

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

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**MEETING NO. 5**  
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The Legislature was called to order by Chairman Swanick.

All Members were present.

A moment of silence was held.

The Pledge of Allegiance was led by Mrs. Fisher.

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 the approval of minutes of Meeting 28 of 2000. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Chairman Swanick directed that the meeting enter into recess at 2:46 p.m.

The Clerk of the Legislature read the notice of the Public Hearing.

Being that no one spoke in favor or opposition of this issue, the Clerk of the Legislature declared the Public Hearing closed.

Meeting reconvened at 2:49 p.m.

**MISCELLANEOUS RESOLUTIONS**

Item 3 – MR. DUSZA presented a resolution Celebrating The Cheektowaga Times 55<sup>th</sup> Anniversary. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 4 – MR. OLMA presented a resolution Commending Leon Peter Stawasz for His Acts of Heroism in Service to His Country. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 5 - CHAIRMAN SWANICK directed that Local Law No. 2 (Print #3) 2000 remain on the table.

**COMMITTEE REPORTS**

Item 6 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 61

February 6, 2001

PUBLIC SAFETY  
 COMMITTEE  
 REPORT NO. 3

ALL MEMBERS PRESENT EXCEPT LEGISLATOR LARSON.

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

a. Item Page -2000 (Int. 3-6)  
**PEOPLES:** Supporting President Clinton's Five Point Crime Control Initiative.  
 (4-0) Legislator Larson absent.

b. Item Page -2001 (Comm. 4M-2)  
**ERIE COUNTY BAR ASSOCIATION:** The Assigned Counsel Program in Erie County  
 Program Report 11/00.  
 (4-0) Legislator Larson absent.

2. Item Page - 2001 (Comm. 4E-10)

**COUNTY EXECUTIVE**

WHEREAS, it is essential to provide for an agreement between the Department of Emergency Services and the Erie County Domestic Preparedness Member Teams which is comprised of Erie County's Haz Mat Team, the City of Buffalo's Fire Department's Haz Mat Team, Southtowns Haz Mat Team, Brighton Fire Department's Haz Mat Team, Clarence Fire Department's Haz Mat Team, and the Erie County Sheriff's Department's Special Operations Unit, and

WHEREAS, the U.S. Department of Justice has awarded a grant to the Erie County Department of Emergency Services for \$300,000 to purchase communications, detection and personal protective equipment for the Domestic Preparedness Task Force pursuant to legislative resolution 5E-25, March 23, 2000, and

WHEREAS, the Erie County Department of Emergency Services seeks authorization to enter into agreement with the Erie County Domestic Preparedness Task Force member teams for use of the communication, detection and personal protective equipment owned by Erie County and under the control of the Department of Emergency Services, and

NOW THEREFORE BE IT

RESOLVED, that authorization is hereby granted to the County Executive to enter into agreement with member teams of the Domestic Preparedness Task Force for the use of equipment owned by Erie County, and be it further

RESOLVED, that the Department of Emergency Services is hereby authorized to maintain ownership and control of the equipment purchased from the grant from the U.S. Department of Justice, and be it further

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

(4-0) Legislator Larson absent.

3. Item Page - 2001 (Comm. 4E-17)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets in Book B for 2000, and

WHEREAS, the final contract received from the Department of Justice provides funding levels different from the adopted budget,

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the District Attorney's BE-SAFE Grant be revised as follows:

BE-SAFE Grant - Project #246  
 October 1, 2000 - September 30, 2001

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
Acct. 684-120 Federal Aid	<u>\$222,664</u>	<u>- \$ 9,733</u>	<u>\$212,931</u>
Total Revenue	<u>\$222,664</u>	<u>- \$ 9,733</u>	<u>\$212,931</u>
 <u>Appropriation</u>			
Acct. 800 Personal Services	\$136,637	- 38,024	\$ 98,613

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

Acct. 805 Fringe Benefits	35,327	- 13,632	21,695
Acct. 810 Office Supplies	1,200	-541	659
Acct. 821 Dues-Witness Fees	1,200	2,160	3,360
Acct. 822 Rental	150	-150	0
Acct. 825 Out of Area Travel	12,800	1,840	14,640
Acct. 826 Other Expenses	2,200	-2,200	0
Acct. 830 Contractual	33,150	-33,150	0
Acct. 830-735 Haven House	0	36,785	36,785
Acct. 830-220 Hispanics United	<u>0</u>	<u>37,179</u>	<u>37,179</u>
Total Appropriation	<u>\$222,664</u>	<u>-\$9,733</u>	<u>\$212,931</u>

and be it further

RESOLVED, that authorization is hereby provided for the County Executive to enter into a subcontract with Haven House, Inc. in the amount of \$36,785, for the provision of advocacy services under terms of the grant funding, and be it further

RESOLVED, that authorization is hereby provided for the County Executive to enter into a subcontract with Hispanics United of Buffalo, in the amount \$37,179, for the provision of advocacy services under the terms of the grant funding, 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 District Attorney's Office.  
 (4-0) Legislator Larson absent.

4. Item Page - 2001 (Comm. 4E-39)

**COUNTY EXECUTIVE**

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

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

WHEREAS; the County budget must be amended to agree with the final State grant award,

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized in order that the amended budget will agree with the final State grant award:

OFFICE OF TRAFFIC SAFETY

Project #311  
 10/1/00 - 9/30/01

APPROPRIATIONS                      FROM                      CHANGE                      TO

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

ACCT. 800 PERSONAL SERVICES	\$41,663	5,116	\$46,779
ACCT. 805 FRINGE BENEFITS	11,503	1,412	12,915
ACCT. 810 OFFICE SUPPLIES	400	1,600	2,000
ACCT. 814 MEDICAL & HLTH SPPLS	0	9,900	9,900
ACCT. 824 TRAVEL & MILEAGE	1,200	0	1,200
ACCT. 825 OUT OF AREA TRAVEL	1,700	1,000	2,700
ACCT. 826 OTHER EXPENSE	6,238	2,757	8,995
ACCT. 880 INTERFUND			
1100 OFFICE OF COUNTY EXEC	4,166	(2,083)	2,083
1500 OFFICE OF SHERIFF	20,000	(20,000)	0
5100 D. I. S. S.	2,022	0	2,022
ACCT. 882 I/D EXP NON-DISS			
1109 COUNTY EXEC-GRANTS	2,000	(2,000)	0
ACCT. 933 LAB & TECHNICAL EQUIP	<u>0</u>	<u>2,000</u>	<u>2,000</u>
TOTAL APPROPRIATIONS	<u>\$90,892</u>	<u>(\$298)</u>	<u>\$90,594</u>
<b>REVENUES</b>			
ACCT. 592 STATE AID DEPT OF TRANSPORTATION	<u>\$90,892</u>	<u>(\$298)</u>	<u>\$90,594</u>
TOTAL REVENUE	<u>\$90,892</u>	<u>(\$298)</u>	<u>\$90,594</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 County Executive, the Office of the Comptroller, the Office of the Sheriff and the Office of Traffic Safety.  
 (4-0) Legislator Larson absent.

5.     Item           Page                           - 2001           (Comm. 4E-40)  
**COUNTY EXECUTIVE**  
 WHEREAS, the Erie County Department of Central Police Services operates the Police Training Academy, and

WHEREAS, there is a large increase in the number of recruits in the 98th Basic Police Training Course, and

WHEREAS, the County wishes to lease additional classroom space for the Academy at its current site, the Advanced Training Center,

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the Advanced Training Center of Buffalo and Erie County Inc. to provide additional classroom space for the Department of Central Police Services Police Training Academy, and be it further

RESOLVED, that said lease shall provide additional classroom space of 1,888 square feet at 275 Oak Street, Buffalo, New York at a cost of \$8,000 for March 1, 2001 through June 30, 2001, and be it further

RESOLVED, that funding for said lease shall be made available through a transfer in the 2001 Budget of \$8,000 from Department 310, Countywide Accounts Monitored by Budget, Account 893, County Contingency to Department 650, Central Police Services, Account 822 -Rental Charges, and be it further

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

(4-0) Legislator Larson absent.

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

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

CARRIED UNANIMOUSLY.

Item 7 – MR. DUSZA presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 62

February 6, 2001

ENERGY & ENVIRONMENT  
 COMMITTEE  
 REPORT NO. 3

ALL MEMBERS PRESENT EXCEPT LEGISLATORS FITZPATRICK AND GREENAN.

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

Item                      Page                      -2001                      (Comm. 1M-5)

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

- a. **ERIE COUNTY WATER AUTHORITY:** 2001 Adopted Operating & Maintenance Budget & Capital Budget.  
 (3-0) Legislators Fitzpatrick and Greenan absent.  
 Item Page -2001 (Comm. 2E-11)
- b. **DUSZA:** Notice of Energy & Environment Committee Meeting to be Held 1/23/01 to Interview for Reappointment to ECWA.  
 (3-0) Legislators Fitzpatrick and Greenan absent.  
 Item Page -2001 (Comm. 2M-12)
- c. **ERIE COUNTY WATER AUTHORITY:** Letter from Commissioner Patton Requesting Reappointment to Board.  
 (3-0) Legislators Fitzpatrick and Greenan absent.  
 Item Page -2001 (Comm. 4E-9)
- d. **COUNTY EXECUTIVE:** ECSD Nos. 1, 4 & 5 - Northern Region Administration Building Extension - Change Order.  
 (3-0) Legislators Fitzpatrick and Greenan absent.  
 Item Page -2001 (Comm. 4E-28)
- e. **COUNTY EXECUTIVE:** EC Sewer Construction Projects Annual Change Order Report.  
 (3-0) Legislators Fitzpatrick and Greenan absent.  
 Item Page -2001 (Comm. 4M-12)
- f. **ERIE COUNTY WATER AUTHORITY:** Unaudited Comparative Financial Statements for Years Ended 12/31/00 & 12/31/99.  
 (3-0) Legislators Fitzpatrick and Greenan absent.
2. Item Page -2000 (Comm. 28E-7)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Empire State Development Corporation (ESDC) is undertaking the development of the Inner Harbor area within the City of Buffalo; and

WHEREAS, on June 22, 2000, the Erie County Legislature approved a resolution authorizing the County Executive to enter into agreement with qualified consulting firms in a total amount not to exceed \$100,000 for the purpose of determining the technical, financial, and conceptual feasibility of incorporating Erie Canal restoration elements into plans for the development of the Inner Harbor within the City of Buffalo; and

WHEREAS, pursuant to this resolution, the County entered into agreement with The Rivers Studio in the amount of \$85,000 and with Ciminelli - Cowper Co., Inc. in the amount of \$15,000; and

WHEREAS, it is necessary to amend these contracts to compensate the consultants for additional work required to successfully complete the feasibility study and present the findings; and

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Empire State Development Corporation has determined that in order to incorporate restoration elements into the Inner Harbor Plan, additional archeological studies are needed and that the County's contribution to the cost of these archeological studies is \$75,000;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into amendatory agreements with The Rivers Studio in the amount of \$15,000 and with Ciminelli - Cowper Co., Inc. in the amount of \$10,000 for additional consulting services required to successfully complete the Canal District feasibility; and be it further

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the Empire State Development Corporation in an amount not to exceed \$75,000 to pay the County's share of the cost of additional archeological studies; and be it further

RESOLVED, that the sum of \$100,000 is hereby transferred from Extraordinary County Aid to Local Governments, Economic Development Tourism Fund (DAC 110 9043038301117) to Agency Payments - Public Benefit - E & P, Inner Harbor Study (DAC 110 9223028301266) ; and be it further

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

(3-0) Legislators Fitzpatrick and Greenan absent.

3. Item Page -2001 (Comm. 2E-34)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning monitors the Erie County Sport Fishery Promotion Program; and

WHEREAS, Jim Hanley's Northeast Outdoors, Inc. was selected as the Erie County Sport Fishery Promotion Program vendor having been selected in response to requests for proposals (RFP) in 1996 and 2000.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a contract with Jim Hanley's Northeast Outdoors, Inc. for an amount not to exceed \$50,000 for the purpose of undertaking a year 2001 Sport Fishing Promotion Program in Erie County, and be it further

RESOLVED, that the requirements for request for proposals in Section 19.08 of the Erie County Administrative Code are hereby waived since this special service must be provided immediately and it is not deemed feasible nor cost effective for the County to undertake this process, and be it further

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Executive is hereby authorized to execute an amendatory agreement with Northeast Outdoors, Inc. increasing the authorized contract amount from \$50,000 to \$100,000, and be it further

RESOLVED, that the source of funds for the contract shall be money appropriated in the Department of Environment and Planning Account 830, sub-account 764, Sport Fishery Promotion Program, and be it further

RESOLVED, that said agreement shall be for the purpose of continuing the Erie County Sport Fishing Promotion Program initiated in 1996 in Erie County, and be it further

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

(3-0) Legislators Fitzpatrick and Greenan absent.

4.       Item           Page                               -2001                   (Comm. 2E-35)  
**COUNTY EXECUTIVE**

WHEREAS, The New York State Energy Research and Development Authority (NYSERDA) has solicited for proposals in accordance with its Program Opportunity Notice (PON) No. 569-00 offering to fund projects that identify and encourage the implementation of cost effectiveness and electrical energy efficiency; and

WHEREAS, the Department of Environment and Planning has advised the County Legislature that there are benefits to applying for grants under this NYSERDA Program and has identified 15 projects for consideration and has recommended application be made for funding these projects under NYSERDA's PON No. 569-00; and

WHEREAS, it is anticipated that NYSERDA will contribute up to \$250,000 for each project approval with the balance of the project costs to be paid by the County Sewer Districts and/or the Southtowns Sewage Treatment Agency.

NOW, THEREFORE, BE IT

RESOLVED, that the County's Department of Environment and Planning be authorized and directed to make applications to NYSERDA for funding under PON No. 569-00 to construct more efficient energy systems; and be it further

RESOLVED, that agreements with NYSERDA to construct the energy efficient projects are hereby approved if NYSERDA makes the County a grant offer; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreements subject to approval as to form by the County

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

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

(3-0) Legislators Fitzpatrick and Greenan absent.

5.       Item           Page                           -2001                   (Comm. 2E-40)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie on behalf of Erie County Sewer District No. 3 entered into a sanitary sewer service agreement with the Erie County/Southtowns Sewage Treatment Agency members on December 30, 1974 which was subsequently amended on eight (8) different occasions; and

WHEREAS, over the last 26 years since the agreement was first executed there have been many changes to the operation of the Southtowns Agency's facilities and the state, federal and local regulations; and

WHEREAS, the Southtowns Agency members now desire to update the agreement and consolidate past understandings and current regulations into a new agreement.

NOW, THEREFORE, BE IT

RESOLVED, that on behalf of Erie County Sewer District No. 3, the proposed Erie County/Southtowns Sewage Treatment Agency agreement is hereby authorized; and be it further

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

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

(3-0) Legislators Fitzpatrick and Greenan absent.

6.       Item           Page                           -2001                   (Comm. 4E-4)  
**COUNTY EXECUTIVE**

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Energy & Environment Committee does hereby recommend that the full Legislature confirm the appointment of LuAnn Freeman from the Erie County Soil & Water Conservation District of 50 Commerce Way East Aurora, NY 14052-2185 and William Stoner of 3144 Main Street Buffalo, NY 14214 as members of the Erie County Environmental Management Council. Their terms will expire May 31, 2001  
 (3-0) Legislators Fitzpatrick and Greenan absent.

7. Item Page -2001 (Comm. 4E-14)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) provides grant assistance to municipalities for non-toxic pest management projects; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) in partnership with representatives from the City of Buffalo, the City of Buffalo Pest Management Board, and the Erie County Environmental Management Board developed a grant proposal to address local training needs and submitted it to the NYSDEC requesting assistance for a non-toxic pest management project; and

WHEREAS, the ECDEP provides technical assistance to municipalities, government agencies, and businesses to help address environmental compliance and pollution prevention; and

WHEREAS, assistance in training municipalities in non-toxic pest management has been identified as a priority by ECDEP, the Erie County Environmental Management Board, community groups, and the City of Buffalo Pest Management Board; and

WHEREAS, a resolution (Comm. 14E-33) dated July 6, 2000, was passed by the Erie County Legislature authorizing the County to apply for NYSDEC assistance and enter into a contract with the NYSDEC for a Non-Toxic Pest Management Project should the Erie County proposal be selected for funding; and

WHEREAS, the NYSDEC granted approval of the application allocating \$44,060 in State grant funding for a Non-Toxic Pest Management Project in Erie County; and

WHEREAS, the project budget includes funding to contract with pesticide management training professionals to facilitate focus group sessions, provide training, and complete structural repairs; and

WHEREAS, the proposal and contract work plan identified specific contractors to facilitate focus group sessions, conduct training sessions, and complete structural repairs; and

WHEREAS, Ashland Pest Control, a local, woman-owned business, has been approved by the NYSDEC and identified in the State contract work plan to conduct the "Structural Pest Management Training Session" and complete structural repairs on the Erie Community College North Campus; and

WHEREAS, it is necessary to waive the provision of Section 19.08 of the County Administrative Code requiring requests for proposal to expeditiously secure the services of Ashland Pest Control as identified in the State contract work plan; and

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, Survey Service, Inc., a local, woman-owned business, has been approved by the NYSDEC and identified in the State contact work plan to facilitate focus group sessions; and

WHEREAS, it is necessary to waive the provision of Section 19.08 of the County Administrative Code requiring requests for proposal to expeditiously secure the services of Survey Service, Inc., as identified in the State contract work plan; and

WHEREAS, the Cornell Cooperative Extension has been approved by the NYSDEC and identified in the State contact work plan to conduct the "Trees and Rights-of-Way" and "Greenhouses" training sessions; and

WHEREAS, it is necessary to waive the provision of Section 19.08 of the County Administrative Code requiring requests for proposal to expeditiously secure the services of Cornell Cooperative Extension as identified in the State contract work plan; and

WHEREAS, the New York State Turfgrass Association Western Regional Conference has been approved by the NYSDEC and identified in the State contract work plan to conduct the "Golf Courses and Turf Management" training session; and

WHEREAS, it is necessary to waive the provision of Section 19.08 of the County Administrative Code requiring requests for proposal to expeditiously secure the services of the New York State Turfgrass Association Western Regional Conference as identified in the State contract work plan.

NOW, THEREFORE, BE IT

RESOLVED, that the unanticipated revenue from the new Erie County Alternatives to Pesticides Project is hereby appropriated in the grant fund for the period 1/01/01- 12/31/01 as follows:

ACT	DESCRIPTION	NYSDEC FUNDS
800	Salaries	\$ 0
805	Fringe Benefits	\$ 0
810	Office Supplies	\$ 0
824	Travel & Mileage	\$ 0
825	Out of Area Travel	\$ 5,000
826	Other Expenses	\$ 3,800
830	Contractual Services	\$35,260
933	Equipment	\$ 0
<b>Total Expenditures</b>		<b>\$44,060</b>

and be it further

RESOLVED, that the provision of Section 19.08 of the Administrative Code requiring requests for proposal are hereby waived since the four above mentioned contractors have been approved by the NYSDEC and are included in the contract work plan, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute an agreement with Ashland Pest Management for an amount not to exceed \$12,560 to provide the "Structural Pest Management Training Session" and complete structural repairs on the Erie Community College North Campus, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute an agreement with Survey Service, Inc., for an amount not to exceed \$3,750 to facilitate the Focus Group Sessions for the project, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute an agreement with Cornell Cooperative Extension for an amount not to exceed \$12,450 to conduct the "Trees and Rights-of-Way" and "Greenhouses" training sessions for the project, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute an agreement with the New York State Turfgrass Association Western Regional Conference for an amount not to exceed \$6,500 to conduct the "Golf Courses and Turf Management" training session for the project, and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management, and Finance; the Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.  
 (3-0) Legislators Fitzpatrick and Greenan absent.

8. Item Page -2001 (Comm. 4E-15)

**COUNTY EXECUTIVE**

WHEREAS, Erie County, through the Department of Environment and Planning (DEP), receives funding from various federal and state grants; and

WHEREAS, Erie County, through the DEP, has funds available within the existing DEP budget, and

WHEREAS, the DEP, to maximize the amount of work to be done on each of the below mentioned grants and County programs, has incorporated the use of student interns (college students) into the workplans and grant budgets for each of these programs, and

WHEREAS, the use of student interns is not only an effective management tool employed by the DEP, but also provides area college students the valuable opportunity to obtain work experience related to their future career objectives, and

WHEREAS, DEP has collected a number of resumes and inquiries for internships and summer time employment from local college students, and

WHEREAS, these resumes and inquiries will be evaluated to select suitable candidates for each of the internship opportunities available, and

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, DEP and the Department of Personnel have agreed upon an hourly rate to compensate student interns which is consistent with overall county employment practices, and

WHEREAS, it is necessary for DEP to enter into Agreements for Personal Services to engage the services of the student interns, and

WHEREAS, DEP will request final confirmation of qualifications from the Department of Personnel for all selected candidates before entering into an agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements to secure student interns in the year 2001 for grant and County funded Department of Environment and Planning programs, and be it further

RESOLVED, that these agreements for personnel services will each not exceed \$4,000 each and will be funded through the following grant budgets:

- Solid Waste Reduction Grant (SFG-394)
- Solid Waste Management Assistance Grant (SFG-362)
- Mercury Pollution Prevention Education (SFG-751)
- Urban Air Toxics Prevention Grant (SFG-570)
- Buffalo River Watershed Protection, Corridor and Wetland Restoration (SFG-897)
- Cazenovia Creek Habitat Restoration and Stewardship Project (SFG-361)
- State Indoor Radon Grant / SIRG 10 (SFG-563)
- Radon Model County (SFG-332)
- Congestion Mitigation and Air Quality / Alternative Fuels (SFG-223)
- Building Healthy Homes in Erie County /NACO
- Conditionally Exempt Small Quantity Generator (Project 483)
- Household Hazardous Waste Disposal (2001) - (Project 481)

and be it further

RESOLVED, that these agreements for Personnel Services will each not exceed \$4,000 and will be funded through County funds available in the following accounts:

- Erie County Environmental Management Council - (DEP account 830-216)
- Erie County Household Hazardous Waste - (DEP account 830-270)
- Indoor Air Quality - (DEP account 830-736)
- Internships - (DEP account 830-1214)

and be it further

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

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

(3-0) Legislators Fitzpatrick and Greenan absent.

9. Item Page -2001 (Comm. 4E-23)  
**COUNTY EXECUTIVE**

WHEREAS, the County recognizes the need to properly train its employees to protect their health and well being, and to comply with applicable state and federal regulations, and

WHEREAS, Erie County's Division of Sewerage Management has applied for funds from the Western New York Council On Occupational Safety & Health through a New York State Department of Labor Hazard Abatement Board training grant.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed agreement between the County of Erie and the Western New York Council on Occupational Safety & Health to provide health and safety training to the Division of Sewerage Management and Sewer District employees is hereby approved, and be it further

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

RESOLVED, that the Clerk of the Legislature be authorized and directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to Joseph Passafiume, Director of Budget and Management, Nancy Naples, Erie County Comptroller, and Gregory Dudek, Assistant County Attorney.  
 (3-0) Legislators Fitzpatrick and Greenan absent.

10. Item Page -2001 (Comm. 4E-29)  
**COUNTY EXECUTIVE**

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Block Grant Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the submittal to the federal Department of Housing and Urban Development annual grant and program application materials.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg / Erie County HOME Consortium, is hereby authorized

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

to submit a Year 2001 consolidated application to the federal Department of Housing and Urban Development (HUD) for the 2001 Program Year having an estimated dollar amount as indicated.

- |    |  |             |
|----|--|-------------|
| 1. | Community Development Block Grant Program: | \$3,386,000 |
| 2. | Emergency Shelter Grant Program:           | \$ 103,000  |
| 3. | HOME Investment Partnership Program:       | \$1,203,000 |

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to execute any and all agreements with HUD and local governments necessary to implement the above programs; and be it further

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

(3-0) Legislators Fitzpatrick and Greenan absent.

11. Item Page -2001 (Comm. 4E-32)

**COUNTY EXECUTIVE**

WHEREAS, Erie County Sewer District No. 6 needs to immediately replace an 18-inch collapsed storm sewer under South Park Avenue in the City of Lackawanna; and

WHEREAS, the City of Lackawanna has proposed rebuilding South Park Avenue in 2001; and

WHEREAS, both the City and the Sewer District desire to consolidate their construction projects to alleviate inconvenience to the public, reduce costs and minimize coordination problems during construction.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 6, and the City of Lackawanna for the purpose of combining the reconstruction of South Park Avenue and rebuilding the 18-inch storm sewer under South Park Avenue into one construction contract is approved; and be it further

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

RESOLVED, that the Comptroller be authorized and directed to allocate \$150,000.00 from Sewer Capital Erie County Sewer District No. 6 Fund No. 430, Project No. 914; and be it further

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Nancy Naples, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget and Management. (3-0) Legislators Fitzpatrick and Greenan absent.

**RAYMOND K. DUSZA**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

Item 8 – MR. DeBENEDETTI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 63

FEBRUARY 6, 2001

GOVERNMENT AFFAIRS  
 COMMITTEE  
 REPORT NO. 2

ALL MEMBERS PRESENT EXCEPT LEGISLATOR McCARVILLE.

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

Item Page -2000 (Comm. 22M-9)  
 a. **IROQUOIS ENERGY MANAGEMENT:** Notice to Residential Customer Re: End of Service.  
 (4-0) Legislator McCarville absent.

Item Page -2000 (Comm. 28E-4)  
 b. **COUNTY CLERK:** Semi-Annual Report of Mortgage Tax Receipts & Disbursements for 4/00  
 – 9/00.  
 (4-0) Legislator McCarville absent.

Item Page -2001 (Comm. 2D-1)  
 c. **COUNTY ATTORNEY:** Notices of Claim.  
 (4-0) Legislator McCarville absent.

Item Page -2001 (Comm. 4D-5)  
 d. **COUNTY ATTORNEY:** Notices of Claim.

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

(4-0) Legislator McCarville absent.

2. **RESOLVED**, that the following items are hereby received, filed and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

Item Page -2000 (Comm. 9M-30)  
 a. **NATIONAL FEDERATION OF FEDERAL EMPLOYEES:** Copy of Letter to Citizens for Safe Drinking Water Re: Fluoridated Water.  
 (4-0) Legislator McCarville absent.

Item Page -2000 (Comm. 9M-31)  
 b. **NYS COALITION OPPOSED TO FLOURIDATION INC:** Copy of News Release Re: State Department of Health Fluoride Study: More Fluorosis! No Fewer Cavities.  
 (4-0) Legislator McCarville absent.

Item Page -2000 (Comm. 9M-32)  
 c. **NYS COALITION OPPOSED TO FLOURIDATION INC:** Copy of News Release Re: Flouridated Water Does Increase Risk of Hip Fractures in Women.  
 (4-0) Legislator McCarville absent.

Item Page -2000 (Int. 9-11)  
 d. **DUSZA:** Examining the Pros & Cons of Fluoridating Drinking Water.  
 (4-0) Legislator McCarville absent.

Item Page -2000 (Comm. 14M-3)  
 e. **ALICIA MCDEVITT RN:** Copy of Letter to Legislator Dusza Re: Flouride in Drinking Water.  
 (4-0) Legislator McCarville absent.

Item Page -2000 (Comm. 14M-7)  
 f. **NYS COALITION OPPOSED TO FLOURIDATION INC:** News Release Titled "Safety Concerns Leads Prominent Fluoridation Spokesperson to Call for End to Fluoridation."  
 (4-0) Legislator McCarville absent.

Item Page -2000 (Comm. 14M-8)  
 g. **CITIZENS FOR SAFE DRINKING WATER:** News Release Titled "Research Links Low Level of Fluoride & Aluminum to Alzheimer's & Kidney Damage."  
 (4-0) Legislator McCarville absent.

Item Page -2000 (Comm. 16M-7)  
 h. **WNY CITIZENS FOR SAFE DRINKING WATER:** Information on Flouridated Water.  
 (4-0) Legislator McCarville absent.

Item Page -2000 (Comm. 26M-2)

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

- i. **EIGHTH DISTRICT DENTAL SOCIETY:** Copy of Letter to Legislator Dusza Re: Fluoridated Water.  
 (4-0) Legislator McCarville absent.

**ALBERT DeBENEDETTI**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

Item 9 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64

February 8, 2001

COMMUNITY ENRICHMENT  
 COMMITTEE  
 REPORT NO. 3

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. 28M-2) |
|--|------|------|-------|---------------|
- a. **TOWN OF AMHERST:** Letter Requesting \$20,000 in 2001 County Funds for Musicallyfare Theatre.  
 (6-0) Chairman Swanick present as Ex-Officio Member.
- |  |      |      |       |              |
|--|------|------|-------|--------------|
|  | Item | Page | -2001 | (Comm. 2M-2) |
|--|------|------|-------|--------------|
- b. **MUSICALFARE THEATRE:** Letter to Chairman Swanick Requesting \$20,000 in 2001 County Funds.  
 (6-0) Chairman Swanick present as Ex-Officio Member.
2. **RESOLVED**, that the following item is hereby received, filed and referred to Erie Community College.
- |  |      |      |       |               |
|--|------|------|-------|---------------|
|  | Item | Page | -2001 | (Comm. 2E-16) |
|--|------|------|-------|---------------|
- a. **COUNTY EXECUTIVE:** "Letter of Intent" for ECC Institutional Assessment with Resultants International.  
 (6-0) Chairman Swanick present as Ex-Officio Member.

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

3. **RESOLVED**, that the following item is hereby received, filed and referred to the Finance & Management Committee.

- |    |   |      |       |              |
|----|---|------|-------|--------------|
|    | Item  | Page | -2001 | (Comm. 4M-9) |
| a. | <b>CORNELL UNIVERSITY:</b> Employment, Workplace Practices & Labor – Management Relations in WNY. |      |       |              |
|    | (6-0) Chairman Swanick present as Ex-Officio Member.  |      |       |              |

**LYNN M. MARINELLI**  
**CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

Item 10 – MR. FITZPATRICK presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

February 8, 2001

ECONOMIC DEVELOPMENT  
 COMMITTEE  
 REPORT NO. 1

ALL MEMBERS PRESENT EXCEPT LEGISLATOR GREENAN.

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

- |    |  |      |       |                |
|----|--|------|-------|----------------|
|    | Item   | Page | -2000 | (Comm. 26M-26) |
| a. | <b>NFTA:</b> 17A Report & Capital Expenditure Reports for 2nd Quarter of Fiscal Year Ending 3/31/01. |      |       |                |
|    | (4-0) Legislator Greenan absent.   |      |       |                |

- |    |   |      |       |               |
|----|---|------|-------|---------------|
|    | Item  | Page | -2001 | (Comm. 1E-23) |
| b. | <b>COUNTY EXECUTIVE:</b> ECC - South Campus - Athletic Field Bleachers. |      |       |               |
|    | (4-0) Legislator Greenan absent.  |      |       |               |

- |    |   |      |       |               |
|----|---|------|-------|---------------|
|    | Item  | Page | -2001 | (Comm. 1E-24) |
| c. | <b>COUNTY EXECUTIVE:</b> Ralph Wilson Stadium - Communication Conduits. |      |       |               |
|    | (4-0) Legislator Greenan absent.  |      |       |               |

	Item	Page	-2001	(Comm. 4E-35)
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**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

- d. **COUNTY EXECUTIVE:** ECMC - Radiology Department Renovations.  
 (4-0) Legislator Greenan absent.

2. Item Page - 2000 (Comm. 26E-21)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning administers the federal Community Development Block Grant (CDBG) program on behalf of the Erie County Community Development Consortium; and

WHEREAS, the Lackawanna Community Development Corporation is a sub-recipient of CDBG monies from Erie County for the purpose of administering a Revolving Loan Fund and Small Business Investment; and

WHEREAS, federal regulations require that all sub-recipients enter into agreements with grantee communities outlining terms and conditions of their utilizing CDBG dollars;

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to execute an agreement with the Lackawanna Community Development Corporation for the purpose of carrying out the Corporation's Revolving Loan Fund and Small Business Investment Fund; and be it further

RESOLVED, that the term of said contract shall extend from December 19, 2000 through March 31, 2004; and be it further

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

(4-0) Legislator Greenan absent.

3. Item Page - 2001 (Comm. 2E-22)

**COUNTY EXECUTIVE**

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

WHEREAS, additional work needs to be performed on the project that was not initially anticipated and the County needs to increase the project in order to repair drainage on Omphalius Road (CR 439), in the Town of Boston, and

WHEREAS, the cost for the additional work exceeds the contingency amount previously authorized for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the contract amount be increased by an additional amount of \$50,000 to be allocated from the 2000 Flood Damage Program, for a change order to the construction, contract with Omer Construction Co. Inc.; and be it further

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

(4-0) Legislator Greenan absent.

4. Item Page - 2001 (Comm. 4E-18)

**COUNTY EXECUTIVE**

WHEREAS, The Erie County Legislature has previously approved a project for the replacement of the CR 30, NY Route 240X, Glenwood Road Bridge 30-2, over Spencer Brook, BIN 3-04248-0 in the Town of Concord, P.I.N. 5754.53 (the "Project") funded under Title 23, U.S. Code for the Preliminary Engineering (Scoping and Design I-IV) and ROW Incidentals Phases via County Resolution No. 29D-11 adopted on the 4<sup>th</sup> day of February 1999, and

WHEREAS, the New York State Department of Transportation has submitted a Supplemental Agreement for Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases indicating that the non-Federal share of the this Phase has been increased by \$4,000, and

WHEREAS, a project for the replacement of the CR 30, NY Route 240X, Glenwood Road Bridge 30-2, over Spencer Brook, BIN 3-04248-0 in the Town of Concord, P.I.N. 5754.53 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of the costs of Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidentals Phases of the Project, PIN 5754.53; and

WHEREAS, the original Resolution (No. 29D-11) should now be amended to reflect this increase of \$4,000 for the non-federal share of this project.

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

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

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay 100% of the Federal and non-Federal share of the costs of Preliminary

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

RESOLVED, that the sum of \$60,200 is hereby appropriated from the 1998, 1999 and 2000 Federal Aid Capital Project, 420-120, 134 and 153 respectively (\$56,200.00 previously appropriated for the project's Preliminary Engineering (Scoping & Design I-VI) and Right-of-Way Incidentals Phases via County Resolution No. 29D-11 adopted on the 4<sup>th</sup> day of February 1999) and made available to cover the cost of participation in the above phases of the project; and be it further

RESOLVED, that Resolution No. 29D-11 be amended to reflect the additional appropriation of \$4,000; and be it further

RESOLVED, that in the event the amount required to pay the local share of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds the amount appropriated, \$60,200 (\$56,200 + \$4,000), and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI) and ROW Incidentals and ROW Acquisition phases exceeds \$298,825, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

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

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

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

(4-0) Legislator Greenan absent.

5. Item Page - 2001 (Comm. 4E-24)

**COUNTY EXECUTIVE**

WHEREAS, The Erie County Legislature has approved a project for the replacement of the CR 47, Mill Road, Bridge over the East Branch of Cazenovia Creek, BIN 3-32794-0, in the Village of East Aurora, Erie County, P.I.N. 5754.54 (the "Project") funded under Title 23, U.S. Code for the Preliminary

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

Engineering (Scoping and Design I-IV) and ROW Incidentals Phases via County Resolution No. 6D-18 adopted on the 29th day of April, 1999, and

WHEREAS, the New York State Department of Transportation has submitted a Supplemental Agreement for Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases indicating that the non-federal share of the this Phase has been increased by \$7,000, and

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

WHEREAS, the County of Erie desires to advance the Project by making commitment of 100% of the costs of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5754.54; and

WHEREAS, the original resolution (No. 6D-18) should now be amended to reflect this increase of \$7,000 for the non-federal share of this project.

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

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

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

RESOLVED, that the sum of \$64,200 is hereby appropriated from the 1999 and 2000 Federal Aid Capital Projects, 420-134 & 153 (\$57,200.00 previously appropriated for the project's Preliminary Engineering (Scoping and Design I-IV) and ROW Incidentals Phases via County Resolution No. 6D -18 adopted on the 29th day of April, 1999) and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that Resolution No. 6D-18 be amended to reflect the additional appropriation of \$7,000, and be it further

RESOLVED, that in the event the amount required to pay the 100% of the non-Federal share of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds the amount appropriated, \$64,200.00 (\$57,200 + \$7,000), and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds \$320,050, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof; and be it further

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

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

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and one copy to the Erie County Comptroller.  
 (4-0) Legislator Greenan absent.

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

MR. FITZPATRICK moved the approval of the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 11 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

February 8, 2001

FINANCE & MANAGEMENT  
 COMMITTEE  
 REPORT NO. 3

ALL MEMBERS PRESENT.

1.	Item	Page	- 2001	<b>AS AMENDED</b> (Comm. 1D-9A)
	<b>COUNTY EXECUTIVE</b>			

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

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

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that petitions numbered 202021 through 202050 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 201022 / 2001 - ASSESSOR - Cancel - \$51.44

SBL No. 4.00-1-6 - TOWN OF AMHERST

Acct. No. 112 - \$ 27.15 - County

Acct. No. 132 - \$ 24.29 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 24.29

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 5,590 (50%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201023 / 2001 - ASSESSOR - Cancel - \$103.55

SBL No. 14.00-1-4 - TOWN OF AMHERST

Acct. No. 112 - \$ 54.66 - County

Acct. No. 132 - \$ 48.89 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 48.89

CANCEL -CLERICAL ERROR, THE ASSESSMENT WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESWSMENT WAZS 33,300 AND SHOULD BE 15,000. RPTL 550 (2) A.

Petition No. 201024 / 2001 - ASSESSOR - Cancel - \$197.39

SBL No. 27.11-1-11 - TOWN OF AMHERST

Acct. No. 112 - \$ 88.89 - County

Acct. No. 132 - \$ 108.50 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 108.50

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 33,300 AND SHOULD BE 15,000. RPTL 550(2)A.

Petition No. 201025 / 2001 - ASSESSOR - Cancel - \$203.52

SBL No. 28.02-9-93 - TOWN OF AMHERST

Acct. No. 112 - \$ 78.22 - County

Acct. No. 132 - \$ 125.30 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 110.12  
 SWORMSVILE FIRE PROTECTIO 15.18

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 155,000 AND SHOULD BE 138,900. RPTL 550(2)A.

Petition No. 201026 / 2001 - ASSESSOR - Cancel - \$226.84

SBL No. 28.03-5-26 - TOWN OF AMHERST

Acct. No. 112 - \$ 119.73 - County

Acct. No. 132 - \$ 107.11 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 107.11

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT 24,650 (25%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201027 / 2001 - ASSESSOR - Cancel - \$179.01

SBL No. 28.04-2-5 - TOWN OF AMHERST

Acct. No. 112 - \$ 94.48 - County

Acct. No. 132 - \$ 84.53 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 84.53

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 19,450 (25%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201028 / 2001 - ASSESSOR - Cancel - \$535.62

SBL No. 28.14-4-56 - TOWN OF AMHERST

Acct. No. 112 - \$ 236.44 - County

Acct. No. 132 - \$ 299.18 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 248.08  
 SWORMSVILE FIRE PROTECTIO 51.10

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 152,100 AND SHOULD BE 97,900. RPTL 550(2)A.

Petition No. 201029 / 2001 - ASSESSOR - Cancel - \$242.52

SBL No. 28.41-1-13 - TOWN OF AMHERST

Acct. No. 112 - \$ 102.50 - County

Acct. No. 132 - \$ 140.02 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 120.12  
 SWORMSVILE FIRE PROTECTIO 19.90

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 135,000 AND SHOULD BE 13,900. RPTL 550(2)A.

Petition No. 201030 / 2001 - ASSESSOR - Cancel - \$71.98

SBL No. 40.07-3-4./B - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 71.98 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 41.36  
 AMHERST # 9 FIRE PROTECTI 30.62

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY

( PETITION NUMBER 201030 CONTINUED  
 ) ON THE TAX ROLL. THE ASSESSMENT WAS  
 690,000 AND SHOULD BE 654,400. RPTL 550(2)A.

Petition No. 201031 / 2001 - ASSESSOR - Cancel - \$377.09

SBL No. 42.20-1-12.11 - TOWN OF AMHERST

Acct. No. 112 - \$ 173.90 - County

Acct. No. 132 - \$ 203.19 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 179.72  
 TRANSIT FIRE PROTECTION 23.47

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 270,800 AND SHOULD BE 235,000. RPTL 550(2)A.

Petition No. 201032 / 2001 - ASSESSOR - Cancel - \$506.66

SBL No. 43.09-5-1./9B - TOWN OF AMHERST

Acct. No. 112 - \$ 233.64 - County

Acct. No. 132 - \$ 273.02 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 241.48  
 TRANSIT FIRE PROTECTION 31.54

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 96,100 AND SHOULD BE 48,000. RPTL 550(2)A.

Petition No. 201033 / 2001 - ASSESSOR - Cancel - \$173.75

SBL No. 54.14-1-11 - TOWN OF AMHERST

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

Acct. No. 112 - \$ 91.70 - County

Acct. No. 132 - \$ 82.05 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 82.05

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 18,880 (20%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201034 / 2001 - ASSESSOR - Cancel - \$3,154.20

SBL No. 54.14-2-1 - TOWN OF AMHERST

Acct. No. 112 - \$ 1,295.49 - County

Acct. No. 132 - \$ 1,858.71 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 1,335.50  
 NORTH BAILEY FIRE PROTECT 523.21

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 533,400 AND SHOULD BE 266,700. RPTL 550(2)A.

Petition No. 201035 / 2001 - ASSESSOR - Cancel - \$184.06

SBL No. 54.40-1-5./904B - TOWN OF AMHERST

Acct. No. 112 - \$ 97.15 - County

Acct. No. 132 - \$ 86.91 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 86.91

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 20,000 (50%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201036 / 2001 - ASSESSOR - Cancel - \$1,252.86

SBL No. 55.07-1-22 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,252.86 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 1,252.86

CANCEL - CLERICAL ERROR, THIS SPECAIL DISTRICK CHARGE FOR THE SIDEWALK WAS MISCALCULATED. RPTL 550(2)E.

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

Petition No. 201037 / 2001 - ASSESSOR - Cancel - \$1,252.86

SBL No. 55.07-1-23 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,252.86 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 1,252.86

CANCEL - CLERICAL ERROR, THE SPECIAL DISTRICT CHARGE FOR SIDEWALKS FOR THIS PARCEL IS MISCALCULATED. RPTL 550(2)E.

Petition No. 201038 / 2001 - ASSESSOR - Cancel - \$3,309.56

SBL No. 55.07-7-1 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 3,309.56 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 3,309.56

CANCEL - CLERICAL ERROR, THE SPECIAL DISTRICT CHARGE FOR SIDEWALKS WAS MISCALCULATED. RPTL 550(2)E.

Petition No. 201039 / 2001 - ASSESSOR - Cancel - \$2,234.11

SBL No. 55.07-7-23 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 2,234.11 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 2,234.11

CANCEL - CLERICAL ERROR, THE SPECIAL DISTRICT CHARGE FOR SIDEWALKS WAS MISCALCULATED. RPTL 550(2)E.

Petition No. 201040 / 2001 - ASSESSOR - Cancel - \$86.87

SBL No. 68.15-12-22 - TOWN OF AMHERST

Acct. No. 112 - \$ 45.85 - County

Acct. No. 132 - \$ 41.02 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 41.02

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 18,880 (20%) WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE CORRECT AMOUNT IS 28,320 (30%). RPTL 550(2)B.

Petition No. 201041 / 2001 - ASSESSOR - Cancel - \$123.23

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

SBL No. 29.17-1-24 - TOWN OF AMHERST

Acct. No. 112 - \$ 46.24 - County

Acct. No. 132 - \$ 76.99 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 65.77  
 SWORMSVILE FIRE PROTECTIO 11.22

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 163,900 AND SHOULD BE 152,000. RPTL 550(2)A.

Petition No. 201042 / 2001 - ASSESSOR - Cancel - \$513.19

SBL No. 40.07-3-4 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 513.19 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 217.90  
 AMHERST # 9 FIRE PROTECTI 295.29

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 1,300,000 AND SHOULD BE 956,700. RPTL 550(2)A.

Petition No. 201043 / 2001 - ASSESSOR - Cancel - \$1,845.73

SBL No. 41.04-3-63 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,845.73 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 1,845.73

CANCEL - CLERICAL ERROR, THE SPECIAL DISTRICT CHARGE FOR SIDEWALKS WAS MISCALCULATED. RPTL 550(2)E.

Petition No. 201044 / 2001 - ASSESSOR - Cancel - \$2,128.92

SBL No. 41.04-3-62 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 2,128.92 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 2,128.92

CANCEL - CLERICAL ERROR, THE SPECIAL DISTRICT CHARGE FOR SIDEWALKS WAS MISCALCULATED. RPTL 550(2)E.

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

Petition No. 201045 / 2001 - ASSESSOR - Cancel - \$1,373.75

SBL No. 41.04-3-64.1 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 1,373.75 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 1,373.75

CANCEL - CLERICAL ERROR, THE SPECIAL DISTRICT CHARGE FOR SIDEWALKS WAS MISCALCULATED. RPTL 550(2)E.

Petition No. 201046 / 2001 - ASSESSOR - Cancel - \$62.19

SBL No. 41.20-6-31 - TOWN OF AMHERST

Acct. No. 112 - \$ 27.20 - County

Acct. No. 132 - \$ 34.99 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 34.99

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 205,600 AND SHOULD BE 200,000. RPTL 550(2)A.

Petition No. 201047 / 2001 - ASSESSOR - Cancel - \$569.57

SBL No. 42.01-4-21 - TOWN OF AMHERST

Acct. No. 112 - \$ 300.58 - County

Acct. No. 132 - \$ 268.99 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 268.99

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 61,900 (50%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201048 / 2001 - ASSESSOR - Cancel - \$115.87

SBL No. 42.08-4-42 - TOWN OF AMHERST

Acct. No. 112 - \$ 53.44 - County

Acct. No. 132 - \$ 62.43 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 55.22  
 TRANSIT FIRE PROTECTION 7.21

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 211,000 AND SHOULD BE 200,000. RPTL 550(2)A.

Petition No. 201049 / 2001 - ASSESSOR - Cancel - \$167.05

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

SBL No. 68.19-3-19 - TOWN OF AMHERST

Acct. No. 112 - \$ 67.99 - County

Acct. No. 132 - \$ 99.06 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 86.27  
 SNYDER # 7 FIRE DISTRICT 12.79

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 125,000 AND SHOULD BE 111,000. RPTL 550(2)A.

Petition No. 201050 / 2001 - ASSESSOR - Cancel - \$933.04

SBL No. 69.09-4-1 - TOWN OF AMHERST

Acct. No. 112 - \$ 412.89 - County

Acct. No. 132 - \$ 520.15 - Town/SpecialDist/School

Charge to : TOWN OF AMHERST 425.63  
 PARK CLUB FIRE PROTECTION 94.52

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 310,000 AND SHOULD BE 225,000. RPTL 550(2)A.  
 (5-0)

2. Item Page - 2001 (Comm. 4E-16)

**COUNTY EXECUTIVE**

WHEREAS, the federal government requires that all counties prepare an annual cost allocation plan, and

WHEREAS, for the past 13 years Erie County has contracted with an outside provider to prepare the cost allocation plan, and

WHEREAS, the current contract will expire after the 2001 Full-Cost Plan is prepared, and

WHEREAS, the Comptroller's Office staff has issued an RFP to six firms so that these services will continue to be provided for the next six years, and

WHEREAS, the two proposals received have been evaluated by the committee consisting of Comptroller's Office staff, and

WHEREAS, the committee has unanimously selected DMG-MAXIMUS, INC., for a six year contract,

NOW, THEREFORE, BE IT

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the County Executive is authorized to enter into a contract with DMG-MAXIMUS, INC. for a six year period beginning with preparation of the Federal cost plan for the year 2000, at an annual cost of \$16,250, and be it further

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

3. Item Page - 2001 (Comm. 4E-30)

**COUNTY EXECUTIVE**

WHEREAS, Walden Park Associates, Limited Partnership developed the Walden Park Senior Housing Complex in 1993 pursuant to Section 421-d of the Real Property Tax Law and Article XVIII of the New York Private Housing Finance Law; and

WHEREAS, the project is located at 923 Walden Avenue, Buffalo, New York and contains 114 one-bedroom apartments and 12 two-bedroom apartments for low and moderate income elderly individuals; and

WHEREAS, Walden Park Senior Housing Complex is managed by Maryvale East Management; and

WHEREAS, the Project has experienced a greater than expected vacancy rate and has had a subsequent difficulty in maintaining the economic viability of the development; and

WHEREAS, in order to make the Project economically feasible for Walden Park Associates, Limited Partnership, it is necessary to obtain tax relief from the County of Erie and the City of Buffalo

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a PILOT Agreement with Walden Park Associates Limited Partnership, relating to the property located at 923 Walden Avenue, Buffalo, New York; and be it further

RESOLVED, that said agreement shall include an annual Payment in Lieu of Taxes (PILOT) of \$8,771 to the County by Walden Park Associates Limited Partnership in the first year of the PILOT Agreement, with a three (3) percent increase annually thereafter for a fifteen year period; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of Budget and Management, the Commissioner of the Department of Environment and Planning, the County Comptroller, and the County Attorney.  
 (5-0)

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

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

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 67

February 8, 2001

SOCIAL SERVICES  
 COMMITTEE  
 REPORT NO. 3

ALL MEMBERS PRESENT.

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

	Item	Page	-2000	(Int. 3-11)
a.	<b>CHASE &amp; FISHER:</b>	Support for Senate Bill to License Social Workers in New York State (S.2990-D).		
		(5-0)		

2.	Item	Page	- 2001	(Comm. 4E-25)
	<b>COUNTY EXECUTIVE</b>			

WHEREAS, the Erie County Detention Facility is in need of a replacement van to provide transportation services for youth to and from court as mandated by New York State with reasonable assurance of safe transportation, and

WHEREAS, funds are available within the Detention Division's 2000 Budget,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to transfer \$22,000 within the 2000 Budget of Department 251, Detention Division, from Account 821, Dues and Fees, to Account 930, Automotive Equipment for the purchase of a replacement van for the Division of Detention, and be it further

RESOLVED, that said appropriation be on the condition that the State of New York provide revenues of at least \$11,000 based on a reimbursement schedule of 50% for a local youth and 100% for an out-of-state youth receiving secure detention services, and be it further

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

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

3. Item Page - 2001 (Comm. 4E-27)

**COUNTY EXECUTIVE**

**WHEREAS**, the Department of Social Services is seeking authorization to contract with Stroh and Associates, Inc. for the purpose of providing technical assistance in the development, coordination, monitoring and management of a system to measure and report on outcomes from services and activities funded in the Temporary Assistance to Needy Families (TANF) Services Plan, and

**WHEREAS**, the TANF Services Plan is the combination of thirteen distinct initiatives in a newly consolidated TANF Services Block Grant in the 2001 budget, and

**WHEREAS**, many of the initiatives are currently underway; however, several new activities are in a start-up mode, and

**WHEREAS**, the contract with Stroh and Associates, Inc. is recommended subsequent to local advertisement, issuance of a of Request for Proposals, and following an evaluation of the two responses received according to a five parameter scoring system, and

**WHEREAS**, there is no local share and there is no fiscal impact to this resolution as the necessary funds are already appropriated in the 2001 Adopted Budget and the cost is 100% reimbursed.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Social Services and/or the County Executive are hereby authorized to execute contract with Stroh and Associates, Inc. in the amount of \$35,000 for Performance Outcome Monitoring technical assistance for the period January 1, 2001 through December 31, 2001, and be it further

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

(5-0)

4. Item Page - 2001 (Comm. 4E-34)

**COUNTY EXECUTIVE**

**RESOLVED**, that the Social Services Committee does hereby recommend that the full Legislature confirm the appointment of the following individuals to the Community Coordinating Council on Children and Families:

Wayne Schilke  
 24 Felber Lane  
 Depew, NY 14043

Representative, Western New York  
 School Board Association

Michael Gross  
 Executive Director, Heritage Centers

President, United Way Agency  
 Executives Association

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

101 Oak Street  
 Buffalo, NY 14203

Marcella A. LoFaso  
 19 Rue Madeleine Way  
 Lancaster, NY 14086

Business Community

Carmen I. Melendez  
 92 Croy Avenue  
 Buffalo, NY 14215  
 (5-0)

Business Community

**GEORGE A. HOLT, JR.**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 68

February 8, 2001

HEALTH/MENTAL HEALTH  
 COMMITTEE  
 REPORT NO.2

ALL MEMBERS PRESENT.

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

- |    |  |  |       |               |
|----|--|--|-------|---------------|
|    | Item   | Page   | -2001 | (Comm. 2M-13) |
| a. | <b>DAVIS AUGELLO MATTELIANO &amp; GERSTEN:</b> | Opinion Re: Julie Bargnesi, Member of<br>ECMC Board of Managers.<br>(5-0)                        |       |               |
|    | Item   | Page   | -2001 | (Comm. 4D-6)  |
| b. | <b>ECMC:</b>                                   | Notice of Board of Managers Meeting Held 12/14/00 & Minutes of Meeting Held<br>11/9/00.<br>(5-0) |       |               |

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

Item Page -2001 (Comm. 4D-7)  
 c. **ECMC:** Notice of Board of Managers Meeting Held 1/11/01 & Minutes of Meeting Held 12/14/00.  
 (5-0)

2. Item Page - 2001 (Comm. 4E-21)  
**COUNTY EXECUTIVE**  
 WHEREAS, the Centers for Disease Control and Prevention (CDC) has awarded funding to upgrade state and local public health preparedness and response capabilities relative to bioterrorism, and

WHEREAS, the Erie County Department of Health has received a revised grant award in the amount of \$45,900 from the New York State Health Research, Inc. (HRI) to establish a Health Alert Network (HAN) in collaboration with New York State, and

WHEREAS, the Health Alert Network (HAN) will address immunization and infectious disease, environmental health and surveillance and data systems.

NOW, THEREFORE, BE IT

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

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

SFG	REVENUE	BUDGET
553-200	State Aid-HRI	<u>\$45,900</u>
	TOTAL	<u>\$45,900</u>
	EXPENSES	
821	Dues & Fees	\$18,000
933	Lab & Technical Equipment	<u>27,900</u>
	TOTAL	<u>\$45,900</u>

and be it further

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

3. Item Page - 2001 (Comm. 4E-22)

**COUNTY EXECUTIVE**

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

WHEREAS, the Erie County Department of Health has received a revised grant award in the amount of \$69,544 for the enhancement of the Tuberculosis Elimination Activities Program by providing more TB educational presentations, and

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

NOW, THEREFORE, BE IT

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

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

<b>SFG</b>		<b>Current</b>		<b>Revised</b>
<b>Account</b>	<b>Revenue</b>	<b>Budget</b>	<b>Changes</b>	<b>Budget</b>
582	State Aid	<u>\$82,650</u>	<u>\$(13,106)</u>	<u>\$69,544</u>
	TOTAL	<u>\$82,650</u>	<u>\$(13,106)</u>	<u>\$69,544</u>
	<b>Expenses</b>			
800	Personnel	\$58,441	\$ 0	\$58,441
805	Fringe Benefits	12,857	(1,754)	11,103
814	Medical & Health			
	Related Supplies	1,275	(1,275)	0
824	Travel & Mileage	1,200	(1,200)	0
826	Other Expenses	4,133	(4,133)	0
933	Lab & Technical Equipment	<u>4,744</u>	<u>(4,744)</u>	<u>0</u>
	TOTAL	<u>\$82,650</u>	<u>\$(13,106)</u>	<u>\$69,544</u>

and be it further

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

(5-0)

4. Item Page - 2001 (Comm. 4E-41)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health operates the WIC Program under a grant from the New York State Health Department, and

WHEREAS, the purpose of this program is to provide nutrition related services to pregnant women, infants and children, and

WHEREAS, the Erie County Health Department has received a revised grant award which authorizes continuation of the program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the New York State Department of Health for a revised grant which is budgeted as follows:

**SUPPLEMENTAL FOOD (WIC) PROGRAM**  
**10/1/00- 9/30/01**  
**PROJECT #322**

<b>SFG</b>	<b>REVENUE</b>	<b>CURRENT BUDGET</b>	<b>CHANGES</b>	<b>REVISED BUDGET</b>
444	LOCAL SOURCE	\$ 900	\$ 1,100	\$ 2,000
549	MISC DEPT INC	500	0	500
575	STATE AID	\$ <u>2,657,601</u>	<u>9,992</u>	\$ <u>2,667,593</u>
	<b>TOTAL</b>	<b><u>\$2,659,001</u></b>	<b><u>\$ 11,092</u></b>	<b><u>\$ 2,670,093</u></b>
<b><u>EXPENSES</u></b>				
800	PERS SERVICES	\$2,071,729	\$(105,506)	\$1,966,223
801	OVERTIME	0	2,000	2,000
805	FRINGE BENEFITS	438,378	75,836	514,214
810	OFFICE SUPPLIES	5,100	900	6,000
814	MEDICAL SUPPLIES	1,000	0	1,000
816	MAINT SUPPLIES	200	800	1,000
821	DUES & FEES	6,050	8,950	15,000
822	RENTAL CHARGES	8,300	16,894	25,194
823	REPAIRS & MAINT	2,235	(735)	1,500
824	TRAVEL & MILEAGE	15,000	0	15,000
825	TRAVEL - CONF	5,000	0	5,000
826	OTHER EXPENSES	9,950	10,848	20,798

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

880-2700	INTERFUND - ECHD	50,281	3,500	53,781
880-4000	INTERFUND - ECMC	15,129	(11,346)	3,783
880-5100	INTERFUND - DISS	25,399	7,601	33,000
931	MAINT EQUIPMENT	450	150	600
932	FURNITURE	3,000	0	3,000
933	TECHNICAL EQUIPMENT	<u>1,800</u>	<u>1,200</u>	<u>3,000</u>
	TOTAL	<u>\$2,659,001</u>	<u>\$ 11,092</u>	<u>\$ 2,670,093</u>

and be it further

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

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69

February 8, 2001

PERSONNEL AD HOC  
 COMMITTEE  
 REPORT NO. 3

ALL MEMBERS PRESENT EXCEPT LEGISLATOR GREENAN.

1. Item Page -2000 **AS AMENDED**  
 (Comm. 18E-24)  
**COUNTY EXECUTIVE**

WHEREAS, it is desirable to expand the County's employee health and wellness programs administered by the Department of Health to include programs which promote employee health, support work site safety and reduce absenteeism due to illness and injury, and

WHEREAS, funds are available in the personnel services appropriations in the Health Department's Adopted 2000 Budget to provide for the position of Occupational Health Administrator - Regular Part-Time, job group 13, to accomplish this purpose, and

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, it would be beneficial that the Department of Health's ability to research and produce grant proposals to secure aid and other financial resources for specific projects be bolstered, and

WHEREAS, funds are available in the personal services appropriations in the Health Department's Adopted 2000 Budget to provide for a position of Grant Writer Public Health, job group 13, to accomplish this purpose.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one position of Occupational Health Administrator - Regular Part Time, job group 13, and one position of Grant Writer - Public Health, job group 13, in the budget of the Health Department, funds being available in the personal services and fringe benefits accounts of the Health Department, and be it further

The following personnel detail is hereby submitted:

TITLE: Grant Writer - Public Health  
 JOB GROUP: 13  
 STEP: 0  
 ANNUAL SALARY: \$43,096  
 ANNUAL BENEFITS: \$10,774

TITLE: Occupational Health Administrator - Regular Part Time  
 JOB GROUP: 13  
 STEP: 0  
 HOURLY: \$20.719

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of the Division of Budget, Management and Finance, the Commissioner of Health, the Commissioner of Personnel, the Commissioner of Environment and Planning and the Office of the Comptroller.

(4-0) Legislator Greenan absent.

2. Item Page -2001 (Comm. 2E-19)

**COUNTY EXECUTIVE**

RESOLVED, that the Personnel Ad Hoc Committee does hereby recommend that the full Legislature confirm the appointments/re-appointments of the following individuals to the Erie County Consumer Protection Committee.

NAME AND ADDRESS	TERM EXPIRATION
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REAPPOINT

Joseph Christ	December 31, 2002
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**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

3030 William Street  
 Cheektowaga, NY 14227

Hillary Clarke  
 American Cancer Society  
 1490 Jefferson Avenue  
 Buffalo, NY 14208

December 31, 2002

Ellen DeWind  
 48 Oakland Road  
 Williamsville, NY 14221

December 31, 2002

John Domagala  
 Autocap  
 1144 Wehrle Drive  
 Williamsville, NY 14221

December 31, 2002

Mike Igoe  
 WGRZ-TV News  
 259 Delaware Avenue  
 Buffalo, NY 14202

December 31, 2002

Charles F. Kreiner, Jr.  
 48 Lexington Avenue  
 Buffalo, NY 14222

December 31, 2002

Lois M. Meyer  
 731 West Ferry  
 Apt. I-KL  
 Buffalo, NY 14222

December 31, 2002

Mary Rita Miller  
 29 Keats Avenue  
 Tonawanda, NY 14150

December 31, 2002

John Y. Pax  
 Consumer Credit Counseling  
 Service of Buffalo, Inc.  
 3980 Sheridan Drive #308  
 Amherst, NY 14226

December 31, 2002

Albert F. Schneider  
 199 Forest Hill Road  
 Williamsville, NY 14221

December 31, 2002

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

Iris F. Skoog  
 181 Rollingwood  
 Williamsville, NY 14221  
 December 31, 2002

Linda Williams  
 506 Shirley  
 Buffalo, NY 14215  
 December 31, 2002

Hon. Penny Wolfgang  
 126 Meadow Road  
 Buffalo, NY 14216  
 December 31, 2002

NAME AND ADDRESS  
 TERM EXPIRATION

APPOINT

Tanya Hernandez  
 367 Riverside Avenue  
 Buffalo, NY 14207  
 December 31, 2002

(4-0) Legislator Greenan absent.

3. Item Page -2001 (Comm. 2E-38)

**COUNTY EXECUTIVE**

WHEREAS, a March 1999 audit performed by the Erie County Office of the Comptroller regarding the Erie County Community Development Block Grant - Grant Fund recommended various financial adjustments to the grant fund accounting system as administered by the Department of Environment and Planning; and

WHEREAS, in order to complete the necessary adjustments it is necessary to engage the services of the former Erie County Coordinator of Grants and Program Administration given her experience and knowledge of the financial systems,

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Community Development Personal Services Contract with Raynette Robinson, residing at 106 Krettner Street, Buffalo, New York; and be it further

RESOLVED, that the agreement shall include an authorized contract amount not to exceed \$12,319.75; and be it further

RESOLVED, that the purpose of said agreement shall be to assist in managing various Community Development Block Grant financial records; and be it further

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the source of funds shall be money available within Project 826, HOME Administration, Account 830, Contractual, Sub-account 432; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Comptroller, the Commissioner of the Department of Environment and Planning, and the Director of the Division of Budget, Management and Finance.  
 (4-0) Legislator Greenan absent.

4. Item Page -2001 (Comm. 4E-11)

**COUNTY EXECUTIVE**

WHEREAS, the workload in the Finance Office requires supervision to oversee the preparation of tax rolls and the preparation of tax warrants.

NOW, THEREFORE, BE IT

RESOLVED, that a position of Chief Tax Clerk, job group 12 is hereby created effective January 1, 2001, in the budget of the Division of Budget, Management and Finance, and be it further

RESOLVED, that funds in the amount of \$71,298 are hereby transferred from DAC 1109616018320742, Department of Law - Risk Retention, Insurance Charges to the budget of the Division of Budget, Management and Finance as follows: \$58,924 to Account 800, Personal Services and \$12,374 to Account 805, Fringe Benefits, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of Budget, Management and Finance, the County Comptroller and the Commissioner of Personnel.  
 (4-0) Legislator Greenan absent.

5. Item Page -2001 (Comm. 4E-31)

**COUNTY EXECUTIVE**

WHEREAS, in 1990 Erie County, with the support of federal grant funding, established an Office of Pollution Prevention within the Department of Environment and Planning and created a Coordinator Pollution Prevention Program (JG 14) to manage this new program; and

WHEREAS, Thomas R. Hersey, Jr., was appointed to the Coordinator Pollution Prevention Program (JG 14) position in 1990 when it was created and still holds this position; and

WHEREAS, since the time of his employment as Coordinator Pollution Prevention Program, the incumbent's responsibilities have increased to include the County Office of Energy, Management and Policy, the County Office of Solid Waste, and County watershed management and habitat restoration efforts; and

WHEREAS, Mr. Hersey has been found qualified and has proven himself capable of managing the increased responsibilities of this position; and

WHEREAS, the resources to compensate the 2001 Erie County Budget for the increased personnel costs associated with the reallocation of the Coordinator Pollution Prevention Program (JG 14) position are available in two established grant budgets: the USEPA Urban Air Toxics Prevention Grant (SFG#570) and the Solid Waste Management Assistance Project (SFG#362);

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

NOW, THEREFORE, BE IT

RESOLVED, that the existing Coordinator Pollution Prevention Program position within the Department of Environment and Planning is reallocated from Job Grade 14 to Job Grade 15, and be it further

RESOLVED, that the sum of \$7,614 is hereby appropriated to Personal Services (DAC 110 945620800) and \$1,600 to Fringe Benefit (DAC 110 945620805), the source of funds being \$9,214 in unanticipated Interfund Revenue (DAC 110 9456206856209) from the Solid Waste Management Assistance Grant (SFG #362) and the USEPA Urban Air Toxics Prevention Grant (SFG #570), and be it further

RESOLVED, that the grant budget for the Solid Waste Management Assistance Project (SFG#362) will be revised as follows to transfer funds to cover one half of the cost of the reallocation in the 2001 County Budget:

Account	Description	Current Budget	Revisions	Revised Budget
800	Salaries	\$ 95,000	\$ (3,807)	\$ 91,193
805	Fringe Benefits	24,275	(800)	23,475
810	Office Supplies	1,700		1,700
824	Travel & Mileage	300		300
825	Out of Area Travel	2,000		2,000
826	Other	5,375		5,375
830	Contractual	5,500		5,500
880-6200	Interfund Expense	0	4,607	4,607
933	Equipment	<u>2,000</u>	<u>      </u>	<u>2,000</u>
	<b>Total Appropriation</b>	\$136,150	-0-	\$136,150

and be it further

RESOLVED, that the grant budget for the USEPA Urban Air Toxics Prevention Grant Project (SFG#570) will be revised as follows to transfer funds to cover one half of the cost of the reallocation in the 2001 County Budget:

Account	Description	Current Budget	Revisions	Revised Budget
800	Salaries	\$ 87,200	\$ (3,807)	\$ 83,393
805	Fringe Benefits	24,400	(800)	23,600
810	Office Supplies	400		400
825	Out of Area Travel	2,500		2,500
826	Other	500		500
830	Contractual	25,000		25,000
880-6200	Interfund Expense	0	4,607	4,607
933	Lab & Tech Equipment	<u>2,500</u>	<u>      </u>	<u>2,500</u>
	<b>Total Appropriation</b>	\$142,500	-0-	\$142,500

and be it further

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

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

(4-0) Legislator Greenan absent.

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

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

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70

Re: Public Meeting on the  
 Rockefeller Drug Laws. (Intro. 5-1)

**A RESOLUTION SUBMITTED BY LEGISLATOR PEOPLES**

Whereas, in 1973, New York State enacted some of the toughest anti-drug laws in the nation under the leadership of then Governor Nelson Rockefeller, and

Whereas, Under the Rockefeller Drug laws state and judges were literally stripped of their discretionary sentencing powers which allowed them to include factors such as previous criminal history, role the defendant actually played in the crime, family support and addiction issues and thereby tied their hands in the punishment process by implementing a one-stop sentencing structure called mandatory minimum sentencing, and

Whereas, The Rockefeller Drug Laws, places culpability on the weight or quantity of drugs in a person's possession rather than the severity of the crime, giving no regard for the role a person played in the drug transaction, and

Whereas, Under the Rockefeller Drug Laws judges are mandated to impose a prison term of no less than 15 years to life for anyone convicted of selling two ounces or possessing four ounces of a narcotic substance, and

Whereas, While the intent of the Rockefeller Drug Laws was supposed to target middle and high level criminals who are the true masterminds in the drug trade, minors, females, indigents, addicts and persons of color have been disproportionately affected the hardest, and

Whereas, Almost 80% of all drug offenders sent to NYS prisons in 1997 had never been convicted of a violent felony and 50% of those had never even been arrested for a violent felony, and

Whereas, Sixty percent of drug offenders in NYS prisons were convicted of the three lowest felonies, Class C, D, or E, which involved minute drug amounts, 1,242 people were locked up for these offenses at a cost of approximately \$32,000 each per year, and

Whereas, the inmate population of drug offenders in New York State is currently approximately 22,000 or 30% of the total inmate population and continuing to grow at a rapid rate, and

Whereas, the Rockefeller Drug Laws disproportionately imprison people of color; African Americans comprise 48.7%, Latinos 45.5% and whites 4.9% of the drug offenders in New York state prisons, and of the 5,000 women in New York's prisons today 56.3% are there for drug offenses, 91% of whom are women of color; African American women make up 54.3%, Latina 36.7%, and white 8.4% of the total female NYS prison population, and

Whereas the Rockefeller Drug Laws punish families by depriving children of their parents for periods of time that do not fit their crimes and forcing grandparents or other family members and taxpayers to shoulder the burden of caring for them, especially when parental rights are terminated, and

Whereas, According to a 1997 RAND Study, substance abuse treatment was found to be eight times more cost-effective than long prison sentences in removing cocaine from the market, and cited mandatory sentencing as the least cost effective means of reducing drug use and sales,

Whereas, The cost of keeping an inmate in a NYS prison is about \$32,000 annually, the cost of most outpatient drug treatment runs about \$2,700-4,500 per person per year; and the cost of residential drug treatment is \$17,000-\$21,000 per participant per year and

Whereas, Twenty-five percent of the drug offenders in NYS prisons, over 5,500 were incarcerated for drug possession as opposed to selling at a cost of \$180 million dollars per year, and

Whereas, the expense to families for which no dollar amount can be calculated and the expense to taxpayers in continually filling our prisons with low-level, non-violent offenders clearly confirms the need for review and reform of the Rockefeller Drug Laws, and

Whereas, Governor George Pataki , recognizing the need for review and reform of the Rockefeller Drug Laws, recently commuted the sentences of five individuals serving 15 years to life sentences of possession of controlled substances, and

Whereas, Any serious review of the Rockefeller Drug Laws must include:

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

1. restoration of sentencing discretion to trial judges in drug cases
2. sentencing changes that are retroactive, especially for the A-1 cases where people have received the harshest mandatory minimum of 15 years to life;
3. reducing the sentencing range of prison terms judges can impose when they decide to incarcerate;
4. expansion of funding for alternatives to incarceration; especially drug treatment and drug courts
5. dialog that rejects the revocation of parole for persons with drug convictions

Whereas, On Tuesday, February 20, 2001, the Erie County Legislature will hold a public meeting in Legislative Chambers located at 25 Delaware Avenue, 7<sup>th</sup> floor at 5:30 p.m. to obtain additional information from individuals and organizations concerning what effective reform should look like and to discuss what impact on society reform at the state level would have, and be it further

Now, therefore be it

Resolved, that the Erie County Legislature hereby reaffirms its commitment to law and order throughout our society and supports existing laws that seek to minimize the sale and trafficking of narcotics and other illicit drugs in our communities, and be it further

Resolved, the Erie County Legislature does hereby commend Governor George Pataki for taking leadership on review and reform of the Rockefeller Drug Laws, and be it further

Resolved, that the Erie County Legislature does hereby commend the drug courts of the city of Buffalo and Amherst for the positive alternative to incarceration their initiatives have provided to families and communities in Western New York, and be it further

Resolved, that this Honorable Body does hereby request the presence of the Amherst Town Drug Court Judge, the Honorable G. Farrell (400 John James Audubon Pkwy., Amherst, NY 14228), City of Buffalo Drug Court Judge, the Honorable Judge Robert T. Russell (Buffalo City Court, 50 Delaware Avenue, Buffalo, NY 14202), Administrative Law Judge the Honorable Judge Vincent Doyle (Supreme Court, Erie County Hall, 92 Franklin Street, Buffalo, NY 14202), Erie County Sheriff Patrick M. Gallivan (10 Delaware Avenue, Buffalo, NY 14202), Erie County District Attorney Frank Clark (25 Delaware Avenue, Buffalo, NY 14202), a representative from Families Against Mandatory Minimums (FAMM), Criminal Defense Attorney John Elmore (69 Delaware Avenue, Buffalo, NY 14202), and James Harrington, Vice President of the NYS Association of Criminal Defense Lawyers (1620 Statler Towers, Buffalo, NY 14202) at a public meeting regarding the Rockefeller Drug Laws to be held in Erie County Legislative Chambers on Tuesday, February 20, 2001 at 5:30 pm and that certified copies of this resolution be forwarded as formal invitation.

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

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

Item 16 - CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 5-2 From LEGISLATORS CHASE, GREENAN, WEINSTEIN, RANZENHOFER, LARSON & McCARVILLE. Re: Support for Bill Requesting an Increase in State Sales Tax Credit for Small Businesses.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71

Re: Invite Ukranian Schooner  
 “Batkivschyna” to the 2001  
 Friendship Festival. (Intro. 5-3)

A RESOLUTION SUBMITTED BY LEGISLATOR OLMA

Whereas: The Ukrainian gaf schooner Batkivschyna, the official tall ship of the Ukraine, is conducting a tour of the Great Lakes this summer and is available to dock in Buffalo during this year's Friendship Festival; and,

Whereas: This vessel dubbed the "Sweetheart of Op-Sail" for its courageous efforts to participate in Operation Sail 2000 - the largest maritime event in history, offers tours to teach people about the history of the Ukrainian nation and its recent successful fight for independence; and,

Whereas: In addition to the historical education that the Batkivschyna offers to its visitors, the tall ship also serves as a focal point for the Children of Chernobyl Relief Fund." The fund has raised thousands of dollars for the creation of a neo-natal intensive care unit that serves the families that are still affected by the radiation released in the Chernobyl Disaster.

Now, Therefore Be It Resolved:

The Erie County Legislature recognize that a major part of the Friendship Festival is the celebration of the United States independence and as such we should welcome and celebrate with representatives from nations that have similarly won their independence; and,

Be It Further Resolved:

On behalf of the citizens of the Erie County and the large number of persons of Ukrainian descent on both sides of the US/Canadian border, the Erie County Legislature would like to extend an invitation to the Ukrainian gaf schooner Batkivschyna to attend this year's Friendship Festival. In addition, the Erie County Legislature respectfully requests that the Erie County Executive as well as the organizers of the Friendship Festival formally invite the tall ship to participate in this year's Friendship Festival.

MR. OLMA moved to amend the resolution to include et al sponsorship. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MR. OLMA moved the approval of the resolution as amended. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 18 - CHAIRMAN SWANICK directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Intro. 5-4 From LEGISLATORS LARSON & WEINSTEIN. Re: Increasing the Level of State Aid to Erie Community College.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

Re: Increasing the Maximum Allowable Income Levels for the Senior Citizen Property Tax Exemption. (Intro. 5-5)

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

WHEREAS, state legislation has been enacted allowing municipalities to increase the maximum income eligibility for senior citizens to receive a real property tax exemption, and

WHEREAS, pursuant to state law, eligible senior citizens are those persons 65 years of age or older who have owned their property for the past 12 consecutive months prior to filing for the exemption and who have incomes that do not exceed the maximum level set by law, and

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, senior citizens, in order to be eligible for the property tax exemption, must list their property as their legal address and must also reside there, and

WHEREAS, a Public Hearing, pursuant to Section 487, paragraph 1(a) of the State Real Property Tax Law, as amended, was duly advertised and held on Thursday, February 15, 2001 at 2:00 p.m. by the Erie County Legislature on the proposal to increase the maximum income eligibility level,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, pursuant to Section 467 of the Real Property Tax Law, as amended, hereby grants from the County of Erie real property taxes so as to increase the maximum eligibility levels to the extent of fifty (50%) of the assessed valuation of real property owned by persons 65 years of age or older who qualify therefore under said section, provided said persons do not have incomes in excess of twenty thousand, five hundred dollars (\$20,500) for the income tax year immediately proceeding the date of application for said exemption and to the extent provided in the following schedule:

Percentage Assessed Valuation  
 Exempt From Taxation By The County of Erie

Annual Income

Up to \$20,500	50%
\$20,500 or more but less than \$21,500	45%
\$21,500 or more but less than \$22,500	40%
\$22,500 or more but less than \$23,500	35%
\$23,500 or more but less than \$24,400	30%
\$24,400 or more but less than \$25,300	25%
\$25,300 or more but less than \$26,200	20%
\$26,200 or more but less than \$27,100	15%
\$27,100 or more but less than \$28,000	10%
\$28,000 or more but less than \$28,900	5%

RESOLVED, that the Erie County Legislature hereby applies aforesaid exemption schedule to all taxable status dates assessment rolls in Erie County, applying to rolls prepared on taxable status dates after January 1, 2001, and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Joel A. Giambra, Budget Director Joseph Passafiume, Deputy Commissioner of Real Property Tax Joseph Maciejewski, 1st Assistant County Attorney Susannah Bochenek, Senior Services Commissioner Pamela Krawczyk, and to the Assessors of each city, town and village in Erie County.

Fiscal Impact: A total estimated shift of \$3.9 million in property taxes from exempt to non-exempt taxes results from this resolution. The increased shift in taxes to the average non-

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

exempt parcels in the County, compared with the previous authorization, is \$2.50 annually.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73

Re: Funding for Senior Services.  
 (Intro. 5-6)

A RESOLUTION SUBMITTED BY LEGISLATOR LARSON

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from the County-wide Accounts – Budget - County Contingency (DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Town of Lancaster	830/0457	\$5,000
<b>TOTAL</b>		<b>\$5,000</b>

and be it further

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

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

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 Robert Giza, Supervisor, Town of Lancaster, (Lancaster Town Hall, 21 Central Avenue, Lancaster, NY 14086.)

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

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

CARRIED UNANIMOUSLY.

Item 21 - CHAIRMAN SWANICK directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 5-7 From LEGISLATORS LARSON, CHASE, GREENAN, WEINSTEIN, McCARVILLE & RANZENHOFER Re: Support for Granting Additional Points in a Service Award Program for Volunteer Firefighters (S.1422/A.2281).

Item 22 - CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 5- 8 From LEGISLATORS McCARVILLE, LARSON, CHASE, GREENAN, WEINSTEIN, & RANZENHOFER Re: Support for Senate Bill (S.1454) Allowing a Municipality Increased Flexibility and Alternative Methods When Implementing State Mandates.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74

Re: Calling for Reinstatement of  
 NYS Reimbursement to Soil and  
 Water Conservation Districts. (Intro.  
 5-9)

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

WHEREAS, the New York State Soil and Water Conservation District Law declares that the policy of the New York State Legislature is “to provide for the conservation of the soil and water resources of this state and for the control and prevention of soil erosion, ... and for furthering the conservation, development, utilization and disposal of water and thereby to preserve natural resources, ... protect the tax base, protect public lands, and protect and promote the health, safety and general welfare of the people of this state,” and

WHEREAS, soil and water conservation districts provide services for the benefit of residents in Erie County and throughout New York State, and

WHEREAS, soil and water conservation districts are the local agency that implements existing and new state conservation and environmental management programs, and

WHEREAS, locally, the Erie County Soil and Water Conservation District has been a great asset to the citizens of our community, and

WHEREAS, New York State Soil and Water Conservation Law declares that New York State “shall reimburse each soil and water district ... but not to exceed thirty thousand dollars to any district in any fiscal year,” and

WHEREAS, New York State Governor George Pataki’s 2001-2002 budget proposes allocating \$1,300,000 in the Environmental Protection Fund for soil and water conservation district reimbursements, and

WHEREAS, this amount falls short of the amount allocated in Fiscal Year 2000-2001, which provided for the maximum reimbursement of \$30,000 per district allowed by law, and

WHEREAS, the New York State Legislature has the opportunity to increase the amount of funding to \$1,860,000, which would provide for said maximum reimbursement,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the Erie County Soil and Water Conservation District, and does commend the District under the leadership of Luann Freeman for their excellent work for the residents of our region, and be it further

RESOLVED, that this Honorable Body does hereby strongly urge the New York State Legislature to appropriate funding to the New York State Soil and Water Conservation Districts in the amount of \$1,860,000 — a \$560,000 increase over Governor Pataki’s proposed budget for said districts, and be it further

RESOLVED, that certified copies of this resolution be sent to New York State Governor George Pataki, State Senate Majority Leader Joseph Bruno, State Assembly Speaker Sheldon Silver, New State Senator Carl Marcellino (250 Townsend Sq. Oyster Bay, NY 11771), the Western New York delegation of the State Legislature, and Erie County Soil and Water Conservation District Executive Secretary/Treasurer LuAnn Freeman 50 Commerce Way, E. Aurora, NY 14052).

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

**Fiscal Impact:** Increase in conservation district reimbursement positive for Erie County.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

Re: Support for Emergency  
 Services. (Intro. 5-10)

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK & MARINELLI

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$10,395 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 1109043038301299) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
<b>City of Tonawanda Community Development Corporation</b>	<b>830/1152</b>	<b>\$2,695</b>
<b>Kenilworth Fire District No. 2</b>	<b>830/1151</b>	<b>\$7,700</b>
<b>TOTAL</b>		<b>\$10,395</b>

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Jean Harmon, City of Tonawanda Community Development Corporation, (200 Niagara Street, Tonawanda, NY 14150,) and to Robert David Lundquist, Kenilworth Fire District No. 2, (84 Hawthorne Avenue, Buffalo, NY 14223.)

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

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

CARRIED UNANIMOUSLY.

Item 25 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 5-11 From LEGISLATOR PEOPLES. Re: Urging NYS to Increase Level of Credit Businesses Receive for Collecting Sales Tax.

Item 26 - CHAIRMAN SWANICK directed that the following resolution be referred to the HEALTH COMMITTEE.

GRANTED.

Intro. 5-12 From LEGISLATORS FISHER, MARINELLI & PEOPLES. Re: Support for State Legislation to Guarantee Expanded Health Care Coverage for Women.

Item 27 - CHAIRMAN SWANICK directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Intro. 5-13 From LEGISLATOR LARSON. Re: Requesting a Thorough Review & Explanation of County Charge-Backs to Erie Community College.

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

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

Re: Funding for a Community  
 Organization. (Intro. 5-14)

A RESOLUTION SUBMITTED BY LEGISLATOR KUWIK

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$39,500 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 1109043038301299) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
<b>Town of Hamburg D.A.R.E.</b>	<b>830/0749</b>	<b>\$10,000</b>
<b>Lackawanna Chamber of Commerce</b>	<b>830/1112</b>	<b>\$5,000</b>
<b>Village of Blasdell – National Night Out</b>	<b>830/0742</b>	<b>\$2,000</b>
<b>Lackawanna Senior Citizen Program</b>	<b>830/0679</b>	<b>\$2,500</b>
<b>Hamburg Traffic Signs / Signals</b>	<b>830/0686</b>	<b>\$15,000</b>
<b>Lackawanna Community Development Corporation</b>	<b>830/1180</b>	<b>\$5,000</b>
<b>TOTAL</b>		<b>\$39,500</b>

and be it further

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

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, Patrick H. Hoak, Supervisor, Town of Hamburg, (D.A.R.E., S-6100 South Park Avenue, Hamburg, NY 14075,) Suzanne M. Gannon, President, Lackawanna Chamber of Commerce, (630 Ridge Road, Rear, Lackawanna, NY 14218,) Honorable Ernest Jewett, Village of Blasdell, (National Night Out, 121 Miriam Street, Blasdell, NY 14219,) Joseph G. Geyer, Lackawanna Senior Citizen Program, (714 Ridge Road, Lackawanna, NY 14218,) James F. Connolly, Superintendent of Highways, Hamburg Traffic Signs / Signals, (2720 Lakeview Road, Hamburg, NY 14085,) and Nicholas W. Monafò, Executive Director, Lackawanna Community Development Corporation (697 Ridge Road, Lackawanna, NY 14218.)

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

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

CARRIED UNANIMOUSLY.

Item 29 - CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 5-15 From LEGISLATORS SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, DUSZA, MARINELLI, & PAULY Re: Concern Over Lost Federal Aid in Department of Public Works.

Item 30 - CHAIRMAN SWANICK directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 5-16 From LEGISLATOR OLMA Re: Support for Project Labor Agreement for Buffalo Schools Construction Project.

Item 31 - CHAIRMAN SWANICK directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

CHALLENGE TO THE CHAIR.

AYES: CHASE, GREENAN, LARSON, McCARVILLE, RANZENHOFER, DeBENEDETTI & OLMA. NOES: PAULY, WEINSTEIN, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, PEOPLES & SWANICK. AYES - 7, NOES - 10.

DEFEATED.

Intro. 5-17 From LEGISLATORS OLMA & DeBENEDETTI Re: Dialogue on the Appointments and Qualifications of Erie County Water Authority Commissioners.

Item 32 - CHAIRMAN SWANICK directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

CHALLENGE TO THE CHAIR.

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

DEFEATED.

Intro. 5-18 From LEGISLATORS OLMA & DeBENEDETTI Re: Compensation of Commissioner of the Erie County Water Authority.

Item 33 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

Re: Accepting Donation of Phone &  
 PA System for Botanical Gardens.  
 (Intro. 5-19)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR KUWIK

WHEREAS, the Buffalo and Erie County Botanical Gardens is owned and operated by the County of Erie, and

WHEREAS, the Botanical Gardens Society is a volunteer, non-profit organization that assists and advises the County on matters at the Botanical Gardens, and

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, both the County and the Botanical Gardens Society recognize the need to update the current telephone system and provide an integrated public address / sound system, and

WHEREAS, the Botanical Gardens Society is willing to donate a new telephone system and integrated public address / sound system — including installation — to the Botanical Gardens, at no cost to the County,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby complement the Botanical Gardens Society for their ongoing commitment to the Buffalo and Erie County Botanical Gardens, and be it further

RESOLVED, that this Honorable Body does hereby accept the donation and installation of a new telephone system and integrated public address / sound system from the Botanical Gardens Society at no cost to the County, and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Department of Public Works Commissioner Maria Lehman, Parks, Recreation and Forestry Commissioner Lawrence Jasinski, and the Botanical Gardens Society (2655 South Park Ave. Buffalo, NY 14218).

**Fiscal Impact:** None.

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

CARRIED UNANIMOUSLY.

Item 34 – MR. FITZPATRICK presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78

Re: Support for Community  
 Services. (Intro. 5-20)

A RESOLUTION SUBMITTED BY LEGISLATOR FITZPATRICK

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

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

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

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 \$117,000 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 1109043038301299) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
<b>South Buffalo Community Association</b>	<b>830/1052</b>	<b>\$84,000</b>
<b>A.B.L.E.Y.</b>	<b>830/0304</b>	<b>\$15,000</b>
<b>Old First Ward Community Center</b>	<b>830/0671</b>	<b>\$9,000</b>
<b>Valley Community Association</b>	<b>830/0239</b>	<b>\$1,500</b>
<b>South Buffalo Economic &amp; Community Development Corporation</b>	<b>830/1265</b>	<b>\$5,000</b>
<b>Iron Island Preservation Society Inc.</b>	<b>830/0676</b>	<b>\$2,500</b>
<b>TOTAL</b>		<b>\$117,000</b>

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Kristine M. Parisi, Executive Director, South Buffalo Community Association, (2219 South Park Avenue, Buffalo, NY 14220,) Val Vigiano, Executive Director, A.B.L.E.Y., (111 Moreland Street, Buffalo, NY 14206,) Donna Carroll, President, Old First Ward Community Center, (62 Republic Street,

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

Buffalo NY 14204,) Margaret Overdorf, Executive Director, Valley Community Association, (93 Leddy Street, Buffalo, NY 14210,) William S. Nicholas, Executive Director, South Buffalo Economic & Community Development Corporation, (817 Abbott Road, Buffalo, NY 14220,) and Marge Thielman Hastreiter, Vice President, Iron Island Preservation Society, Inc., (198 Benzinger Street, Buffalo, NY 14206.)

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

MR. FITZPATRICK moved the approval of the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 35 – MS. PEOPLES moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration from Comm. 2E-39. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79

Re: Erie Canalway Trail  
 Memorandum of Agreement New  
 York State Canal Corporation.

WHEREAS, the New York State Canal Corporation has allocated two hundred ninety-two thousand dollars (\$292,000) towards the design and construction of the Erie Canalway Trail Bicycle Path through the Towns of Tonawanda and Amherst; and

WHEREAS, the Canal Corporation has requested the County of Erie to act on behalf of the Canal Corporation as project manager for this project concerning design and construction supervision services for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute an agreement with the New York State Canal Corporation enabling the County of Erie to provide the aforementioned design and construction inspection services on behalf of the Canal Corporation for that portion of the Erie Canalway Trail within the County of Erie; and be it further,

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

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

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

ADD the following after the second RESOLVE clause:

RESOLVED, that prior to any final decision as to the scope and details of said project, the draft of the design of the project be submitted to this Honorable Body for review and authorization, and be it further

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

CARRIED UNANIMOUSLY.

Item 36 - MS. PEOPLES moved to discharge the PESONNEL AD HOC COMMITTEE from further consideration from Comm. 4E-26. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80

Re: Department of Social Services  
 Day Care Registration Grant.

WHEREAS, the Department of Social Services is seeking authorization to accept 100% Federal revenue in the amount of \$237,274 as an addition to the Day Care Registration Grant which was appropriated in the 2000 Adopted Budget and which continues through August 15, 2001, and

WHEREAS, these added Federal funds are provided in order to implement significant new inspection, monitoring, training and fingerprinting requirements for all registered daycare providers as required by the Federal Quality Child Care and Protection Act (the Act), and,

WHEREAS, New York State has authorized this additional funding in light of the elements of the law requiring the Department to perform new and expanded activities to ensure that providers meet a broad range of newly established health and safety standards, and

WHEREAS, the Act requires increased frequency of facility inspection, as well as the clearance through the New York State Child Protective Services State Central Registry, criminal background checks and employment history verification for all registered provider employees, and

WHEREAS, the Buffalo Coalition of Home Daycare Providers is not interested in performing the fingerprinting activity as required by the Act while the Child Care Coalition is able to provide this service for all registered providers, and

WHEREAS, the Act requires that these activities be completed prior to initial provider registration and prior to placement of children in registered facilities, and

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, commensurate changes in the Day Care Registration Grant that will be effective August 16, 2001 and which is included in the 2001 Adopted Budget are also required, and

WHEREAS, there is no additional local share cost for this resolution.

NOW, THEREFORE, BE IT

RESOLVED, the Department of Social Services is authorized to accept 100% Federal revenue in the amount of \$237,274 as an addition to the Day Care Registration Grant appropriated in the 2000 Adopted Budget, and be it further

RESOLVED, the Commissioner of Social Services and/or the County Executive are hereby authorized to amend the current contract with the Child Care Coalition to provide outreach and fingerprinting services to registered providers, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2000 Adopted Budget:

Department of Social Services, Department 200, Fund 281, Project 346

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
800	Personal Services	\$190,463
805	Fringe Benefits	42,125
810	Office Supplies	(38)
824	Local Travel	754
826	Other Expenses	5,781
830-0198	Child Care Coalition	7,500
830-0878	Buffalo Coalition of Home Daycare Providers	(11,000)
933	Office Furniture	<u>1,689</u>
	Total Expenditures	<u>\$237,274</u>
640	Federal Aid	<u>\$237,274</u>
	Total Revenues	<u>\$237,274</u>

and be it further

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

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the following positions are hereby created in the Day Care Registration Grant, Department 200, Fund 281, Project 346 and Project 470 effective February 15, 2001:

<u>NUMBER</u>	<u>TITLE</u>	<u>JG</u>	<u>CIVIL SERVICE LIST?</u>
1	Social Case Supervisor Unit	11-B	Y
2	Senior Caseworkers	9-B	Y
2	Caseworkers	7-B	Y

and be it further

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

Department of Social Services, Department 200 Fund 281, Project 470

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ DECREASE</u>
800	Personal Services	\$225,324
805	Fringe Benefits	61,349
810	Office Supplies	(38)
824	Local Travel	754
826	Other Expenses	5,781
830-0198	Child Care Coalition	7,500
933	Office Furniture	<u>1,689</u>
	Total Expenditures	<u>\$302,359</u>
640	Federal Aid	<u>\$302,359</u>
	Total Revenues	<u>\$302,359</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 37 – MR. PAULY moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

CHAIRMAN SWANICK directed that Comm. 5M-18 be referred to the REGIONALISM AD HOC COMMITTEE.

GRANTED.

Comm. 5M-18 From Buffalo Niagara Partnership Re: Who Does What? Commission Final Report.

Item 38 - MS. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

RESOLUTION NO. 81

Re: Erie County Board of Elections –  
 Transfer of Funds. (Comm. 5E-36)

WHEREAS, it is necessary to make certain adjustments in Account 800-Personal Services, 810-Office Supplies, and 826-Other for the Erie County Board of Elections, and

WHEREAS, the Division of Budget, Management and Finance has identified sources of funds to accomplish this goal, there being \$5,300 available in the year 2000 Contractual Expense appropriations of the Erie County Legislature and \$59,200 available from the appropriation of unanticipated 2000 Sales Tax Revenue, the annual budget for this account having been realized;

NOW, THEREFORE, BE IT

RESOLVED, That the following transfers of funds are hereby approved:

<u>Account</u>	
830 Legislative Contractual Expense	(\$ 5,300)
800 Board of Elections-Personal Services	<u>5,300</u>
Net	-0-

<u>Account</u>	
310 Countywide Accounts, Budget-Sales Tax	(\$59,200)

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

810 Board of Elections-Office Supplies	32,200
826 Board of Elections-Other Expenses	<u>27,000</u>
Net	-0-

and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Erie County Board of Elections, the Office of the Comptroller, and the Division of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM CHAIRMAN SWANICK**

Item 39 – (Comm. 5E-1) Letter to Clerk to Notify of Majority Leader Peoples Appointment to Board of Directors of Buffalo Convention & Visitors Bureau.

Received, filed and printed.

February 2, 2001

The Honorable Laurie A. Manzella  
 Clerk  
 Erie County Legislature  
 25 Delaware Ave., 7th Floor  
 Buffalo, NY 14202

Dear Madam Clerk:

Please be advised that Legislature Majority Leader Crystal D. Peoples will serve as the Majority's Appointment to the Board of Directors of the Greater Buffalo Convention and Visitors Bureau.

Majority Leader Peoples will replace Legislator Albert DeBenedetti, who resigned from this board in December.

Very truly yours,

Charles M. Swanick  
 Chairman

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

C: Hon. Crystal D. Peoples  
 Richard Geiger, Greater Buffalo CVB

FROM THE COMPTROLLER

Item 40 – (Comm. 5E-2) ECMC Follow-Up Audit of Professional, Technical, Consultant & Physicians Contracts 1/1/00 – 7/31/00.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR McCARVILLE

Item 41 – (Comm. 5E-3) Copy of Letter to Chairman of Government Affairs Committee Re: Unable to Attend Meeting Held 2/6/01.

Received and filed.

FROM THE COMPTROLLER

Item 42 – (Comm. 5E-4) CIN A-02-01-67259 – 1999 Single Audit Report.

Item 43 – (Comm. 5E-5) 2000 Investment Earnings.

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

FROM THE COUNTY EXECUTIVE

Item 44 – (Comm. 5E-6) Agreement with NYS – State Aid for Snowmobile Path Development.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 45 – (Comm. 5E-7) Health – Healthy Homes Initiative 2/1/01 – 1/31/04.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 46 – (Comm. 5E-8) ECSD – Agreement for Type “R” Road Permit.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 47 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 82

Re: DPW – Supplemental  
 Agreement to A/E Contract – Rath  
 Building – Phase II. (Comm. 5E-9)

WHEREAS, the 2001 budget approved funds for the Building & Site Rehabilitation, 95 Franklin Street (Rath Building), Phase II, and

WHEREAS, the firm of Wendel-Duchscherer (formerly Duchscherer-Oberst Design, P.C.) was approved by your Honorable Body for design services for the Building & Site Rehabilitation, 95, Franklin Street, (Rath Building), Phase I, and

WHEREAS, to progress the project bidding in May of 2001, the Department of Public Works is requesting a supplemental agreement be issued to Wendel-Duchscherer (formerly Duchscherer-Oberst Design, P.C.) to fully fund the Architectural/Engineering services,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Wendel-Duchscherer (formerly Duchscherer Oberst Design, P.C.) on a percentage of construction basis to a not-to-exceed amount of \$130,000.00, including reimbursables, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from Fund 110, Project 912, Account 823, encumbered in DP 38539, and be it further,

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

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

CARRIED UNANIMOUSLY.

Item 48 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83

Re: DPW – Request Increase in  
 Transportation Funding Using State  
 Surplus. (Comm. 5E-10)

WHEREAS, Surface Transportation Federal Aid has experienced record level incremental increases through ISTEA and TEA21, and

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, New York State transportation programs have not seen, similar incremental increases due to a decreased funding level in the State Dedicated Fund and the partial use of the State Dedicated Fund for Operating and Maintenance items, and

WHEREAS, the 1982 and 1988 Transportation Bond Acts have increased the general condition rating scores of the State-owned highway system, and

WHEREAS, the local highway system eligible for Federal Aid has not seen the same level of increase in rating scores, and

WHEREAS, concern exists that funding for Statewide routes, such as Route 219, the Williamsville Toll Barrier relocation and Southtowns Connector will come from regional allocation thus bankrupting the regional allocation pool and further decreasing available funds for the local highway system as was done previously on Route 17, and

WHEREAS, the Federal Aid local highway system is an integral part of the overall highway network, and

WHEREAS, the needs of the highway network will not be addressed by the Transportation Bond Act of 2000 due to the failure to pass referendum, and

WHEREAS, it is widely believed that the failure to pass the Transportation Bond Act of 2000 is directly related to the public's perception that New York State has funds available based on current surpluses,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature urges the New York State Legislature during the upcoming 2002 budget negotiations with the governor's Office to work collaboratively to increase the overall transportation spending to include the needs of both State and local agencies by utilizing the current State surplus, and be it further,

RESOLVED, that the Erie County Legislature urges New York State to fund transportation projects of Statewide importance, such as Route 219, the Williamsville Toll Barrier relocation and the Southtowns Connector from other sources than the regional allocations, and be it further,

RESOLVED, that the Erie County Legislature urges the MPO to develop a new governing document which ensures a fair distribution of funds will be made based on system-wide needs of the transportation network with the goal to improve the overall condition rating scores of all elements in the transportation system throughout the transportation network, 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; one copy to the Office of the Comptroller; one copy to the Governor's Offices; one copy to the New York State Division of Budget; one copy to each member of the State legislative delegation representing Erie County and one copy to the GBNRTC.

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

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

Item 49 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84

Re: DPW – Roof Replacement & Waterproofing of Various County Facilities. (Comm. 5E-11)

WHEREAS, the 2001 budget contains \$1,500,000 for Roof Replacement & Waterproofing of Various County Facilities, and

WHEREAS, the firm of Stievater & Associates: Architects is already engaged by the Department of Public Works under an Architect/ Engineer contract for the 1999 Roof Replacement & Waterproofing of Various County Facilities, and

WHEREAS, it is now also desired to start design of this project immediately so it can be bid in May of 2001,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to issue a supplemental agreement to Stievater & Associates: Architects to prepare contract documents and provide inspection services for the Roof Replacement & Waterproofing of Various County Facilities, and be it further,

RESOLVED, that the total amount paid for consulting services on a percentage of construction basis, not to exceed \$124,000.00, including reimbursables, and be it further,

RESOLVED, that the fee allocation be taken from:

--County-wide Roof Replacement, Project 578, Fund 410	\$ 8,500
--ECMC Roof Replacement, Project 877, Fund 511	\$ 54,100
--EC Home Code Compliance, Project 146, Fund 520	\$ 40,000
--ECC Roof Replacement, Project 680, Fund 480	\$ 7,400
--County-wide Roof Replacement, Project 831, Fund 410	<u>\$ 14,000</u>
Total	\$124,000

and be it further,

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

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

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

CARRIED UNANIMOUSLY.

Item 50 – (Comm. 5E-12) Parks, Recreation & Forestry – Personnel Adjustments.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 51 – (Comm. 5E-13) Appointments to Erie County Cultural Resources Advisory Board.

Received, filed and printed.

February 13, 2001

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

Re: Appointments to Erie County Cultural Resources Advisory Board

Dear Members:

Pursuant to Article III, Section 3.02(f) of the Erie County Charter and Article 19, Section 19.01 of the Erie County Administrative Code, I am appointing the following individuals to the Erie County Cultural Resources Advisory Board for the terms stated.

NAME AND ADDRESS	TERM EXPIRES
Ralph Hernandez 127 Livingston Street Buffalo, NY 14213 (replaces Dwight Bonk)	December 31, 2001
Jack Cukierman, M.D. 4247 Maple Road Amherst, NY 14226 (replaces Jerry Chutkow)	December 31, 2001
Leslie H. Zemsky 181 Morris Avenue Buffalo, NY 14214	December 31, 2002
Susan L.T. Neubauer Administrative Vice President	December 31, 2002

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

M&T Bank  
 One M&T Plaza  
 Buffalo, NY 14202

Very truly yours,  
 JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

JAG:bmc

cc: Appointees  
 Commissioner Laurence Rubin  
 Charlene Ritter-Lester

Item 52 – (Comm. 5E-14) Reappointments to Erie County Cultural Resources Advisory Board.

Item 53 – (Comm. 5E-15) Recommended Appointments to Western Erie Canal Heritage Corridor Planning Commission Advisory Committee.

Item 54 – (Comm. 5E-16) Appointment to Buffalo & Erie County Public Library Board of Trustees.

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

Item 55 – (Comm. 5E-17) Appointment to Consumer Protection Committee.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 56 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 85

Re: Social Services – HEAP Grant  
 Administration. (Comm. 5E-18)

WHEREAS, the Erie County Department of Social Services has been awarded \$286,430 in additional federal Home Energy Assistance Program (HEAP) administrative funds, and

WHEREAS, these funds have been awarded to expedite the processing of application for heating assistance so as to avoid or minimize delays in certifying eligibility and paying benefits for eligible applicants, and

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, significant increases in the price of home energy, coupled with cold winter weather have triggered both an increase in the volume and pace of applications and the recent release of added federal HEAP assistance funds for basic and emergency benefits, and

WHEREAS, additional overtime, part-time and seasonal staff hours are needed by the departments of Social Services and Senior Services to expand community outreach and to minimize application backlogs and payment processing delays, and

WHEREAS, expanded community outreach and additional HEAP provided at no County cost with the federal HEAP administrative award.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to accept additional federal HEAP administrative funds in the amount of \$286,430, and be it further

RESOLVED, that the following additional hours are hereby authorized in the Department of Social Services HEAP Grant, Project 350, Department 200, effective February 15, 2001:

<u>TITLE</u>	<u>HOURLY RATE</u>	<u>HOURS</u>	<u>AMOUNT</u>
Overtime	\$22.733	2,664	\$60,561
Data Entry Oper Seas	10.925	3,750	40,969
Energy Cr As Wkr 2 Seas	11.558	1,875	21,671
Energy Cr As Wkr 1 Seas	9.909	3,750	<u>37,159</u>
			\$160,360

and be it further

RESOLVED, that the following amendments are hereby authorized in the budget of the Department of Social Services HEAP Grant, Project 350, Department 200, for the period February 15, 2001 through September 30, 2001:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE AMOUNT</u>
800	Personal Services	\$60,561
801	Overtime	99,799
805	Fringe Benefits	15,847
826	Other Expenses	12,500
882-6309	Interdept - Senior Services Grants	<u>97,723</u>
	Total Appropriations	<u>\$286,430</u>

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

653	Federal Aid-Home Energy	286,430
	Total Revenue	<u>\$286,430</u>

and be it further

RESOLVED, that the following additional hours are hereby authorized in the Department of Senior Services HEAP Grant, Project 285, Department 630, effective February 15, 2001:

<u>TITLE</u>	<u>HOURLY RATE</u>	<u>HOURS</u>	<u>AMOUNT</u>
Overtime	\$17.099	192	\$3,283
Energy Cr As Wkr 2 PT	10.476	2,648	27,740
Energy Cr As Wkr 1 PT	9.909	620	6,144
Energy Cr As Wkr 2 Seas	10.476	4,620	<u>48,400</u>
			\$85,567

and be it further

RESOLVED, that the following amendments are hereby authorized in the budget of the Department of Senior Services HEAP Grant, Project 285, Department 630, for the period February 15, 2001 through September 30, 2001:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
800	Personal Services	\$82,284
801	Overtime	3,283
805	Fringe Benefits	8,130
824	Travel and Mileage	1,026
880-5100	Interfund-DISS	3,000
883-2009	Interdept - Social Services Grants	<u>(97,723)</u>
	Total Appropriation	<u>-0-</u>

and be it further

RESOLVED, that the interagency agreement between the departments of Social Services and Senior Services regarding HEAP and Community Outreach shall be amended as required, and be it further

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

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

CARRIED UNANIMOUSLY.

AMENDMENT TO COMM. 5E-18 (2001)

**DELETE** page 2 of the Proposed Resolution in its entirety and **REPLACE** with the following:

RESOLVED, that the following amendments are hereby authorized in the budget of the Department of Social Services HEAP Grant, Project 350, Department 200, for the period February 15, 2001 through September 30, 2001:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE AMOUNT</u>
800	Personal Services	\$99,799
801	Overtime	60,561
805	Fringe Benefits	15,847
826	Other Expenses	12,500
882-6309	Interdept - Senior Services Grants	<u>97,723</u>
	Total Appropriations	<u>\$286,430</u>
653	Federal Aid-Home Energy	286,430
	Total Revenue	<u>\$286,430</u>

and be it further

RESOLVED, that the following additional hours are hereby authorized in the Department of Senior Services HEAP Grant, Project 285, Department 630, effective February 15, 2001:

<u>TITLE</u>	<u>HOURLY RATE</u>	<u>HOURS</u>	<u>AMOUNT</u>
Overtime	\$17.099	192	\$3,283
Energy Cr As Wkr 2 PT	10.476	2,648	27,740
Energy Cr As Wkr 1 PT	9.909	620	6,144
Energy Cr As Wkr 2 Seas	10.476	4,620	<u>48,400</u>
			\$85,567

and be it further

RESOLVED, that the following amendments are hereby authorized in the budget of the

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

Department of Senior Services HEAP Grant, Project 285, Department 630, for the period February 15, 2001 through September 30, 2001:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
800	Personal Services	\$82,284
801	Overtime	3,283
805	Fringe Benefits	8,130
824	Travel and Mileage	1,026
880-5100	Interfund-DISS	3,000
883-2009	Interdept - Social Services Grants	(97,723)
Total Appropriation		<u>-0-</u>

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

CARRIED UNANIMOUSLY.

Item 57 – (Comm. 5E-19) ECSD No. 2 – Emergency Repair of Sand Filters – Transfer of Funds.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 58 – (Comm. 5E-20) DPW – ECC South Campus Athletic Field – Locker Room Renovations.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 59 – (Comm. 5E-21) Health – Personnel Adjustment.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 60 – (Comm. 5E-22) Health – Public Health Campaign Grant.

Item 61 – (Comm. 5E-23) Health – Infant Child Health Assessment Program 10/1/00 – 9/30/01.

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

Item 62 – (Comm. 5E-24) DPW – Main Library Emergency Generator Replacement A/E Supplemental Agreement.

Item 63 – (Comm. 5E-25) DPW – Acquisition of Two Parcels in Fee & One Permanent Easement for Relocated Willet Road & Bridge at McKinley Parkway.

Item 64 – (Comm. 5E-26) DPW – Chestnut Ridge Water Line Installation, Phase III.

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

Item 65 – (Comm. 5E-27) DPW – Erie County Home JCAHO Firestopping – Code Compliance.

The above four items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 66 – (Comm. 5E-28) ECSD No. 3 – Southtowns Sewage Treatment Agency Request for Change in Title.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 67 – (Comm. 5E-29) ECSD – Semi-Annual Attendance Records – Board of Managers.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 68 – (Comm. 5E-30) CPS – DNA Cold Search Initiative Grant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 69 – (Comm. 5E-31) CPS – DNA Lab Assistance Grant.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 70 – (Comm. 5E-32) CPS – Computer Aided Dispatch (CAD) Record Management Systems (RMS).

Item 71 – (Comm. 5E-33) EMS – Authorization to Accept Donation of Automatic External Defibrillator (AED) & Storage Cabinet.

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 86

Re: STOP DWI – GO SAFE  
 Program. (Comm. 5E-34)

WHEREAS, since 1982 drunken drivers in Erie County have claimed 648 victims, and

WHEREAS, despite tremendous progress in enforcement and prosecution, drunken drivers continue to risk the safety of the citizens of Erie County, and

WHEREAS, the STOP-DWI Office has established Go Safe, a cooperative effort with the hospitality and taxi industry that creates a convenient, and sustainable alternative to drunken driving by paying for taxi rides offered to patrons of participating establishments, and

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, Go Safe is endorsed by the Niagara Chapter of Remove Intoxicated Drivers (RID) and Erie County Mothers Against Drunk Driving (MADD),

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into and amend all contracts that may be required for the implementation of the Go Safe program

RESOLVED, that authorization is hereby provided to establish a grant for the Go Safe Program as follows:

**GO SAFE PROGRAM**

1/1/01 - 12/31 /01

<u>REVENUES</u>	<u>INCREASE</u>
GO SAFE PROJECT REVENUE	<u>\$20,000</u>
TOTAL REVENUES	<u>\$20,000</u>
 <u>APPROPRIATIONS</u>	
ACCT. 821 - DUES & FEES	\$ 2,000
ACCT. 826 - OTHER EXPENSE	<u>18,000</u>
TOTAL APPROPRIATIONS	<u>\$20,000</u>

and be it further

RESOLVED, that the County Executive is hereby authorized to accept donations for the Go Safe Program to be appropriated specifically for the Go Safe program, and be it further,

RESOLVED, that the Go Safe Program is, authorized to directly pay invoices from participating taxi services providing rides under the Go Safe Program, and be it further

RESOLVED, that the STOP-DWI Office is authorized to purchase a general liability policy, from a sole source vendor, in the amount of \$1 million per incident and a \$5 million umbrella policy from the Selective Insurance Company in order to mitigate the risks associated with Go Safe, and be it

RESOLVED, that the STOP-DWI Office will make an annual accounting of the donations and expenses of the Go Safe Program to the Erie County Legislature, and be it

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

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

CARRIED UNANIMOUSLY.

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

FROM THE DISTRICT ATTORNEY

Item 73 – (Comm. 5E-35) Staff Adjustments.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

FROM THE COUNTY ATTORNEY

Item 74 (Comm. 5D-1) Copy of Memo to Health Department Re: Local Law No. 9 – 2000 – Body Piercing.

Received & filed.

Item 75 – (Comm. 5D-2) Notice of County Executive’s Public Hearing – Int. 2-3, as Amended.

Received, filed and printed.

January 26, 2001

VIA HAND DELIVERY

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

Re: Notice of Public Hearing  
 Resolution Int. 2-3, as amended

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above captioned Resolution, which was approved by the Erie County Legislature on January 18, 2001.

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

Very truly yours,

FREDERICK A. WOLF  
 Erie County Attorney

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

By: Susannah M. Bohenek  
 1<sup>st</sup> Assistant County Attorney

SMB/cc  
 enc I.

cc: Brian D. White. Esq. - Assistant County Attorney (w/enc.)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, Thursday, February 8, 2001, at 2:00 p.m., concerning an appropriation from the County contingency fund as follows:

EMW Braves Cheerleaders	
Public Benefit Services	\$4,000
Polish Community Center of Buffalo, Inc.	
Public Benefit Services	\$60,000
Lovejoy District Neighborhood Revitalization Services	
Public Benefit Services	\$5,000

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

On January 18, 2001, the Erie County Legislature adopted Communication 2-3, as amended. Copies of the resolution are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

FROM DEP

Item 76 – (Comm. 5D-3) Copy of Memo Re: Ownership of Glen Park.

Received and filed.

FROM ECC

Item 77 - (Comm. 5D-4) Minutes from Board of Trustees Meeting Held 12/20/00.

Item 78 – (Comm. 5D-5) Minutes from Board of Trustees Meeting Held 1/31/01.

The above two items were received and filed.

FROM DEP

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

Item 79 – (Comm. 5D-6) SEQR – Negative Declaration – Scoby Hill Road.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE

FROM ECC

Item 80 – (Comm. 5D-7) Notices of Meetings to be Held 2/21/01 & 2/28/01.

Item 81 – (Comm. 5D-8) Performance Goals 2000-01 Distributed by ECC at Community Enrichment Meeting Held 2/8/01.

The above two items were received and filed.

FROM HEALTH

Item 82 – (Comm. 5D-9) Letter to Legislator Peoples Re: Healthy Neighborhoods Project Asthma Initiative.

Received and referred to the HEALTH COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 83 – (Comm. 5D-10) Notice of County Executive's Public Hearing on Comm. 26E-5 & Int. 4-3.

Received, filed and printed.

February 8, 2001

VIA HAND DELIVERY

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

Re: Notice of Public Hearing Resolution Int. 26E-5 Resolution Int. 4-3

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above captioned Resolutions, which were approved by the Erie County Legislature on January 18, 2001 and February 1, 2001, respectively.

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

Very truly yours,

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

FREDERICK A. WOLF  
 Erie County Attorney

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

SMB/cc encl.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, Tuesday, February 20, 2001, at 10:30 a.m., concerning an appropriation from the year 2000 County contingency as follows:

Buffalo - Erie Marathon. Inc.	
Public Benefit Services	\$25,000

and an appropriation from the present year's County contingency fund as follows:

Town of Amherst Youth Board	
Public Benefit Services	\$10,000

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

On January 18, 2001 the Erie County Legislature adopted Communication 26E-5; on February 1, 2001, the Erie County Legislature adopted Communication 4-3. Copies of the resolutions are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMIBRA  
 ERIE COUNTY EXECUTIVE

FROM ECMC

Item 84 – (Comm. 5D-11) Minutes of Board of Managers Meeting Held 2/8/01.

Received and referred to the HEALTH COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 85 – (Comm. 5D-12) Notice of Board of Trustees Meeting to be Held 2/15/01.

Received and filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM NYSDEC**

Item 86 – (Comm. 5M-1) Remedial Construction Completed at Westinghouse Hazardous Waste Site.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE UB INSTITUTE FOR LOCAL GOVERNANCE & REGIONAL GROWTH**

Item 87 – (Comm. 5M-2) Interim Report: WNY REDD.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

**FROM THE CORTLAND COUNTY LEGISLATURE**

Item 88 – (Comm. 5M-3) Copy of Resolution Requesting NYS Assume 100% of Costs Resulting from Changes in Medical Assistance Program Since 1996.

Item 89 – (Comm. 5M-4) Copy of Resolution Requesting NYS Assume All Costs Related to Raising Age of PINS.

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

**FROM THE BUFFALO CONVENTION & VISITORS BUREAU**

Item 90 – (Comm. 5M-5) Marketing Plan 2001.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE ECIDA**

Item 91 – (Comm. 5M-6) Notice of Board of Directors Meeting to be Held 2/21/01.

Received and filed.

**FROM THE BUFFALO CONVENTION & VISITORS BUREAU**

Item 92 – (Comm. 5M-7) List of Board of Directors for Buffalo-Erie, Buick Marathon Inc.

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

Received and filed.

FROM THE NFTA

Item 93 – (Comm. 5M-8) Capital Expenditure Reports for Third Quarter of Year Ending 3/31/01.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 94 – (Comm. 5M-9) Minutes of Board Meeting Held 12/18/00.

Received and filed.

FROM McFARLAND – JOHNSON

Item 95 – (Comm. 5M-10) Lancaster Airport Final Environmental Assessment.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 96 – (Comm. 5M-11) Financial Report 11/00.

Received and filed.

FROM ROBERT COLES

Item 97 – (Comm. 5M-12) Buffalo News Article on Pan-Am.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM MELINDA HOLLAND

Item 98 – (Comm. 5M-13) Minutes of Meeting Held 1/9/01.

Received and filed.

FROM THE AMERICAN DENTAL ASSOCIATION

Item 99 – (Comm. 5M-14) Copy of Letter to ECC Re: Dental Hygiene.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM ERIE COUNTY MENATL HYGIENE COMMUNITY SERVICES BOARD

Item 100 – (Comm. 5M-15) Notice of Meeting to be Held 2/15/01.

**MEETING NO. 5**  
**February 15, 2001**

**ERIE COUNTY LEGISLATURE**

Received and referred to the HEALTH COMMITTEE.

**FROM THE SOUTHTOWNS WALLEYE ASSOCIATION OF WNY**

Item 101 – (Comm. 5M-16) Letter Opposing NYSDEC Decision to Lower Limit on Walleye from 5 to 4.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM JAMES TOTARO**

Item 102 – (Comm. 5M-17) Copy of Letter to Chairman Swanick Re: Accepts Appointment as Chair of EC Home Health Care Advisory Board.

Received and referred to the HEALTH COMMITTEE.

**MEMORIAL RESOLUTIONS**

Item 103 – Legislator Marinelli requested that when this legislature adjourns, it do so in memory of Marian Siegel.

Item 104 – Legislator McCarville requested that when this legislature adjourns, it do so in memory of Joseph Gotlieo.

Item 105 – Legislator Olma requested that when this legislature adjourns, it does so in memory of Stanley Sikona.

**ADJOURNMENT**

Item 106 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. PEOPLES moved that the Legislature adjourn until **2:00 p.m. Thursday, March 1, 2001**.  
 MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, March 1, 2001 at 2 p.m. Eastern Standard Time.

**LAURIE MANZELLA**  
**CLERK**