

MEETING NO. 21
October 19, 2000

ERIE COUNTY LEGISLATURE

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MEETING NO. 21
October 19, 2000

The Legislature was called to order by Chairman Swanick.

All Members Present.

The Invocation was led by Rev. Al Warner of Set Free Buffalo.

The Pledge of Allegiance was led by Mr. Kuwik.

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

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

MS. PEOPLES moved to approve the minutes of Meetings 16, 17, and 18 of 2000. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 3 – MS. MARINELLI presented a resolution Congratulating Reverend Doctor Paul F. Thompson of New Hope Baptist Church Celebrating His 20th Anniversary & Retirement. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 4 – MR. SWANICK presented a resolution Congratulating the BPW/NYS Fall Board Conference Hosted by Western New York BPW Local Organizations 10/20/00 – 10/22/00. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 5 – MS. MARINELLI presented a resolution Congratulating Theresa J. Greco Retiring from Erie County Personnel Department. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. SWANICK presented a resolution Congratulating ECMC Renal Services & Transplant Center on Their Grand Opening. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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Item 7 – MR. SWANICK presented a resolution Commemorating the 80th Anniversary of the League of Women Voters. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

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

Item 9 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #3) 2000 remain on the table.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 401

October 10, 2000

GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 6

ALL MEMBERS PRESENT.

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

- | | | | |
|----|--|-------|---------------|
| a. | Item Page
COUNTY CLERK: 1999 Annual Report.
(5-0) | -2000 | (Comm. 14E-4) |
| b. | Item Page
COUNTY ATTORNEY: Notices of Claim.
(5-0) | -2000 | (Comm. 18D-3) |
| c. | Item Page
COUNTY ATTORNEY: Notices of Claim.
(5-0) | -2000 | (Comm. 18D-5) |

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|----|---|------|-------|----------------|
| d. | Item | Page | -2000 | (Comm. 18D-6) |
| | BOARD OF ELECTIONS: Apportionment of Expenses for 1998. | | | |
| | (5-0) | | | |
| | | | | |
| e. | Item | Page | -2000 | (Comm. 18D-16) |
| | COUNTY ATTORNEY: Notices of Claim. | | | |
| | (5-0) | | | |
| | | | | |
| f. | Item | Page | -2000 | (Comm. 18D-26) |
| | COUNTY ATTORNEY: Notice of Claim. | | | |
| | (5-0) | | | |
| | | | | |
| g. | Item | Page | -2000 | (Comm. 18E-5) |
| | COUNTY CLERK: Mortgage Tax Receipts & Disbursement for 10/99 – 3/00. | | | |
| | (5-0) | | | |
| | | | | |
| h. | Item | Page | -2000 | (Comm. 18E-16) |
| | COUNTY EXECUTIVE: Copy of Letter to Chairman Swanick Re: Naming New EC Courthouse Louis J. Billitier Courthouse. | | | |
| | (5-0) | | | |
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| i. | Item | Page | -2000 | (Int. 18-1) |
| | CHASE, MARSHALL & GREENAN: Naming the County's New Courthouse the "Louis J. Billitier" EC Family Courthouse. | | | |
| | (5-0) | | | |
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| j. | Item | Page | -2000 | (Comm. 20D-4) |
| | COUNTY ATTORNEY: Notices of Claim. | | | |
| | (5-0) | | | |
| | | | | |
| k. | Item | Page | -2000 | (Comm. 20D-5) |
| | COUNTY ATTORNEY: Notices of Claim. | | | |
| | (5-0) | | | |
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| 2. | Item | Page | -2000 | (Comm. 18E-28) |
| | COUNTY EXECUTIVE | | | |
| | WHEREAS, County Law §408-A specifically authorizes the County Legislature to allow municipalities to make purchases through the County bidding procedure; and | | | |
| | WHEREAS, the Iroquois Central School District has requested that the Director of Purchase be authorized to permit the school district to utilize County contracts for making purchases; and | | | |
| | WHEREAS, in most instances, the provision of such services by the Erie County Purchasing Department will not create any additional cost or burdens upon said | | | |

Department, but will serve to reduce the school district's operating costs.

NOW, THEREFORE, BE IT:

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

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

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Purchase; the Director of Budget, Management and Finance; the County Comptroller; and the Department of Law.

(5-0)

3. Item Page -2000 (Comm. 19E-13)

COUNTY EXECUTIVE

WHEREAS, the County Clerk's Office has applied for a grant from the State Local Government Records Management Improvement Fund to convert immigration records to an electronic medium, and

WHEREAS, the grant has been received in the amount of \$75,000,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the County Clerk, is hereby authorized to accept a grant from the New York State Local Government Records Management Improvement Fund for the purpose of converting immigration records electronically, and be it further

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RESOLVED, that unanticipated state revenues in the amount of \$75,000 are hereby appropriated for this grant as follows:

800	Personal Services	\$28,368
805	Fringe Benefits	3,279
830	Contractual Expense	<u>43,353</u>
		\$75,000

and be it further

RESOLVED, that four temporary (4) part-time positions (Grade 1) of Clerk are hereby created and authorized for this project, and be it further

RESOLVED, that the Division of the Budget is authorized to create the necessary accounts for this purpose; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, and the Director of the Division of Budget, Management and Finance.

(5-0)

RAYMOND K. DUSZA
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 402

October 11, 2000

PUBLIC SAFETY
 COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT EXCEPT LEGISLATOR CHASE.

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1. Item Page - 2000 (Comm. 20E-9)

COUNTY EXECUTIVE

WHEREAS, it is essential to provide for the renewal of an agreement between the Department of Emergency Services and the Health Department which seeks to enhance the operations and planning for chemical emergencies throughout Erie County, and

WHEREAS, funding for the 2000 portion of this program is established in the Erie County operating budget with the amount of \$104,116 as an interdepartmental expenditure in the Health Department's Division of Emergency Medical Services and a like amount in the Department of Emergency Services as an interdepartmental billing, and

WHEREAS, the attached agreement has been approved as to form and content by the Erie County Health Department, the Department of Emergency Services and the Division of Budget, Management and Finance.

NOW THEREFORE BE IT

RESOLVED, that authorization is hereby granted to the Commissioner of Emergency Services and the Commissioner of Health to renew the agreement for planning and response to chemical emergencies, and be it further

RESOLVED, that the Department of Emergency Services is hereby authorized to receive payment for services as outlined in the attached agreement, 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 Health Department, the Department of Law and the Department of Emergency Services.

(4-0) Legislator Chase absent.

2. Item Page - 2000 (Comm. 20E-15)

COUNTY EXECUTIVE

WHEREAS, the Department of Emergency Services wishes to modify its 2000 budget so that the Department can provide training programs, purchase needed supplies and equipment and attend required meetings for the remainder of the year, and

WHEREAS, the Department needs equipment, supplies and out of area travel funds in order to meet its 2000 goals, and

WHEREAS, funds are available in the 2000 Department of Emergency Services' Budget which will be transferred in order to purchase the needed equipment, supplies and fund the necessary travel to the required out of area meetings,

NOW THEREFORE BE IT

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RESOLVED, that authorization is hereby provided for the modification of the Department of Emergency Services' 2000 Budget so that the Department can provide training programs, purchase needed supplies and equipment and attend required meetings for the remainder of the year,

Department of Emergency Services
 Modification to Department's 2000 Budget

<u>Appropriations</u>	Adopted Budget	Amount of Change	Proposed Modification
Acct. 811 Clothing Supplies	8,400	+1,000	9,400
Acct. 814 Medical Supplies	54	- 54	0
Acct. 821 Dues and Fees	24,826	- 9,000	15,826
Acct. 822 Rental Charges	4,600	- 216	4,384
Acct. 824 Local Travel	1,200	+1,700	2,900
Acct. 825 Long Distance Travel	2,550	+ 800	3,350
Acct. 826 Other	22,887	+7,270	30,157
Acct. 933 Lab & Tech Equipment	<u>38,470</u>	<u>- 1,500</u>	<u>36,970</u>
TOTAL	<u>102,987</u>	0	<u>102,987</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Emergency Services. (4-0) Legislator Chase absent.

3. Item Page - 2000 (Comm. 20E-20)

COUNTY EXECUTIVE

WHEREAS, Erie County has been awarded funding by the New York State Division of Criminal Justice Services under the "Aid to Localities - Laboratory Funding" program and said grant is included in the County's 2000 Budget,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract amendment with the New York State Division of Criminal Justice Services and accept additional grant program funding and extend the entitlement period, and be it further

RESOLVED, that authorization is hereby provided to amend the grant in the budget of the Department of Central Police Services as follows:

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Grant Fund 281 - Department 650
 "Aid to Localities - Lab Funding" Grant Project #240
 Extended to 12/31/01

<u>Revenue</u>	<u>Increase</u>
Acct. 627-State Aid Criminal Justice Program	\$190,678
Total Increased Revenue	<u>\$196,678</u>
<u>Appropriation</u>	<u>Increase</u>
Acct. 800 - Personal Services	\$ 26,884
Acct. 805 - Fringe Benefits	5,180
Acct. 814 - Lab Supplies	8,500
Acct. 823 - Maintenance	5,050
Acct. 826 - Other Expenses	7,500
Acct. 930 - Automotive Equipment	25,000
Acct. 933 - Lab & Tech Equipment	<u>112,564</u>
Total Increased Appropriations	<u>\$190,678</u>

and be it further

RESOLVED, that the positions of Assistant Director of Law Enforcement Forensic Laboratory, Job Group 14 and Forensic Chemist, Job Group 12 are hereby established in the Department of Central Police Services 2000 Budget, Fund 281, Project 240 - Department 650, and be it further

RESOLVED, that the position of Assistant Forensic Chemist, Job Group 10, is hereby deleted in the Department of Central Police Services, Fund 281, Project 240, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller, the Department of Personnel, and the Department of Central Police Services.

(4-0) Legislator Chase absent.

4. Item Page - 2000 (Comm. 20E-41)

COUNTY EXECUTIVE

WHEREAS, the funds received for the PSCIM Grant VI will be used to pay the instructors fee for service to conduct this training for the emergency response community.

NOW, THEREFORE BE IT

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RESOLVED, that the County Executive, on behalf of the Erie County Department of Emergency Services, is hereby authorized to enter into contract with the New York State Emergency Management Organization (SEMO) and to accept \$2,000 awarded by them to conduct a Public Safety Critical Incident Management Program (PSCIM), and be it further

RESOLVED, that the following transactions are authorized for operation of the PSCIM course:

Department of Emergency Services
PSCIM Grant VI

Revenue

SFG 361 Other Miscellaneous Receipts (Trust and Agency)	2,000
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Appropriations

SFG 821 Dues and Fees	2,000
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and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Division of Budget, Management and Finance, Office of the Comptroller. Department of Law and the Department of Emergency Services.
(4-0) Legislator Chase absent.

5. Item Page - 2000 (Comm. 20E-42)

COUNTY EXECUTIVE

WHEREAS, funds have been received from the New York State Emergency Management Office to update Erie County's emergency planning activities, and

WHEREAS, these funds will be used to update local emergency planning activities.

NOW THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to enter into contract with the New York State Emergency Management Office, and to accept \$1,500 awarded by them to update local emergency planning activities, and be it further

RESOLVED, that the following budgetary transactions are authorized in order to establish a fourth grant which will assist in updating local emergency planning for the Department of Emergency Services:

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Department of Emergency Services
HMTUSA Grant Phase V

Revenue

214 - Federal Aid - Other	<u>\$1,500</u>
TOTAL	<u>\$1,500</u>

Appropriations

826 - Other Expenses	<u>\$1,500</u>
TOTAL	<u>\$1,500</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Emergency Services. (4-0) Legislator Chase absent.

EDWARD J. KUWIK
CHAIRMAN

MR. KUWIK moved to separate item #3 and moved the approval of the balance of the report. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

MR. KUWIK moved to amend item #3. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

In the 2nd RESOLVED clause, **DELETE** "Total Increased Revenue \$196,678" and **REPLACE** with "Total Increased Revenue \$190,678".

MR. KUWIK moved the approval of the resolution as amended.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 403

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ERIE COUNTY LEGISLATURE

October 12, 2000

COMMUNITY ENRICHMENT
 COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT EXCEPT LEGISLATORS LARSON & HOLT.

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

- Item Page -2000 (Comm. 19M-8)
 a. **GRAYCLIFF CONSERVANCY:** Copy of Letter to Legislator Marinelli Re: Update on
 Graycliff Estate Project.
 (3-0) Legislators Larson and Holt absent.

- Item Page -2000 (Comm. 19M-15)
 b. **BUFFALO OLMSTED PARKS CONSERVANCY:** Copy of Letter to Legislator Marinelli
 Re: County Funding for Capital Work in South Park.
 (3-0) Legislators Larson and Holt absent.

LYNN M. MARINELLI
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 404

October 12, 2000

FINANCE & MANAGEMENT
 COMMITTEE
 REPORT NO. 12

ALL MEMBERS PRESENT EXCEPT LEGISLATORS FITZPATRICK & LARSON.

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

- Item Page -2000 (Comm. 20E-5)
 a. **COMPTROLLER:** Apportionment & Distribution of 4% Sales Tax for Month of
 September.
 (3-0) Legislators Fitzpatrick and Larson absent.

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ERIE COUNTY LEGISLATURE

Acct. No. 132 - \$ 60.00 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

60.00

REFUND - CLERICAL ERROR, INCORRECT FRONTAGE USED TO DETERMINE THE SEWER TAX. USED 507 FEET AND SHOULD BE 307 FEET. RPTL 550(2)E
 CHECK IN FAVOR OF: ANNA KRAMHOLLER

Petition No. 201751 / 2000 - ASSESSOR - Refund - \$5,994.14

SBL No. 54.14-1-7 - TOWN OF AMHERST

Acct. No. 112 - \$ 1,289.30 - County

Acct. No. 132 - \$ 4,704.84 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST

763.59

SWEET HOME CENTRAL

3,941.25

REFUND - CLERICAL ERROR, THE RPTL 520 THAT WAS INCLUDED ON THE TAX BILL WAS PREVIOUSLY PAID THROUGH THE PILOT PROGRAM. RPTL 550(2)A,
 CHECK IN FAVOR OF: LAWRENCE O'CONNOR & JOHN WYNNE
 Petition No. 201752 / 2001 - ASSESSOR - Cancel - \$912.90

SBL No. 210.02-1-38 - TOWN OF BOSTON

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 912.90 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI

912.90

CANCEL - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 36,850 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C. EDEN CENTRAL

Petition No. 201753 / 2001 - ASSESSOR - Cancel - \$71.35

SBL No. 226.20-1-14 - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 71.35 - Town/SpecialDist/School

Charge to : HAMBURG CENTRAL

71.35

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 51,560 AND SHOULD BE 48,560.
 RPTL 550(2)A.

Petition No. 201754 / 2001 - ASSESSOR - Cancel - \$684.45

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SBL No. 226.00-1-41 - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 684.45 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 684.45

CANCEL - CLERICAL ERROR, THE EHHANCED STAR EXEMPTION IN THE AMOUNT OF 36,850 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C. EDEN CENTRAL

Petition No. 201755 / 2001 - ASSESSOR - Cancel - \$350.55

SBL No. 226.02-2-11.11 - TOWN OF BOSTON

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 350.55 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 350.55

CANCEL - CLERICAL ERROR, THE BASIC STAR IN THE AMOUNT OF 14,740 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C. HAMBURG CENTRAL

Petition No. 201756 / 2001 - ASSESSOR - Cancel - \$1,443.05

SBL No. 227.00-2-15 - TOWN OF BOSTON

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,443.05 - Town/SpecialDist/School

Charge to : ORCH PARK CENTRAL 557.08
 NYS STAR ENHANCED EXEMPTI 871.68
 COLLECTORS FEE 14.29

CANCEL - CLERICAL ERROR, THIS PARCEL IS ENTITLED TO A SENIOR EXEMPTION IN THE AMOUNT OF 30,200 AND ENHANCED STAR EXEMPTION IN THE AMOUNT OF

PETITION NUMBER 201756 CONTINUED
 36,850 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201757 / 2001 - ASSESSOR - Cancel - \$352.17

SBL No. 227.00-4-16 - TOWN OF BOSTON

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 352.17 - Town/SpecialDist/School

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Charge to : BASIC STAR EXEMPTION 348.68
 COLLECTORS FEE 3.49

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 14,740 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C. ORCHARD PARK CENTRAL

Petition No. 201758 / 2001 - ASSESSOR - Cancel - \$876.39

SBL No. 241.00-3-14./A - TOWN OF BOSTON

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 876.39 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 876.39

CANCEL - CLERICAL ERROR, THE ENHANCED STAR IN THE AMOUNT OF 36,850 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL RPTL 550(2)C. HAMBURG CENTRAL

Petition No. 201759 / 2001 - ASSESSOR - Cancel - \$126.05

SBL No. 241.02-1-29 - TOWN OF BOSTON

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 126.05 - Town/SpecialDist/School

Charge to : HAMBURG CENTRAL 126.05

CQNCCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY TOWN OF BOSTON AND IS WHOLLY EXEMPT FROM TAXES. RPTL 550(2)C

Petition No. 201760 / 2001 - ASSESSOR - Cancel - \$542.68

SBL No. 57.14-7-15 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 542.68 - Town/SpecialDist/School

Charge to : WILLIAMSVILLE CENT 542.68

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 311,000 AND SHOULD BE 281,200. RPTL 550(2)A.

Petition No. 201761 / 2001 - ASSESSOR - Cancel - \$284.25

SBL No. 242.00-3-41.2 - TOWN OF BOSTON

Acct. No. 112 - \$ 0.00 - County

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Acct. No. 132 - \$ 284.25 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 284.25

CANCEL - CLERICAL ERROR, THIS PARCEL IS ENTITLED TO THE STAR BASIC EXEMPTION IN THE AMOUNT OF 13,900 AND WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C. SPRINGVILLE GRIFFITH INSTITUTE

Petition No. 201762 / 2000 - ASSESSOR - Cancel - \$525.83

SBL No. 242.05-2-7 - TOWN OF BOSTON

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 525.83 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 525.83

CANCEL - CLERICAL ERROR, RECEIVED THE BASIC STAR EXEMPTION IN THE AMOUNT 14,740 AND SHOULD HAVE RECEIVED THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 36,850. RPTL 550(2)B. HAMBURG CENTRAL

Petition No. 201763 / 2001 - ASSESSOR - Cancel - \$655.65

SBL No. 257.00-3-2.3 - TOWN OF BOSTON

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 655.65 - Town/SpecialDist/School

Charge to : EDEN CENTRAL 655.65

CANCEL - CLERICAL ERROR, THE ASSESSMENT WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 120,300 AND IT SHOULD BE 85,000. RPTL 550(2)A.

Petition No. 201764 / 2001 - ASSESSOR - Cancel - \$106.67

SBL No. 29.00-1-27.13 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 106.67 - Town/SpecialDist/School

Charge to : CLARENCE CENTRAL 106.67

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 177,000 AND SHOULD BE 170,000. R[TL 550(2)A.

Petition No. 201765 / 2001 - ASSESSOR - Cancel - \$1,042.24

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SBL No. 57.11-4-7.1 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,042.24 - Town/SpecialDist/School

Charge to : CLARENCE CENTRAL 1,042.24

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 512,400 AND SHOULD BE 444,000. RPTL 550(2)A.

Petition No. 201766 / 2001 - ASSESSOR - Cancel - \$761.87

SBL No. 57.18-6-33 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 761.87 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 761.87

CANCEL - CLERICAL ERROR, THE PARCEL IS ENTITLED TO THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 50,000 AND WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C. CLARENCE CENTRAL

Petition No. 201767 / 2001 - ASSESSOR - Cancel - \$457.12

SBL No. 70.18-6-5 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 457.12 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 457.12

CANCEL - CLERICAL ERROR, PARCEL RECEIVED THE BASIC STAR EXEMPTION IN THE AMOUNT OF 20,000 AND WAS ENTITLED TO THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 50,000 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. CLARENCE CENTRAL

Petition No. 201768 / 2001 - ASSESSOR - Cancel - \$457.13

SBL No. 71.03-3-37 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 457.13 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 457.13

CANCEL - CLERICAL ERROR, THE PARCEL RECEIVED THE BASIC STAR EXEMPTION IN THE AMOUNT OF 20,000 AND WAS ENTITLED TO THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 50,000. RPTL 550(2)B.

CLARENCE CENTRAL

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Petition No. 201769 / 2001 - ASSESSOR - Cancel - \$304.75

SBL No. 71.04-2-12 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 304.75 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 304.75

CANCEL - CLERICAL ERROR, THIS PARCEL IS ENTITLED TO THE BASIC STAR EXEMPTION IN THE AMOUNT OF 20,000 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C CLARENCE CENTRAL

Petition No. 201771 / 2001 - ASSESSOR - Cancel - \$304.75

SBL No. 71.05-2-14 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 304.75 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 304.75

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 20,000 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE PETITION NUMBER 201771 CONTINUED TAX ROLL. RPTL 550(2)C. CLARENCE CENTRAL

Petition No. 201772 / 2001 - ASSESSOR - Cancel - \$457.13

SBL No. 72.06-2-30 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 457.13 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 457.13

CANCEL - CLERICAL ERROR, THE PARCEL RECEIVED THE BASIC STAR EXEMPTION IN THE AMOUNT OF 20,000 WHEN THIS PARCEL IS ENTITLED TO THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 50,000. RPTL 550(2)B. CLARENCE CENTRAL

Petition No. 201773 / 2001 - ASSESSOR - Cancel - \$262.89

SBL No. 214.00-2-12 - TOWN OF COLDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 262.89 - Town/SpecialDist/School

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Charge to : BASIC STAR EXEMPTION 262.89

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 13,900 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C. HOLLAND CENTRAL

Petition No. 201774 / 2001 - ASSESSOR - Cancel - \$629.93

SBL No. 243.00-5-40 - TOWN OF COLDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 629.93 - Town/SpecialDist/School

Charge to : SPRING-GRIFFITH 629.93

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 31,900 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201775 / 2001 - ASSESSOR - Cancel - \$660.11

SBL No. 319.00-4-2 - TOWN OF COLLINS

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 660.11 - Town/SpecialDist/School

Charge to : NORTH COLLINS CENT 660.11

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION THAT THIS PARCEL IS ENTITLED IN THE AMOUNT OF 24,340 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201776 / 2001 - ASSESSOR - Cancel - \$346.85

SBL No. 349.11-3-23.13 - TOWN OF COLLINS

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 346.85 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 346.85

CANCEL - CLERICAL ERROR, THE PARCEL RECEIVED THE BASIC STAR EXEMPTION IN THE AMOUNT OF 16,700 AND WAS ENTITLED TO THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 42,120 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)B. GOWANDA CENTRAL SCHOOL

Petition No. 201777 / 2001 - ASSESSOR - Cancel - \$753.65

SBL No. 274.02-1-4 - TOWN OF CONCORD

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Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 753.65 - Town/SpecialDist/School

Charge to : NYS STAR ENHANCED EXEMPTI 753.65

CANCEL - CLERICAL ERROR, THIS PARCEL WAS ENTITLED TO THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 32,880 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2) SPRINGVILLE GRIFFITH INSTITUTE

Petition No. 201778 / 2001 - ASSESSOR - Cancel - \$307.93

SBL No. 151.16-3-18 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 307.93 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 307.93

CANCEL - CLERICAL ERROR, THIS PARCEL IS ENTITLED TO THE BASIC STAR EXEMPTION IN THE AMOUNT OF 16,850 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C FRONTIER CENTRAL

Petition No. 201779 / 2001 - ASSESSOR - Cancel - \$307.92

SBL No. 160.17-2-48.1/1001 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 307.92 - Town/SpecialDist/School

Charge to : BASIC STAR EXEMPTION 307.92

CANCEL - CLERICAL ERROR, THIS PARCEL IS ENTITLED TO THE BASIC STAR EXEMPTION IN THE AMOUNT OF 16,850 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C FRONTIER CENTRAL

Petition No. 201780 / 2001 - ASSESSOR - Cancel - \$1,590.56

SBL No. 161.16-1-16 - TOWN OF ORCHARD PARK

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,590.56 - Town/SpecialDist/School

Charge to : ORCH PARK CENTRAL 1,590.56

CANCEL - CLERICAL ERROR, THE BUSINESS EXEMPTION IN THE AMOUNT OF 73,950 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

PETITION NUMBER 201780 CONTINUED

Petition No. 201781 / 2001 - ASSESSOR - Cancel - \$62.69

SBL No. 66.53-6-11 - TOWN OF TONAWANDA

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Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 62.69 - Town/SpecialDist/School

Charge to : KEN-TON UNION FREE 62.69

CANCEL - CLERICAL ERROR, THIS PARCEL IS WHOLLY EXEMPT. PARCEL IS OWNED BY THE DEPARTMENT OF HUD. RPTL 550(2)C.

Petition No. 201782 / 2001 - ASSESSOR - Cancel - \$386.38

SBL No. 203.00-1-2.11 - TOWN OF WALES

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 386.38 - Town/SpecialDist/School

Charge to : IROQUOIS CENTRAL 112.85
 BASIC STAR EXEMPTION 273.53

CANCEL - CLERICAL ERROR, THIS PARCEL IS ENTITLED TO THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 5,187 AND THE BASIC STAR EXEMPTION IN THE AMOUNT OF 12,590 THAT WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201783 / 2001 - ASSESSOR - Cancel - \$125.24

SBL No. 203.00-1-27.11 - TOWN OF WALES

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 125.24 - Town/SpecialDist/School

Charge to : IROQUOIS CENTRAL 125.24

CANCEL - CLERICAL ERROR, THE AGRICULTURAL EXEMPTION IN THE AMOUNT OF 5,756 THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

(3-0) Legislators Fitzpatrick and Larson absent.

3. Item Page - 2000 (Comm. 20E-8)

COUNTY EXECUTIVE

RESOLUTION NO. 404 - 2000

BOND RESOLUTION DATED OCTOBER 2, 2000

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING FINANCING OF THE COUNTY'S 2000 LOCAL SHARE OF THE COST OF RECONSTRUCTION OF THE ALDRICH STREET BRIDGE IN THE VILLAGE OF GOWANDA, STATING THE ESTIMATED TOTAL COST THEREOF IS \$220,400, APPROPRIATING SAID AMOUNT THEREFOR,

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AUTHORIZING THE ISSUANCE OF \$118,400 BONDS OF THE COUNTY TO PAY THE COST THEREOF AND THE APPLICATION OF \$102,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST THEREOF OR REDEMPTION OF THE BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS.

(Introduced) October 2, 2000
 (Adopted) _____, 2000

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to finance the County's 2000 local share of the cost of reconstruction of the Aldrich Street Bridge over Cattaraugus Creek in the Village of Gowanda. The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$220,400, and said amount is hereby appropriated therefor pursuant to the duly adopted Capital Budget of said County for fiscal year 2000. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2000 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$118,400 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, the levy of a tax to pay the principal of and interest on said bonds and notes and application of \$102,000 expected to be received from the State of New York to be expended towards the cost thereof or redemption of the bonds or notes issued therefor or to be budgeted as an offset to the taxes for the payment of principal of and interest on said bonds or notes.

Section 2. Bonds of the County in the principal amount of \$118,400 are hereby authorized to be issued for the specific object or purpose described in Section 1, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness for the specific object or purpose for which said \$118,400 bonds herein authorized are to be issued, within the limitations of §11.00 a.10 of the Law, is twenty (20) 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.

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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.

(3-0) Legislators Fitzpatrick and Larson absent.

4. Item Page - 2000 (Comm. 20E-36)

COUNTY EXECUTIVE

WHEREAS, the Division of Budget, Management and Finance did receive a request from Anita & Jerome Wojciechowski who own property adjoining the above County owned parcels of land to purchase these parcels, and

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WHEREAS there are no other adjoining property owners interested in acquiring these parcels, and

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

NOW, THEREFORE BE IT RESOLVED, that the following parcels of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to Anita & Jerome Wojciechowski for the sum of Two Thousand and 00/100 Dollars (\$2,000.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York being part of Farmlot 35, Township 9, Range 8, Sublot 275 under Map Cover 1206 and is further described on Erie County Tax Maps as Section, Block and Lot No. 169.190-6-21 (Glendale Avenue 36.00 x 118.00). Intending to convey all land acquired by Erie County as Serial No. 869 in the County In Rem Tax Foreclosure Action No. 148, and

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Hamburg, County of Erie and State of New York being part of Farmlot 35, Township 9, Range 8, Sublot 276 under Map Cover 1206 and is further described on Erie County Tax Maps as Section, Block and Lot No. 169.190-6-22 (Glendale Avenue 36.84 x 198.84). Intending to convey all land acquired by Erie County as Serial No. 870 in the County In Rem Tax Foreclosure Action No. 148, and be it further

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

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

(3-0) Legislators Fitzpatrick and Larson absent.

AS AMENDED

5. Item Page - 2000 (Comm. 20E-37)
COUNTY EXECUTIVE

WHEREAS, the Acting Erie County Deputy Commissioner of Finance has transmitted to this Legislature transcripts of tax delinquencies and tax delinquent real properties for foreclosure pursuant to the In Rem provisions of the Erie County Tax Act, and has furnished this Legislature with the necessary abstracts from the Finance Department records of such delinquencies.

NOW, THEREFORE BE IT

RESOLVED, that the In Rem provisions of the Erie County Tax Act be applied to such real property and the delinquent taxes set forth in said transcripts, as determined by the Acting Erie County Deputy Commissioner of Finance from the transcripts of properties upon which the County

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of Erie owns a tax sale certificate which has been due and unpaid for a period of at least two years, and be it further

RESOLVED, that the County Attorney conduct and consummate such foreclosure proceedings as directed by this Legislature and determined by the Acting Erie County Deputy Commissioner of Finance, and be it further

RESOLVED, that the County Attorney, in connection with his conduct and consummation of said tax foreclosure proceedings, pursuant to Section 6.01(c) of the Erie County Administrative Code and within the limits of the appropriations provided therefor in the Referee's Account in the Department of Budget, Management & Finance [#610 982210231741001], employ such special counsel, professional, technical or other consultant services, and incur such expenses, as he may deem necessary, and be it further

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

(3-0) Legislators Fitzpatrick and Larson absent.

6. Item Page - 2000 (Comm. 20E- 38)

COUNTY EXECUTIVE

WHEREAS, the New York State Department of Environmental Conservation hereinafter referred to as DEPARTMENT has asked the County of Erie for a short term temporary easement over, under and/or through the County Owned parcel located on Whaley Avenue, SBL# 164.200-5-16.100, and

WHEREAS, this property is free and clear of all leases, tenancies, easements, or contract of sale, and

WHEREAS, said property was, or will be, entered upon and occupied by the DEPARTMENT, its representatives, employees, agents or contractors for the performance of work thereon for one or more of the purposes set forth in Environmental Consideration Law, Article 27, and more particularly for the purposes of installing, operating, maintaining and monitoring a Groundwater Conveyance and Treatment System (GCTS) and for the sampling of solid, sediments, surface water and groundwater within the area covered by said entry, and

WHEREAS, the Deputy Commissioner of Real Property Tax has determined that this temporary long term Easement can be granted, and

WHEREAS, the Advisory Review Committee review and approval of this is pending, and

WHEREAS, the parties of the first part, in consideration of One and 00/100 Dollars (\$1.00), lawful money, which is waived, will permit entry on and use of the property as shown on the attached map identified as Schedule A, by the party of the second part, its agents, employees, contractors and representatives for an eighteen (18) month period or upon acceptance of the

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Groundwater Conveyance and Treatment System by the DEPARTMENT, whichever occurs first. Such right of entry includes the rights to

- a. operate a work area
- b. remove therefrom any material excavated
- c. placement of temporary construction fencing during construction
- d. carry on any activity necessary for the completion of installation of the Groundwater Conveyance and Treatment System together with the rights at all times during the duration of this agreement of ingress, egress and regress by the State of New York, its employees, agents, contractors and/or representatives for the purposes connected with the above work, and

WHEREAS, reasonable notification will be given the COUNTY prior to entry for construction, and

WHEREAS, prior to the conclusion of construction, the DEPARTMENT, at its own expense will restore the area to its previous condition, including pavement, and vegetation but not including large trees, and

WHEREAS, the DEPARTMENT covenants that all work to be performed hereunder will be done at no cost or expense to the COUNTY, and

WHEREAS, the DEPARTMENT'S contractor has comprehensive general liability insurance for the activities conducted on this site. The DEPARTMENT will cooperate with the COUNTY in pursuing with the insurer any claim that may arise. The DEPARTMENT shall require the contractor to name the COUNTY with a certificate of insurance indicating same, and

WHEREAS, this agreement shall inure to the benefit of and bind the disributees, legal representatives, successors and assignees of the parties.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to deliver to the New York State Department of Environmental Conservation, Division of Environmental Remediation, 50 Wolf Road, Albany, New York 12233-7010 in consideration of One and 00/100 Dollars (\$1.00) (to be waived) a short term temporary easement on the County owned parcel located an Whaley Avenue in the Village of East Aurora, and be it further

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

(3-0) Legislators Fitzpatrick and Larson absent.

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CRYSTAL D. PEOPLES
CHAIRPERSON

MS. PEOPLES moved to separate item #3 and moved the approval of the balance of the report. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MS. PEOPLES moved the approval of item #3. MR. HOLT seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 405

October 12, 2000

SOCIAL SERVICES
 COMMITTEE
 REPORT NO. 10

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

ALL ITEMS ARE HEREBY TABLED.

GEORGE A. HOLT, JR.
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 406

October 13, 2000

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 7

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

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

	Item	Page	-2000	(Comm. 20E-25)
a.	COUNTY EXECUTIVE:	DPW – ECMC - Cardiac Cath Lab Renovations Contingency Fund Increase.		
		(5-0)		

	Item	Page	-2000	(Comm. 20E-26)
b.	COUNTY EXECUTIVE:	DPW – ECMC – Renovations to 8 th Floor Patient Areas.		
		(5-0)		

2.	Item	Page	- 2000	(Comm. 20E-21)
	COUNTY EXECUTIVE			

WHEREAS, Pursuant to New York State Highway Law, Article 6, Section 118A, the Deputy Commissioner of Public Works, Division of Highways, recommends to abandon to the adjacent property owner a portion of existing right-of-way on Cole Road, CR 442, at the intersection of Boston Cross Road, in the Town of Boston, that is no longer needed for highway purposes, and

WHEREAS, the County of Erie is in an acquisition dispute regarding a permanent easement of land owned by Mr. Paul D. Mazur, and

WHEREAS, it is desirable to resolve this land acquisition dispute without legal recourse and lengthy litigation, and

WHEREAS, Mr. Paul Mazur has consented to accept a full settlement of \$6,400 plus said land abutting his property along Cole Road, CR 442, Town of Boston, which is of no further use to the County of Erie, and

WHEREAS, \$1,400 has been appropriated and approved for this purpose by the Legislature at the 14th Session on July 21, 1994, Communication No. 1 D-8B.

NOW, THEREFORE BE IT

RESOLVED, that upon the recommendation of the Deputy Commissioner of Public Works, Division of Highways, a portion of the existing right-of-way, as shown on the attached map and

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description, be conveyed to the adjacent land owner known to be Paul D. Mazur, 9245 Cole Road, Town of Boston, for no dollars in consideration of a permanent easement settlement (land acquired for construction of Boston Cross Road with the County of Erie). The area of the conveyance being 0.534 acres, more or less, and be it further

RESOLVED, that the County Executive be authorized to execute and acknowledge in the name of the County and affix the seal of the County to a quit claim deed of the aforementioned land so to be conveyed, and be it further

RESOLVED, that the additional sum of \$5,000 be appropriated from the Purchase Permanent Rights to Land Program (SFG 513) and the Commissioner of Public Works be authorized to pay said sum to Mr. Paul Mazur, and be it further

RESOLVED, that the Clerk of the County Legislature be instructed to forward five (5) certified copies of this resolution to the Deputy Commissioner - Highways, one certified copy to the County Attorney's Office and one certified copy to the County Comptroller
 (5-0)

3. Item Page - 2000 (Comm. 20E-22)

COUNTY EXECUTIVE

WHEREAS, there is available \$400,000 in unneeded local funding in Capital Project 420-783 (Garages Renovation) in 1997, and

WHEREAS, there are nineteen (19) other related Capital Projects that do not have funds available to repay the General Fund for cash advances, and

WHEREAS, it is desirous of resolving the disparity between Capital Projects

NOW, THEREFORE BE IT

RESOLVED, that an entry be made to reduce interfund revenue in Project 420-783, in the amount of \$400,000, and to record interfund revenue in Fund 420 in specific projects to receive the monies as shown below:

<u>PROJECT NO.</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
503	75 Highway Road Widening	\$ 9,476.69
625	84 Reconstruction of County Roads	\$ 72,239.20
633	88 Reconstruction of County Bridges	\$ 94,947.79
635	89 Reconstruction of County Bridges	\$ 28,000.66
646	91 Bridge Projects	\$ 75,973.41
648	92 Heavy Equipment County Wide	\$ 13,624.64
645	91 Resurface County Roads	\$ 7,777.27
652	92 Dodge Road Construction	\$ 69,088.04
658	93 County Road Construction	\$ 2,599.86

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689	94 Road Design	\$ 24,672.03
731	Road Construction-Whitehaven Road	<u>\$ 1,600.41</u>
	TOTAL	\$400,000.00

and be it further

RESOLVED, that the budgets be amended for all the projects, so that the sources of estimated revenue are properly reflected, and be it further

RESOLVED, that the Clerk of the County Legislature be instructed to forward three (3) certified copies of this resolution to the Commissioner of Public Works, one copy to the Deputy Commissioner - Highways and one copy to the County Comptroller.
 (5-0)

AS AMENDED
 (Comm. 20E-28)

4. Item Page - 2000
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on September 19, 2000, for the Ellicott Creek Park Bike Path, and

WHEREAS, the Engineer and the Department of Public Works are recommending award to the lowest responsible bidder for the Ellicott Creek Park Bike Path,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is authorized to enter into a contract for the Ellicott Creek Park Bike Path as follows:

General Construction Work

Armand Cerrone, Inc.

Base Bid	\$213,000.00
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and be it further,

RESOLVED, that the sum of \$50,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

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RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 1999 Ellicott Creek Park Bike Path Capital Account, Fund 410, Project 132, in the total amount of \$263,000.00, and be it further,

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

(5-0)

AS AMENDED

5. Item Page - 2000 (Comm. 20E-29)

COUNTY EXECUTIVE

WHEREAS, bids were taken for the Burdick Road (CR 258) Slide Stabilization Project, Project Number HMGP 1233-5017, Town of Newstead, on October 5, 2000, the low bidder was Nichols Long and Moore Construction Corporation of 149 Gunnville Road, Lancaster, New York, at a low bid amount of \$156,960.00.

WHEREAS, this project was approved by the Federal Emergency Management Agency (FEMA) through the State Emergency Management Office (SEMO) with a 75% Federal share, and

WHEREAS, the Erie County Legislature approved the project in Meeting Number 25, held on December 16, 1999, Communication Number 24E-19.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project Number HMGP 1233-5017, for the Burdick Road Slide Stabilization Project, in the Town of Newstead, between the County of Erie and the low bidder Nichols Long and Moore Construction Corporation, at the low bid of \$156,960.00, and be it further

RESOLVED, that receivables be made available to fund the Federal 75% share (\$117,720) until reimbursement is received, and be it further

RESOLVED, that an amount of \$39,240.00 be allocated from the 2000 Highway Stabilization and Mitigation Program (SFG 172), and be it further

RESOLVED, that an additional amount of \$ 20,000 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 \$20,000 from the 2000 Highway Stabilization and Mitigation Program (SFG 172), 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.

(5-0)

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6. Item Page - 2000 (Comm. 20E-30)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works, Office of the Commissioner, 2000 O&M budget included an amount of \$1,533.00 in Other Expenses, and

WHEREAS, in order to update the professional standards, reference material and official codes and rules and regulations,

there is a need to increase the 2000 O&M Other Expenses Account from \$1,533.00 to \$21,533.00,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve transfer of \$20,000.00 from the Department of Public Works, Division of Buildings and Grounds, Account 110912221830342, Contractual Payments to the City of Buffalo, to the Department of Public Works, Office of the Commissioner, Other Expenses, Account 110911220826, 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 Department of Public Works, Division of Buildings & Grounds; one copy to Budget Management and Finance; and one copy to the Comptroller's Office. (6-0) Chairman Swanick present as Ex-Officio Member.

AS AMENDED

7. Item Page - 2000 (Comm. 20E-31)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the North Ellicott Creek Road Slide Stabilization Project, Project No. HMGP 1244-5021, in the Town of Amherst on October 5, 2000, the low bidder was Armand Cerrone, Inc. of 4625 Witmer Road, Niagara Falls, New York, at a low bid amount of \$216,960.00, and

WHEREAS, this project was approved by the Federal Emergency Management Agency (FEMA) through the State Emergency Management Office (SEMO) with a 75% Federal share, and

WHEREAS, the Erie County Legislature approved the project in Meeting Number 25, held on December 16, 1999, Communication Number 24E-19.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project Number HMGP 1244-5021 for the North Ellicott Creek Road Slide Stabilization Project, in the Town of Amherst, between the County of Erie and the low bidder Armand Cerrone, Incorporated at its low bid of \$216,960.00, and be it further

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RESOLVED, that receivables be made available to fund the Federal 75% share (\$162,720) until reimbursement is received, and be it further

RESOLVED, that an amount of \$54,240.00 be allocated from the 2000 Highway Stabilization and Mitigation Program (SFG 172), and be it further

RESOLVED, that an additional amount of \$30,000 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 \$30,000 from the 2000 Highway Stabilization and Mitigation Program (SFG 172), 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.
 (6-0) Chairman Swanick present as Ex-Officio Member.

MICHAEL A. FITZPATRICK
CHAIRMAN

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

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 407

Re: Buffalo Place, Inc. – Year
 2001 Budget. (Intro. 21-1)

A RESOLUTION SUBMITTED BY
LEGISLATORS HOLT, ET AL

WHEREAS, the Erie County Legislature approved Local Law No. 8-1984, establishing a downtown pedestrian/transit mall special district, and

WHEREAS, the Erie County Legislature approved on December 19, 1985, a resolution authorizing the County Executive to enter into agreement with Downtown Buffalo Management Corporation, now known as Buffalo Place Inc. (BPI), designating Buffalo Place Inc. as the not-for-profit corporation with which Erie County shall contract for the performance of mall special district

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services, for which annual contracts were executed in 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999 and 2000, and

WHEREAS, the said Local Law required that the mall corporation present an annual budget to the Legislature regarding the amount to be raised by mall district special charges, and

WHEREAS, pursuant to the said Local Law, Buffalo Place Inc. held a public hearing, on due notice to property owners within the district, regarding the proposed 2001 annual budget on September 19, 2000,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the total amount to be raised by mall district service charges in 2001 shall be the sum of \$1,176,983 as contained in the attached budget which shall be part of this Resolution, which amount does not exceed 80% of the service charges that could be assessed or levied against properties in the district, and be it further

RESOLVED, that the County of Erie be and hereby is authorized to enter into agreement with Buffalo Place Inc., the not-for-profit corporation described in Section 9 of Erie County Local Law No. 8-1984, providing for the performance by Buffalo Place Inc. of the mall special services set forth in Section 8 of said Local Law; the payment to Buffalo Place Inc. of the proceeds of the mall special district charges, less administrative costs, to be used by Buffalo Place Inc. in providing mall special district services; and such other terms and conditions as to the County Attorney appear necessary or appropriate for the implementation of Erie County Local Law No. 8-1984 and Chapter 673 of the Laws of 1982, and be it further

RESOLVED, that the Erie County Commissioner of Finance shall, not later than November 30, 2000, cause to be established a Mall District Special Charge Roll apportioning the amount herein above determined to be raised by mall district special charges for 2000 in conformance with the formula set forth in Section 7 of Erie County Local Law No. 8-1984 using the latest available final general or special assessment roll prepared by the City of Buffalo, and be it further

RESOLVED, that certified copies of this resolution, in its final form, be forwarded to Erie County Executive Joel A. Giambra, Erie County Budget Director Joseph Passafiume, Erie County Attorney Frederick A. Wolf, Erie County Deputy Commissioner of Real Property Tax Joseph Maciejewski, Buffalo Place Inc. Board Chairman Keith Belanger (671 MAIN ST., BUFFALO 14203), Buffalo Place Inc. Executive Director Michael T. Schmand (SAME ADDRESS), and Anthony M. Masiello, Mayor of the City of Buffalo.

FISCAL IMPACT: To Be Determined.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION. NO. 408

Re: Alden Agricultural District (Erie County #7) Lancaster – Alden Agricultural District (Erie County #16) Eight Year Review. (Intro. 21-2)

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

WHEREAS, the Alden (EC#7) and the Lancaster-Alden (EC#16) Agricultural Districts were initially created March 1, 1975 and April 28, 1983 respectively, and re-certified every eight years thereafter, and

WHEREAS, Article 25AA of the New York State Agricultural and Markets Law, Section 303.8, specifies that the County Legislative body shall review any agricultural district created under this section eight years after the date of its creation and every eight years thereafter, and

WHEREAS, pursuant to a resolution on February 18, 1999, the Erie County Legislature directed the Clerk of the Legislature to publish a public notice of the district's review, and

WHEREAS, the district was duly referred to the Erie County Division of Planning and to the Agricultural and Farmland Protection Board (formerly the Agricultural District Advisory Committee) of this Legislature for review of the district, and

WHEREAS, on the 14th day of August, 2000, pursuant to public notice, a public hearing was held within the agricultural district at the Lancaster Town Hall, and

WHEREAS, various matters were brought before the public hearing and discussed and considered, and

WHEREAS, the Alden Agricultural District (EC#7) consists of 2,154 acres and is proposed to remain as existing with no modifications and as outlined in Exhibit A, and

WHEREAS, a modification of the Lancaster portion of the Lancaster-Alden Agricultural District (EC#16) amounting to a reduction of 4,200 acres is proposed due primarily to a reduction in farming activity in the area, and as outlined in Exhibit B, and

WHEREAS, the Lancaster-Alden Agricultural District (EC#16) consists of 10,880 acres. Modifications result in a reduction of 4,200 acres providing a total of 6,680 acres (3,800 acres in the

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Lancaster portion of the agricultural district and 2,880 acres in the Alden portion) for the Lancaster-Alden Agricultural District as modified, and

WHEREAS, in accordance with the New York State Environmental Quality Review Act of 1975 and in accordance with adopted review procedures and the criteria set forth in Part 617, this agricultural district and the modifications have been reviewed and determined to have no significant effect on the environment (Exhibit C),

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature concurs in the recommendations and findings made by the Agricultural and Farmland Protection Board and the Department of Environment and Planning and does hereby approve and reaffirm the existing Alden Agricultural District (EC#7), also the Lancaster-Alden Agricultural District (EC#16) together with the modifications (deletions to the district) and the Negative Declarations that apply to each district, and be it further

RESOLVED, that upon the adoption of this resolution, the Clerk of the Legislature be directed to forward the necessary documentation to the appropriate officials of the State of New York in accordance with the Agricultural and Markets Law and that copies of this resolution be sent to the Towns of Lancaster and Alden, and to the Erie County Department of Environment and Planning (Chet Jandzinski).

FISCAL IMPACT: None for resolution.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 409

Re: Support for the Governor's Program
to Lower Fuel Prices on the NYS
Thruway. (Intro. 21-3)

A RESOLUTION SUBMITTED BY LEGISLATORS
CHASE, RANZENHOFER, GREENAN, LARSON, AND MARSHALL

WHEREAS, recently fuel costs have been increasing, giving motorists an added burden, and

WHEREAS, in an effort to lower costs and ease the financial burden put on motorists and other travelers, New York State Governor George E. Pataki has announced his reduction in fuel prices at all New York State Thruway Travel Centers will continue through January 1st, and

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WHEREAS, the success and popular support given to Governor Pataki's pilot program "100 Days of Summer" led him to extend the program until the end of the year, and

WHEREAS, the five-cents per gallon reduction the program provides will save motorists an estimated \$900,000 this year, and

WHEREAS, this program will help promote tourism which is New York State's number one industry, and

WHEREAS, this legislative body realizes the magnitude of this problem and the importance of reducing fuel costs.

NOW, THEREFORE, BE IT

RESOLVED, that this legislative body supports the program put forth by Governor George E. Pataki and wishes to have a similar program continue after January 2001, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George E. Pataki and the members of the Western New York Delegation.

Fiscal Impact: To be determined

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

CARRIED UNANIMOUSLY.

ADD the following co-sponsors:

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

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

RESOLVED, that the Erie County Legislature does hereby endorse the New York State program to lower fuel prices on the New York State Thruway and does hereby call for said program to continue for the foreseeable future, with particular emphasis on the holiday and summer traveling seasons, and be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 410

Re: Funding for Lancaster Village Partnership. (Intro. 21-4)

A RESOLUTION SUBMITTED BY LEGISLATOR LARSON

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

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

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

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Lancaster Village Partnership Control	830/	\$10,000
TOTAL		\$10,000

and be it further

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

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

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RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek and to William Cansdale, Mayor, (Lancaster Village Partnership, 5423 Broadway, Lancaster, NY 14086.)

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 411

Re: Support for Community Groups.
(Intro. 21-5)

A RESOLUTION SUBMITTED BY LEGISLATOR CHASE

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from the legislative contractual (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

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<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Evangola Children's Fund	830/	\$1,000
North Evans Volunteer Fire Company	830/	\$2,000
Highland Hose Fire Company	830/	\$2,000
TOTAL		\$5,000

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek and to Linda Giancarlo, Evangola Children's Fund, (106 S. Main Street, Angola, NY 14006,) E. J. Michalski, North Evans Volunteer Fire Company, (PO Box 92, North Evans, NY 14112,) and Jack Kuebler, Highland Hose Fire Company, (1 George Nablo Parkway, PO Box 856 Derby, NY 11047-0856.)

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 21 – CHAIRMAN SWANICK directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Intro. 21-6 From LEGISLATORS SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, DUSZA, MARINELLI & PAULY Re: "Investing in Residents & Communities": Endorsement of Improvement Proposals for EC Parks.

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

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 412

Re: Support for Emergency
 Services. (Intro. 21-7)

A RESOLUTION SUBMITTED BY LEGISLATORS WEINSTEIN & RANZENHOFER

WHEREAS, Erie Community College has identified a shortfall in funding for its volunteer fireman training and retention program, and will require additional funds, 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 \$40,000 from the General Fund, Legislature, Contractual Expense (DAC: 110905100830) to General Fund , Interfund Transfers, Interfund – Erie Community College (DAC 1109294308864300), 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 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 Bochenek and one copy to William J. Mariani, President, Erie Community College.

Fiscal Impact: Appropriation of 2000-budgeted funds.

MR. MARSHALL moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

REPALCE the first RESOLVE clause with the following:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$50,000 from the General Fund, Legislature, Contractual Expense (DAC: 110905100830) to General Fund , Interfund Transfers, Interfund – Erie Community College (DAC 1109294308864300), and be it further

ADD the following after the second RESOLVE clause:

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RESOLVED, that ECC officials prepare and submit to the Clerk of the Legislature a close-out report relative to the acceptance of these funds and the uses thereof, with language specifically noting unused funds (if any) at the end of the specific program year, and be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 413

Re: Funding for Community
Organizations. (Intro. 21-8)

A RESOLUTION SUBMITTED BY LEGISLATOR MARSHALL

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$22,500 from the legislative contractual (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Orchard Park Council for the Arts	830/0287	\$10,000
Orchard Park Fire District	830/	\$10,000

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Town of Boston – Southtowns Meals on Wheels	830/0439	\$2,500
TOTAL		\$22,500

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek and to Joan Litwin, Orchard Park Council of the Arts, (PO Box 372, Orchard Park, NY 14127,) Joseph E. Jensen, Sr., District Fire Chief, Orchard Park Fire District, (30 School Street, Orchard Park, NY 14127,) and Lisa M. Rood, Supervisor, Town of Boston, (Boston Town Hall, 8500 Boston State Road, Boston, NY 14025.)

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 24 – CHAIRMAN SWANICK directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 21-9 From LEGISLATORS CHASE, LARSON, RANZENHOFER & WEINSTEIN
Re: “Support for NY Farm Bureau’s Request for Worker Shortage Relief (HR 4548).

CHALLENGE TO THE CHAIR.

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

DEFEATED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 414

Re: Improving Conditions at the
 County's Youth Detention
 Facility. (Intro. 21-10)

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

WHEREAS, Erie County's Youth Detention Facility, located on East Ferry Street in Buffalo, has fallen into serious disrepair, and

WHEREAS, the Legislature has taken steps over the past several years to address the needs of that facility by appropriating capital improvement funds and other appropriations, and

WHEREAS, despite those efforts, members of the Legislature agree that new facilities need to be constructed and existing facilities need renovation, and

WHEREAS, members of the Legislature also agree that providing healthy, safe and habitable facilities, both for secure as well as non-secure detainees, is of paramount importance, and

WHEREAS, the County Executive's action last week to remove non-secure children from the Detention Facility and transfer them to a facility on the grounds of the Erie County Home was proper and in the best interests of the children, and

WHEREAS, those actions notwithstanding, the Legislature continues to seek a comprehensive plan on the part of the administration to address the immediate needs of the facility, and

WHEREAS, in seeking answers to those questions, the Legislature's Social Services Committee held a fact finding hearing last week to receive testimony from various sources regarding this matter, and

WHEREAS, in terms of the gathering of information, the Legislature's hearings were an unqualified success; members of the Legislature received more information about the county's Detention facility over the two-day duration of the hearings, and

WHEREAS, during the hearings, Legislators heard firsthand about the conditions of the facility that require immediate action, including anecdotal testimony concerning electrical, plumbing, painting and other repairs that require action, and

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WHEREAS, according to a state inspection report, problems associated with the county's Youth Detention Facility include bedrooms found in "deplorable" state, and severe overcapacity, which has led to concerns on the state's part about educational, health, and case management services, as well as concerns about housing generally, and

WHEREAS, officials further brought to the attention of Legislators the condition of programmatic resources at the Detention facility; concerns were raised specifically about the number of teachers and aides available to provide educational services to the youth; about the need to keep youths shackled while in class; and about concerns including access to adequate physical educational services and various other programmatic deficiencies, and

WHEREAS, at the hearings, noted child psychologist Dr. Ken Condrell related firsthand experiences in dealing with patients at the county's Youth Detention Facility, and

WHEREAS, Dr. Condrell's experiences included patients in a short-term stay at the facility being denied access to educational classes; children remain handcuffed and shackled in classes because time to remove such restraints is lengthy and educational classes are short, and

WHEREAS, at the suggestion of Dr. Condrell, this Honorable Body may wish to support creation of a joint Executive-Legislative panel to review programmatic needs at the Detention facility and report back to our respective branches of county government to make recommendations, and

WHEREAS, notes obtained from Eighth District Administrative Justice Vincent E. Doyle and Supervising Family Court Judge Sharon Townsend's visit to the Youth Detention Facility provided additional insight as to the facility's immediate needs, and

WHEREAS, three pages of typewritten notes from the judges tell of collapsed walls, overcrowded conditions, the lack of air conditioning, peeling paint, the lack of physical recreation services for females, the availability of only one (1) shower facility for more than two dozen females, the lack of a county cleaning service for facilities, and various other observations, including general fire hazards and concerns about cleanliness and overcrowded conditions, and

WHEREAS, all such information was received as a result of the hearings scheduled by the Legislature, and

WHEREAS, the concern relative to the Detention facility, including the county's plans to construct a new facility and the need for the Department to maintain a consistent direction on into the future, makes clear the county's need to move forward toward the appointment of a permanent Commissioner of Youth, and

WHEREAS, with the best interests of the county's youth population in mind, it would be advisable for the County Executive to commence a search for a qualified permanent Commissioner of Youth Services, to address the several needs of that department, including but not limited to the

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future of the county's Detention facility and the programming to be delivered at that facility to its youth population, and

WHEREAS, members of this Honorable Body further believe that the county supervision of non-secure PINS remains an issue of critical importance, and

WHEREAS, in a May 20, 2000 *Buffalo News* article, the County Executive proposed contracting-out non-secure PINS to private not-for-profit human service agencies in Erie County, and

WHEREAS, while the Legislature agrees that in this emergency situation with respect to the Detention facility itself it is appropriate for the county to seek to place non-secure PINS under the supervision of not-for-profit human services agencies, action on the county's part to make the aforementioned a permanent policy of the county requires additional discussion among the Legislative and Executive branches of county government, and

WHEREAS, given the very strong likelihood that Governor Pataki will sign legislation increasing the maximum PINS age from 16 to 18, the county must have assurances that any not-for-profit agencies contracting with the county to provide such services have the staff, physical plant and other operational capabilities to perform those services, and

WHEREAS, the appropriate role for not-for-profit agencies with respect to non-secure PINS may well be to address the county's overflow needs as the county's responsibility for supervision of additional non-secure PINS, pursuant to the aforementioned state legislation, increases dramatically over the next several years, allowing said agencies ample time to train personnel and develop appropriate accommodations for such responsibilities; in any case, significant dialogue between the Legislature and the County Administration will be required to effectuate any policy changes with respect to non-secure PINS,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to safe conditions at the county's Detention facility and is hereby committed to ensuring such conditions are met for secure and non-secure detainees and persons in need of supervision, and be it further

RESOLVED, that in the interests of the aforementioned, this Honorable Body does hereby support construction of a new secure Detention facility and is committed to working cooperatively with the county administration to receive necessary information in order to make an informed decision with all deliberate speed, and be it further

RESOLVED, that this Honorable Body, in the interests of addressing the immediate needs of the Youth Detention Facility, and in order that certain steps to perform repairs and maintenance at the facility may occur in order that the state may lift its suspension of the facility's operating certificate, this Honorable Body does hereby direct the Commissioner of Public Works to report to the Legislature, in writing, within five (5) days of passage of this resolution, the specific immediate

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repair and maintenance needs for the Youth Detention Facility, including dollar cost estimates for those repairs and time estimates for completion of such repairs, and be it further

RESOLVED, that the Commissioner of Public Works is further directed to report in writing to this Honorable Body the progress of "immediate need" repairs made to the facility pursuant to this resolution on a monthly basis until such time as said repairs are complete and/or state certification of the facility is reinstated, and be it further

RESOLVED, that this Honorable Body does hereby reaffirm its commitment to the provision of high quality educational, medical and other support services at the county's Youth Detention facility, and does hereby call upon the County Executive to appoint a panel of public and private experts to review current programmatic services at the Youth Detention Facility and provide a series of recommendations to the legislative and executive branches toward the improvement of said programmatic services, and be it further

RESOLVED, that said panel should report its findings and recommendations to the Legislature and to the Executive no later than January 31, 2001, and be it further

RESOLVED, that this Honorable Body does hereby call upon the County Executive to commence an immediate search for a permanent Commissioner of Youth Services, and despite the fact that said appointment does not require Legislative confirmation, the County Executive is hereby requested to file said appointment with the Clerk of the Erie County Legislature for referral to committee, in order that Legislators may interview said appointee in advance of his or her appointment, and be it further

RESOLVED, that this Honorable Body does hereby reserve judgment with respect to the county's policy relative to the supervision of non-secure PINS; the Legislature, working with the County Administration, will continue to seek information and additional data will further seek to make a determination relative to non-secure pins within the ensuing several weeks, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Budget Director, the Commissioner of Public Works, and the Acting Commissioner of Youth Services.

Fiscal Impact: To Be Determined.

MR. RANZENHOFER moved to send the resolution to the SOCIAL SERVICES COMMITTEE. MR. MARSHALL seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, MARSHALL, RANZENHOFER, WEINSTEIN, DeBENEDETTI & OLMA. NOES: PAULY, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, PEOPLES & SWANICK. AYES – 8, NOES – 9.

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DEFEATED.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: PAULY, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, PEOPLES & SWANICK. NOES: CHASE, GREENAN, LARSON, MARSHALL, RANZENHOFER, WEINSTEIN, DeBENEDETTI & OLMA. AYES – 9, NOES – 8.

CARRIED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 415

Re: Transfer of Funds.
(Intro. 21-11)

A RESOLUTION SUBMITTED BY LEGISLATOR WEINSTEIN

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$6,942 from Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830) from the following agency, to the Legislative Contractual budget account (DAC: 110905100830):

<u>NAME</u>	<u>LINE</u>	<u>OLD AMOUNT</u>	<u>+/-</u>	<u>NEW AMOUNT</u>
Amherst Chamber of Commerce	830/1148	\$6,942	(\$6,942)	- 0 -
TOTAL			\$-0-	

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passfiume, Jennifer Anger – Administrative Assistant Erie County Legislature, and to First Assistant County Attorney Susannah M. Bochenek.

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Fiscal Impact: Transfer of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

ADD the following after the first RESOLVE clause:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$3,500 from Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830) from the following agency, to the Legislative Contractual budget account (DAC: 110905100830):

<u>NAME</u>	<u>LINE</u>	<u>OLD</u> <u>AMOUNT</u>	<u>+/-</u>	<u>NEW</u> <u>AMOUNT</u>
Clarence Little League Football	830/1155	\$3,500	(\$3,500)	- 0 -
TOTAL			\$-0-	

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,500 from the legislative contractual (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Alliance for the Mentally Ill in Buffalo & Erie County	830/	\$1,000
West Side Business & Taxpayers Association	830/974	\$500
TOTAL		\$1,500

and be it further

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

REPLACE the final RESOLVE with the following:

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RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passfiume, Jennifer Anger – Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Lynne Shuster, Executive Director, Alliance for the Mentally Ill in Buffalo & Erie County, (264 Hamilton Drive, Buffalo, NY 14226,) and to Joseph R. Tomasulo, President, West Side Business & Taxpayers Association, PO Box 526, Buffalo, NY 14213.)

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

CARRIED UNANIMOUSLY.

Item 27 – CHAIRMAN SWANICK directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 21-12 From LEGISLATORS LARSON, CHASE, GREENAN, WEINSTEIN, MARSHALL & RANZENHOFER Re: Calling for HEAP Officials to Adjust Aid & Relief to Those in Need This Winter to Offset Projected Skyrocketing Gas Costs.

CHALLENGE TO THE CHAIR.

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

DEFEATED.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 28 – MS. FISHER moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 15E-29. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 416

Re: Sheriff's Public Awareness
 is Prevention Grant.

WHEREAS, the Sheriff's Office will receive a special one time appropriation of \$16,000 from the State of New York through the Erie County Department of Mental Health to continue their Public Awareness is Prevention Program, and

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WHEREAS, said funding is available from appropriations originally established for the Clarkson Center which are no longer required, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY DEPARTMENT OF MENTAL HEALTH

DRUG FREE OUTPATIENT - PROJECT #259

<u>APPROPRIATION</u>	<u>Decrease</u>
830 0202 - Clarkson Center	\$16,000
	<u>Increase</u>
882 1509 - Interdepartment – Sheriff’s Grant	<u>\$16,000</u>
NET IMPACT	<u>\$0</u>

ERIE COUNTY SHERIFF'S OFFICE

PUBLIC AWARENESS IS PREVENTION - PROJECT #316

<u>APPROPRIATION</u>	<u>Decrease</u>
883 2409 - Interdepartment - Mental Health Grants	\$ 16,000
	<u>Increase</u>
800 - Personal Services	\$ 4,592
801 - Overtime	1,860
805 - Fringe Benefits	2,573
810 - Office Supplies	2,000
824 - Local Travel	1,200
825 - Out of Area Travel	500
826 - Miscellaneous Expense	<u>3,275</u>
TOTAL INCREASE	<u>\$16,000</u>
NET IMPACT	<u>\$0</u>

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and be it further

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

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 29 – (Comm. 21E-1) Federal Financial Assistance Audit Report for Year Ended 12/31/99.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATORS SWANICK & PEOPLES

Item 30 – (Comm. 21E-2) Copy of Letter to NYS Office of Children & Family Services Re: Youth Detention Facility.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 31 – (Comm. 21E-3) Report of GASB Reporting Requirement.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATORS PEOPLES & HOLT

Item 32 – (Comm. 21E-4) Copy of Letter to County Executive Re: Youth Detention Facility.

Received and referred to the SOCIAL SERVICES COMMITTEE.

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FROM LEGISLATOR CHASE

Item 33 – (Comm. 21E-5) Notice of Absence from Public Safety Meeting Held 10/11/00.

Received and filed.

FROM THE COMPTROLLER

Item 34 – (Comm. 21E-6) Management Letter Re: Audit of Financial Statements for Year Ended 12/31/99.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 35 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 417

Re: New Secure Youth Detention
 Facility. (Comm. 21E-7)

WHEREAS, the 1997, 1998, and 2000 capital budgets contain \$8,000,000.00 for the New Secure Youth Detention Facility, and

WHEREAS, the firm of DMJM/Mesch Joint Venture, 170 Franklin Street, Suite 702, Buffalo, NY 14202 is being recommended by the Consultant Selection Committee for this project.

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract with DMJM/Mesch Joint Venture, 170 Franklin Street, Suite 702, Buffalo, NY 14202, and be it further,

RESOLVED, that the amount to be paid for said consulting services for this work, on a lump sum basis not to exceed 533,862, plus variable design services and reimbursables not exceed \$122,700, for a total contract amount of \$656,562, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment from the 1997 Youth Detention Rehabilitation Capital Bond Account, Project 806, Fund 410, and be it further,

RESOLVED, that the Request for Qualifications, Statement of Qualifications Evaluation Process and Request for Proposals are attached for your information, and be it further,

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

MS. PEOPLES moved the approval of the resolution. MS. MARINELLI seconded. LEGISLATORS HOLT and PEOPLES voted in the negative.

CARRIED.

Item 36 – (Comm. 21E-8) Memo Received from DPW Re: Youth Detention Facility.

Item 37 – (Comm. 21E-9) Youth Detention Matters.

Item 38 – (Comm. 21E-10) Certificate of Emergency Sent to Purchase Re: Youth Detention Facility.

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 418

Re: DPW – Office of Energy, Utility & Grant Management. (Comm. 21E-11)

WHEREAS, the Department of Public Works is in the process of creating an Office of Energy, Utility and Grant Management in the Office of the Commissioner, and

WHEREAS, in order to increase the effectiveness of its compliance and related administrative activities, it is desirable to have a position created entitled, Senior Principal Engineer - Energy, Utility and Grant Management, Job Group 16, in charge of the Office of Energy, Utility and Grant Management, and

WHEREAS, funds for this position are available in the Utility Aggregation Fund,

NOW, THEREFORE, BE IT,

RESOLVED, that a position of Senior Principal Engineer - Energy Utility and Grant Management, Job Group 16, Step 4, at an annual salary of \$74,541, plus fringe benefits, is hereby created in the Office of the Commissioner of Public Works and a position of Chief of Buildings & Operations & Maintenance is hereby deleted in the Division of Buildings & Grounds, at an annual salary of \$65,266.00, plus fringe benefits, and be it further,

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RESOLVED, that the necessary additional funding in the amount of \$9,272.00, plus fringe benefits for the newly created position is available from there being sufficient funds in the Enterprise Aggregation Fund, Project 820, Fund 140, Department 221; and be it further,

RESOLVED, that Account 800, Personnel Services, in the Department of Public Works, Office of the Commissioner, Energy, Utility and Grant Management Office is increased by \$74,541, plus fringe benefits, and be it further,

RESOLVED, that the Commissioner of Public Works is authorized to hire Consulting Engineering Services regarding Energy, Utility and Grant Management on an as-needed basis in an amount not to exceed \$25,000.00 and be charged to the Enterprise Aggregation Fund, Project 820, Fund 140, and be it further,

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

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

CARRIED UNANIMOUSLY.

DELETE the first, second, third and fourth RESOLVE clauses in their entirety and replace with the following:

RESOLVED, that the following personnel changes are authorized:

DELETE one (1) position of Chief of Buildings & Operations Maintenance (Job Group 14, Step A), effective October 28, 2000 with a fiscal year 2000 savings of \$9,786;

CREATE one (1) position of Sr. Principal Engineer-Energy Utility & Grant Management (Job Group 16, Step 4), effective October 21, 2000 with a fiscal year 2000 additional cost of \$11,468;

And be it further

RESOLVED, that the total cost of the new position for the remainder of the 2000 fiscal year is available from \$9,786 in funds remaining from the deletion of the aforementioned position, and \$1,682 from the Enterprise Aggregation Fund, Project 820, Fund 140, Department 221, and be it further

RESOLVED, that Account 800, Personal Services, in the Department of Public Works, Office of the Commissioner, Energy, Utility & Grant Management Office is hereby increased by \$11,468 for the remainder of the 2000 fiscal year to fund creation of the new position, and be it further

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RESOLVED, that the Commissioner of Public Works is hereby authorized, for the remainder of the 2000 fiscal year, to retain Consulting Engineering Services regarding Energy, Utility & Grant Management on an as-needed basis in an amount not to exceed \$9,999 and be charged to Enterprise Aggregation Fund, Project 820, Fund 140, Department 221, and be it further

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

CARRIED UNANIMOUSLY.

Item 40 – (Comm. 21E-12) County Attorney – Year 2001 Office Space.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 41 – (Comm. 21E-13) Appointment to EC Environmental Management Council.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 42 – (Comm. 21E-14) Social Services – Title XX Daycare Increase.

Item 43 – (Comm. 21E-15) Social Services – HEAP.

Item 44 – (Comm. 21E-16) Social Services – Salvation Army Emergency Services.

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

Item 43 – (Comm. 21E-17) Proposed Advance Planning Bond Issue, Town of Clarence, Resolution of Support.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 44 – (Comm. 21E-18) Appointments to EC Citizens Committee on Rape & Sexual Assault.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 45 – (Comm. 21E-19) Appointment to Broadway Market Management Corporation.

RECEIVED, FILED & PRINTED.

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The Honorable
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

Re: Appointment to Broadway Market Management Corporation

Dear Members:

I, Joel A. Giambra, Erie County Executive, do hereby appoint the following individual to the Broadway Market Management Corporation.

Robert Sienkiewicz
808 Fillmore Avenue
Buffalo, NY 14212

Respectfully submitted,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

cc: Appointee
Hon. Anthony M. Masiello

Item 46 – (Comm. 21E-20) Appointments to EC Commission on the Status of Women.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 47 – (Comm. 21E-21) Health – Rental Agreement – 104 Maryland Street, Buffalo.

Item 48 – (Comm. 21E-22) Health – Tonawanda Services & Referral Center Lease Agreement Renewal.

Item 49 – (Comm. 21E-23) Health – WIC Program 10/1/99 – 9/30/00.

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

Item 50 – (Comm. 21E-24) Senior Services – Authorization to Amend Energy Grant Budgets.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 51 – (Comm. 21E-25) ECSD – Consolidation Study.

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Item 52 – (Comm. 21E-26) ECSD & Southtowns Sewage Treatment Agency Easement & Fee Purchase Negotiator Agreement.

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

Item 53 – (Comm. 21E-27) SIRG 10 Grant NYS Department of Health.

Received and referred to the HEALTH COMMITTEE.

Item 54 – (Comm. 21E-28) NACO Radon/Indoor Air Demo Program Grant – Building Healthy Homes in EC Program.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 55 – (Comm. 21E-29) Request Authorization to Amend 2000 Contracts.

Item 56 – (Comm. 21E-30) Request Authorization to Amend 2000 Contracts.

Item 57 – (Comm. 21E-31) Request Authorization to Amend 2000 MOU Between Mental Health & ECMC.

Item 58 – (Comm. 21E-32) Request Authorization to Amend 2000 Contract with Compeer West.

Item 59 – (Comm. 21E-33) Request Authorization to Amend 2000 Contract with Jewish Family Services.

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

Item 60 – (Comm. 21E-34) ECSD No. 1 – Engineering Services Agreement for Sanitary Sewer System Rehab Assessment – Parsons Engineering Science Inc Change Order #1.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECC

Item 61- (Comm. 21D-1) Minutes of Meeting Held 8/30/00.

Received and filed.

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FROM DEP

Item 62 – (Comm. 21D-2) SEQR – Lead Agency Status – Hamilton/Bluffs Sanitary Sewer & Elimination of Hamilton & Bluffs Pumping Stations, Town of Evans.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 63 – (Comm. 21D-3) Notices of Claim.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECC

Item 64 – (Comm. 21D-4) Officers – ECC Board of Trustees 2000-2001 Academic Year.

Received and filed.

FROM DPW

Item 65 – (Comm. 21D-5) Consultant Selection Process & Specifics of the Youth Detention Process.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM YOUTH SERVICES

Item 66 – (Comm. 21D-6) Non-Secure Detention – RFP Time Line.

Item 67 – (Comm. 21D-7) Non-Secure Detention Group Homes.

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

FROM ECC

Item 68 – (Comm. 21D-8) Notice of Meetings 10/18/00 & 10/25/00.

Received and filed.

FROM ECMC

Item 69 – (Comm. 21D-9) Minutes of Meeting Held 10/12/00.

Received and filed.

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FROM DPW

Item 70 – (Comm. 21D-10) Youth Detention Facility Project.

Item 71 – (Comm. 21D-11) Youth Detention Plans.

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

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 72 – (Comm. 21D-12) Notice of Meeting to be Held 10/19/00 & Minutes of Meeting Held 9/21/00.

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM GOVERNOR PATAKI

Item 73 – (Comm. 21M-1) Acknowledgement of Receipt of Resolution.

Received and filed.

FROM BUFFALO PLACE

Item 74 – (Comm. 21M-2) 2001 Budget.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE YWCA

Item 75 – (Comm. 21M-3) Request for Release of Funding.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

Item 76 – (Comm. 21M-4) Green Design Resolution for Adelphia Communications Building.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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FROM THE WEST SENECA CHAMBER OF COMMERCE

Item 77 – (Comm. 21M-5) Position Statement on Elimination of County Sales Tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CATHOLIC HEALTH SYSTEM

Item 78 – (Comm. 21M-6) Notice of Termination of Contract with Independent Health Association Effective 1/1/01.

Received and referred to the HEALTH COMMITTEE.

FROM THE ECMC EMPLOYEES

Item 79 – (Comm. 21M-7) Copy of Letter to County Executive Re: Denial of Early Retirement.

Received and referred to the HEALTH COMMITTEE.

FROM THE WEST SENECA CHAMBER OF COMMERCE

Item 80 – (Comm. 21M-8) Duplicate of 21M-5.

Received and filed.

FROM THE BUFFALO PHILHARMONIC ORCHESTRA

Item 81 – (Comm. 21M-9) Copy of Letter to CRAB Re: Partnership with Buffalo & Erie County Public Library.

Received and filed.

FROM EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 82 – (Comm. 21M-10) Notice of Meeting to be Held 10/19/00 & Minutes of Meeting Held 9/21/00.

Received and referred to the HEALTH COMMITTEE.

FROM SANDY BALLING

Item 83 – (Comm. 21M-11) Letter to Legislator Fisher Re: Youth Detention Facility.

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Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM DMJM MESCH

Item 84 – (Comm. 21M-12) Proposal for A/E Services – New Secure Youth Detention Facility.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 85 – (Comm. 21M-13) Notice of Meeting Held 10/17/00.

Received and filed.

FROM THE NFTA

Item 86 – (Comm. 21M-14) Cash Flow Statements.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS OFFICE OF CHILDREN & FAMILY SERVICES

Item 87 – (Comm. 21M-15) Report of Inspections Held 10/11/00 & 9/29/00.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM THE BROADWAY MARKET

Item 88 – (Comm. 21M-16) Certification of Newly Constituted Board of Directors.

Received and filed.

FROM R& D ENGINEERING

Item 89 – (Comm. 21M-17) SEQR – Negative Declaration – Water District 18, Town of Aurora.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 90 – Legislator Swanick requested that when this legislature adjourns, it do so in memory of the victims of the recent Navy bombing in the Middle East.

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Item 91 – Legislator Peoples requested that when this legislature adjourns, it do so in memory of Linda Chavez Rodriquez.

ADJOURNMENT

Item 92 – 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, November 2, 2000**. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

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

LAURIE MANZELLA
CLERK