	5

1999A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
	Design	
4/30/98	Various Bridge Reconstruction East Creek Rd. Bridge	20
4/30/98	Reconstruction Various Road	20
4/30/98	Reconstruction Sweet Home Rd. Highway	15
4/30/98	Reconstruction ECC Improvements to Roadways, Parking Lots and Sidewalks (Phase II & III)	15
4/30/98	ECC Spring Student Ctr Building	10
4/30/98	Reconstruction Buffalo and Erie County Public Library Roof	15
4/30/98	Reconstruction Convention Ctr Building	15
3/18/99	Reconstruction (Phase VI) Sweet Home Rd. Highway	15
3/18/99	Reconstruction ECC Dental Hygiene Lab Building	15
3/18/99	Reconstruction Buffalo and Erie County Public Library Roof	15
3/18/99	Reconstruction EC Medical Center Cardiac Catherization Laboratory	15
3/18/99	Renovations EC Medical Center Meyer Site	15
3/18/99	Demolition EC Home Brick Pointing and Masonry Restoration	15
3/18/99	(Phase II) County Courthouse Building	15
3/5/98 amended 4/29/99	Construction and	30

1999A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
	Land Acquisition	

1999B Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
6/20/96	ECSD#2 Inc. & Imp. Of Facilities	40
12/22/77 9/3/74 amended	ECSD#3 Inc. & Imp. Of Facilities	40
4/26/79, 7/2/81, and 9/5/85	ECSD#4 Original Improvements	40
12/18/97	ECSD#5 Inc. & Imp. Of Facilities	40
9/22/94	ECSD#4 Inc. & Imp. Of Facilities	40
6/20/96	ECSD#6 Inc. & Imp. Of Facilities	40
1/8/76 amended 5/17/79	ECSD#5 Inc. & Imp. Of Facilities	40
6/2/83	ECSD#6 Acquisition of Facilities	40

2000A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
3/5/98 as amended 4/29/99 and 4/6/2000	County Courthouse Building Construction & Land Acquisition	30
4/13/2000	County Court Existing Buildings Reconstruction	20
4/13/2000	Highway Equipment and Vehicles Replacement	5
3/18/99	Various Highway Design	5
3/18/99	Various Road Reconstruction	15
3/18/99	Various Bridge Design	5
3/18/99	Various Bridge Reconstruction	20
3/18/99	Botanical Gardens Improvements	15
3/18/99	Asbestos Abatement - County Buildings	15

2000A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
	(Phase VII) Chestnut Ridge Park Water Lines	
3/18/99	(Phase III) Ellicott Creek Park Recreational Area	40
9/9/99	Improvements Two Mile Creek	15
9/9/99	Bicycle Path	15
9/9/99	Scajaquada Creek Pathway	15
	Bennett Beach Park Improvements - Planning	5
4/6/2000	Capital Overlay Program (Road Rehabilitation)	15
4/13/2000	Central Library Mechanical Equipment and Building Imp.	10
3/18/99	Highway Building Rehabilitation	
4/10/97	(Phase III) ECMC - Cardiac Catherization Lab	15
3/18/99	Renovations	15
4/13/2000	ECMC - Fuel Tank Replacement	10
4/13/2000	ECMC - Water Backflow Prevention	15
4/13/2000	ECMC - Toxicology Bldg. HVAC Unit Replacement	10
4/13/2000	ECMC - Nurse Call System Replacement	5
4/13/2000	ECMC - Video Surveillance Upgrade	5
4/13/2000	ECMC - Acquisition of Various Equipment	5
4/13/2000	ECMC - Cardiac Catherization Lab Suites (Phase II)	5
4/13/2000	ECMC - Angiography & Digital Fluoroscopy Suites - Equipment	5
4/13/2000	ECMC - Angiography & Digital Fluoroscopy Suites -	15

2000A Bonds

<u>Reso. Date</u>	<u>Project</u> Reconstruction	<u>Maximum Life</u>
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2000D Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
9/8/94	ECSD #2 Inc. & Imp. of Facilities	40
6/20/96	ECSD #2 Inc. & Imp. of Facilities	40
4/25/96	ECSD #4 Imp. of Facilities	40
9/22/94	ECSD #4 Imp. of Facilities	40

Section 5

The aggregate amount of estimated Present Value Savings as set forth in the proposed refunding financial plan attached hereto as Exhibit A, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law, is \$402,000.

Section 6

- (a) Said Refunding Bonds shall be sold at private sale, and the Comptroller, the chief fiscal officer of the County, is hereby authorized to execute a purchase contract on behalf of the County for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller, and further providing that prior to the issuance of the Refunding Bonds the Comptroller shall have filed with the Legislature a certificate approved by the State Comptroller setting forth the Present Value Savings to the County resulting from the issuance of the Refunding Bonds; (b) in connection with such sale, the County hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale, and, further, consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is executed and available for distribution; (c) the Comptroller is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered the County in connection with said refunding including the preparation of the refunding financial plan referred to in Section 2.

Section 7

Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the County payable as to both principal and interest by a 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 Refunding Bonds and provision shall be made annually in the budget of the County for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

#### Section 8

Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Sections 50.00, 56.00, 90.10 and 168.00 of the Law, the powers and duties of the Legislature relative to providing for substantially level or declining annual debt service, prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, executing agreements for credit enhancement, and to executing any arbitrage certification relative thereto, as well as to executing the Escrow Contract described in Section 9 and the Official Statement referred to in Section 6, are hereby delegated to the Comptroller, the chief fiscal officer of the County.

#### Section 9

Prior to the issuance of the Refunding Bonds, the County shall contract with Manufacturers and Traders Trust Company, Buffalo, New York, a bank or trust company located and authorized to do business in this state, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds. The Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions for the Escrow Holder without further authorization or direction from the County, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the County the notices of redemption authorized to be given pursuant to Section 12 hereof, and (d) to invest the moneys held by it consistent with the provisions of the refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

#### Section 10

The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the County with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full

execution of the Escrow Contract shall be returned to the County and shall be applied by the County only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

Section 11

That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 12

In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Legislature hereby elects to call in and redeem all the Bonds To Be Refunded which are subject to prior redemption according to their terms on each applicable Redemption Date. The sum to be paid therefor on each applicable Redemption Date shall be the par value thereof, the accrued interest to each applicable Redemption Date and the redemption premiums. The Escrow Holder is hereby authorized and directed to cause notices of such calls for redemption to be given in the name of the County, by publishing the notices of call for redemption at least three times in a financial newspaper published and circulated in the County of New York and in the official newspaper or newspapers of the County, or, if there be no official newspaper, then in any newspaper having general circulation therein, the first publication to be at least thirty and not more than sixty days prior to each applicable Redemption Date, or, in the case of the registered bonds, by mailing such notice to the registered holder at least thirty and not more than sixty days prior to such applicable Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded subject to prior redemption and the direction to the Escrow Holder to cause notices thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the publication requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

Section 13

This resolution shall take effect immediately upon approval of the County Executive.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, McCARVILLE, PAULY, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. AYES – 16, NOES – 0.

CARRIED UNANIMOUSLY.

Item 89 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 381

Re: Bond Resolution – \$750,000 –  
Improvements at Inter-section of Seneca  
Street – Center Street – Lein Road & Bullis  
Road. (Comm. 16E-32)

RESOLUTION NO. 381 – 2001

BOND RESOLUTION DATED JULY 12, 2001

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE CONSTRUCTION OF INTERSECTION IMPROVEMENTS AT THE INTERSECTION OF SENECA STREET (CR 215) – CENTER STREET (CR 571) – LEIN ROAD (CR154) AND BULLIS ROAD (TOWN HIGHWAY), STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$750,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(INTRODUCED) JULY 10, 2001

(ADOPTED) JULY 12, 2001

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 construct intersection improvements at the intersection of Seneca Street (CR 215), Center Street (CR 571), Lein Road (CR 154) and Bullis Road (Town Highway), in the Town of West Seneca, at the estimated maximum cost of \$750,000. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$750,000, and said amount is hereby appropriated therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 2001. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2001 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes issuance of

\$750,000 bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principle of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principle amount of \$750,000 are hereby authorized to be issued for the specific object or purpose described in Section 1 hereof, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriation.

Section 3. The period of probable usefulness of specific object or purpose for which said \$750,000 bonds herein authorized are to be issued, within the limitations of §11.00 a. 20. (c) of the Law, is fifteen (15) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulations Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, and relative to prescribing terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale of 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 principle and interest by general tax upon all the taxable real property within the County without limitations as to rate or amount. The faith and credit of the County are hereby irrevocably

pledged to the punctual payment of the principle 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 provisions 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 the 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. MS. MARINELLI seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, McCARVILLE, PAULY, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. AYES – 16, NOES – 0.

CARRIED UNANIMOUSLY.

Item 90 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 382

Re: Bond Resolution \$10,000,000 –  
Equipment Purchase for Highway Division.  
(Comm. 16E-33)

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

CARRIED UNANIMOUSLY.

Add the following:

RESOLUTION NO. 382 OF 2001

BOND RESOLUTION DATED JULY 12, 2001

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE ACQUISITION OF MACHINERY AND APPARATUS FOR THE COUNTY HIGHWAY DEPARTMENT; STATING THE ESTIMATED MAXIMUM COST IS \$10,000,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$10,000,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION.

(Introduced) JULY 10, 2001

(Adopted) JULY 12, 2001

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 acquire various machinery and apparatus for the County Highway Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$10,000,000, and said amount is hereby appropriated therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 2001. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2001 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$10,000,000 County bonds herein authorized 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.

Section 2. Bonds of the County in the principal amount of \$10,000,000 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 of the class of objects or purposes for which said \$10,000,000 bonds herein authorized are to be issued, within the limitations of §11.00 a. 28 of the Law, is fifteen (15) 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 effect immediately upon approval by the County Executive.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, McCARVILLE, PAULY, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. AYES – 16, NOES – 0.

CARRIED UNANIMOUSLY.

FROM THE COMPTROLLER

Item 91 - (Comm. 16E-34) Summary of Impact of \$211.7 Million Tobacco Settlement on County Finances.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 92 – (Comm. 16D-1) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 93 – (Comm. 16D-2) Notice of County Executive Public Hearing for Intros 13-11 & 13-12.

Received, filed and printed.

July 5, 2001

VIA HAND DELIVERY

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

Re: Resolution Intro. No. 13-11 & 13-12

Dear Laurie:

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

Thank you for your assistance with this matter.

Very truly yours,

FREDERICK A. WOLF  
Erie County Attorney

By: Brian D. White  
Assistant County Attorney

Enclosures

cc: (w/enclosures)  
Jennifer Anger, Erie County Legislature

A Public Hearing was held on the foregoing Resolution Intro. No. 13-11 on Friday, June 29, 2001, due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation

thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution this 29<sup>th</sup> day of June 2001.

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JOEL A. GIAMBRA

A Public Hearing was held on the foregoing Resolution Intro. No. 13-11 on Friday, June 29, 2001, due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Resolution this 29<sup>th</sup> day of June 2001.

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JOEL A. GIAMBRA

Item 94 – (Comm. 16D-3) Copy of Letter to Phillip A Thielman Re: 254 Mill Street.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 95 – (Comm. 16D-4) Copy of Letter to Elise Swiantek Cusack Re: Request for Public Records.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 96 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO.

Re: Memo to Legislator Peoples Re:  
Funding for Buffalo Public Schools Phase I  
Renovations. (Comm. 16D-5)

**ERIE COUNTY DEPARTMENT OF LAW**

**MEMORANDUM**

TO: Hon. Crystal Peoples  
Chair, Finance & Management/Budget Committee

FROM: Brian D. White, Assistant County Attorney

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RE: Funding for Buffalo Public Schools, Phase I Renovation

DATE: July 10, 2001

CC: Laurie Manzella  
Clerk, Erie County Legislature

Joseph Passafiume  
Director, Budget, Management & Finance

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Please be advised that, pursuant to Resolution Comm. 14E-68, as amended, Joseph Passafiume, director of Budget, Management & Finance, has provided the source of funds for the County's share of the funding for Phase I renovation as follows:

Infrastructure Rebuilding Project \$ 3,936,792 in the capital budget for 2001 page 174 of book C.

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

CARRIED UNANIMOUSLY.

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

WHEREAS, the Legislature adopted Communication 14E-68, authorizing the county's first-year installment of the \$5 million county commitment to the Buffalo school construction program, and

WHEREAS, amendments to the resolution proposed by the administration called for the Budget Director to detail the source of the county's general fund cash transfer to be utilized for this purpose, and

WHEREAS, said amendments also reinforced the principles of the 2001 adopted budget, stating that the source of funds for this purpose shall not be the county's tobacco securitization trust fund, and

WHEREAS, said resolution called for the Budget Director to inform the Legislature as to the source of funds no later than July 10, 2001, in order that the Legislature may make a subsequent authorization of the funding, and

WHEREAS, the Budget Director, through the Department of Law, has made such an identification,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the expenditure of \$3,936,792 from the county's 2001 general fund budget for the first-year installment of the \$5 million county commitment to the Buffalo school construction program, and be it further

RESOLVED, that the source of funds for such project shall be the county's general fund account entitled "Interfund-DPW Capital" (DAC: 110-9112208862208), from which said funding will be transferred to the

county's Infrastructure Rebuilding Project, pursuant to page 174 of Book "C" of the county's 2001 budget, and be it further

RESOLVED, that certified copies of this resolution be sent to the Budget Director and the County Attorney.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE YATES COUNTY LEGISLATURE**

Item 97 – (Comm. 16M-1) Copy of Resolution Re: Request that the State of NY Examine Health Care Funding & Assume Non-Federal Cost of Medicaid Program.

Received and referred to the HEALTH COMMITTEE.

**FROM NYSDOH**

Item 98 – (Comm. 16M-2) The 2000 Report on Managed Care Performance.

Received and referred to the HEALTH COMMITTEE.

**FROM NYSDEC**

Item 99 – (Comm. 16M-3) Fact Sheet Re: Former Dowell Facility.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM RON BENNETT**

Item 100 – (Comm. 16M-4) Copy of Letter to Mark Jasen Re: John Greenan's Phone Numbers to be Used to Contact for Re-Convenment of Session.

Received and filed.

**FROM NYSDEC**

Item 101 – (Comm. 16M-5) Fact Sheet Re: Buffalo Crushed Stone, Old Land Reclamation Landfill & Schultz C&D Landfill.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM MELINDA HOLLAND**

Item 102 – (Comm. 16M-6) Copy of Memo to West Valley Citizen Task Force Re: Meeting to be Held 9/18/01.

Received and filed.

FROM THE TOWN OF AMHERST

Item 103 – (Comm. 16M-7) Copy of Memo from Daniel J. Ward to Phillip Theilman Re: 254 Mill Street.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 104 – Legislator Weinstein requested that when this legislature adjourns, it do so in memory of Doreen Henshaw.

Item 105 - Legislator Swanick requested that when this legislature adjourns, it do so in memory of Dan Russo.

Item 106 – Legislator Holt requested that when this legislature adjourns, it do so in memory of Berniece King.

Item 107 - Legislator Greenan requested that when this legislature adjourns, it do so in memory of Roger Derby.

Item 108 - Legislator Peoples requested that when this legislature adjourns, it do so in memory of Charles Hill Jr.

Item 109 - Legislator DeBenedetti requested that when this legislature adjourns, it do so in memory of Winifred Fair.

ADJOURNMENT

Item 110 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. PEOPLES moved that the Legislature adjourn until **2 p.m. Thursday, September 6, 2001**. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until **Thursday, September 6, 2001 at 2 p.m. Eastern Standard Time.**

**LAURIE MANZELLA**  
**CLERK**