

ERIE COUNTY LEGISLATURE
MEETING NO. 26
December 6, 2001

The Legislature was called to order by Chairman Swanick.

All Members Present except Legislators Larson and Fitzpatrick.

The invocation was led by Monsignor John Zeitler, Our Lady of Perpetual Help.

The Pledge of Allegiance was led by Mr. Olma.

Item 1 – CHAIRMAN SWANICK directed that Intro. 6-6 (2000) remain on the table.

Item 2 – CHAIRMAN SWANICK directed that Intro. 6-7 (2000) remain on the table.

Item 3 – CHAIRMAN SWANICK directed that Comm. 13E-45 (2001) remain on the table.

Minutes for previous meetings were tabled.

MISCELLANEOUS RESOLUTIONS

Item 4 – MR. RANZENHOFER presented a resolution Honoring the Clarence Chamber of Commerce 2001 Honorees; Brothers of Mercy for Business of the Year and Rotary Club of Clarence for Service Org. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. RANZENHOFER presented a resolution Honoring Marie Robillard, Director of Clarence Library, as Clarence Chamber of Commerce 2001 Citizen of the Year. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. McCARVILLE presented a resolution Congratulating Msgr. Thomas Beasley on His Retirement from Nativity of Our Lord Church. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 7 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #3) 2000 remain on the table.

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

Item 8 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2001 remain on the table.

Item 9 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #2) 2001 remain on the table.

Item 10 – CHAIRMAN SWANICK directed that Local Law No. 5 (Print #3) 2001 remain on the table.

Item 11 – CHAIRMAN SWANICK directed that Local Law No. 9 (Print #1) 2001 remain on the table.

Item 12 – CHAIRMAN SWANICK directed that Local Law No. 9 (Print #2) 2001 be referred to the HEALTH COMMITTEE.

Item 13 – CHAIRMAN SWANICK directed that Local Law No. 9 (Print #3) 2001 be referred to the HEALTH COMMITTEE.

Item 14 – CHAIRMAN SWANICK directed that Local Law No. 10 (Print #1) 2001 be referred to the HEALTH COMMITTEE.

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

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW NO. 7 – 2001
 LOCAL LAW INTRO. NO. 12 – 2001

A LOCAL LAW in relation to support of the Buffalo and Erie County public library.

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

Section 1. Erie County Local Law number one of nineteen hundred fifty-nine, constituting the Erie county charter, as amended, is amended by amending section sixteen hundred twelve thereto to read as follows:

1612. Support of public libraries.

a. A portion of the annual real property tax shall be annually levied and collected for library purposes, and shall be separately set out on the real property tax notices as the “amount for library purposes.” The entire amount of funds allocated in the general budget for library purposes

shall be available to the Buffalo and Erie county public library, and shall not be subject to withholding, modification, or reduction by the county after adoption of the annual Erie county budget, consistent with library powers in section two hundred fifty-nine of the education law, except that the trustees of the Buffalo and Erie county public library shall not authorize, without the prior approval of the county legislature, the transfer of any appropriation from one branch or contract library to another which would necessitate the closing of any branch or contract library.

b. The Erie county legislature shall, by majority vote, annually determine the amount to be raised for the Buffalo and Erie county public library under this section. Such amount shall not exceed the anticipated county share of the Buffalo and Erie county public library expenses adopted in the annual Erie county budget.

Section 2. This local law shall be construed to be in all respects consistent with chapter seven hundred sixty-eight of the laws of nineteen hundred fifty-three and not to alter any provision of that statute, but to carry out the purposes and intent of that statute.

Section 3. This local law shall be effective January first, the year two thousand and two upon adoption by a two-thirds majority of the legislature, or, if adopted by a simple majority, this local law shall be effective immediately following approval by the electors of the county at the next general election of state or county government officers held not less than sixty days following the adoption of this local law, provided, however, that the provisions of this local law shall expire and be deemed repealed on or after January first, the year two thousand and three.

LYNN M. MARINELLI

CHARLES M. SWANICK

CRYSTAL D. PEOPLES

EDWARD J. KUWIK

MICHAEL A. FITZPATRICK

GEORGE A. HOLT, JR.

JUDITH P. FISHER

GREGORY B. OLMA

ALBERT DEBENEDETTI

RAYMOND K. DUSZA

JOHN W. GREENAN

JEANNE Z. CHASE

STEVEN P. MCCARVILLE

WILLIAM A. PAULY

BARRY A. WEINSTEIN, MD

MICHAEL H. RANZENHOFER

DALE W. LARSON

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

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

Item 16 – CHAIRMAN SWANICK directed that Local Law No. 13 (Print #1) 2001 remain on the table.

COMMITTEE REPORTS

None.

LEGISLATORS RESOLUTIONS

None.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 17 – MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 21E-15. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 564

Re: Enterprise Resource Planning (ERP)
Project.

WHEREAS, the County is in need of having its Financial and Human Resource software upgraded to take advantage of new technology, and

WHEREAS, critical information stored in many stand alone systems requires significant time and effort to integrate and reconcile, and

WHEREAS, the County has identified the need for additional functionality not available in our current system software, and

WHEREAS, a capital project will be established to implement this project and \$2,500,000 is requested for the first phase to be funded with Tobacco Proceeds and monitored by the Division of Information and Support Services, and

WHEREAS, the Division of Information and Support Services will be utilizing the majority of said funds to hire a consultant firm to assist with the selection and implementation of an Enterprise Resource Planning (ERP) system including: requirements definition, request for proposal (RFP) development, ERP solution provider and system integrator selection, program management

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

services, risk mitigation, implementation, business process/change management, post-implementation review and quality assurance, and

WHEREAS, the Division of Information and Support Services will be returning to this Honorable Body to present their recommendations on the hiring of a consulting firm and to request authorization to enter into contract,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County 2001 Capital Budget is hereby amended to establish an Enterprise Resource Planning System capital project in the amount of \$2,500,000, and be it further

RESOLVED, that that the source of funding for this project shall be \$2,500,000 in available funds from Tobacco Trust Fund Proceeds, and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish budgetary accounts and transfers funds within this project as required, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 18 – MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 25E-13. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

Re: Bond Resolution Authorizing the
 Acquisition and Installation of Computer
 Hardware and Computer and Technology
 Equipment at Various County Facilities.

RESOLUTION NO. 565 OF 2001

BOND RESOLUTION DATED DECEMBER 6, 2001,

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE ACQUISITION AND INSTALLATION OF COMPUTER HARDWARE AND COMPUTER AND TECHNOLOGY EQUIPMENT AT VARIOUS COUNTY FACILITIES; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$3,000,000, APPROPRIATING SAID AMOUNT

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF

(Introduced) November 27, 2001

(Adopted) December 6, 2001

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature) AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to acquire and install computer hardware and computer and technology equipment at various County facilities and to construct improvements to the data center configuration and operation, backup, network (voice and data), application development tools, document imaging, work flow management, email and help desk systems; and all of the original equipment, furnishings, machinery, apparatus and ancillary or related site and other work required in connection therewith. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$3,000,000, and said amount is hereby appropriated therefor. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2001 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$3,000,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$3,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

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

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

CHAIRMAN SWANICK directed that a roll call vote be taken,

AYES: CHASE, GREENAN, McCARVILLE, PAULY, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, FISHER, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, & SWANICK. AYES: 15, NOES: 0.

CARRIED UNANIMOUSLY.

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

Item 19 – MS. PEOPLES moved to discharge to FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 25E-36. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 566

Re: Request for Transfer of Funds Division of Purchase Budget.

WHEREAS, line item #821 in the FY 2001 Budget of the Bureau of Purchase has insufficient funds to pay for state mandated advertising of formal bids in the Buffalo News because the cost of advertising has increased and more numerous formal bids have been required this year; and

WHEREAS, bi-weekly advertising of formal bids is required by NY State General Municipal Law; and

WHEREAS, sufficient monies are available in the Purchasing Division's budget line items 823, 810, 813, 824, 826, and 933 to cover the cost of needed advertising for the remainder of 2001.

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized in the FY 2001 budget of the Division of Purchase to cover the cost of formal bid advertising for the remainder of 2001:

	Increase/Decrease
Account 821 - Dues & Fees	\$5,962
Account 823 - Repairs & Maintenance	(1,500)
Account 810 - Office Supplies	(300)
Account 813 - Auto, Truck & Heavy Equipment Supplies	(262)
Account 824 - Travel & Mileage	(300)
Account 826 - Other Expenses	(400)
Account 933 - Lab & Tech Equipment	(3,200)
Net Change	\$ - 0 -

AND BE IT FURTHER

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

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

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 20 – (Comm. 26E-23) From CHAIRMAN SWANICK Re: Schedule for 2002.

Received, filed and printed.

December 6, 2001

To: Laurie A. Manzella, Clerk
 From: Hon. Charles M. Swanick, Chairman
 Subject: **2002 SCHEDULE OF LEGISLATURE SESSIONS**

JANUARY

8
24

JULY

11
18

FEBRUARY

7
21

AUGUST

Recess

MARCH

7
21

SEPTEMBER

5
19

APRIL

11
25

OCTOBER

3
17

MAY

9
23

NOVEMBER

7
21

JUNE

6
20

DECEMBER

3 Budget
5
10 Override
12

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 21 – (Comm. 26E-1) Appointment & Distribution of 4% Sales Tax Revenue Received by Erie County from NYS for Month of November.

Item 22 – (Comm. 26E-2) Review of Erie County Participation in Dunn Tire Park.

Item 23 – (Comm. 26E-3) Review of Erie County's Takeover of East Side Transfer Station (ESTS) as of 7/1/01.

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

FROM LEGISLATOR GREENAN

Item 24 – (Comm. 26E-4) Copy of Letter to County Executive Re: Appointment to Commission on the Status of Women.

Received, filed & printed.

December 3, 2001

The Hon. Joel A. Giambra
Erie County Executive
95 Franklin Street
Buffalo, NY 14202

Dear County Executive Giambra:

Earlier this year, Ms. Susan E. Schadt resigned her appointment to the Board of Directors of the Commission on the Status of Women. Ms. Schadt was the Minority appointment to said Commission.

Therefore, pursuant to Article XVI-E of the Erie County Charter, I do hereby submit the name of:

Nancy W. Ware
90 Independence Drive
Orchard Park, NY 14127

to fill the remaining term due to expire on June 30, 2003.

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

Very truly yours,

JOHN W. GREENAN
 Minority Leader
 Erie County Legislature

CC: Clotilde P. Dedecker
 Nancy W. Ware

Nancy W. Ware, President
 EduKids™ Early Childhood Centers, Inc.
 3585 Seneca Street
 W. Seneca, NY 14224
 (716) 675-6881

EDUCATION:

1994 Graduate Program, Canisius College School for Entrepreneurial Development
 1985 MBA Canisius College
 1978 BA Canisius College

POSITIONS

1989 - Present **President, EduKids, Inc.**, W. Seneca, New York

Created and established WNY's largest privately owned group of child care centers with a current staff of 200 employees. Responsible for strategic planning and the day to day operations of seven Nationally Accredited Child Care Centers in six WNY communities and the corporate on-site Center at Rich Products World Headquarters in Buffalo. Direct responsibility for financial management of annual billings in excess of \$4 M, with a focus on long and short range planning.

1989-1997 **President, LNW Productions**, Buffalo, New York

Creator and producer of annual Child Fair and Expo featuring 250(+) vendors. Developed marketing plan and sales strategy. Selected and coordinated seminar speakers and entertainment, secured sponsorship and vendors.

1986-1989 **Manager, Human Resources, Budget Car Rental**, Buffalo, New York

Managed human resource functions of local franchise ensuring compliance with all national corporate policies, union contracts and State and Federal regulations. Negotiated contract renewals with Teamsters Union #312.

HONORS

1993 40 Under 40, Business First

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

- 1994 Nominee, Entrepreneur of the Year, Buffalo/Niagara Partnership
 1995 Presenter, National Conference on Small Business, Denver, CO
 1995 Presenter, National Association for the Education of Young Children, Washington, D.C.
 1996 Presenter, Association for the Education of Young Children, Buffalo, NY
 1998 Presenter, National Association for the Education of Young Children, Dallas, TX
 1999 Matthews, Bartlett & Oedecker Woman Owned Business Award, Canisius College
 1999 Presenter, National Association for the Education of Young Children, New Orleans, LA
 2000 Distinguished Alumnae Award, Mt. Mercy Academy, Buffalo, NY
 2000 Presenter, National Association for the Education of Young Children, Atlanta, GA
 2000 Program Award of Excellence, Niagara Frontier Child Care Coalition

MEMBERSHIPS

- 1989-Present The Child Care Association of Greater Buffalo
 1990-Present Niagara Frontier Child Care Coalition
 1991-Present Early Childhood Education Council of WNY
 1992-Present National Association for the Education of Young Children (NAEYC)
 1992-Present NY State Association for the Education of Young Children (AEYC)

COMMUNITY SERVICE

- 1993-1996 Board of Advisors, Erie Community College
 1996-Present Finance Council, Past President Parish Council, Nativity of Our Lord Church, Orchard Park, NY
 1997-Present St. Francis High School Parents Guild, 2000 Justinian Chairperson
 1999-Present Erie County Medical Center Lifeline Foundation, Board of Directors
 2000-Present Board of Trustees, Mount Mercy Academy 2000-Present Board of Regents, Canisius College

FROM LEGISLATOR MARINELLI

Item 25 – (Comm. 26E-5) Copy of Letter to Buffalo & Erie County Public Library Re: Library Services Short Term Planning.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 26 – (Comm. 26E-6) CPS – Response to Payroll Audit for Period 1/1/00 – 12/1/00.

Item 27 – (Comm. 26E-7) Veteran’s Services – Transfer of Funds.

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

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

Item 28 – (Comm. 26E-8) ECMC Renovations at Health Department Building “BB” Water Lab – Contingency Fund Increase.

Received and referred to the HEALTH COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 567

Re: Senior Services – Authorization to Amend
CSI Grant Budget. (Comm. 26E-9)

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Services Initiative (CSI) grant for the period April 1, 2001 through March 31, 2002, and

WHEREAS, the New York State Office for the Aging has reduced CSI funds, and

WHEREAS, funding under the CSI is designed to support programming in community settings at which elderly people come together for services and activities that respond to their diverse needs and interests; and

WHEREAS, the Department of Senior Services wishes to increase the amount of nutrition, fitness, and other services and programs available in senior centers and congregate dining sites throughout Erie County, and

WHEREAS, the Department desires to contract with The Community Music School of Buffalo and the Wellness Institute of Greater Buffalo and Western New York, Inc. to coordinate and provide these services, and

WHEREAS, the Department currently contracts with Lisa Gebauer Smith to provide nutrition education and counseling at congregate dining sites, and desires to continue this contract under the CSI grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to enter into contracts with The Community Music School and the Wellness Institute of Buffalo, in the amount of \$9,000 each, for the period January 1, 2002 through March 31, 2002, for the purpose of providing special programming in senior centers and congregate dining sites throughout Erie County, and be it further

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

RESOLVED, that the County Executive be and hereby is authorized to enter into a contract with Lisa Gebauer Smith, for the period January 1, 2002 through March 31, 2002, for the purpose of providing nutrition education and counseling at the congregate dining sites, and be it further

RESOLVED, that the budget for the CSI grant, Project No.430, be revised as follows:

		<u>CURRENT AMENDED BUDGET</u>	<u>CHANGES</u>	<u>BUDGET</u>
<u>REVENUES</u>				
<u>Account Description</u>				
617	State Aid	\$73,374	<u>\$-31,347</u>	\$42,027
	TOTAL CHANGES TO REVENUES		<u>\$-31,347</u>	
 <u>APPROPRIATIONS</u>				
821	Dues & Fees	\$--0--	\$+ 6,800	\$ 6,800
826	Other Expenses	--0--	+16,790	16,790
830/385	Other Projected Agencies	72,937	-72,937	--0--
830/	The Community Music School	--0--	+ 9,000	9,000
830/	Wellness Institute	--0--	<u>+ 9,000</u>	9,000
	TOTAL CHANGES TO REVENUES		<u>\$-31,347</u>	

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 30 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 568

Re: Senior Services – Authorization to Amend Various Project Budgets. (Comm. 26E-10)

WHEREAS, the Erie County Legislature has already appropriated funds for the Protective Services for Adults (PSA) grant, the Hope for Elderly Independence (HOPE) grant, the Administration Division and the Capital Equipment Project for the period January 1, 2001 to

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

December 31, 2001; and the New York State Long Term Care Ombudsman Program (LTCOP) for the period April 1, 2001 through March 31, 2002, and

WHEREAS, the New York State Office for the Aging has provided additional LTCOP funds, and

WHEREAS, the Department of Senior Services (Department) has expanded services and started new programs during the last few years and is in need of reorganizing work space to properly accommodate the case management staff, and

WHEREAS, the Department currently contracts with the American Red Cross to administer the LTCOP program, and

WHEREAS, the County budgets for these projects and the L TCOP subcontract are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to amend the contract with the American Red Cross under the LTCOP grant as herein stipulated, and be it further

RESOLVED, that the budget for the PSA grant for the period January 1, 2001 to December 31, 2001, Project 420, be revised as follows:

		<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>AMENDED</u> <u>BUDGET</u>
<u>APPROPRIATIONS</u>				
<u>Account</u>	<u>Description</u>			
800	Personal Services	\$760,563	\$ -18,000	\$742,563
805	Fringe Benefits	169,012	-10,000	159,012
932	Furniture & Fixtures	2,650	<u>+28,000</u>	30,650
TOTAL CHANGE TO APPROPRIATIONS			<u>\$ ---0---</u>	

and be it further

RESOLVED, that the HOPE budget, Project 441, be revised as follows:

		<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>AMENDED</u> <u>BUDGET</u>
<u>APPROPRIATIONS</u>				
<u>Account</u>	<u>Description</u>			
800	Personal Services	\$ 44,196	\$ + 300	\$ 44,496
805	Fringe Benefits	9,073	+ 3,400	12,473

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

830/385	Other Projected Agencies	140,811	<u>-3,700</u>	137,111
	TOTAL CHANGE TO APPROPRIATIONS		<u>\$ ---0---</u>	

and be it further

RESOLVED, that the Administration Division budget, Project 939, be revised as follows:

		<u>CURRENT</u>		<u>AMENDED</u>
		<u>BUDGET</u>	<u>CHANGES</u>	<u>BUDGET</u>
<u>APPROPRIATIONS</u>				
<u>Account</u>	<u>Description</u>			
830	Contractual Services	\$155,167	\$-31,000	\$124,167
932	Furniture & Fixtures	3,700	+31,000	34,700
	TOTAL CHANGE TO APPROPRIATIONS		<u>\$ ---0---</u>	

and be it further

RESOLVED, that \$34,000 be transferred from the 2001 Capital Vehicle Purchases account 441 180631930 for Senior Services to the 2001 Capital Office Furniture Purchases account 441 180630932 for Senior Services, and be it further

RESOLVED, that the budget for the LTCOP grant, Project No. 432, be revised as follows:

		<u>CURRENT</u>		<u>AMENDED</u>
		<u>BUDGET</u>	<u>CHANGES</u>	<u>BUDGET</u>
<u>REVENUES</u>				
<u>Account</u>	<u>Description</u>			
553	State Aid	\$18,947	\$+26,378	\$45,325
	TOTAL CHANGE TO REVENUES		<u>\$+26,378</u>	
<u>APPROPRIATIONS</u>				
830/418	American Red Cross	\$18,947	\$+26,378	\$45,325
	TOTAL CHANGE TO APPROPRIATIONS		<u>\$+26,378</u>	

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 31 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 569

Re: Erie County Public Art Project for EC
Family Court Building. (Comm. 26E-11)

WHEREAS, the Erie County Family Court Building, which was completed in the fall of 2001, represents an impressive architectural achievement in form and function that was guided by the cooperative efforts of County officials and officials from Erie County Family Court; and

WHEREAS, the Erie County Family Court-Public Art Subcommittee was formed several months ago by Erie County and Family Court officials to enhance the County's multi-million dollar investment in this building by providing a process to display meaningful, quality public art throughout the Family Court Building; and

WHEREAS, the Erie Family Court-Public Art Subcommittee has developed recommendations regarding the selection and procurement of public art for this building at no additional cost to the County, and implementation of this public art process will require the County's execution of agreements with the Community Foundation for Greater Buffalo, Inc., artists and vendors; and

WHEREAS, the agreement with the Community Foundation will stipulate the conditions upon which the Community Foundation will act as the fiduciary agent for this public art project on behalf of Erie County by establishing a Philanthropic Fund which will enable the Foundation to accept donations made on the project's behalf, and detail how the Foundation will subsequently gift these funds to the County for the purchase of art work; and

WHEREAS, agreements with artists and vendors for the purchase of art will be guided by an Erie County Family Court Art Selection Panel that will include representatives from Erie County, Family Court, as well as other individuals with appropriate public art project experience; and

WHEREAS, to facilitate the overview and use of these funds granted to Erie County by the Community Foundation on behalf of this project, it is recommended a Family Court Art Project be established in the Grant Fund in the Erie County Department of Environment and Planning.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements with the Community Foundation for Greater Buffalo, Inc., and artists and vendors, for the purpose of accepting grants for payment to such artists and vendors; and be it further

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

RESOLVED, that the County is authorized to accept gifts from the Community Foundation for Greater Buffalo, Inc. for the purpose of providing art for display to the public at the Family Court Building; and be it further

RESOLVED, that a Family Court Art Project be established in the Grant Fund to be administered by the Department of Environment and Planning, who will provide oversight concerning the use and distribution of these funds for this public art project in the Family Court Building; and be it further

RESOLVED, that certified copies of this resolution be sent to the county Executive, the County Comptroller, Assistant County Attorney Gregory J. Dudek, the Commissioner of the Department of Environment and Planning, the Director of the Division of Budget, Management and Finance; Gail Johnstone, Present and CEO, Community Foundation for Greater Buffalo, Inc., 712 Main St., Buffalo, NY 14202; Supervising Judge Sharon Townsend, Erie County Family Court; and Peter Fiorella, Chair, Erie County Family Court – Public Art Subcommittee, 155 Summer Street, Buffalo, NY 14202.

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

CARRIED UNANIMOUSLY.

Item 32 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 570

Re: Extension of Erie County's Additional 1% Sales Tax. (Comm. 26E-12)

WHEREAS, in order to maintain the financial stability of County government, annual extensions of Erie County's additional 1% sales and compensating use tax have been authorized by the New York State Legislature and implemented by the Erie County Legislature since 1988, and

WHEREAS, another extension is necessary in order to continue Erie County's financial stability during 2002 since, if the additional 1% sales and compensating use tax is not extended, the 2002 Erie County Budget will be nearly \$111 million out of balance, that being the amount anticipated to be realized by Erie County based on an extension of the additional tax during 2002.

NOW, THEREFORE BE IT

RESOLVED, that the County Attorney be and hereby is authorized and directed to prepare appropriate State Bills, for introduction and enactment in the New York State Legislature, whereby the County of Erie would be authorized to continue the imposition of the additional 1% Erie County sales and compensating use tax for the period March 1, 2002 to February 28, 2003, and be it further

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

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

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

CARRIED UNANIMOUSLY.

Item 33 – (Comm. 26E-13) Health – March of Dimes 1/1/02 – 12/31/02.

Item 34 – (Comm. 26E-14) Health – Medical Examiner Division – Contract with Niagara County 1/1/02 – 12/31/02.

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

Item 35 – (Comm. 26E-15) Sale of County Owned Inventory – Irwin Place, Town of Amherst.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 36 – (Comm. 26E-16) Request for Legislative Action Authorizing Erie County to Amend 2001 Executive Directive with ECMC by an Additional \$200,000.

Received and referred to the HEALTH COMMITTEE.

Item 37 – (Comm. 26E-17) ECC – Retirement Incentive Funding.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 38 – (Comm. 26E-18) Appointment to ECSD No. 4 Board.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 39 – (Comm. 26E-19) Appointment to Erie County Commission on the Status of Women.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 40 – (Comm. 26E-20) Request for Legislative Action Authorizing EC to Amend 2001 Contract with Child & Adolescent Treatment Services by an Additional \$55,000.

Item 41 – (Comm. 26E-21) Request for Legislative Action Authorizing EC to Amend 2001 Contract with Mental Health Association of EC by an Additional \$35,000.

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

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

Item 42 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 571

Re: Social Services – Rental Payment for Nursing Home Division. (Comm. 26E-22)

WHEREAS, the Department of Social Services staff in the Nursing Homes Division were relocated to space in the Statler Towers in 1999, and

WHEREAS, the lease cost for this space is paid in a pass through arrangement with Coordinated Care Management Corporation (CCMC), and the County does not maintain a separate lease for this occupancy, and

WHEREAS, during 2001 budget development, because of an oversight error, sufficient funding for the Statler space was not properly reflected in the funding request received from CCMC, nor was it included in the present contract, and

WHEREAS, funds are available for transfer to the CCMC contract appropriation to cover their lease costs for the space occupied by co-located Department staff, and there is no net 2001 fiscal impact.

NOW, THEREFORE, BE IT

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

Department of Social Services, Department 200, Fund 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
830-0353	Coordinated Care Management Corporation	\$46,818
932	Office Equipment	<u>(46,818)</u>
Total Expenditures		<u>-0-</u>

and be it further

RESOLVED, that the County Executive and/or the Commissioner of the Department of Social Services are authorized to sign necessary contract amendments with CCMC, and be it further

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

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

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE BOARD OF ELECTIONS

Item 43 – (Comm. 26D-1) Copy of Letter to Comptroller Re: Response to Audit.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECC

Item 44 –(Comm. 26D-2) Notice of Student Services Committee Meeting & Personnel Committee Meeting to be Held 12/10/01.

Item 45 – (Comm. 26D-3) Notice of Budget & Finance Committee Meeting to be Held 12/10/01.

The above two items were received and filed.

FROM ECMC

Item 46 – (Comm. 26D-4) Notice of Finance Committee Meeting Held 12/4/01, Minutes & Financial Statements for 10/01.

Received and referred to the HEALTH COMMITTEE.

FROM ECC

Item 47 – (Comm. 26D-5) Minutes of Board Meeting Held 10/31/01.

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE WHITE HOUSE

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

Item 48 – (Comm. 26M-1) Letter to Clerk of Legislature Re: Erie County Legislature Request of President to Rescind Executive Order Which Prohibited PLAs.

Received and filed.

FROM THE WEST VALLEY CITIZEN TASK FORCE

Item 49 – (Comm. 26M-2) Notice of Meeting Held 12/4/01.

Received and filed.

FROM THE NFTA

Item 50 – (Comm. 26M-3) Copies of 17A Report for Second Quarter of Fiscal Year Ending 3/31/02.

Received and filed.

FROM CONGRESSMAN QUINN

Item 51 – (Comm. 26M-4) Acknowledgement of Receipt of Resolution.

Received and filed.

FROM THE ECIDA

Item 52 – (Comm. 26M-5) Notice of Board of Directors Meeting to be Held 12/12/01.

Received and filed.

FROM ASSEMBLYMAN BURLING

Item 53 – (Comm. 26M-6) Acknowledgement of Receipt of Resolutions.

Received and filed.

FROM THE OCCUPATIONAL TRAINING CENTER

Item 54 – (Comm. 26M-7) Copy of Letter to NFTA Re: Deplorable Condition of Delavan Station.

Received and filed.

FROM THE PUTNAM COUNTY LEGISLATURE

MEETING NO. 26
December 6, 2001

ERIE COUNTY LEGISLATURE

Item 55 – (Comm. 26M-8) Copies of Certified Resolutions.

Received and filed.

MEMORIAL RESOLUTIONS

Item 56 – Legislator Swanick requested that when this legislature adjourns, it do so in memory of three friendly-fire soldiers.

Item 57 – Legislator Peoples requested that when this legislature adjourns, it do so in memory of Morelle Richardson.

ADJOURNMENT

Item 58 – 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, December 13, 2001**. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until **Thursday, December 13, 2001 at 2 p.m. Eastern Standard Time**.

LAURIE A. MANZELLA
CLERK