

MEETING NO. 24
November 21, 2001

ERIE COUNTY LEGISLATURE

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SPECIAL SESSION
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The Legislature was called to order by Chairman Swanick.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Ms. Peoples.

Minutes of the previous meeting were tabled.

ITEMS ON THE TABLE

Item 1 – MS. PEOPLES moved to remove the Comm. 22E-1 County Executive’s 2001 Erie County Tentative Budget from the table. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

ADD to Legislature DAC 100905100, Page 8, Book A, Line 830, Contractual Expense the amount of \$2,750,000 (New Amount \$2,750,000).

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

CARRIED UNANIMOUSLY.

ADD to Health DAC 110949270, Page 366, Book A, Line 800, Phase II School Nurses the amount of \$250,000 (New Amount \$11,342,906).

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

CARRIED UNANIMOUSLY.

DELETE from Extraordinary County Aid to Local Governments DAC 110904303, Page 193, Book A, Line 830/1299, Regionalism/Economic Development Fund the amount of \$1,000,000 (New Amount \$3,600,000).

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

CARRIED UNANIMOUSLY.

DELETE from Countywide Accounts Budget DAC 110923310, Page 194, Book A, Line 805/0100, Fringe Benefits/Employer FICA the amount of \$100,000 (New Amount \$8,452,000).

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

CARRIED UNANIMOUSLY.

DELETE from Countywide Accounts Budget DAC 110923310, Page 194, Book A, Line 805/0102, Fringe Benefits/Employee Health Insurance the amount of \$250,000 (New Amount \$11,067,284).

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

CARRIED UNANIMOUSLY.

DELETE from Countywide Accounts Budget DAC 110923310, Page 194, Book A, Line 805/0109, Fringe Benefits/Retirement the amount of \$150,000 (New Amount \$2,188,443).

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

CARRIED UNANIMOUSLY.

DELETE from Social Services DAC 120200, Page 538, Book A, Line 840, MMIS – Local Share the amount of \$1,500,000 (New Amount \$140,163,263).

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

CARRIED UNANIMOUSLY.

2002 BUDGET RESOLUTIONS

DELETE the following 2002 Budget Resolution No.13 in its entirety and REPLACE with:

13. WHEREAS, funding is included within the 2002 Erie County Budget for Rabies Clinic services, and

WHEREAS, similarly, funding is included within the 2002 Erie County budget for Household Hazardous Waste Drop-Off Days.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Health is hereby required to receive authorization from the Legislature for the scheduling of Rabies Clinics sponsored by or held in association with the County of Erie and/or the Erie County Department of Health, as such scheduling pertains to dates, times and locations of said Rabies Clinics during the year 2002, and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby required to receive authorization from the Legislature for the scheduling of Household Hazardous Waste Drop-Off Days sponsored by or held in association with the County of Erie and/or the Erie County Department of Environment and Planning, as such scheduling pertains to dates, times and locations of said Household Hazardous Waste Drop-Off Days during the year 2002, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of Health, the Commissioner of Environment and Planning, and the County Attorney.

DELETE the following 2002 Budget Resolution No.31 in its entirety and REPLACE with:

31. RESOLVED, that the County Executive is hereby authorized, to execute a contract, **subject to prior Legislative approval**, for 2002 with the State of New York Division for Youth for the operation and maintenance of a secure detention program at the Erie County Youth Services Detention Center, and be it further

RESOLVED, that the necessary funds to cover the cost of this contract have been appropriated in the 2002 Erie County Budget, and be it further

RESOLVED, that said authorization be on the condition that the State of New York provide revenues based on a reimbursement schedule of 50% for a local youth and 100% for out-of-county or out-of-state youth receiving secure detention services.

DELETE the following 2002 Budget Resolution No.32 in its entirety and REPLACE with:

32. WHEREAS, the Erie County Division of Detention, desires to provide community-based housing for non-secure youth remanded to their custody, and

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WHEREAS, the Division of Detention conducted a thorough RFP process to identify the most qualified and cost effective agencies to provide this service.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized, **subject to prior Legislative approval**, to enter into contracts and amendments to these contracts, with the following organizations to provide non-secure foster care detention services for the Erie County Department of Youth Services - Detention Division:

Berkshire Farm Center and Services for Youth
 Refuge Temple Educational and Cultural Center, Inc.
 Care Management Coalition of W.N.Y.- lead agencies: New Directions Youth & Family Services Inc.; Baker Victory Services
 Hopevale, Inc.

and be it further

RESOLVED, that the necessary funds to cover the cost of these contracts have been appropriated in the 2002 Erie County Budget, and be it further

RESOLVED, that said appropriation be on the condition that the funds are eligible to receive at least 50% reimbursement from the State of New York.

DELETE the following 2002 Budget Resolution No.61 in its entirety and REPLACE with:

61. WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432, and

WHEREAS, the 2002 Erie County Tentative Budget includes **\$6,019,434** in the Erie County Road Repair Reserve Fund, and

WHEREAS, appropriations from the Erie County Road Repair Reserve Fund may be used only for capital repairs of roads, bridges and equipment which repairs are of a type not recurring annually or at shorter intervals, pursuant to General Municipal Law section 6-d, and

WHEREAS, appropriations may be made only following public hearing, and

WHEREAS, a hearing was duly had upon such appropriation on November 14, 2001.

NOW, THEREFORE, BE IT

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RESOLVED, that sum of **\$6,019,434** is hereby appropriated from the Erie County Road Repair Reserve Fund to Interdepartment - Highway Account 883 Sub-account 2240 for capital repairs of roads, bridges and equipment which repairs are of a type not recurring annually or at shorter intervals during the year 2002.

• ***ADD the following NEW 2002 Budget Resolution:***

WHEREAS, the county of Erie owns and maintains nearly 1,200 miles of road within its borders, and

WHEREAS, the county, through its general fund, capital and road fund budgets allocates resources to repair and maintain those roads, and

WHEREAS, in consideration of the 2001 budget, the Legislature requested a specific list of road projects to be completed in 2001 from the Commissioner of Public Works and the Deputy Commissioner of Public Works - Highways on November 22, 2001, and

WHEREAS, no such list has been provided to the Legislature by the Department of Public Works, and

WHEREAS, the omission of such a list causes the Legislature to adopt an annual budget including funding for road projects that are as yet undefined, and

WHEREAS, the Legislature adopted the 2001 budget with such a list included in its budget resolutions; budget resolution 66 of 2001 authorized the Commissioner of Public Works to complete a list of road projects for the 2001 fiscal year, and required the Commissioner to receive authorization from the Legislature for any change in that road repair schedule, and

WHEREAS, in that the Department has failed to provide such information to the Legislature in advance of authorization of the 2002 budget, the Legislature would be well served to enjoin the Department of Public Works from expending funds allocated within the general fund, capital budget and road fund earmarked for bid overlay, in-house overlay or oil & chip maintenance until such time as a list of scheduled projects is provided to the Legislature for authorization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby call upon the Commissioner of Public Works to present to the Legislature, no later than January 1, 2002, an itemized and specific list of bid overlay, in-house overlay or oil & chip maintenance road repair projects scheduled for 2002, the contents of such list requiring the authorization of the Legislature for implementation in 2002, and be it further

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RESOLVED, that the Department of Public Works is hereby enjoined from expending funds allocated within the general fund, capital budget and road fund earmarked for bid overlay, in-house overlay or oil & chip maintenance until such authorization is provided, and be it further

RESOLVED, that such requirement is consistent with the requirements enacted in budget resolution 66 of 2001, and be it further

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

• ***ADD the following NEW 2002 Budget Resolution:***

RESOLVED, that the Director of Erie County Budget, Management and Finance is hereby directed to incorporate all of the above year 2002 budget resolutions and sequentially number all 2002 Adopted Budget Resolutions.

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

CHAIRMAN SWANICK directed a roll call vote to be taken.

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

CARRIED UNANIMOUSLY.

ADJOURNMENT

Item 2 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. PEOPLES moved that the Legislature adjourn until **2 p.m. Thursday, November 29, 2001**. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until **Thursday, November 29, 2001 at 2 p.m. Eastern Standard Time**.

LAURIE A. MANZELLA
CLERK