

ERIE COUNTY LEGISLATURE
MEETING NO. 12
June 26, 1997

The Legislature was called to order by the Chairman SWANICK.

The Invocation was delivered by Sister Paulette of the Immaculata Academy, Hamburg, New York.

The Pledge of Allegiance was led by Mr. DEBENEDETTI.

The Minutes of the previous meeting were TABLED.

MISCELLANEOUS RESOLUTIONS

ITEM 1 - Mr. Holt presented a resolution of congratulations to Moody Pugh, Jr. on His 30 Years of Service. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 2 - Mr. HOLT presented a resolution of congratulations to Mary Vance Boyd, Branch Manager, M&T Towne Gardens on Hosting the Buffalo Bills - Rookie Reception. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 3 - Mr. HOLT presented a resolution of congratulations Elder Matthew Brown on His Appointment as Pastor of the Pentecostal Temple by Presiding Juris. Bishop Glenwood Howard Young. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 4 - Mr. OLMA presented a resolution of congratulations to Richard Coburn, Jr. and Kenneth Wasiewicz on Being Named Eagle Scouts. Ms. PEOPLES Seconded.

CARRIED UNANIMOUSLY.

ITEM 5 - MESSRS. SWANICK & ^{CAPS} Pauly presented a resolution of Congratulations to a "Historic No-Hitter." Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 6 - Ms. MARINELLI presented a resolution of congratulations to Wendy Phelps, Helene Raichelson, Gloria Rivera & Maria Suarez for Receiving the Womanfocus 1997 Found Woman Award. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 7 - Ms. MARINELLI presented a resolution of congratulations to X Kathy Donaghue, Juli Van Woert & Kristina Young for Receiving the Womanfocus 1997 Joan E. Levine Award. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 8 - MS. MARINELLI presented a resolution of congratulations to William T. Goss on the Occasion of His Retirement. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 9 - Mr. Kuwik presented a resolution of congratulations to Stella Bajorek, who will be honored at a "Summer's Tea" for her work and dedication at the Lackawanna Public Library and Community. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS:

ITEM 10 - Chairman SWANICK directed that Local Law Intro No. 6 (Print #1) - 1997 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

COMMITTEE REPORTS

ITEM 11 - Mr. DUSZA presented the following and moved for immediate consideration. Mr. OLMA seconded.

RESOLUTION 261

JUNE 10, 1997

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

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

- | | | | | |
|----|---|---|-------|----------------|
| | Item | Page | -1997 | (Comm. 11D-14) |
| a. | COUNTY ATTORNEY: | Notice of Claims. | | |
| | (5-0) | | | |
| | Item | Page | -1997 | (Comm. 11D-21) |
| b. | DISS: | Copy of Letter to Legislator Dusza Re: Surplus Program Facility. | | |
| | (5-0) | | | |
| | Item | Page | -1997 | (Comm. 11E-8) |
| c. | COUNTY EXECUTIVE: | Position Change Report PP# 11/97. | | |
| | (5-0) | | | |
| | Item | Page | -1997 | (Comm. 11E-13) |
| d. | COUNTY EXECUTIVE: | Position Change Report PP# 12/97. | | |
| | (5-0) | | | |
| | Item | Page | -1997 | (Comm. 11M-11) |
| e. | NEW YORK STATE PUBLIC SERVICE COMMISSION: | Copy of Letter to Chairman Swanick Re: Increases in Gas Bills From National Fuel. | | |
| | (5-0) | | | |
| | Item | Page | -1997 | (Comm. 11M-29) |
| f. | ANTHONY BARNSWELL: | Letter to Legislator Peoples Re: Angelica Textiles. | | |
| | (5-0) | | | |

- | | | | | |
|----|-------------------|------|-------|---------------|
| | Item | Page | -1997 | (Comm. 6E-19) |
| 2. | COUNTY EXECUTIVE: | | | |

WHEREAS, the County and Ciminelli Construction Company, Inc. entered into an agreement on or about May 17, 1984 for the construction of the structural concrete portion additions to the County Holding Center in the amount of \$2,243,600, and

WHEREAS, change orders and quantity adjustments resulted in an adjusted contract price of \$2,727,016 of which the County has paid to Ciminelli to date a total of \$2,695,193 and, therefore, has an outstanding balance due to Ciminelli of \$31,823 plus interest, and

WHEREAS, Ciminelli Construction Company, Inc. vs. County of Erie, New York vs. Cannon Design, Inc. (Supreme Court, Erie County, Index Nos. 1668/89 and 1668/89-TP1) is a lawsuit still pending for the remainder of those funds due to Ciminelli Construction Company, Inc., and

WHEREAS, Ciminelli also seeks in this pending lawsuit the sum of \$536,363 plus interest from the County who in turn seeks contribution from Cannon Design for delays and additional work in the project, and

WHEREAS, Ciminelli is willing to settle its full claim against the County for the amount of \$131,000 in a "Partial Settlement and Liquidation Agreement" which would enable Ciminelli to seek additional funds from Cannon Design while limiting the County's exposure to no more than \$131,000 regardless of the outcome of the pending lawsuit, and

WHEREAS, the Department of Public Works and the County Attorney have determined that the settlement amount is fair and equitable and in the best interests of the County of Erie, and the County Attorney concurs in the procedure,

NOW, THEREFORE, BE IT

RESOLVED, that the settlement in the amount of \$131,000 is hereby approved and the County Attorney is authorized and directed to enter into the "Partial Settlement and Liquidation Agreement" and to execute such other documents as necessary to effectuate and finalize the settlement, and be it further

RESOLVED, that the Comptroller's Office is hereby authorized and directed to make payments for the above from the Additions to Erie County Holding Center Capital Project SFG410 in the amount of \$131,000.00, and be it further

RESOLVED, that two certified copies of this Resolution be sent to the Department of Public Works, the Department of Law, County Attorney and the County Comptroller.

(5-0)

RAYMOND K. DUSZA
Chairman

Mr. DUSZA moved the adoption. Mr. OLMA seconded.

CARRIED UNANIMOUSLY.

ITEM 12 - Mr. KUWIK presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 262

JUNE 10, 1997

PUBLIC SAFETY
COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT.

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

- | | | | |
|------|---|-------|---------------|
| Item | Page | -1996 | (Int. 10-8) |
| a. | LARSON, GREENAN, RANZENHOFER, VILLARINI & MARSHALL: Curbing Rising Juvenile Crime in Erie County and New York. | | |
| | (5-0) | | |
| Item | Page | -1996 | (Int. 13-24) |
| b. | MARSHALL, GREENAN & VILLARINI: Creation of a Substation in Ellicott Creek Park. | | |
| | (5-0) | | |
| Item | Page | -1996 | (Int. 15-14) |
| c. | LARSON, GREENAN, MARSHALL, RANZENHOFER & VILLARINI: Discussion of Remedies to Prevent Recidivism in Erie County. | | |
| | (5-0) | | |
| Item | Page | -1996 | (Int. 22-4) |
| d. | LARSON, GREENAN, MARSHALL, RANZENHOFER & VILLARINI: Call on New York State to Pay for Overcrowding of County Jails. | | |
| | (5-0) | | |
| Item | Page | -1997 | (Comm. 10M-2) |
| e. | BUFFALO POLICE COMMISSIONER: Annual Insurance Surcharge to Combat Auto Theft. | | |
| | (5-0) | | |
| Item | Page | -1997 | (Comm. 10M-9) |
| f. | KEVIN COLE: Copy of Letter to Legislator Kuwik Re: Sheriff's Office Unfilled Positions. | | |
| | (5-0) | | |

Item Page -1997 (Int. 8-14)
2. GREENAN, CHASE & MARSHALL:
WHEREAS, a soft-on-crime approach proves time and time again to
merely lead to more crimes, and

WHEREAS, yet again exceeding leniency may have led to the commission of a more serious crime, and time and again we see cases where criminals are released on bail only to commit more crimes while awaiting trial or sentencing, and

WHEREAS, in the recent tragic death of Officer Charles E. McDougald and the wounding of Officer Michael N. Martinez, the man who has been accused of those shootings, had been released on only \$15,000 in bail while awaiting sentencing as a result of committing other gun-related crimes, and

WHEREAS, the accused man had been indicted three times in less than 12 months, had pled guilty, and had been told that he was going to go to jail for up to nine years, and

WHEREAS, It is an absolute travesty that in this and other similar cases, the criminals do not begin serving their sentences immediately but instead are left to roam the streets of our community ready to strike other innocent victims, and

WHEREAS, if that cavalier approach to criminals leads to one death or injury and in this case that is exactly what may have happened, it is a matter which immediately must be addressed and resolved, and

WHEREAS, we cannot afford to take chances with the lives of innocent people in order to provide one last freedom spree for convicted criminals, and

WHEREAS, State Attorney General Dennis Vacco has proposed state legislation which would give local prosecutors the same right to appeal bail ruling as federal prosecutors, and

WHEREAS, that could potentially keep dangerous criminals behind bars and prevent more crimes,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body supports the Attorney General's proposal, and be it further

RESOLVED, that the Legislature is outraged that convicted criminals are given carte blanche freedoms at the expense of innocent citizens and members of our law enforcement community, and be it further

RESOLVED, that this Honorable Body hereby calls upon the State Legislature to seek passage of legislation which would ensure that criminals begin to serve their time immediately upon conviction with no lag time while awaiting sentencing, and be it further

RESOLVED, that certified copies of this resolution shall be sent to State Attorney General Dennis Vacco, State Senate Majority Leader Joseph L. Bruno, State Assembly Speaker Sheldon Silver, and the local delegation to the State Senate and Assembly.

Fiscal Impact: None for this resolution.
(5-0)

Item Page -1997 (Comm. 11E-10)
3. SHERIFF:
WHEREAS, there were two (2) positions essential to providing public services, and

WHEREAS, it is necessary to recruit in step four (4) for these positions in order to secure and retain qualified and experienced candidates, and

WHEREAS, funds are available in the 1997 Adopted Budget to cover the cost of the variable minimums.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes variable minimums for the following positions, effective upon their commencement of County service. A list of the position titles as follows:

<u>Department</u>	<u>Title</u>	<u>J.G. & Step</u>
Sheriff's	Chief of Investigative Services	14-4
Sheriff's	Administrative Coordinator	14-4

And be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Sheriff's Office, and the Department of Personnel.

(5-0)

Item Page -1997 (Comm. 11E-34)
4. COUNTY EXECUTIVE:

RESOLVED, that authorization is hereby provide to adjust the current Juvenile Intensive Supervision Program budget so as to comply with the final New York State authorized amounts as follows:

JUVENILE INTENSIVE SUPERVISION PROGRAM
7/1/96 - 6/30/97
Project 550

Appropriations	Original Budget	Adjustmen ts	Adjusted Budget
800 Personal Services	\$184,346	17,982	\$202,328
801 Overtime	5,000		5,000
805 Fringe Benefits	42,549	1,229	43,778
810 Office Supplies	300	40	340
821 Dues & Fees	4,000	1,000	5,000
822 Rental Charges	17,764	(3,764)	14,000
823 Repairs & Maintenance	2,075	(2,075)	- 0 -
824 Travel & Mileage	3,500	3,000	6,500
826 Other Expenses	200	944	1,144
880 Interfund	12,995	(10,485)	2,510
890 Contract. Sal. Res.	<u>7,871</u>	<u>(7,871)</u>	<u>- 0 -</u>
TOTAL	\$280,600	- 0 -	\$280,600

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Probation Department and the Division of Budget, Management and Finance.

(5-0)

Item Page -1997 (Comm. 11E-36)
5. COUNTY EXECUTIVE:

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract with the New York State Division of Criminal Justice Services in order to accept grant funding in the amount of \$36,996 to purchase goods or enhanced services for PINS youth and their families as per an individualized case plan, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized to establish a petty cash fund for the Erie County Probation Department in the PINS Service Grant, in the amount of \$400, for expenditures for this grant program, and be it further

RESOLVED, that said wraparound funding shall be used to purchase items that are designed to provide for the specific and immediate needs of PINS youth and their families, and that the Probation Department shall make every attempt to purchase items at the lowest price and to adhere to the strict State guidelines established for these funds, and be it further

RESOLVED, the Erie County Legislature by a two thirds vote , does hereby exempt the Probation Department from the use of normal purchasing bidding procedures, as outlined in Article 3, of the Administrative Code, for it is deemed impractical to utilize normal bidding procedures to achieve the intent of this grant, and be it further

RESOLVED, that funding for the PINS Wraparound Service Dollars Grant shall be established in the grant fund as follows:

Grant Fund
Erie County Probation Department
PINS Service Grant
June 1, 1997 - May 31, 1998

Revenue Increase

627	State Aid	\$36,996
686-2600	Interfund Revenue	\$12,332
	Total Revenues	<u>\$49,328</u>

Appropriations

824	Travel	\$10,000
826	Other Expenses	19,164
830	Contracts	<u>19,164</u>
	Total Appropriations	<u>\$49,328</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Probation Department and the Division of Budget, Management and Finance.

(5-0)

Item Page -1997 (Comm. 11E-37)
6. COUNTY EXECUTIVE:

WHEREAS, funds for a BE-SAFE Grant are available from the U.S. Department of Justice in the amount of \$174,023 for an 18 month period.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the U.S. Department of Justice for the purpose of accepting funding for a BE-SAFE Grant in the Erie County District Attorney's Office, and be it further

RESOLVED, that authorization is hereby provided to create the position of Confidential Criminal Investigator, Job Group 10, and a Sr. Caseworker-Domestic Violence, Job Group 9, in the District Attorney's BE-SAFE Grant, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized in order to establish the District Attorney's BE-SAFE Grant for the remainder of 1997 as follows:

GRANT FUND
District Attorney - BE-SAFE Grant
3/1/97 - 12/31/97
Project #646

<u>REVENUE</u>	<u>INCREASE</u>
Account 684 - Federal Revenue	<u>\$109,896</u>
Total Revenue	<u>\$109,896</u>

June 26, 1997

ERIE COUNTY LEGISLATUREAPPROPRIATION

Account 800 - Personnel	\$ 52,029
Account 805 - Fringe Benefits	13,372
Account 810 - Supplies	750
Account 821 - Dues & Fees	3,292
Account 822 - Rental Charges	80
Account 824 - Local Mileage	2,583
Account 825 - Out of Town Travel	10,317
Account 826 - Other	1,634
Account 880 - Interfund - DA	3,885
Account 881 - Interdepartmental - DISS	2,533
Account 932 - Furniture & Fixtures	2,970
Account 933 - Technical Equipment	<u>16,451</u>

Total Appropriations	<u>\$109,896</u>
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and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Erie County District Attorney, the County Executive and the Director of Budget, Management.

(5-0)

AS AMENDED

Item	Page	-1997	(Int. 11-1)
7. DEBENEDETTI, KUWIK, COHEN KENNEDY, LARSON, GREENAN, MARINELLI & FISHER:			

WHEREAS, the Legislature set aside funds in the 1996 Erie County Budget for use by governmental agencies in an effort to fight criminal activity and to promote public safety, 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, under an agreement with the City of Buffalo, the county is responsible for the maintenance of the non-park designated areas of the Riverwalk, and

WHEREAS, with the beginning of summer months and the resulting increase in outside recreational activity, there has been identified the need for a law-enforcement presence along the Riverwalk, from the foot of Porter Avenue to Isle View Park, a distance approximately seven miles, and

WHEREAS, traditionally, the mounted reserve unit of the Erie County Sheriff's Office provides patrols at county parks and other areas for the purposes of crowd control and other police related services, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$10,000 from the 1997 legislative contingency (Fund 02, Department 01, Object 027, Contingencies) to the budget to the budget of the Erie County Sheriff's Office (Fund 02, Department 42.01, Object 010 - Personal Services) for the purposes of employing mounted Sheriff's patrol along the the Buffalo portion of the Riverwalk, from the foot of Porter Avenue to Isle View Park, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Sheriff Thomas Higgins, Budget Director Kenneth Kruly, and to First Assistant County Attorney Alan Gerstman.

Fiscal Impact: Appropriation of 1997 budgeted funds.
(5-0)

EDWARD J. KUWIK
Chairman

Mr. KUWIK requested that Resolves Nos. 2 and 5 be separated.

GRANTED.

Mr. KUWIK moved the adoption of the balance of the report. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Mr. KUWIK offered the following amendment to Resolve No. 2:

ADD the following to the fourth RESOLVE clause:

Silver, ...Buffalo Police Commissioner R. Gil Kerlikowske, the estate of Buffalo Police Officer Charles McDougald, Buffalo Police Officer Michael Martinez, ...

Mr. KUWIK moved the adoption of the amendment. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Mr. KUWIK moved the adoption of the Resolve No. 2 as amended.
Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Mr. KUWIK moved the adoption of Resolve No. 5. Ms. PEOPLES seconded.

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Chase, Greenan, Larson, Marshall, Pauly, Ranzenhofer, DeBenedetti, Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Olma, Peoples, Swanick - 17. Noes - 0.

CARRIED UNANIMOUSLY.

ITEM 13 - Ms. COHEN KENNEDY presented the following and moved for immediate consideration. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 263

JUNE 10, 1997

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

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

- | | Item | Page | -1997 | (Comm. 8M-7) |
|----|---|-------|-------|--------------|
| a. | GENE GRABINER: Copy of Letter to Legislator Fisher Re: Cessation of Two-Year College Training Programs and DSS Cutoffs of ECC Students from ADC. | | | |
| | | (5-0) | | |
| b. | ECC: Notice of Board of Trustees Meetings Held 5/21/97 & 5/28/97. | | | |
| | | (5-0) | | |
| c. | BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Notice of Meeting Held 5/15/97. | | | |
| | | (5-0) | | |

- | | Item | Page | -1997 | (Comm. 11D-7) |
|----|-----------------|--|-------|----------------|
| d. | ECC: | Notice of Board of Trustees Meeting Held 5/28/97. | | |
| | | (5-0) | | |
| | Item | Page | -1997 | (Comm. 11D-11) |
| e. | ECC: | Minutes from Board of Trustees Meeting Held 5/97. | | |
| | | (5-0) | | |
| | Item | Page | -1997 | (Comm. 11D-13) |
| f. | ECC: | Minutes of Board of Trustees Meeting Held 4/30/97. | | |
| | | (5-0) | | |
| | Item | Page | -1997 | (Comm. 11M-6) |
| g. | TOWN OF BRANT: | Certified Resolution Re: ECC South Campus. | | |
| | | (5-0) | | |
| | Item | Page | -1997 | (Comm. 11M-13) |
| h. | TOWN OF COLDEN: | Certified Resolution Re: ECC South Campus. | | |
| | | (5-0) | | |

AS AMENDED

- | | Item | Page | -1997 | (Int. 10-8) |
|----|--|------|-------|-------------|
| 2. | FISHER, DEBENEDETTI, PAULY, PEOPLES, KUWIK, MARINELLI & COHEN KENNEDY: | | | |

WHEREAS, A large number of current welfare recipients have special needs or disabilities, or face specific obstacles to employment, which need to be addressed through vocational and rehabilitation services, and

WHEREAS, Five year lifetime limits for federal welfare eligibility make job retention a critical issue for those who have approached the aforementioned limit, and

WHEREAS, Education and vocational training and rehabilitation have a long term positive effect on the ability of those on welfare to find and maintain employment, and

WHEREAS, Employers likewise derive greater benefit from an educated workforce in facing the ever changing marketplace, and

WHEREAS, Without sufficient education and vocational preparation individuals on welfare are more likely to remain on welfare, face underemployment, or only achieve employment for limited amounts of time, and

WHEREAS, Individuals in post-secondary education and training may require longer than the allotted 12 month time period for necessary pre- and post-program supported services currently provided, and

Remove
Add

WHEREAS, Child care is also essential for welfare recipients to participate in education, training and vocational programs, and the workforce, and

WHEREAS, Education and vocational programs must play a key role in breaking the intergenerational cycle of poverty by moving individuals from welfare to the workforce, and

WHEREAS, The economic impact of losing the as many as 1,000 students on public assistance who would attend Erie Community College in 1997-98 would be approximately \$3 million,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its commitment to a strong economy and enlightened community through education and vocational training, and be it further

RESOLVED, That this Honorable Body does therefore memorialize the New York State Legislature and New York State Governor George Pataki to allocate to counties block grant monies to allow students on public assistance to receive benefits while enrolled in targeted vocational programs, and be it further

RESOLVED, That certified copies of this resolution be forwarded to New York State Governor George Pataki, the entire Western New York delegation of the New York State Legislature, and Erie Community College President Louis Ricci.

Fiscal Impact: Positive under proposed allocation of block grant monies.
(5-0)

RANDI COHEN KENNEDY
Chairperson

Ms. COHEN KENNEDY moved the adoption. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

ITEM 14 - Ms. PEOPLES presented the following and moved for immediate consideration. Mrs. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 264

JUNE 12, 1997

FINANCE AND MANAGEMENT
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

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

- | | | | |
|------|--|-------|----------------|
| Item | Page | -1996 | (Comm. 29E-6) |
| a. | COMPTROLLER: Audit - Social Services for Period 1/1/95-3/31/96.
(5-0) | | |
| Item | Page | -1997 | (Comm. 2D-7) |
| b. | BUDGET, MANAGEMENT & FINANCE: Budget Monitoring Report for the
Period Ending 11/30/96.
(5-0) | | |
| Item | Page | -1997 | (Comm. 5M-7) |
| c. | LEGAL AID BUREAU: Unaudited Financial Statement for 10 Month
Period Ending 10/31/96 & 1995 Financial Statement.
(5-0) | | |
| Item | Page | -1997 | (Comm. 7E-3) |
| d. | COMPTROLLER: Audit of Geneva B. Scruggs Contract Compliance with
Social Services for 1/1/95-6/30/96.
(5-0) | | |
| Item | Page | -1997 | (Comm. 7M-3) |
| e. | TIOGA COUNTY LEGISLATURE: Certified Resolution Re: Requesting New
York State Legislature to Repeal Gross Receipts Tax.
(5-0) | | |
| Item | Page | -1997 | (Comm. 10D-18) |
| f. | SOCIAL SERVICES: Response to Comptroller Audit for Geneva B.
Scruggs Community Health Care Center.
(5-0) | | |
| Item | Page | -1997 | (Comm. 11M-2) |
| g. | GENEVA B. SCRUGGS HEALTH CARE CENTER: Response to Audit Re:
Contract Compliance with Erie County Department of Social Services for
Period 1/1/95-6/30/96.
(5-0) | | |

OPEN ITEM
(Comm. 1D-19A)

2. **BUDGET, MANAGEMENT & FINANCE:**
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and/or refunds for taxes previous 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 listing below), now, therefore be it,

RESOLVED, that petitions numbered 204 through 220 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. 204/1996 - ASSESSOR - Refund - \$680.88
SBL No. 55.08-8-12 TOWN OF AMHERST
Acct. No. 112 - 422.14
Acct. No. 132 - 258.74

Charge to: TOWN OF AMHERST 258.74
REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION WAS REMOVED IN ERROR. THE AMOUNT OF THE EXEMPTION WAS 43,460. RPTL 550(2)C, CHECK IN FAVOR OF: IRENE WALSH.

Petition No. 205/1997 - ASSESSOR - Refund - \$695.67
SBL No. 55.08-8-12 TOWN OF AMHERST
Acct. No. 112 - 437.07
Acct. No. 132 - 258.60

Charge to: TOWN OF AMHERST 258.60
REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION REMOVED IN ERROR. THE AMOUNT OF THE EXEMPTION WAS 43,430. RPTL 550(2)C, CHECK IN FAVOR OF: IRENE WALSH.

Petition No. 206/1997 - ASSESSOR - Refund - \$77.64
SBL No. 80.05-4-35.118 - TOWN OF AMHERST
Acct. No. 112 - 48.79
Acct. No. 132 - 28.85

Charge to: TOWN OF AMHERST 28.85
REFUND - CLERICAL ERROR, THE VETERAN'S EXEMPTION WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE AMOUNT ENTERED WAS 4,850 IT SHOULD BE 9,700. RPTL 550(2)B, CHECK IN FAVOR OF: LAWRENCE & MARY JANE KIBLER.

Petition No. 207/1997 - ASSESSOR - Cancel - \$43.49
SBL No. 220.09-3-19.1 - TOWN OF EVANS
Acct. No. 112 - 8.24
Acct. No. 132 - 35.25

Charge to: TOWN OF EVANS 10.13
LAKE SHORE CENTRAL 21.33
ANGOLA-EVANS FIRE DISTRICT 2.71
ERIE CO SEW DST 2 1.08
CANCEL - CLERICAL ERROR, PARCEL IS A DUPLICATE PARCEL. IT IS INCLUDED IN SBL 220.09-3-13.2. RPTL 550(2)F.

PETITION NUMBER 3265 CONTINUED

Petition No. ~~3265~~ ²⁰⁸ / 1997 - ASSESSOR - Refund - \$774.38

SBL No. 250.17-5-33 - TOWN OF EVANS

Acct. No. 112 - \$ 367.51

Acct. No. 132 - \$ 406.87

Charge to : TOWN OF EVANS 406.87

REFUND- CLERICAL ERROR, THE VETERAN'S EXEMPTION THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL IN THE AMOUNT OF 44,610. RPTL 550(2)C.

CHECK IN FAVOR OF: NAN KOKENY

Petition No. ~~3267~~ ²⁰⁹ 9495 - ASSESSOR - Refund - \$157.02

SBL No. 170.76-1-9.1 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 157.02

Charge to : FRONTIER CENTRAL 157.02

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 59,900 IT SHOULD BE 49,900. RPTL 550(2)A.

CHECK IN FAVOR OF : BLANCHE RICE

Petition No. ~~3268~~ ²¹⁰ / 1995 - ASSESSOR - Refund - \$167.51

SBL No. 170.76-1-9.1 - TOWN OF HAMBURG

Acct. No. 112 - \$ 69.90

Acct. No. 132 - \$ 97.61

Charge to : TOWN OF HAMBURG 76.08
FIRE D#3 SCRATON 21.53

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 59,900 IT SHOULD BE 49,900. RPTL 550(2)A.

CHECK IN FAVOR OF: BLANCHE RICE

Petition No. ~~3269~~ ²¹¹ / 9596 - ASSESSOR - Refund - \$129.68

SBL No. 170.76-1-9.1 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 129.68

Charge to : FRONTIER CENTRAL 129.68

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 47,920 IT SHOULD BE 39,920. RPTL 550(2)A.

CHECK IN FAVOR OF: BLANCHE RICE

212
Petition No. ~~3270~~ / 1996 - ASSESSOR - Refund - \$139.19

SBL No. 170.76-1-9.1 - TOWN OF HAMBURG

Acct. No. 112 - \$ 51.95

Acct. No. 132 - \$ 87.24

Charge to : TOWN OF HAMBURG 65.44
FIRE D#3 SCRATON 21.80

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY
ON THE TAX ROLL. ASSESSMENT WAS 59,900 IT SHOULD BE 49,900.
RPTL 550(2)A.

CHECK IN FAVOR OF : BLANCHE RICE

213
Petition No. ~~3271~~ / 9697 - ASSESSOR - Refund - \$134.34

SBL No. 170.76-1-9.1 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 134.34

Charge to : FRONTIER CENTRAL 134.34

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON
THE TAX ROLL. ASSESSMENT WAS 59,900 IT SHOULD BE 49,900. RPTL 550(2)A.
CHECK IN FAVOR OF: BLANCHE RICE

214
Petition No. ~~3272~~ / 1997 - ASSESSOR - Refund - \$143.16

SBL No. 170.76-1-9.1 - TOWN OF HAMBURG

Acct. No. 112 - \$ 41.43

Acct. No. 132 - \$ 101.73

Charge to : TOWN OF HAMBURG 80.07
FIRE D#3 SCRATON 21.66

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE
TAX ROLL. ASSESSMENT WAS 59,900 IT SHOULD BE 49,900. RPTL 550(2)A.
CHECK IN FAVOR OF: BLANCHE RICE

215
Petition No. ~~3273~~ / 1997 - ASSESSOR - Cancel - \$98.58

SBL No. 279.19-1-11.1 - TOWN OF SARDINIA

Acct. No. 112 - \$ 54.70

Acct. No. 132 - \$ 43.88

Charge to : TOWN OF SARDINIA 43.88

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION THAT WAS PLACED ON THE
TAX ROLL WAS MISCALCULATED. THE CORRECT AMOUNT IS 29,008. RPTL 550(2)B

Petition No. 216/1997 - ASSESSOR - Cancel - \$758.89
SBL No. 337.00-1-30 - TOWN OF SARDINIA
Acct. No. 112 - 508.97
Acct. No. 132 - 249.92

Charge to: TOWN OF SARDINIA 181.79
SARDINIA FIRE PROTECT 68.13

CANCEL - CLERICAL ERROR, THIS PARCEL IS DUPLICATE PARCEL. IT IS NOW INCLUDED IN SBL 337.00-1-30.1 AND SBL 337.00-1-30.2. RPTL 550(2)E

Petition No. 217/1997 - ASSESSOR - Refund - \$973.72
SBL No. 34.74-1-11.1 - TOWN OF WEST SENECA
Acct. No. 112 - 0.00
Acct. No. 132 - 973.72

Charge to: TOWN OF WEST SENECA 973.72

REFUND - CLERICAL ERROR, PARCEL WAS INCORRECTLY CHARGED ON THE GALLONAGE FIGURE TO DETERMINE THE SEWER TAX. THE FIGURE USED WAS 966,000 IT SHOULD BE 96,000. RPTL 550(2)E. CHECK IN FAVOR OF: GERALD MATTER JR.

RESOLVED, that the following petitions be denied based upon the Director of Real Property Tax Services recommendation,

Petition No. 218 - Rice, Blanche - S.B.L. 170.16-1-9.1 - 1994
Town of Hamburg

The assessed value on this property was reduced from 59,900 it should be 49,900. This is a clerical error and the application for refund must be made within three years of the tax warrant. Filing period expired on January 15, 1997.
(138.52 1994 County Tax Refund) RPTL 556

Petition No. 219 - Rice, Blance - S.B.L. 170.16-1-9.1 - 1993/1994
Town of Hamburg

The assessed value on this property was reduced from 59,900 it should be 49,900. This is a clerical error and the application for refund must be made within three years of the tax warrant. Filing period expired on September 15, 1996.
(\$151.71 1993/1994 School Tax Refund) RPTL 556

Petition No. 220 - Eppolit, Joseph & Wife-S.B.L.269.19-3-19-1997
Town of North Collins

This is a two family home. Erie County Sewer feels that this double charge is warranted. There is no basis to reduce this charge. RPTL 554
(5-0)

Item Page -1997 OPEN ITEM
(Comm. 1D-19B)

3. BUDGET, MANAGEMENT & FINANCE:
RESOLVED, that for County purposes of construction and reconstruction of roads, the County Executive is hereby authorized and directed to acquire the following interest in the parcels of land herein described for and in consideration of sums described herein, as listed on below, 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.

SWEET HOME ROAD CR 301
AMHERST, NEW YORK

PARCEL	OWNER(S)	AREA	FEE	DAMAGES
01	Patricia M. Leonard and Arlene Feddo	0.020 acres	\$1,750.00	\$5,500.00
02	Vernon C. and Shirley A. Stanton	0.012 acres	\$1,050.00	\$6,950.00
03	Marine Midland Bank	0.078 acres	\$8,495.00	

WHITEHAVEN ROAD CR 75
GRAND ISLAND, NEW YORK

PARCEL	OWNER(S)	AREA	FEE	DAMAGES
160	William C. and Deeann Tompkins	0.078	\$ 374.00	

WINSPEAR ROAD CR 328
ELMA, NEW YORK

PARCEL	OWNER(S)	AREA	FEE	DAMAGES
01	John S. and Anne M. Spisiak	0.071 acres	\$ 773.00	
02	Thomas R. and Mary Jo Fisher (5-0)	0.229 acres	\$2500.00	\$1,900.00

CRYSTAL DAVIS PEOPLES
Chairperson

Ms. PEOPLES moved the adoption. Mr. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

ITEM 15 - Mr. FITZPATRICK presented the following and moved for immediate consideration. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 265

JUNE 12, 1997

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

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

- | | Item | Page | -1997 | (Comm. 11D-10) |
|----|-----------------|--|-------|----------------|
| a. | DPW: | Agreement with NYSDOT Preliminary Engineering Wehrle Drive (CR 290), Town of Amherst. | | |
| | | (5-0) | | |
| | Item | Page | -1997 | (Comm. 11M-4) |
| b. | NFTA: | Paratransit Policy. | | |
| | | (5-0) | | |
| | Item | Page | -1997 | (Comm. 11M-9) |
| c. | M&T BANK: | Letter to Chairman Swanick Re: Study of Economic Activity in Upstate Metropolitan Areas. | | |
| | | (5-0) | | |
| | Item | Page | -1997 | (Comm. 11M-12) |
| d. | TOWN OF COLDEN: | Certified Resolution Re: Renaming of Heath Road Bridge. | | |
| | | (5-0) | | |
| | Item | Page | -1997 | (Comm. 11M-18) |
| e. | NFTA: | Copy of Minutes from Board Meeting Held 4/21/97. | | |
| | | (5-0) | | |
| | Item | Page | -1997 | (Comm. 11M-21) |
| f. | ECIDA: | Notice of Annual Meeting to be Held 6/11/97. | | |
| | | (5-0) | | |

Item Page -1997 (Comm. 11D-16)

2. DPW:

WHEREAS, the New York State Thruway Authority proposes to rehabilitate the structure which carries Crittenden Murray Corners Road (CR 246) over the New York State Thruway at Milepost 405.45 in Contract TAN 97-56B, and

WHEREAS, Section 359, Subdivision 4, of the Thruway Act provides that the Municipality shall maintain and repair its municipal highways carried over the Thruway by Authority structures, and

WHEREAS, the parties hereto desire to come to a definite understanding regarding the statutory responsibilities of Authority and Municipality, respectively, for specific contract items on maintenance and repair, and the manner in which the bridge rehabilitation will be performed, and

WHEREAS, the Authority will close Crittenden Murray Corners Road and utilize North Millgrove Road (CR 268) as part of the proposed construction detour which is scheduled to occur from approximately August 1997 to November 1997, and

WHEREAS, the Authority has agreed to be responsible for 100% of the cost of the rehabilitation contract.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to enter into an agreement with the New York State Thruway Authority to continue to maintain and repair those items of the Crittenden Murray Corners Road Bridge as required under the provisions of Section 359, Subdivision 4 of the Thruway Act, and be it further

RESOLVED, that the rehabilitation of the Crittenden Murray Corners Road Bridge over the New York State Thruway shall be performed at no cost to the County of Erie, and be it further

RESOLVED, that the Authority is authorized to close Crittenden Murray Corners Road and utilize North Millgrove as part of the construction detour for this project, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways.

(5-0)

Item Page -1997 (Comm. 11D-17)
3. DPW:

WHEREAS, the Erie County Legislature approved a contract for the reconstruction of several culverts at various locations, Project Number CULVERTS - 96, between Frontier Asphalt, Incorporated of Depew, New York and the County of Erie in Meeting Number 18, held on July 25, 1996, Communication Number 15D-18, and

WHEREAS, said Company is reconstructing a culvert on the Springville Boston Road, and

WHEREAS, there is a second culvert in close proximity to the first, that also must be replaced, and

WHEREAS, it would benefit the County by scheduling both culverts so that the road would be closed a minimum of time, and

WHEREAS the Frontier Asphalt, Inc. is already in the vicinity and therefore would require less dollars for mobilization and maintenance of traffic, further benefiting the County, and

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

WHEREAS, the water course is protected by Department of Environmental Conservation requirements which further prohibits intrusion into said stream from June 1 to September 1 and the required work needs to be expedited to make these restrictions.

NOW, THEREFORE, BE IT

RESOLVED, that the contingency amount be increased by an additional amount of \$118,649.00 to be allocated from Bond Funds SFG 420638223 and SFG 420625223 for a change order to the construction contract with Frontier Asphalt, Incorporated of Depew, New York; 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."

(5-0)

Item Page -1997 (Comm. 11D-18)
4. DPW:

WHEREAS, the Department of Public Works received bids on May 20, 1997, for the Buffalo Convention Center - 1997 Renovations & Improvements, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contracts for the Buffalo Convention Center - 1997 Renovations & Improvements:

GENERAL CONSTRUCTION WORK

Picone Construction Corp.	
Base Bid	\$ 57,485.00
Alternate Bid No. 1	\$ 27,000.00
Alternate Bid No. 2	<u>\$ 31,500.00</u>
Total	\$115,985.00

PLUMBING WORK

MKS Plumbing	
Base Bid	\$ 36,910.00
Alternate Bid No. 1	<u>\$ 19,051.00</u>
Total	\$ 55,961.00

Total for all contracts:	\$171,946.00
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and be it further,

RESOLVED, that the sum of \$20,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the Buffalo Convention Center 1997 Renovations & Improvements Bond Account, SFG No. 807, Fund 410, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner.

(5-0)

Item Page -1997 (Comm. 11D-19)
5. DPW:

WHEREAS, the Commissioner of Public Works desires to engage the services of Environmental Service Consultants in order to implement asbestos abatement and control programs in various County facilities, and

WHEREAS, the Department of Public Works solicited proposals from several local environmental consulting firms, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with each of the following firms to provide Environmental Consulting Services at various County facilities:

Empire Soils Investigations, Inc., Division of Maxim Technologies, Inc.,
S-5167 South Park Avenue, Hamburg NY 14075

Chopra-Lee, Inc., 1741 Baseline Road, Grand Island NY 14072

Edward O. Watts, P.E., P.C., 3826 Main Street, Buffalo NY 14226

TES Environmental Corp., 1868 Niagara Falls Boulevard, Suite 305,
Tonawanda NY 14150

and be it further,

RESOLVED, that the sum of \$90,000 be allocated for said Environmental Consulting Service fees to be paid to the selected consultants on a project-by-project basis with the amount of each project fee being determined by the Commissioner of Public Works, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from Asbestos Abatement, DPW County-wide, 1995 Bond Account, SFG No. 712, in the total amount of \$90,000, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner.

(5-0)

Item Page -1997 (Comm. 11D-20)
6. DPW:

WHEREAS, the Department of Public Works received bids on May 1, 1997, for the Buffalo & Erie County Central Library Building, Mechanical Systems Rehabilitation, Phase III, Direct Digital Control, and

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into contracts for Buffalo & Erie County Central Library Building, Mechanical Systems Rehabilitation, Phase III, Direct Digital Control as follows:

HVAC WORK

Building Controls & Services, Inc.

Base Bid	\$256,789.00	} →
Alt. TC-5	<u>\$ 11,620.00</u>	
	\$268,409.00	

ELECTRICAL WORK

Ferguson Electric Const. Co. Inc.

Base Bid	<u>\$ 34,200.00</u>
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Total for all contracts:	\$302,609.00
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and be it further,

RESOLVED, that the sum of \$30,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from Central Library Mechanical Rehabilitation, 1995 and 1996 Capital Budgets, SFG Nos. 711 and 766, fund 410, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner.

(5-0)

AS AMENDED
(Comm. 11D-22)

Item Page -1997
7. DPW:

WHEREAS, the Department of Public Works received bids on May 16, 1997 for the Asbestos Abatement & Reinsulation, Phase 1, Court Facilities & Miscellaneous County Facilities project, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into the following contracts for the Asbestos Abatement & Reinsulation, Phase I, Court Facilities & Miscellaneous County Facilities project:

ASBESTOS ABATEMENT WORK

AAC Contracting, Inc.	
Base Bid	\$36,477.00
Alternate Bid No. 1	\$13,288.00
Alternate Bid No. 2	\$ 6,457.00
Alternate Bid No. 3	<u>\$ 9,333.00</u>
Total Bid:	\$65,555.00

REINSULATION WORK

AAC Contracting, Inc.	
Base Bid	\$14,497.00
Alternate Bid No. 1	\$ 6,733.00
Alternate Bid No. 2	\$ 2,727.00
Total Bid:	<u>\$23,957.00</u>

Total for all contracts: \$89,512.00

and be it further

RESOLVED, that the sum of \$9,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the '91 and '95 Asbestos Abatement Bond Accounts, SFG Nos. 594 & 712, Fund 410, and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner.
(5-0)

AS AMENDED
(Comm. 11D-23)

Item Page -1997
8. DPW:
WHEREAS, the Department of Public Works received bids on May 5, 1997 for the Buffalo & Erie County Library, Asbestos Abatement - Phase IV, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into the following contracts for the Buffalo & Erie County Library, Asbestos abatement - Phase IV:

ASBESTOS ABATEMENT WORK

Modern Environmental Services	
Base Bid	\$99,918.00
Alternate Bid No. 1	\$ -0-
Total Bid:	\$ 99,918.00

ELECTRICAL WORK

Warrens Electric - Base Bid	\$14,006.00
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GENERAL CONSTRUCTION WORK

Miller Enterprises, Inc.-Base Bid	\$25,700.00
Total for all contracts:	\$139,624.00

and be it further

RESOLVED, that the sum of \$14,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the '91 and '95 Asbestos Abatement Bond Accounts, SFG Nos. 594 & 712, Fund 410, and be it further

RESOLVED, that the amount of \$7,000.00 be allocated to cover the maximum amount of a bonus/penalty payment to the contractors permitted by the contracts, and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner.
(5-0)

MICHAEL A. FITZPATRICK
Chairman

Mr. FITZPATRICK moved the adoption. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

ITEM 16 - Mr. HOLT presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 266

JUNE 12, 1997

SOCIAL SERVICES
COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

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

Item Page -1997 (Comm. 1M-4)
a. CHILD & FAMILY SERVICES: Town of Amherst Budget Cut in First Offender Diversion Program.
(4-0) Legislator Olma absent.

Item Page -1997 (Comm. 11M-20)
b. CHILD & FAMILY SERVICES: Copy of Letter Re: Requesting State to Increase Funding for the Children and Family Services Block Grant.
(4-0) Legislator Olma absent.

Item Page -1997 (Comm. 11E-27)
2. COUNTY EXECUTIVE:

WHEREAS, the New York State Office for the Aging has made available \$12,600 of Supplemental Title VII funds for the expansion and enhancement of existing Long Term Care Ombudsman Programs for the period January 1, 1997 to December 31, 1997, and

WHEREAS, the Department of Senior Services intends to apply for this funding and subcontract with the American Red Cross and the Town of Amherst to expand their ombudsman services to senior citizens in adult homes and nursing facilities, and

WHEREAS, it is necessary to revise the 1997 Erie County Budget in order to reflect the changes in the Elder Abuse Prevention Ombudsman grant, and

WHEREAS, no additional County funds are required,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept \$12,600 of Supplemental Title VII funding from the New York State Office for the Aging for the period January 1, 1997 to December 31, 1997, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into subcontract with the American Red Cross in the amount of \$9,100 and the Town of Amherst in the amount of \$3,500 or the period January 1, 1997 to December 31, 1997, and be it further

RESOLVED, that the 1997 Erie County Budget for the Elder Abuse Prevention Ombudsman grant, Project 705, be revised as follows:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Changes</u>	<u>Revised Budget</u>
REVENUES				
644	Federal Aid	\$10,636	<u>\$+12,600</u>	\$23,236
	Total Change		<u>\$ 12,600</u>	
APPROPRIATIONS				
830-418	American Red Cross	\$ 9,136	\$+ 9,100	\$18,236
830-302	Town of Amherst	\$ 1,500	<u>+ 3,500</u>	5,000
	Total Change		<u>\$ 12,600</u>	

and be it further

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

(4-0) Legislator Olma absent.

June 26, 1997

ERIE COUNTY LEGISLATURE

Item Page -1997 (Comm. 11E-30)

3. **COUNTY EXECUTIVE:**

WHEREAS, the New York State Division for Youth has \$19,361 in additional state aid eligibility that requires no county matching funds, and

WHEREAS, the Steering Committee for Comprehensive Youth Service Planning, Municipal Youth Bureau Directors, and the Erie County Youth Board have reviewed and recommended funding for the following agencies:

- Town of Amherst - First Offender Diversion Program-\$11,180
- Town of Tonawanda - PINS Intervention Program-\$4,181
- Town of Cheektowaga - Suburban Wellness Coalition-\$4,000

NOW, THEREFORE, BE IT

RESOLVED, that \$19,361 is hereby appropriated to Account 830, sub-account 0563 Contractual Services in the Department of Youth Services-Youth Division's 1997 regular operating budget, to cover the cost of contracting with the above listed agencies, and be it further

RESOLVED, that the source of funds is \$19,361 in state aid from the New York State Division for Youth, to increase Account 620, sub-account 0101 State Aid for YDDP Reimbursement, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into and execute any applications, contracts included therein, and amendments with the State of New York and the above listed municipalities and agencies, and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impracticable to follow the standard RFP procedure, and hereby waives the procedures outlined in section 19.08 of the Erie County Administrative Code, since these special services must be provided immediately and have been approved by the Steering Committee, Municipal Youth Bureau Directors, and the Erie County Youth Board, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget and Management and the Department of Youth Services.

(4-0) Legislator Olma absent.

Item Page -1997 (Comm. 11E-31)

4. **COUNTY EXECUTIVE:**

WHEREAS, the Department of Youth Services has \$6,000 of unallocated funding in Grant Fund 280, Project 675, Account 830-Contractual Services, in the Department of Youth Services-Youth Division's 1997 grant budget, to cover the cost of contracting with not-for-profit youth service agencies providing Special Delinquency Prevention Programs SDPP), and

WHEREAS, the Erie County Youth Board has reviewed and recommended \$6,000 in funding for the Augustin Olivencia Community Center- Hispanic Media Program,

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$6,000 is hereby appropriated in the Department of Youth Services - Youth Division's 1997 grant budget under Grant Fund 280, Project 675, Account 830- Contractual Services for the Augustin Olivencia Community Center- Hispanic Media Program, and be it further

RESOLVED, that the source of funds is \$6,000 in state aid from the New York State Division for Youth, to increase Grant Fund 280, Project 675, Account 621- State Aid Contractual for the Special Delinquency Prevention Program, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into and execute any applications, contracts included therein, and amendments with the State of New York and the above listed agency, and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impracticable to follow the standard RFP procedure, and hereby waives the procedures outlined in section 19.08 of the Erie County Administrative Code, since these special services have been approved by the Erie County Youth Board, and be it further

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

Item Page -1997 (Comm. 11E-32)
5. COUNTY EXECUTIVE:
WHEREAS, the Erie County Department of Social Services, in conjunction with the Erie County Department of Youth Services and Erie County Probation have submitted an application to the New York State Division for Youth for the 1996-1997 PINS/JD Cap Savings Program that was approved on April 1, 1997, and

WHEREAS, the approved spending plan designates \$115,140 for youth development and delinquency prevention programs administered by the Department of Youth Services, and

WHEREAS, per the Erie County Comprehensive Plan for Youth Services, the following Municipal Youth Bureaus will receive \$7,500 each, in funding for programs that work to divert youth from institutional placement:

* Amherst	Judge's Alternative Sentencing Program
* Cheektowaga	Big Brother/Big Sister Program
* Hamburg	Youthful Offender Program
* Lackawanna	First Offender Diversion Program
* Lancaster	Juvenile Review Board
* T. Tonawanda	Youth Court
* West Seneca	Alternative Sentencing Program
* Buffalo	Youthline Program

and

WHEREAS, the Erie County Youth Board has made recommendations for the following Community Youth Recovery Programs and has reviewed and recommended funding to each of the following community-based organizations that will endeavor to divert PINS/JD youth at-risk of institutional placement:

Be-A-Friend-Big Brother Big Sister.....\$15,140
Buffalo Community Partnership.....\$8,000
National Inner Cities Youth Opportunities....\$8,000
Polish Community Center.....\$8,000
Urban Christian Ministries . \$8,000
William Emslie YMCA.....\$8,000

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Youth Services is authorized to establish a PINS/JD grant project in Fund 280, Department 250 for the time period June 1, 1997 to March 31, 1999 and that the source of funds shall be an interfund transfer of State Aid in the amount of \$115,140 received by the Department of Social Services, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 1997 budget of the Department of Social Services, Department 200, Fund 120:

<u>Account</u>	<u>Increase</u>
880-2500 Interfund Payment - Youth Services	\$115,140
596 State Aid - Social Services	\$115,140

and be it further

RESOLVED, that the following budget is hereby established for the PINS/JD grant project in the Department of Youth Services - Fund 280 for the period June 1, 1997 to March 31, 1999:

<u>Account</u>	<u>Increase</u>
830 Contractual Services	\$115,140
685-2000 Interfund Revenue - Dept. of Social Services	\$115,140

and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impracticable to follow the standard RFP procedure, and hereby waives the procedures outlined in section 19.08 of the Erie County Administrative Code, since an expanded RFP Process has been utilized and the Erie County Youth Board has reviewed and approved the aforementioned agencies and program proposals, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into and execute any applications, contracts included therein, and amendments with the State of New York and the aforementioned agencies, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Department of Social Services and the Department of Youth Services.

(4-0) Legislator Olma absent.

Item Page -1997 (Comm. 11E-33)
6. COUNTY EXECUTIVE:

RESOLVED, that the County Executive is hereby authorized to transfer the amount of \$44,108 from Account 821--Dues and Fees within the Detention Division's budget, and be it further

RESOLVED, that these funds are hereby transferred to the following accounts within the Detention Home budget for building furnishings, telephone charges and to provide for an interfund transfer to the Capital Projects Fund:

Account 886--2208 Interfund Transfers, DPW	\$ 7,000
Capital Funds	
Account 931--Buildings and Grounds Equipment	28,633
Account 933--Technical Equipment	<u>8,475</u>
Total	<u>\$44,108</u>

and be it further

RESOLVED, that the sum of \$7,000 is hereby appropriated in Fund 410, Capital Project Number 769, Account 975--Building Construction Expenditures, thereby increasing the project total from \$333,053 to \$340,053, and be it further

RESOLVED, that said authorization be approved on the condition that the State of New York provides revenues of at least \$22,054, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance and the Erie County Department of Youth Services.

(4-0) Legislator Olma absent.

AS AMENDED

Item Page -1997 (Int. 11-7)
7. MARINELLI, HOLT, FISHER & CHASE:

WHEREAS, Youth development is the foundation upon which healthier communities, stronger families and economic development is built, and

WHEREAS, A strong and true commitment to positive youth development begins with an investment of resources, and

WHEREAS, The 1997-98 New York State budget process is underway and the urgency of establishing additional funding resources for youth and family service programs still exists, and

WHEREAS, Western New York's Compass House, a not-for-profit agency funded partly in the budget through the New York State Division of Youth, is an asset to our community by functioning as a crisis shelter and counseling center for runaway and homeless youth, and

WHEREAS, Compass House has made its mark in the Western New York community by sheltering over 7,000 young people and counseling an additional 10,000 youth and their families since its inception, and

WHEREAS, New York State and area youth advocacy organizations such as Compass House stand to benefit or be adversely affected by the state budget process, and

WHEREAS, The New York State Division for Youth is seeking an additional \$30 million in the proposed Executive Budget to subsidize the various youth advocacy agencies such as Compass House, and

WHEREAS, The funding would be distributed as follows: Runaway Homeless Youth (\$3 million), Special Delinquency Prevention Program (\$2.2 million) and Youth Development Delinquency Program (\$24.8 million), and

WHEREAS, These dollars in each of the three divisions will cover the costs necessary to help troubled youths become self-sufficient, receive shelter, guidance and support and become productive members of our communities,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby recognize the need to fund the New York State Division for Youth, the Association of New York State Youth Bureaus and agencies like Compass House which provide for the strengthening of the youth and families in our area, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the New York State Legislature to pass, and Governor George Pataki to sign into law a budget that adequately funds these programs as a means of helping our youth grow, and be it further

RESOLVED, That certified copies of this resolution be forwarded to New York State Governor George Pataki, all members of the Western New York delegation of the New York State Legislature, Erie County Commissioner of Youth Services Nathan Hare and Compass House Executive Director Sylvia Nadler.

Fiscal Impact: None for resolution.

(3-0) Legislators Olma & Marshall absent.

GEORGE A. HOLT, Jr.
Chairman

Mr. HOLT requested that Resolve No. 5 be separated.

GRANTED.

Mr. HOLT moved the balance of the report. Mr. OLMA seconded.

CARRIED UNANIMOUSLY.

Mr. HOLT moved to adoption of Resolve No. 5. Mrs. FISHER seconded.

CARRIED.

Legislator Olma abstained.

ITEM 17- Mr. OLMA presented the following and moved for immediate consideration.
Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 267

JUNE 12, 1997

ENERGY AND ENVIRONMENT
COMMITTEE
REPORT NO. 8

ALL MEMBERS PRESENT.

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

Item Page -1997 (Comm. 4M-11)
a. CLEAN SITES INC.: Citizen Task Force Information.
(5-0)

June 26, 1997

ERIE COUNTY LEGISLATURE

- b. Item Page -1997 (Comm. 6D-17)
DEP: Citizens Task Force - West Valley.
(5-0)
- c. Item Page -1997 (Comm. 11D-4)
DEP: SEQR - Negative Declaration - Stahley Road Sanitary Sewer & Pumping
Station.
(5-0)
- d. Item Page -1997 (Comm. 11E-20)
COUNTY EXECUTIVE: ECSD NO. 1 - Borden-Clinton Pump Station Imp. Project Contract
"A" - Change Order No. 2 Butler Construction Company of WNY.
(5-0)
- e. Item Page -1997 (Comm. 11E-21)
COUNTY EXECUTIVE: ECSD No. 4 - Overflow Retention Facilities Modifications
Contract EC-5A -Change Order No. 2 Paul J. Gallo Contracting Inc.
(5-0)
- f. Item Page -1997 (Comm. 11E-24)
COUNTY EXECUTIVE: ECSD No. 3 Southtowns Sewage Treatment Agency Increase and
Improvement of Facilities (1997) Sewer Agency Report.
(5-0)
- g. Item Page -1997 (Comm. 11E-25)
COUNTY EXECUTIVE: ECSD NO. 2 - Stearns & Wheeler, LLC Change Order No. 1.
(5-0)
- h. Item Page -1997 (Comm. 11M-1)
ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL: Notice of Meeting Held 5/20/97.
(5-0)
- i. Item Page -1997 (Comm. 11M-3)
MELINDA HOLLAND, CLEAN SITES: Summary of Meeting Held 5/7/97.
(5-0)
- j. Item Page -1997 (Comm. 11M-22)
MELINDA HOLLAND, CLEAN SITES: Summary of Meeting Held 5/20/97.
(5-0)

AS AMENDED

2. Item Page -1997 (Comm. 10E-30)
COUNTY EXECUTIVE:
WHEREAS, the Erie County Department of Environment and Planning has received the
following low bid for Erie County Sewer District No. 2, Big Sister Creek Bank Erosion
- Contract 40 on May 28, 1997.

<u>Contract No.</u>	<u>Low Bidders</u>	<u>Amount Bid</u>
Contract 40	Eastwood Industries, Inc. PO Box 305 N. Boston, New York 14110	\$ 26,200.00

WHEREAS, this bidder has been recognized as successfully performing similar work in Erie County, and

WHEREAS, the Erie County Sewer District No. 2 Board of Managers has moved to recommend the award of the Big Sister Creek Bank Erosion - Contract 40 to the low bidder.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Sewer Districts No. 2 Big Sister Creek Bank Erosion - Contract 40 be awarded as follows:

<u>Contract No.</u>	<u>Low Bidders</u>	<u>Amount Bid</u>
Contract 40	Eastwood Industries, Inc. PO Box 305 N. Boston, New York 14110	\$ 26,200.00

and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute the Contract with the respective low bidder subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the funds for this contract be paid from Erie County Sewer District No. 2, 1980 Increase Bond Account No. 430-517-820 for Sewer District No. 2; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office and to Richard J. Schechter, Assistant County Attorney.

(5-0)

AS AMENDED

Item Page -1997 (Comm. 10E-33)
3. **COUNTY EXECUTIVE:**

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Erie County Sewer District No. 2, Lake Bay Grove Pumping Station - Contract 42 on June 4, 1997.

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 42	Amherst Construction, Inc. 150 Milton Road Williamsville, New York 14221	\$ 15,440.00

WHEREAS, this bidder has been recognized as successfully performing similar work in Erie County, and

WHEREAS, the Erie County Sewer District No. 2 Board of Managers has moved to recommend the award of Lake Bay Grove Pumping Station - Contract 42 to the low bidder.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Sewer Districts No. 2 Lake Bay Grove Pumping Station Replacement - Contract 42 be awarded as follows:

<u>Contract No.</u>	<u>Low Bidders</u>	<u>Amount Bid</u>
Contract 40	Amherst Construction, Inc. 150 Milton Road Williamsville, New York 14221	\$ 15,440.00

and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute the Contract with the respective low bidder subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the funds for this contract be paid from Erie County Sewer District No. 2, Sewer Extension Account No. 852--820--826; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office and to Richard J. Schechter, Assistant County Attorney
(5-0)

Item Page -1997 (Comm. 11E-14)
4. **COUNTY EXECUTIVE:**

WHEREAS, Erie County Sewer District No. 6 is required to be in compliance with new federal regulations governing underground petroleum bulk storage tanks by December 22, 1998; and

WHEREAS, the estimated cost of compliance through the replacement of Erie County Sewer District No. 6's ten (10) underground bulk storage tanks is \$150,000.00; and

WHEREAS, the Board of Managers for Erie County Sewer District No. 6 recommends the use of bond funds to achieve compliance;

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller be authorized and directed to allocate a total of \$150,000.00 from Erie County District No. 6 Capital Account Fund No. 430, Project No. 519, Department No. 840, Account 891 Unallocated to Fund No. 430, Project No. 519, Department No. 840, Account 973 Sewer Construction Expenditures, Sub-Account 900 Other Capital Outlays; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this Resolution to the Erie County Comptroller, Charles J. Alessi, P.E., Department of Environment and Planning and Richard J. Schechter, Assistant County Attorney.

(5-0)

Item	Page	-1997	(Comm. 11E-15)
5.	COUNTY EXECUTIVE:		

WHEREAS, the County of Erie on behalf of ECSD No. 3 has entered into a sewer service agreement with the Erie County/ Southtowns Sewage Treatment Agency members on December 12, 1974 and as subsequently amended; and

WHEREAS, said agreement does not provide for future capital improvement projects without an amendment; and

WHEREAS, it is in the best interests of both the County and the Southtowns Agency to provide for future capital improvement projects.

NOW, THEREFORE, BE IT

RESOLVED, that an amended Erie County/Southtowns Sewage Treatment Agency Agreement between the Agency members and the County of Erie is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the agreement amendment, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, and Richard J. Schechter, Assistant County Attorney.

(5-0)

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|------|--------------------------|-------|----------------|
| Item | Page | -1997 | (Comm. 11E-16) |
| 6. | COUNTY EXECUTIVE: | | |

WHEREAS, County of Erie/Erie County Sewer District No. 1 herein called the "Municipal Applicant" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Felber Lane/Hyland Pumping Stations Project and identified as 6696-03, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, the State Water Pollution Control Revolving Fund Act (the "SRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the SRF Act; and

WHEREAS, the Act authorizes the establishment of a program for short-term financial assistance for the planning of eligible projects in addition to its program for long-term financial assistance or planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for SRF assistance in the form required by the Corporation in conformity with the SRF Act is hereby authorized, including all understandings and assurances contained in said application.

2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or SRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following SRF Program for either short-term or long-term financing or both.
4. That five (5) certified copies of this resolution be prepared and sent to Charles J. Alessi, P.E., Department of Environment and Planning, Division of Sewerage Management.
5. This Resolution shall take effect immediately.
(5-0)

Item Page -1997 (Comm. 11E-17)

7. **COUNTY EXECUTIVE:**

WHEREAS, County of Erie/Erie County Sewer District No.2 herein called the "Municipal Applicant" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Collector Sewer Extensions Project and identified as 6646-03, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, the State Water Pollution Control Revolving Fund Act (the "SRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the SRF Act; and

WHEREAS, the Act authorizes the establishment of a program for short-term financial assistance for the planning of eligible projects in addition to its program for long-term financial assistance or planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for SRF assistance in the form required by the Corporation in conformity with the SRF Act is hereby authorized, including all understandings and assurances contained in said application.
2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or SRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following SRF Program for either short-term or long-term financing or both.
 4. That five (5) certified copies of this resolution be prepared and sent to Charles J. Alessi, P.E., Department of Environment and Planning, Division of Sewerage Management.
 5. This Resolution shall take effect immediately.
- (5-0)

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|------|--------------------------|--------|----------------|
| Item | Page | -1997- | (Comm. 11E-18) |
| 8. | COUNTY EXECUTIVE: | | |

WHEREAS, County of Erie/Erie County Southtowns Sewage Treatment Agency herein called the "Municipal Applicant" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Southtowns Sewage Treatment Plant Expansion and identified as 6647-01, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, the State Water Pollution Control Revolving Fund Act (the "SRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the SRF Act; and

WHEREAS, the Act authorizes the establishment of a program for short-term financial assistance for the planning of eligible projects in addition to its program for long-term financial assistance or planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for SRF assistance in the form required by the Corporation in conformity with the SRF Act is hereby authorized, including all understandings and assurances contained in said application.

2. The following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or SRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized to make application for financial assistance under the following SRF Program for either short-term or long-term financing or both.
4. That five (5) certified copies of this resolution be prepared and sent to Charles J. Alessi, P.E., Department of Environment and Planning, Division of Sewerage Management.
5. This Resolution shall take effect immediately.
(5-0)

Item Page -1997 (Comm. 11E-19)
9. **COUNTY EXECUTIVE:**

WHEREAS, County of Erie/Erie County Sewer District No.3 herein called the "Municipal Applicant" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Boston Valley Collector Sewers Project and identified as 6649-04, herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, the State Water Pollution Control Revolving Fund Act (the "SRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the SRF Act; and

WHEREAS, the Act authorizes the establishment of a program for short-term financial assistance for the planning of eligible projects in addition to its program for long-term financial assistance or planning, development and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY ERIE COUNTY LEGISLATURE as follows:

1. The filing of an application for SRF assistance in _____ the
form required by the Corporation in conformity with the SRF Act is hereby authorized, including all understandings and assurances contained in said application.

2. The following person(s) is/are directed and authorized as
the official representative(s) of the Municipal Applicant to execute and deliver an application or SRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required.

The COUNTY EXECUTIVE
(Authorized Representative)

The ERIE COUNTY COMPTROLLER
(Chief Fiscal Officer)

3. The official(s) designated above is/are authorized
to make application for financial assistance under the following SRF Program for either short-term or long-term financing or both.

4. That five (5) certified copies of this resolution be
prepared and sent to Charles J. Alessi, P.E., Department of Environment and Planning, Division of Sewerage Management.

5. This Resolution shall take effect immediately.
(5-0)

Item	Page	-1997	(Comm. 11E-22)
10.	COUNTY EXECUTIVE:		

WHEREAS, Erie County Sewer District No. 5 desires to retain the services of an accountant to provide accounting/auditing services for the analysis of their sewage treatment bills from the Town of Amherst, and

WHEREAS, the Board of Managers and the Department of Environment and Planning recommend the firm Fox and Company - Buffalo, 810 Sheridan Drive, Tonawanda, NY be retained.

NOW, THEREFORE, BE IT

RESOLVED, that the accounting firm of Fox and Company - Buffalo be retained at a cost not to exceed \$10,000, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an agreement with the firm of Fox and Company - Buffalo, 810 Sheridan Drive, Tonawanda, NY, to provide the needed accounting/auditing services subject to approval as to form by the County Attorney's Office, and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate \$10,000 from Erie County Sewer District No. 5 Fund Balance (220851299) to Use of Fund Balance Fund 220 Project 851 Dept. 813 Account 698-105 and Fund 220 Project 851 Dept. 810 Account 830, and be it further

RESOLVED, that the Clerk of the Legislature send a certified copy of the resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, and Richard J. Schechter, Assistant County Attorney.

(5-0)

Item	Page	-1997	(Comm. 11E-23)
11.	COUNTY EXECUTIVE:		

WHEREAS, the Erie County Legislature had awarded Contract EC-4 to Kandey Company, Inc.; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract EC-4 in the amount of \$468,503.83 which includes Change Order No. 2 (final), a decrease of \$12,996.17 and Final Payment No. 6 in the amount of \$16,777.08.

NOW, THEREFORE, BE IT

RESOLVED, that Contract EC-4 between the County of Erie and Kandey Company, Inc., 19 Ransier Drive, West Seneca, New York 14224, be accepted in the amount of \$468,503.83, which includes Change Order No. 2 (final) a decrease of \$12,996.17 and Payment No. 6 (final) in the amount of \$16,777.08, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract EC-4 in the amount of \$468,503.83 and make final payment from Sewer Capital Account SD #4, Fund No. 430, Project No. 535, Department No. 810, Object No. 891, Subobject No. 200, Sewer Construction Expenditures, between the County of Erie and Kandey Company, Inc. and return the unused portion of \$12,996.17 to unallocated object 891, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning and one (1) certified copy to the Erie County Comptroller's Office and Richard J. Schechter, Assistant County Attorney.

(5-0)

AS AMENDED
(Comm. 11E-28)

Item Page -1997
12. COUNTY EXECUTIVE:

WHEREAS, an evaluation of the Erie County Sewer District No. 1, contract No. 1A, Overflow Retention Facility and Pump Station project showed additional stone fill was needed to complete the project, and

WHEREAS, proposed Change Order No. 3 increases quantities for Select Backfill Material and Additional Stone for Undercut necessary for construction of Contract No. 1A, and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management recommends the approval of Change Order No. 3 to Contract No. 1A dated February 12, 1996 between the County of Erie/Erie County Sewer District No. 1 and Kenaidan Construction Corp.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 3 to the Agreement dated February 12, 1996 be approved in the amount of \$99,037.50, and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management is hereby directed to execute and process the necessary Change Order, subject to certification of availability of funds from the project fund balance by the Comptroller's Office, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to allocate \$99,037.50 from Sewer Capital, ECSD No. 1, No. 430, Project No. 694, Department No. 810, Object No. 891 unallocated to Object No. 973, Sewer No. 810, Construction Expenditures, Subobject No. 200 General Construction Contract for payment of this Change Order, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one (1) certified copy of the Erie County comptroller's Office and Richard J. Schechter, Assistant County Attorney.

(5-0)

GREGORY B. OLMA
Chairman

Mr. OLMA moved the adoption. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

ITEM 18 - Mrs. FISHER presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 268

JUNE 17, 1997

HEALTH/MENTAL COMMITTEE
REPORT NO. 6

ALL MEMBERS PRESENT.

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

Item Page -1996 (Int. 4-5)
a. KUWIK: Asking Companies that Contract with Erie County to Consider Using Local Products.
(5-0)

Item Page -1996 (Int. 5-10)
b. MARSHALL, RANZENHOFER, GREENAN, LARSON, PEOPLES, VILLARINI, SWANICK, LENIHAN, FISHER & KUWIK: Support for the Creation of State Breast Cancer Science Board.
(5-0)

Item Page -1996 (Int. 5-17)
c. MARSHALL, LARSON & RANZENHOFER: Health Care Reform Legislation.
(5-0)

- d. Item Page -1996 (Int. 7-3)
RANZENHOFER: Vacancies in the Erie County Health Department.
(5-0)
- e. Item Page -1996 (Int. 9-24)
RANZENHOFER: Waiving of Autopsy Fee.
(5-0)
- f. Item Page -1996 (Comm. 15E-7)
COUNTY EXECUTIVE: ECMC/County of Erie Lease Agreement for
Development of Community Based Primary Care Health Centers.
(5-0)
- g. Item Page -1996 (Comm. 20D-10)
HEALTH: Community Health Assessments 1996-97.
(5-0)
- h. Item Page -1996 (Comm. 22M-4)
LAWRENCE CHEELEY: Copy of Letter to Joe Ryan Re: Diabetes Teaching
Nurse at ECMC.
(5-0)
- i. Item Page -1996 (Int. 22-12)
MARSHALL, VILLARINI, GREENAN, LARSON & RANZENHOFER: Department of
Health - Revised M.I.C. Project 10/1/96-9/30/97.
(4-1) Legislator Marshall in the negative.
- j. Item Page -1996 (Comm. 29M-6)
VNA PHARMACY INC.: Copy of Letter to Legislator Peoples Re: NY
Regulation #6810.
(5-0)
- k. Item Page -1997 (Comm. 1M-2)
VNA PHARMACY: Pharmacy Education Law.
(5-0)
- l. Item Page -1997 (Comm. 7M-16)
WARREN STEINTHAL: Copy of Letter to Legislator Olma Re:
Consolidating Mid-Erie Mental Health Services with ECMC.
(5-0)
- m. Item Page -1997 (Comm. 9D-10)
HEALTH: Quarterly Report for the Period 1/1/97 to 3/31/97.
(5-0)
- n. Item Page -1997 (Comm. 10D-1)
ECMC: Financial Statements for 3/31/97.
(5-0)

- | | | | | |
|---|-----------------------------------|--|-------|----------------|
| | Item | Page | -1997 | (Comm. 10D-7) |
| o. | EC MORGUE: | Monies & Other Properties Found on Deceased Persons.
(5-0) | | |
| | Item | Page | -1997 | (Comm. 10D-9) |
| p. | MENTAL HEALTH: | Notice of Meeting Erie County Mental Hygiene
Community Services Board; Chairperson's Report; Commissioner's Report &
Subcommittee Reports.
(5-0) | | |
| | Item | Page | -1997 | (Comm. 10M-6) |
| q. | WELLNESS INSTITUTE: | News and Notes.
(4-0) Legislator Marshall absent. | | |
| | Item | Page | -1997 | (Comm. 10M-11) |
| r. | SENECA HOSE COMPANY #1: | Smoking Ban Law Will Have Negative Effect
on BINGO Revenue.
(4-0) Legislator Marshall absent. | | |
| | Item | Page | -1997 | (Comm. 10M-13) |
| s. | NEW YORK STATE HEALTH DEPARTMENT: | Copy of Order Combining Village
of Akron & Town of Newstead Into a Single Primary Registration District
for Births & Deaths.
(4-0) Legislator Marshall absent. | | |
| | Item | Page | -1997 | (Comm. 11D-9) |
| t. | ECMC: | Notice of Finance Committee Meeting to be Held 6/6/97.
(4-0) Legislator Marshall absent. | | |
| | Item | Page | -1997 | (Comm. 11D-15) |
| u. | ECMC: | Notice of Board of Managers Finance Committee Meeting &
Financial Statement for Period Ending 4/30/97.
(4-0) Legislator Marshall absent. | | |
| 2. RESOLVED, that the following item is hereby received, filed and
referred to the FINANCE AND MANAGEMENT COMMITTEE: | | | | |
| | Item | Page | -1997 | (Int. 6-17) |
| a. | OLMA: | Excessive Expenditures at the Erie County Medical Center.
(5-0) | | |
| | Item | Page | -1997 | (Int. 6-4) |
| 3. | MARSHALL & GREENAN: | WHEREAS, the recent cloning of a sheep in Scotland has brought to
the attention of officials in federal, state and local governments the
biological feat that might allow for the successful scientific
reproduction of human beings, and | | |

WHEREAS, the mass production of human beings is a brand new frontier that has never been successfully tread upon by our scientific community, and

WHEREAS, although many scientists do not believe that this technology can be successfully utilized to clone humans in the foreseeable future, it carries with it both frightening and promising possibilities, and

WHEREAS, scientific insight into the nature of genes has brought about potential therapies to correct lethal genetic diseases, for example, cloning organs for transplantation or allowing those susceptible to a genetic disease to have healthy children, and

WHEREAS, alternatives which may be available or developed in the medical field to produce these restorative measures should be considered first before examining the possibility of cloning to produce medical breakthroughs, and

WHEREAS, the idea of cloning human beings creates a variety of troubling and extremely serious moral, ethical and legal questions, and

WHEREAS, recent articles report that many people are concerned about cloning human cells to create armies of perfect soldiers or twin siblings to harvest for organs, and

WHEREAS, President Clinton has barred spending federal money on human cloning and has urged a halt in private research until the ethical impact is better understood, and

WHEREAS, State Legislation has been introduced recently making the cloning of human beings, or conspiring to clone, in New York State a felony, and

WHEREAS, several foreign countries already prohibit the practice, and approval of the bill would make New York the first state in this country to prohibit cloning, and

WHEREAS, Governor Pataki has urged the Legislature to move slowly on the cloning issue and give policy makers time to contemplate its legal and ethical ramifications,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body articulates its concern regarding the uncertainty of this newly explored area of science and the potential ramifications it may impart, and be it further

RESOLVED, that this Honorable Body agrees that federal agencies should not allocate money for cloning of human beings, and be it further

RESOLVED, that this Honorable Body urges President Clinton and Congressional leaders to examine this new frontier in science and review the moral, ethical and legal issues on a national scale, and be it further

RESOLVED, that this Honorable Body supports Governor Pataki's urging that the State Legislature to move slowly in determining the outcome of any and all legislation introduced on this issue, and be it further

RESOLVED, that certified copies of this resolution be forwarded to President Clinton, local members of the Congressional delegation, Governor George Pataki, New York Senate Majority Leader Joseph Bruno, New York State Assembly Speaker Sheldon Silver, New York State Senate Minority Leader Martin Connors and New York State Assembly Minority Leader Tom Reynolds.

(5-0)

Item	Page	-1997	(Comm. 9E-9)
4.	COUNTY EXECUTIVE:		

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has reviewed and approved programs of mental health services for persons receiving mental health treatment from Restoration Society, Inc., and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with Restoration Society, Inc. in the amount not to exceed \$909,577, and

WHEREAS, additional funds of \$151,267 in 100% New York State Office of Mental Health Reinvestment dollars are available to enable Restoration Society, Inc. to operate a Drop In Center for high risk seriously persistently mentally ill individuals who may concurrently be chemical abusers and/or homeless.

NOW, THEREFORE, BE IT

RESOLVED, that the 1997 appropriation for Restoration Society, Inc. be increased by a total of \$151,267, the source of these funds being 100% New York State Office of Mental Health Reinvestment dollars, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 1997 contract with Restoration Society, Inc. for the period January 1, 1997 through December 31, 1997 to an amount not to exceed \$1,060,844, and be it further

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

(5-0)

Item	Page	-1997	(Comm. 10E-27)
5.	COUNTY EXECUTIVE:		

WHEREAS, the County of Erie leases space from the Village of Depew in the Village Municipal Building located at 85 Manitou Street, in the Village of Depew for public health purposes, and

WHEREAS, the Village formerly permitted the Erie County Probation Department to use space in Village Court for the purpose of probation interviews, and

WHEREAS, increasing space needs of the courts have made it no longer practical for the County Probation Department to use Village Court space for this purpose, and

WHEREAS, the space leased by the County for the purpose of conducting Department of Health programs can conveniently be used for Probation Department interviews purposes, and

WHEREAS, use of the leased space by the Probation Department will not interfere with any current County Department of Health use of Village facilities.

NOW, THEREFORE, BE IT

RESOLVED, that the lease entered into by and between the Village of Depew and the County of Erie on November 1, 1994 is hereby amended to allow use by the Probation Department for interview purposes with all other terms and conditions remaining the same, and be it further

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

(5-0)

Item	Page	-1997	(Comm. 10E-36)
6.	COUNTY EXECUTIVE:		

WHEREAS, the Erie County Department of Health has joined with seven other local County Health Departments as the Western New York Public Health Coalition, and

WHEREAS, the Western New York Public Health Coalition has been awarded a Public Health Priorities Partnership Initiative Grant totaling \$150,000 for the purpose of providing support to local health units to engage community partners to identify local public health issues and together with their partners, to develop action plans to address local priorities, and

WHEREAS, the Erie County Department of Health has been designated the lead agency for this grant, and

WHEREAS, the Department of Family Medicine at SUNY Buffalo has expertise in conducting standardized population-based health risk assessment measurements at the regional, county and community levels, and

WHEREAS, the Western New York Public Health Coalition has experience in developing collaborative groups which will initiate recommendations based on local priorities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a grant award on behalf of the Western New York Public Health Coalition funded 100% by the New York Health Department which is budgeted as follows:

PUBLIC HEALTH PRIORITIES PARTNERSHIP INITIATIVE
4/1/97-6/30/98

SFG	SUB	OBJ	REVENUE	NEW BUDGET
553			STATE AID OTHER	\$ 150,000
			TOTAL	150,000
			EXPENSES	
825			Out of Area Travel	\$ 312.00
826			Other Expenses	2,188.00
830	543		SUNYAB-School of Medicine	\$ 70,000.00
830			Contractual Expense	\$ 70,000.00
882	2709		Interdepartmental-Health Grants	\$ 7,500.00
			TOTAL	\$ 150,000

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the following counties who are members of the Western New York Public Health Coalition in the amount of \$10,000 per county: Allegany, Cattaraugus, Chautauqua, Genesee, Niagara, Orleans, Wyoming, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with SUNY Buffalo Department of Family Medicine in the amount of \$70,000 to accomplish the goals of the project, and be it further

RESOLVED, that the Erie County Department of Health is authorized to utilize \$7,000 for salary and fringe benefits of a Public Health Educator, Regular Part Time, who is budgeted to Project #636 Training & Technical Assistance to County Health Departments, and be it further.

RESOLVED, that the budget for the Training & Technical Assistance to County Health Departments grant be amended as follows:

DEPARTMENT OF HEALTH TRAINING &
TECHNICAL ASSISTANCE
TO COUNTY HEALTH DEPARTMENTS
7/1/96-6/30/97
PROJECT # 636

<u>SEC</u>	<u>SUB</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>REVISED BUDGET</u>
552		STATE AID	\$ 50,000	0	\$ 50,000
		TOTAL	<u>50,000</u>	<u>0</u>	<u>50,000</u>
		<u>EXPENSES</u>			
800		PERSONNEL	34,301	6,000	40,301
		SERVICES			
805		FRINGES	8,499	1,500	9,999
810		OFFICE SUPPLIES	200	0	200
825		OUT OF AREA TRAVEL	5,000	0	5,000
826		OTHER EXPENSES	1,750	0	1,750
880	5100	INTERFUND-DISS	250	0	250
883	2709	CONTRACTUAL SAL. RES.	<u>0</u>	<u>-7,500</u>	(7,500)
		TOTAL	<u>\$ 50,000</u>	<u>\$0</u>	<u>\$ 50,000</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 and the County Attorney's Office.

(5-0)

Item	Page	-1997	(Comm. 11E-29)
7.	COUNTY EXECUTIVE:		

WHEREAS, an existing lease renewal, with terms remaining the same, has been received from the Kenmore-Town of Tonawanda Union-Free School District.

NOW, THEREFORE, BE IT

RESOLVED, that the lease for the Department of Health's Tonawanda Service and Referral Center located at 250 Cortland Avenue, Tonawanda, New York is hereby renewed for one year commencing September 1, 1997 at an annual rate of \$17,640.00, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a lease agreement with the Kenmore-Town of Tonawanda Union Free School District, 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 and the County Attorney's Office.

(5-0)

Item	Page	-1997	(Int. 11-4)
8.	HOLT:		

WHEREAS, Social Security and Medicare are government programs that provide monthly payments and benefits to the elderly and the disabled, and

WHEREAS, A percentage of those deemed medically disabled under Social Security are ailing patients awaiting or having completed transplant surgery, and

WHEREAS, For those affected individuals, transplantation is a matter of life and death and can be a way to rehabilitate and return them to a healthy lifestyle, and

WHEREAS, For transplant patients to survive following surgery, it is medically required that immunosuppressive drugs are taken, and

WHEREAS, Immunosuppressive drugs are extremely expensive medications taken by the patient for the remainder of the patient's life after transplantation surgery to fight rejection from the replanted organ, and

WHEREAS, An inability to take these anti-rejection drugs could result in a necessity of returning to dialysis, organ failure and possibly death, and

WHEREAS, Individuals who are on Social Security are generally at a financial disadvantage, are unable to derive income and are set on a monthly wage and cannot afford to take these life saving medications without government assistance, and

WHEREAS, Currently under title XVIII of the Social Security Act and the Medicare Program, the immunosuppressive drugs needed for transplant patients are covered for only up to three years following their surgical procedure, yet patients must continue their treatment on the drugs past that time limit, resulting in financial hardship or in some cases the inability to afford the medication, and

WHEREAS, To that end Congress has introduced legislation (H.R. 1061) that eliminates time limitation on benefits for immunosuppressive drugs under the Medicare Program, and

WHEREAS, Modifying the three-year period to an indefinite status provides a sound investment for the federal government to transplant patients that may not be able to afford the anti-rejection medications, and

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby recognize and express its concern for transplant patients that face life or death health conditions and the difficult economic conditions associated with their condition, and be it further

RESOLVED, That this Honorable Body does hereby recognize the importance of providing these transplant patients with the most technically advanced medications available for as long a period as is needed, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the United States Congress to pass, and President Bill Clinton to sign into law, House bill H.R. 1061 as a means of improving and saving the lives of our society's transplant patients, and be it further

RESOLVED, That certified copies of this resolution be forwarded to President Clinton, all members of the Western New York delegation of Congress, Congressman Charles T. Canady (Fla.), Transplant Recipient International Organization Inc. Executive Director Lisa Kory, (1000 16th Street, NW, Suite 502, Washington, D.C., 20036) and Transplant Recipient International Organization Inc. of Western New York President Sue Smith, (4952 Transit Road, Suite 200, Depaw, New York, 14043).

Fiscal Impact: None for resolution.

(5-0)

JUDITH P. FISHER
Chairperson

Mrs. FISHER requested that Resolves No. 8 be separated.

GRANTED.

Mr. MARSHALL requested that Resolve No. 11 be separated.

GRANTED.

Mrs. FISHER moved the balance of the report. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that the names of Legislators Swanick, Peoples, Cohen Kennedy, Dusza, Fisher, Fitzpatrick, Kuwik, Marinelli, Olma & DeBenedetti be added to Resolve No. 8 as Cosponsors.

Chairman SWANICK directed that Resolve No. 11 be referred back to committee.

ITEM - 19 Ms. PEOPLES presented the following resolution and requested it be referred to the FINANCE & MANAGEMENT COMMITTEE.

Int. 12-1 From: Legs, Swanick, Peoples & Marshall. Re: Appointment to
Audit Committee for Erie County

ITEM 20 - Mr. MARSHALL presented the following resolution and requested that it be referred to the GOVERNMENT AFFAIRS COMMITTEE.

Int. 12-2 From: Leg. Marshall. Re: Renaming the Heath Road Bridge to the Colden Veterans Bridge.

ITEM - 21 Ms. PEOPLES presented the following resolution and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

RESOLUTION NO. 269 Re: Membership on the ECIDA Board of Directors
 (Int. 12-3)

WHEREAS, The Erie County Industrial Development Agency (ECIDA) is designed to promote business and economic development, in part, by granting tax abatements to companies in order to attract new businesses to Erie County or encourage existing companies to expand their operations locally, and

WHEREAS, The ECIDA has a solid record of encouraging economic development and strengthening our local economy, and

WHEREAS, The tax abatements offered through the ECIDA do impact local property taxpayers in that the abatements reduce the local tax base and shift the property tax burden to the remaining taxpayers who do not receive exemptions, and

WHEREAS, The tax abatements provided by the ECIDA also affect school districts throughout Erie County by reducing tax revenues going to said districts, and

WHEREAS, School Districts are not represented on the ECIDA Board of Directors, thereby preventing direct input regarding potential tax abatements granted by the ECIDA,

NOW, THEREFORE, BE IT

RESOLVED, That this Honorable Body supports the inclusion of a representative from school districts on the ECDA Board of Directors, and be it further

RESOLVED, That a certified copy of this resolution be forwarded to the Senate Majority Leader Joseph Bruno, Assembly Speaker Sheldon Silver and to the members of the Western New York State Legislative Delegation.

JOHN W. GREENAN DALE W. LARSON JEANNE Z. CHASE
MICHAEL H. RANZENHOFER FREDERICK J. MARSHALL

Ms. PEOPLES offered an amendment as follows:

ADD, following the fifth WHEREAS clause:

WHEREAS, the New York State Legislature has passed legislation allowing the Erie County Industrial Development Agency to expand its Board of Directors to include the president of the Erie County Association of School Boards,

DELETE, in its entirety, the second RESOLVED clause, and REPLACE with the following:

RESOLVED, that this Honorable Body does hereby memorialize New York State Governor George Pataki to expediently sign into law A.6795-A/S.4217-A, which would add the president of the Erie County Association of School Boards to the membership of the Board of Directors of the Erie County Industrial Development Agency, and be it further

ADD the following FISCAL IMPACT statement:

Fiscal Impact: None for resolution.

Ms. PEOPLES moved the adoption of the amendment. Mr. Marshall seconded.

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that the names of Legislators Swanick, Peoples, Kuwik, Fitzpatrick, Holt, Fisher, Olma, DeBenedetti, Dusza, Marinelli and Cohen Kennedy be added as co-sponsors.

Ms. PEOPLES moved the adoption of the resolution as amended.
Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 20 - Mr. MARSHALL presented the following resolution and requested that it be referred to the SOCIAL SERVICES COMMITTEE.

GRANTED.

Int. 12-4 From: Legs. Marshall, Greenan, Larson, Chase & Ranzenhofer. Re: Support for the Maximum Stay by a Runaway or Homeless Youth in a Transitional Independent Living Support Program, From 12 to 18 Months.

ITEM 23 - Mr. GREENAN presented the following resolution and moved for immediate consideration.

Int. 12-5 From: Legs. Marshall, Greenan, Larson, Chase & Ranzenhofer. Re: Support Legally Classifying any Child Born With a Positive Toxicology Report as a "Neglected Child."

Chairman SWNAICK directed that Int. 12-5 be referred to the HEALTH COMMITTEE.

Mr. MARSHALL moved to Challenge the Chair. Mr. GREENAN seconded.

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Chase, Greenan, Larson, ~~Larson~~, Pauly, Ranzenhofer - 6. Noes - DeBenedetti, Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Olma, Peoples, Swanick - 11.

DEFEATED.

Subsequently, Int. 12-5 was referred to the HEALTH COMMITTEE.

ITEM 24 - Mr. GREENAN presented the following resolution and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 270 Re: Support for the Extension of the
Volunteer Firefighters' Benefit
Law (Int. 12-6)

WHEREAS, The Volunteer Firefighters Benefit Law, relating to disability due to disease or malfunction of the heart or coronary arteries, will expire on June 30, 1997, and

WHEREAS, This law offers assistance to volunteers stricken by heart attacks in the line of duty, unless it is clearly shown that the duties and activities of the volunteer firefighter did not cause the heart disease or malfunction, and

WHEREAS, The New York State Senate has introduced and approved Legislation that extends the expiration date of section 4 of the Laws of 1977 until June 30, 1999,

NOW, THEREFORE, BE IT

RESOLVED, The Erie County Legislature does hereby recognize that volunteer firefighters provide an invaluable service to New York State and our community, and

RESOLVED, That this Honorable Body does hereby memorialize the NYS Legislature to pass and Governor George Pataki sign into law Senate Bill as a means to ensure assistance to volunteer firefighters stricken by heart attacks in the line of duty, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Governor George Pataki, Senator James Seward, and all members of the Western New York State Delegation.

JOHN W. GREENAN DALE W. LARSON JEANNE Z. CHASE
MICHAEL H. RANZENHOFER FREDERICK J. MARSHALL

Ms. PEOPLES offered the following amendment:

DELETE the following from the third WHEREAS clause:

...Senate...

and REPLACE with the following:

...Legislature...

DELETE the following from the second RESOLVE clause:

...Senate Bill...

and REPLACE with the following:

...A.7944/...

ADD the following FISCAL IMPACT statement:

Fiscal Impact: To be determined.

Ms. PEOPLES moved the adoption of the amendment. Mr. GREENAN seconded.

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that the names of Legislators Swanick, Peoples, Kuwik, Fitzpatrick, Holt, Fisher, Olma, DeBenedetti, Dusza, Marinelli and Cohen Kennedy be added as co-sponsors.

Mr. GREENAN moved the adoption of the resolution as amended. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 25- Ms. PEOPLES presented the following resolution and moved for immediate consideration. Mr. DUSZA seconded.

RESOLUTION NO. 271

Re: Support for Mental
Retardation & Developmental
Disabilities Service Providers
to Access Statewide Register
of Child Abuse. (Int. 12-7)

WHEREAS, Currently, providers of services to persons with mental retardation and developmental disabilities are only allowed to access the child abuse registry to check backgrounds of persons considered for employment in residential programs, and

WHEREAS, More children are served in non-residential programs, and

WHEREAS, These children are often severely disabled and extremely vulnerable, and

WHEREAS, It is vital that the persons entrusted with their care be checked for a history of child abuse or neglect, and

WHEREAS, Residential programs that serve women with children for alcohol and substance abuse are not permitted to access the registry even though some of their employees work closely with children, and

WHEREAS, The New York State Senate has introduced and approved legislation (S.263) that will allow mental retardation and developmental disabilities service providers to access the child abuse registry in order to check the background of prospective employees of non-residential, family support, early intervention and pre-school programs, and

WHEREAS, Senate bill (S.263) also allows alcohol & substance abuse services providers access to the child abuse registry to check the background of potential employees of residential programs that serve women with children,

NOW, THEREFORE, BE IT

RESOLVED, The Erie County Legislature does hereby recognize and express concern for all children who are in need of residential and non-residential care and that those entrusted with their care are checked for a history of child abuse or neglect, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the NYS Legislature to pass and Governor George Pataki sign into law Senate Bill S.236 as a means to ensure safety to mentally retarded and developmentally retarded children and children involved with alcohol and substance abuse programs with their mothers, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Governor George Pataki, Joseph Holland, and all members of the WNY Legislative Delegation.

✓ JOHN W. GREENAN DALE W. LARSON JEANNE Z. CHASE →
 MICHAEL H. RANZENHOFER

Ms. PEOPLES offered the following amendment:

ADD the following FISCAL IMPACT statement:

Fiscal Impact: None for resolution.

Ms. PEOPLES moved the adoption of the amendment. Mr. DUSZA seconded.

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that the names of Legislators Swanick, Peoples, Kuwik, Fitzpatrick, Holt, Fisher, Olma, DeBenedetti, Dusza, Marinelli and Cohen Kennedy be added as co-sponsors.

Ms. PEOPLES moved the adoption of the resolution as amended.
Mrs. FISHER seconded.

CARRIED UNANIMOUSLY.

ITEM 26 - Mr. MARSHALL presented the following resolution and moved for immediate consideration. Mr. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 272

Re: Support for the Proposed
New York State Barbecue Cook
Off at the State University
Of New York at Buffalo.
(Int. 12-8)

WHEREAS, Buffalo is well known across the state for their wide array of ethnic foods, and

WHEREAS, Buffalo has had tremendous success with their annual food festival "Taste of Buffalo", drawing thousands of people to downtown Buffalo, and

WHEREAS, There are state and regional championships for barbecuing throughout the southwest and midwest states, and

WHEREAS, There are no barbecue championships in New York state, and

WHEREAS, With its historical perception of being the gateway to the West and its proximity to Canada, Buffalo would be an excellent location for such an event, and

WHEREAS, It has been proposed that a New York State Barbecue Cook Off be established at the SUNY at Buffalo North Campus, since the location would be large enough and accessible to accommodate thousands of people, food booths and entertainment sights, and

WHEREAS, An annual competition would benefit our community with increased tourism and national recognition,

NOW, THEREFORE, BE IT

RESOLVED, The Erie County Legislature does hereby support the proposal for a New York State Barbecue Cook off located at the SUNY at Buffalo North Campus, and

RESOLVED, That certified copies of this resolution be forwarded to Governor George Pataki, Senator Mary Lou Rath, members of the Western New York State Delegation, SUNY at Buffalo President William Greiner and Tom Ingalls.

JOHN W. GREENAN DALE W. LARSON JEANNE Z. CHASE →
MICHAEL H. RANZENHOFER FREDERICK J. MARSHALL

Ms. PEOPLES offered the following amendment:

ADD the following FISCAL IMPACT statement:

Fiscal Impact: Potentially positive for the barbecue community and related entities.

Ms. PEOPLES moved the adoption of the amendment. Mr. HOLT seconded.

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that the names of Legislators Swanick, Peoples, Kuwik, Fitzpatrick, Holt, Fisher, Olma, DeBenedetti, Dusza, Marinelli and Cohen Kennedy be added as co-sponsors.

Ms. PEOPLES moved the adoption of the resolution as amended. Ms. HOLT seconded.

CARRIED UNANIMOUSLY.

ITEM 27 - Mr. MARSHALL presented the following resolution and moved for immediate consideration. Mr. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 273

Re: Clean-Up of Madison
Wiresite in West Seneca.
(Int. 12-9)

WHEREAS, the County of Erie, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application, is desirable, is in the public interest, and is required in order to study and/or implement the Madison Wire project, and

WHEREAS, the Madison Wire site exhibits all the elements for a brownfield redevelopment model: Federal, State and local involvement, intergovernmental cooperation, heightened community interest, delinquent taxes in excess of \$900,000 urban blight and high redevelopment potential, and

WHEREAS, the Madison Wire site has been the subject of many investigative and remedial actions in the past by the United States Environmental Protection Agency and the New York State Department of Environmental Conservation, and

WHEREAS, after the lengthy remediation activities by the New York Department of Environmental Conservation and United States Environmental Conservation and United States Environmental Protection Agency in the 1980's and 1990s, the site was removed from the New York State Registry of Hazardous Waste sites in 1996, and

WHEREAS, the site would be used for passive recreation, left in its natural state after the remedial site investigation and any subsequent clean-up with immunity liability and indemnification for Erie County after foreclosure and in the future, and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract and Erie County deems it to be in the public interest and benefits under this law to enter into a contract therewithin;

NOW, THEREFORE, BE IT

RESOLVED, by the Erie County Legislature that the resolution is hereby approved for the authorization for the County Executive to act on behalf of the Erie County Legislature to enter into contracts with the New York State Department of Environmental Conservation for Bond Act Funding for the Madison Wire Site. The County Executive is also authorized to make application, execute the State Assistance Contract, submit project documentation, and otherwise act for the Erie County Legislature in all matters related to this project and state assistance, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of Environment and Planning, Richard Tobe, and the County Attorney Kenneth Schoetz.

✓ JOHN W. GREENAN FREDERICK J. MARSHALL GREGORY B. OLMA
DALE W. LARSON EDWARD J. KUWIK RAYMOND K. DUSZA

Ms. PEOPLES offered the following amendment:

ADD the following to the second RESOLVE clause:

Sent to...Erie County Executive Dennis Gorski,...the Commissioner

ADD the following FISCAL IMPACT statement:

Fiscal Impact: To be determined.

Ms. PEOPLES moved the adoption of the amendment. Mr. DUSZA seconded.

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that the names of Legislators Swanick, Peoples, Fitzpatrick, Holt, Fisher, DeBenedetti, Marinelli and Cohen Kennedy be added as co-sponsors.

Ms. PEOPLES moved the adoption of the resolution as amended. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 28 - Mr. MARSHALL presented the following resolution and moved for immediate consideration. Mr. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

✓ RESOLUTION NO. 274

Re: Cost of Airfare to
Buffalo Hurting Tourism
Convention Business.
(Int. 12-10)

WHEREAS, Trade groups from across the nation has begun passing up Buffalo as a convention destination because of rising air fares, and

WHEREAS, according to the Greater Buffalo Convention and Visitors Bureau, Buffalo lost four coventions in 1996 and up to \$1.6 million in revenues and 2,000 visitors because their groups could fly to other cities at less cost, and

WHEREAS, The continued loss of tourism and convention business due to high air fare could pose a long-term economic problem for Buffalo and Western New York, and

WHEREAS, The construction of a new airport will enhance our region's image to visitors to our community, but could suffer from the loss of potential tourism-related business because of high air fares,

NOW, THEREFORE, BE IT

RESOLVED, That this Honorable Body wishes to see tourism to Buffalo, Erie County and Western New York remain strong and continue to grown in the future, and be it further

RESOLVED, that this Honorable Body wishes to go on record in opposition to the high air fares charged by commercial airlines servicing the Buffalo market, and be it further

RESOLVED, That this Honorable Body calls upon all commercial airlines flying into the Greater Buffalo International Airport to reduce the fares charged so that Buffalo will be competitive with other similar destinations, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Pataki, members of the Western New York State Legislative Delegation, the chairpersons of the Senate and Assembly Transportation Committees, Commissioner of the New York State Department of Transportation, members of the Western New York Congressional Delegation, the Federal Aviation Administration, and to the NFTA Board of Directors.

DALE W. LARSON MICHAEL H. RANZENHOFER JOHN W. GREENAN
JEANNE Z. CHASE FREDERICK J. MARSHALL AL DEBENEDETTI

Ms. PEOPLES offered the following amendment:

DELETE the following from the first WHEREAS clause:

...has...

and REPLACE with the following:

...have...

ADD, following the third WHEREAS clause:

WHEREAS, Part of the problem stems from the severe lack of competition in the Buffalo market, with one airline controlling in excess of 75 percent of the flights, and

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

RESOLVED, that representatives from the Niagara Frontier Transportation Authority appear at a future meeting of the Legislature's Economic Development Committee to discuss strategies for increasing competition and lowering airfares in the Western New York region, and be it further

ADD the following FISCAL IMPACT statement:

Fiscal Impact: To be determined.

Ms. PEOPLES moved the adoption of the amendment. Mrs. FISHER seconded.

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that the names of Legislators Swanick, Peoples, Kuwik, Fitzpatrick, Holt, Fisher, Olma, Dusza, Marinelli and Cohen Kennedy be added as co-sponsors.

Ms. PEOPLES moved the adoption of the resolution as amended. Mr. LARSON seconded.

CARRIED UNANIMOUSLY.

ITEM 29 - Mr. MARSHALL presented the following resolution and moved for immediate consideration. Mr. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 275

Re: Support for \$3.5 Million in
Additional Funding.
(Int. 12-11)

WHEREAS, Erie County has more than 1,189 center-lane miles of highway, 282 bridges, and 402 culverts, and

WHEREAS, The 1997 Erie County Budget will commit \$11.36 million in combined funding for county road and bridge reconstruction and improvement projects, including the reconstruction of two county road, the rebuilding of two bridges, and the resurfacing of 112 or more miles of county highway, and

WHEREAS, One of the most important goals of Erie County government is to be committed to investing in a sound infrastructure, since a well-maintained system of roads and bridges is important for the safety of the driving public and for the long-term viability of our local economy, and

WHEREAS, Erie County will receive \$3,554,000 from the federal government through the U.S. Department of Health and Human Services for reimbursement of social services costs program costs during 1989 to 1994 which has been owed to the county, and

WHEREAS, According to the New York State Association of Counties, this reimbursement comes to the county as unrestricted money, that is, it can be used for any purpose, and

WHEREAS, While progress has been made in rebuilding the county's system of roads and bridges, more still needs to be done, and

WHEREAS, The federal reimbursement present a unique opportunity to significantly accelerate and enhance the county's road and bridge repair effort,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body supports the use of the anticipated \$3,544,000 in federal reimbursement to enhance and accelerate the county's highway and bridge reconstruction program, particularly the overlay program, and be it further

RESOLVED, that this Honorable Body requests County Executive Dennis Gorski, Department of Public Works Commissioner John Loffredo and Deputy Highway Commissioner David Comerford to put forth a plan to immediately utilize the aforementioned funds during the 1997 construction season, and be it further

RESOLVED, that any portion of the federal funds not utilized during the 1997 construction season be used to supplement the 1998 Road and Bridge construction effort (it is the intention of this Honorable Body that the 1988 Road and Bridge construction effort be no than the 1997 budgeted amount and the unused federal funds be employed as an enhancement or supplement to the future budgeted program), and be it further

RESOLVED, That a certified copy of this resolution be forwarded to County Executive Dennis Gorski, Department of Public Works Commissioner John Loffredo and Deputy Highway Commissioner David Comerford.

DALE W. LARSON JOHN W. GREENAN JEANNE Z. CHASE
MICHAEL H. RANZENHOFER FREDERICK J. MARSHALL

Ms. PEOPLES offered an amendment as follows:

Add the following after the 6th WHEREAS clause to read as follows:

WHEREAS, Erie County owns title to the single-largest county road system in the State of New York, a fact which necessarily impact upon the county's financial ability to repair roads, and

WHEREAS, this Legislature in collaboration with the Gorski administration have achieved much in the area of road and bridge repair over the past several years, as the county has repaired hundreds of miles of county roads over the past several years, and

WHEREAS, the Gorski administration recently announced that the county will repair more than 190 miles of county roads in 1997, with construction bids and in-house work to be performed on roads in the towns of Alden, Boston, Brant, Clarence, Colden, Concord, Evans, and Orchard Park, to name a few, and

WHEREAS, the County Executive has done this ⁱⁿ spite of the fact that several members of this Legislature have repeatedly refused to support budgetary appropriations for the purposes of road and bridge repair, with several members having voted against cumulative budgetary appropriations for roads and bridge repair that total in the hundred of millions of dollars, and

WHEREAS, this Legislature and the County Executive have rightly pursued the County's six-year plan for road and bridge repair, of which 1997 is year four; the county is well on its way to correcting the errors committed in past years, and

WHEREAS, members of the Legislature from both sides of the aisle have expressed support for additional funds for road repair, toward re-designating these funds for important human services that funded the original allocation for the programs from which this reimbursement has been paid to Erie County, and toward designation of these funds for property tax relief, and

WHEREAS, in consideration of all of these factors, in addition to the fact that this \$3.5 million in funding is recovered from a source associated with the delivery of important human services, the Gorski administration should be requested to provide input and analysis to the Legislature as to the most prudent and effective manner by which these funds should be spent, and

Delete the first three RESOLVE clauses and replace with the following to read as follows:

RESOLVED, that the Erie County Legislature does hereby commend the Gorski administration for its demonstrated non-partisan commitment to road and bridge repair in Erie County, and does hereby support the continuation of the County's six-year plan for the repair and maintenance of roads and bridges throughout Erie County, and be it further

RESOLVED, That this Honorable Body supports the use of the anticipated \$3,544 million federal reimbursement for any one of a number of important initiatives, including but not limited to the enhancement and acceleration of the county's highway and bridge reconstruction program, and in particular the overlay program, for important human services that funded the original allocation for the programs from which this reimbursement has been paid to Erie County, or for property tax relief for Erie County's property taxpayers, and be it further

RESOLVED, That this Honorable Body does hereby request that County Executive Gorski, after consultation with department heads, as well as the Director of the Division of Budget, Management and Finance, put forth a proposal to the Legislature specific to his administration's plan to utilize the aforementioned funds, and to do so with all deliberate speed, in consideration of the brevity of the construction season in Erie County, and be it further

RESOLVED, That the Legislature does hereby support the concept that any portion of the federal funds not utilized during the 1997 construction season, or utilized in other county functions or for property tax relief, shall be utilized for the same stated purposes during the 1998 fiscal year, and be it further

Mr. MARSHALL moved to send to committee. Mr. GREENAN seconded.

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Chase, Greenan, Larson, Marshall, Pauly, Ranzenhofer - 6.
Noes - DeBenedetti, Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Olma, Peoples, Swanick - 11.

DEFEATED.

Ms. PEOPLES moved the adoption of the amendment. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

Ms. PEOPLES moved the adoption of the resolution as amended. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 30 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 276

Preserving Federal Funds for
Medicaid in Congress.
(Int. 12-12)

WHEREAS, Medicaid is a federal government program that pays medical expenses for people who cannot finance their required medical care, and

WHEREAS, With medical technology constantly improving, the number of individuals on Medicaid continuously increases; including many in the Western New York and the City of Buffalo area who depend deeply on their coverage, and

WHEREAS, Should any negative change to Medicaid occur, individuals such the economically disadvantaged, seniors or those without health care coverage would be dramatically impacted, and

WHEREAS, Despite the importance of this program, a proposal is being drafted as part of the balanced budget agreement in Congress, that will call for cuts to Medicaid in excess of \$13.6 billion over a five year period, and

WHEREAS, The cuts are aimed directly at the disproportionate share payments program (DSH) which assists facilities with Medicaid or uninsured patients, and

WHEREAS, Currently, medical facilities are able to care for the economically challenged, seniors, or those without health insurance due to the aid from the disproportionate share payments program, and

WHEREAS, The aforementioned cuts that focus on the disproportionate share payments program may lead to double-digit percentage payments to facilities, thus driving up the cost of medical care once again, and

WHEREAS, That while this Honorable Body recognizes the need for savings in order to keep this necessary program solvent, savings must not come at the expense of those who require Medicaid for their health and well being,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its commitment to assuring all citizens have access to quality health care coverage whatever their economic situation, and be it further

RESOLVED, That this Honorable Body does hereby voice its opposition to any proposals that negatively affect Medicaid, and hereby memorializes the United States Congress and President Bill Clinton reaffirm their commitment to the Medicaid program and to the citizens the program covers, and be it further

RESOLVED, that certified copies of this resolution be forwarded to President Clinton, all members of the Western New York delegation of Congress, Executive Director of the National Association of Counties Larry Naske and Deputy Legislative Director of the National Association of Counties Thomas Joseph (440 First Street, NW, Washington, D.C., 20001-2080).

Fiscal Impact: To be determined.

CRYSTAL DAVIS PEOPLES

Chairman SWANICK directed that the names of Legislators Swanick, Kuwik, Fitzpatrick, Holt, Fisher, Olma, DeBenedetti, Dusza, Marinelli and Cohen Kennedy be added as co-sponsors.

Ms. PEOPLES moved the adoption of the resolution as amended. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

ITEM 31 - Ms. FISHER presented the following resolution and moved for immediate consideration. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 277

Support for the Campaign for
Healthy Children. (Int. 12-13)

WHEREAS, Children's health, well-being and safety are the catalysts for positive youth and family development, and

WHEREAS, Those attributes can be directly linked to accessible, quality health care coverage for children, and

WHEREAS, Health care coverage is the financial support system for children who suffer from preventable illness, disease, accidents and injuries, and

WHEREAS, A local, state and national concern has developed over the lack of quality health care and inaccessible coverage for children, and

WHEREAS, The number of uninsured children in New York State is growing at an alarming rate, with recent statistics indicating that more than 700,000 children are currently without health care coverage, and

WHEREAS, Several correctable factors have contributed to the current reduction in children's access to quality health care, such as employers continually dropping dependant coverage and the implementation of welfare reform forcing thousands off Medicaid, and

WHEREAS, To that end, The Statewide Youth Advocacy, Inc. is sponsoring The Campaign for Healthy Children as a means to address this escalating issue, and

WHEREAS, The Campaign for Healthy Children is a program that is proposing an approach which maximizes federal participation, targets scarce state resources and produces an affordable public/private partnership to provide cost-effective, seamless and consistent health insurance coverage for the children of New York,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby recognize and express its concern over the declining health care coverage for our communities children, and be it further

RESOLVED, That this Honorable Body does hereby support the Campaign for Healthy Children in its effort to creatively address the new reality of health care delivery in our state and its impact on children, and be it further

RESOLVED, That this Honorable Body urges Governor George Pataki and the New York State Legislature to seize the opportunity to improve the access and quality of health care for children across the state by supporting The Campaign for Healthy Children and Statewide Youth Advocacy, Inc., and be it further,

RESOLVED, That certified copies of this resolution be forwarded to President Bill Clinton, Governor George Pataki, all members of the Western New York delegation of Congress and New York State Legislature and Executive Director of the Statewide Youth Advocacy, Inc. Ellie Ward.

Fiscal Impact: To be determined.

JUDITH P. FISHER CRYSTAL D. PEOPLES

Chairman SWANICK directed that the names of Legislators Swanick, Kuwik, Fitzpatrick, Holt, Olma, DeBenedetti, Dusza, Marinelli and Cohen Kennedy be added as co-sponsors.

Ms. PEOPLES moved the resolution as amended. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

ITEM 32 - Mr. MARSHALL presented the following resolution and moved for immediate consideration. Mr. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 279

Support for the "Truth in Sentencing" State
Legislation. (Int. 12-14)

WHEREAS, many times violent felons do not serve the full term of imprisonment for the crimes which they commit, and

WHEREAS, under existing law, a first-time violent offender can be paroled anytime after serving the minimum portion of a term handed down by a judge, and

WHEREAS, One of the first obligations of government is to provide for the protection and safety of its citizens, and

WHEREAS, Legislation has been approved in the State Senate (S.5396) entitled "Truth in Sentencing" which would eliminate parole for first-time violent criminals, and

WHEREAS, This genesis of this legislation was in the United States Congress and has the bipartisan support of President Bill Clinton and members of both political parties in the House of representatives and U.S. Senate, and

WHEREAS, New York State will lose \$100 million in federal crime-fighting assistance if it fails to enact "Truth in Sentencing" for first time violent criminals by July 1, 1997, and

WHEREAS, New York State was informed by the U.S. Justice Department that there would be no extensions to that deadline,

NOW, THEREFORE, BE IT

RESOLVED, That this Honorable Body support state legislation (S.5396) which would enact "Truth in Sentencing" in New York State, and be it further

RESOLVED, That this Honorable Body does hereby call upon the State Assembly to approved the aforementioned legislation so that New York State can better protect its citizens and to prevent the loss of up to \$100 million in federal anti-crime assistance, and be it further

RESOLVED, That a certified copy of this resolution be forwarded to Assembly Speaker Sheldon Silver and to the members of the New York State Assembly representing Erie County and Western New York.

FREDERICK J. MARSHALL JEANNE Z. CHASE JOHN W. GREENAN
DALE W. LARSON MICHAEL H. RANZENHOFER

Ms. PEOPLES offered the following amendment:

ADD the following to the second RESOLVE clause:

to approve ...and New York State Governor George Pataki to sign into law...the aforementioned

ADD the following to the third RESOLVE clause:

Silver...New York State Governor Pataki,...and to

ADD the following FISCAL IMPACT statement:

Fiscal Impact: Positive upon passage of state legislation.

Ms. PEOPLES moved the adoption of the amendment. Mr. OLMA seconded.

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that the names of Legislators Swanick, Peoples, Kuwik, Fitzpatrick, Holt, Fisher, Olma, DeBenedetti, Dusza, Marinelli and Cohen Kennedy be added as co-sponsors.

Ms. PEOPLES moved the adoption of the resolution as amended. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 33 - Mr. MARSHALL presented the following resolution and requested it be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Int. 12-15 From: Leg. MARSHALL Re: Hotel Room Occupancy Tax.

ITEM 34 - Mr. DUSZA presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 279

Funding for Public Safety and
Community Service Initiatives
in the Town of Cheektowaga.
(Int. 12-16)

WHEREAS, the Cheektowaga Action Partnership (CAP) has long served as a positive force within the Western New York Community, providing an effective forum for young persons to become involved throughout their communities, and

WHEREAS, later this year, CAP will train community members in a mobilization effort known as the "24 Hour Challenge," a process that builds and strengthens collaborations between people of diverse backgrounds, promoting active citizenship and social responsibility, while fostering community involvement and community pride, and

WHEREAS, in 1996, the county transferred title to a parcel of county-owned land to the town of Cheektowaga for use as a pistol firing range for use by the town of Cheektowaga Police Department, as well as by other policing agencies throughout Erie County, and

WHEREAS, the Cheektowaga Police Department has continued to develop and prepare the land through private contributions, volunteer work efforts, and the assistance of the United States Army Corps of Engineers, and

WHEREAS, a small amount of funding is necessary from Erie County to assist in bringing necessary utility services, including electricity and water, to the firing range facility, and

WHEREAS, the Legislature set aside funds in the 1997 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 \$8,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) 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>
Cheektowaga Action Partnership	830/0751	\$ 3,000
Cheektowaga Police Dept.	n/a	\$ 5,000
TOTAL		\$ 8,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Ellen Fischer, Executive Director, Cheektowaga Action Partnership, 3409 Genesee St., Cheektowaga, NY 14225-5051, and to Lee O. Ruth, Range Master, Cheektowaga Police Department, 3223 Union Road, Cheektowaga, NY 14227-1080.

Fiscal Impact: Appropriation of 1997-budgeted funds.

RAYMOND K. DUSZA

Mr. DUSZA moved the adoption. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 35 - Ms. COHEN KENNEDY presented the following resolution and requested it be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Int. 12-17 From: Ms. Cohen Kennedy Re: Assisting Our Youth in Local Communities and Schools.

ITEM 36 - Mr. OLMA presented the following resolution and moved for immediate consideration. Mrs. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 280

Support for the Passage of HR
1151, the Credit Union
Membership Access Act.
(Int. 12-18)

Whereas, credit unions are a popular and necessary alternative to banks, and

Whereas, a recent federal court case has overturned rulings by the National credit Union Administration (NCUA), which allowed credit unions to expand their field of membership by both merging with other credit unions and offering services to new groups of members, and

Whereas, the NCUA rules interpreted the Federal Credit Union Act (12 U.S.C.1759) as allowing for the extension of memberships to employee groups other than those for which the particular credit union was chartered, and

Whereas, this rule was necessary due to changes in the economy, such as the closing of many manufacturing plants, which left quite a few credit unions which were based on company employees without a base to serve, and

Whereas, the NCUA sought to preserve credit union services in such situations by encouraging mergers and expansions by stronger credit unions, and

Whereas, HR 1151 was introduced to rectify this problem by striking provisions that unnecessarily restrict credit unions from serving new groups of members, and

Whereas, HR 1151 was introduced in the U.S. House of Representatives by a bipartisan group of 18 members on March 20, 1997, and

Whereas, co-sponsorship of HR 1151 has grown to 52 members as of May 30th, and

Whereas, there are now six members from New York State who have signed on as co-sponsors of this important bill including Jack Quinn (R-30th)

Now, Therefore, Be it

Resolved, that this Honorable Body hereby supports the passage of HR 1151 and also encourages all of the Western New York delegation to become co-sponsors, and be it further

Resolved, that certified copies of this resolution shall be filed with the Speaker of the House of Representatives as well as the local Congressional Delegation.

Fiscal Impact: None for resolution.

GREGORY B. OLMA CRYSTAL D. PEOPLES JUDITH P. FISHER
LYNN MARINELLI JOHN W. GREENAN DALE W. LARSON JEANNE Z. CHASE

Chairman Swanick directed that the names of Legislators Swanick, Cohen Kennedy, Dusza, Fitzpatrick, Holt, Kuwik, DeBenedetti and Pauly be added as co-sponsors.

Mr. OLMA moved the adoption of the resolution as amended. Ms. PEOPLES seconded.

CARRIED.

Legislators Marshall and Ranzenhofer in the negative.

ITEM 37 - Mr. OLMA presented the following resolution and requested it be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Int. 12-19 From: Leg. Olma Re: Senior Citizen Tax Rebates for School Taxes.

ITEM 38 - Mr. DUSZA presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 281

Reducing Teenage Access to
Alcohol. (Int. 12-20)

WHEREAS, the Legislature set aside funds in the 1997 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 Cheektowaga Police Department has within its jurisdiction over 200 establishments with licenses to sell alcoholic beverages to the general public, and

WHEREAS, in 1994, with the help of the Cheektowaga Action Partnership, the Governor's Traffic Safety Committee, and the federal government, the town of Cheektowaga Police Department initiated Project Gateway, now known as "Cops in Shops," a local sting operation aimed at reducing sales of alcohol to underage persons, and

WHEREAS, the program consists of police personnel posing as grocery store clerks or other employees selling alcoholic beverages, checking youths for fraudulent identification and misrepresentation of age, and

WHEREAS, "Cops in Shops" has been tremendously successful in lowering the number of DWI arrests made of underage persons by the Cheektowaga Police Department, and

WHEREAS, in 1996, the Governor's Traffic Safety Committee informed the town that they would not fulfill the town's request for \$6,000 in matching funds, and

WHEREAS, the Erie County Legislature, in response to the Governor's failure to fulfill this grant request, allocated \$6,000 toward this very successful program, known as "Cops in Shops," and

WHEREAS, the people of the town of Cheektowaga would be well served if the County were to fund this project, 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 \$6,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) 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>
Cheektowaga Police Dept. Cops in Shops Program	n/a	\$ 6,000
TOTAL		\$ 6,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Detective Lieutenant M. James Starr of the Cheektowaga Police Department, 3223 Union Road, Cheektowaga, NY 14227-1080.

Fiscal Impact: Appropriation of 1997-budgeted funds.

RAYMOND K. DUSZA

Chairman SWANICK directed that the names of Legislators Swanick, Peoples, Kuwik, Fitzpatrick, Holt, Fisher, Olma, DeBenedetti, Marinelli and Cohen Kennedy be added as co-sponsors.

Mr. DUSZA moved the adoption of the resolution as amended.
Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 39 - Mr. KUWIK presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 282

Support for Linking Driving
and Boating Intoxication
Penalties. (Int. 12-21)

WHEREAS, Erie County, Western New York and the Niagara Frontier are the beneficiaries of a vast and glorious supply of fresh water, and

WHEREAS, Those waters, creeks, rivers and lakes supply residents with much pleasure through various water related recreational activities such as swimming, boating, jet skiing and water skiing, and

WHEREAS, One way those recreational water activities continue to be enjoyable is through the degree of safety maintained for those using our waterways, and

WHEREAS, The safety measures include various safety rules, local and state laws that prevent reckless behavior on the water, and

WHEREAS, Nationwide, the number of laws cracking down on boat operators under the influence of drugs and alcohol have increased as boating, jet skiing and other water sports become more and more popular, and

WHEREAS, A number of boating while intoxicated (BWI) incidents have occurred in Erie County and New York State while the respective operators' motor vehicle license had been suspended on driving while intoxicated (DWI) charges, and

WHEREAS, Currently, in New York State there is no mandate linking driving while intoxicated (DWI) offenders with boating while intoxicated offenders (BWI), and

WHEREAS, Currently, driving while intoxicated (DWI) and driving while ability impaired (DWAI) offenses are punished with license and registration suspensions to that individual activity, and

WHEREAS, Although there is no license requirement for boaters, a stiff penalty could be imposed such as suspending the boating registration, and

WHEREAS, To that end, legislation has been introduced in the New York State Assembly (5285-A) that amends the vehicle traffic and navigation laws in relation to suspension of vessel operating privileges, motor vehicle licenses, motor vehicle registrations and vessel registrations for operation of any vessel or motor vehicle while under the influence of alcohol or drugs,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby express its desire to work toward increased safety measures for all road and water related activities, and be it further

RESOLVED, That this Honorable Body does hereby recognize the importance of providing the best road and water conditions possible in New York State through stringent laws against driving and boating while intoxicated, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the New York State Legislature to pass, and Governor George Pataki sign into law, Assembly bill 5285 (Senate B.3573) as a means of increasing and improving the safety on our roads and waterways for all of Erie County residents, and be it further

RESOLVED, That certified copies of this resolution be forwarded Governor George Pataki and all members of the Western New York delegation of Assembly.

Fiscal Impact: None for resolution.

EDWARD J. KUWIK

Chairman Swanick directed that Et al be added to the sponsorship.

Mr. KUWIK moved the adoption of the resolution as amended.
Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 40 - Mr. DUSZA presented the following resolution and moved for immediate consideration. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 283

Assisting the Administration
of Justice in the Town of
Cheektowaga. (Int. 12-22)

WHEREAS, maintaining the safety and welfare of the general public must be an overriding concern for public officials at all levels, and

WHEREAS, the Erie County Legislature has consistently led the fight for enhanced public safety initiatives throughout our region, and

WHEREAS, on February 6, 1997, the Erie County Legislature approved funding for the Cheektowaga Justice Court in the amount of \$3,500 to assist in the court's efforts to efficiently and effectively administer justice within the town of Cheektowaga, and

WHEREAS, town justice court officials have indicated a need for additional funds to improve computer systems and obtain other materials necessary to carry out their sworn duties, and

WHEREAS, the Legislature set aside funds in the 1997 Erie County Budget for use by worthy community organizations and governmental agencies, and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$3,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) 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>
Cheektowaga Justice Court	n/a	\$ 3,000
TOTAL		\$ 3,000

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into an amended contract with the agency cited, so as to expedite payment to the agency of these necessary funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Cheektowaga Town Justices Thomas Kolbert and Ronald Kmiotek, Cheektowaga Town Justice Court, 3223 Union Road, Cheektowaga, NY 14227.

Fiscal Impact: Appropriation of 1997-budgeted funds.

RAYMOND K. DUSZA

Mr. DUSZA moved the adoption. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

ITEM 41 - Ms. PEOPLES presented the following resolution and requested it be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Int. 12-23 From: Legs. Swanick, Peoples, Marshall et al. Re: Alden-Newstead (#1) and Clarence-Newstead (4#) Agricultural Districts - 9 Year Review.

ITEM 42 - Mrs. FISHER presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 284

Support for Benefits for
Children with Mental Illness.
(Int. 12-24)

WHEREAS, Over the past few years, the public has grown increasingly concerned over crimes committed by young people, and

WHEREAS, Recently released studies have shown juvenile crimes in Erie County are increasing, and

WHEREAS, The New York State Assembly Majority is proposing the Juvenile Justice Accountability and crime Reduction Act (Bill A08179) to toughen penalties for young criminals, reform the courts that handle juvenile cases, strengthen juvenile crime prevention programs that work and restructure the Division for Youth, and

WHEREAS, The Assembly plan also brings parents into the fold, giving them a direct role in addressing their child's criminal behavior, and require them to play a pivotal role in turning around their child, and

WHEREAS, Enacting tough new penalties is an important part of the Assembly's Majority comprehensive approach to combating juvenile crime and requiring that every youthful offender be held responsible with a "taste of punishment" no matter how minor the offense, and

WHEREAS, Reforming the courts will ensure they have the necessary tools to fight juvenile crime, providing new authority

for the to issue arrest and search warrants, and establish new Juvenile Gun Courts, and

WHEREAS, The bill would significantly reform the Division for Youth, making it better able to supervise youth, enact a series of court reforms and improvements, add additional judges to family court, and increase delinquency prevention funding, and

WHEREAS, Preventing juvenile crime means strengthening programs with proven success and establishing new programs that will teach accountability and responsibility to at-risk youth, including establishing a Youth Enterprise Program to develop entrepreneurial skills to lead youth away from crime

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby recognize that tomorrows leaders are today's young people, and be it further

RESOLVED, That this Honorable Body is dedicated to provide Erie Counties youth the tools necessary they need to succeed in society, and be it further resolved

RESOLVED, That this Honorable Body does hereby memorialize the New York state Legislature to pass, and Governor George Pataki to sign into law Assembly Bill A08179 as a means of promoting priorities for children through opportunity and accountability, and be it further

RESOLVED, That certified copies of this resolution be forwarded to New York State Governor George Pataki and all members of the Western New York delegation of the New York State Legislature.

Fiscal Impact: To be determined.

JUDITH P. FISHER

Chairman SWANICK directed that the names of Legislators Swanick, Peoples, Kuwik, Fitzpatrick, Holt, Olma, DeBenedetti, Dusza, Marinelli and Cohen Kennedy be added as co-sponsors.

Ms. PEOPLES moved the adoption of the resolution as amended.
Mrs. FISHER seconded.

CARRIED UNANIMOUSLY.

ITEM 43 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Mrs. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 285

Re: Promoting Regionalism in
Erie County. (Int. 12-25)

WHEREAS, The Chautauqua Conference on Regional Governance was held June 1 - June 4, 1997 at the Chautauqua Institution, and

WHEREAS, This event, convened by Kevin Gaughan and former Lieutenant Governor Stan Lundine, brought together national scholars and leaders in the field of regionalism, local elected officials and staff, and community and business leaders to discuss regionalism and its importance to Western New York and Erie County, and

WHEREAS, Neal Peirce, the co-author of Citistates and the "Peirce Reports" on U.S. metropolitan regions, rightly stated, "Global, regional, neighborhood has replaced federal, state, local as the functioning levels of government," in that people identify themselves with their neighborhood, governments operate most effectively at the regional level, and we now compete in a global marketplace, and

WHEREAS, David Rusk, author of Cities Without Suburbs, explained that the two defining problems facing our region today are urban sprawl and race, that they are most effectively combated at the regional level, and that the problems of one municipality directly affect the region as a whole, and

WHEREAS, Rusk vividly illustrated through research the fragmentation and decline of Buffalo and Erie County's inner ring suburbs, and concluded, "In the current trend of outmigration, today's winners are tomorrow's losers," and

WHEREAS, Rusk and others proposed many insightful remedies to our region's plight; including urban growth boundaries, cooperative agreements, traditional service consolidations, regional revenue sharing, and others, and

WHEREAS, For the health of Erie County and all its residents, regional efforts must be assessed and pursued in a timely fashion,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby commend Kevin Gaughan and Stan Lundine for their vision and success in convening the Chautauqua Conference on Regional Governance, and be it further

RESOLVED, That this Honorable Body does hereby state its strong commitment to the cause of regionalism and does pledge to study and implement any and all regional initiatives found to be beneficial for Erie County and its residents, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Kevin Gaughan and Stan Lundine.

Fiscal Impact: To be determined.

CRYSTAL D. PEOPLES

JUDITH P. FISHER

GREGORY B. OLMA

Chairman Swanick directed that et al be added to the sponsorship.

Ms. PEOPLES moved the adoption of the resolution as amended.
Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 44 - Mr. KUWIK presented the following resolution and moved
for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 286

Enhancing Youth Activities
and Public Safety.
(Int. 12-26)

WHEREAS, the Legislature set aside funds in the 1997 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, two distinct entities, Hamburg Hawks Hockey and
Lackawanna Little Loop Football, provide important services to
young people throughout the Lackawanna/Blasdell/Hamburg area, and

WHEREAS, the Lackawanna Fire Department provides critically
important public safety services to the people of the City of
Lackawanna every day, and

WHEREAS, all three of these entities are in need of a small
grant of county funds to assist in the deliver of the services they
provide to local residents, 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 \$12,500 from the legislative contingency
(Countywide Contingency DAC: 110923310893) 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>
Hamburg Hawks Hockey	n/a	\$ 5,000
Lackawanna Little Loop Football	n/a	\$ 5,000
Lackawanna Fire Dept.	n/a	\$ 2,500
TOTAL		\$ 12,500

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Hamburg Hawks Hockey, Ken Machelski, 3014 Bender Ct., Hamburg, NY 14075, Lackawanna Little Loop Football, c/o Mary Beyer, 29 Green St., Lackawanna, NY 14218, and to the Lackawanna Fire Department, c/o Firefighter Dave Dudek, 2990 South Park Ave., Lackawanna, NY 14218.

Fiscal Impact: Appropriation of 1997 budgeted funds.

EDWARD J. KUWIK

Mr. KUWIK moved the adoption. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

ITEM 45 - Mrs. FISHER moved to discharge the HEALTH COMMITTEE from further consideration of Int. 9-16. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 287

Re: Protecting New York's
Medicaid Managed Care
Program.
(Int. 9-16)

WHEREAS, Medicaid managed care helps reduce health care costs by, among other reasons, placing greater emphasis on the use of primary care physicians and prevention measures rather than the more costly use of hospital emergency rooms visits, and

WHEREAS, Erie County's success in managed care has had a stabilizing influence in the County's Medicaid expenditures in the 1996 and 1997 County budget, and

WHEREAS, In fact, Erie County is a state leader in voluntarily enrolling Medicaid eligible residents in managed care programs, and

WHEREAS, The County's continued success with managed care is predicated on having a sufficient number of quality managed care providers to address the program's expanding enrollment numbers, and

WHEREAS, New York State recently received federal approval for mandatory enrollment in managed care programs for state Medicaid recipients, and

WHEREAS, According to officials from Independent Health, a local HMO, State reimbursements for each Medicaid managed care client has been reduced by approximately 20%, from \$113.65 in 1994 to \$94.23 in 1997, and

WHEREAS, The trend of reduced state Medicaid reimbursement rates is resulting in commercial HMO's retreating from the program as they are unable to sustain continued losses, and

WHEREAS, This situation has also resulted in Independent Health's discontinuation of ~~the~~ its Medicaid managed care program in Westchester and Rockland counties, and

WHEREAS, Independent Health serves approximately 26,000 of the 121,000 Western New Yorkers enrolled in Medicaid managed care programs, and

WHEREAS, should this trend of reduced Medicaid reimbursements continue, the financial viability of the state's managed care provider network will be seriously threatened, thereby undermining efforts to promote Medicaid Managed care programs, and

WHEREAS, the reduction and/or elimination of the state's Medicaid managed care program will result in considerably higher Medicaid costs as experienced several years ago with double-digit annual costs increases, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support efforts to strengthen the state's Medicaid managed care provider network, thereby promoting the goal of providing quality health care at reasonable costs, and be it further

RESOLVED, that this Honorable Body memorializes the New York State legislature and Governor George Pataki support increased funding in the amount of \$40 million, for the state's Medicaid managed care program, and be it further

RESOLVED, that certified copies of this resolution be forwarded to members of the Western New York State Legislature, as well as the New York State Governor George Pataki.

Fiscal Impact: To Be Determined.

CRYSTAL D. PEOPLES

Mrs. FISHER moved the adoption. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 46 - Ms. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Int. 11-3. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 288 Re: Kenmore Avenue Maintenance Agreement
(Int. 11-3)

WHEREAS. The City of Buffalo and County of Erie currently share ownership of Kenmore Avenue. and

✓ WHEREAS. This circumstance of joint jurisdictional ownership has created a situation ^hwhere Kenmore Avenue is in poor and deteriorating condition primarily because the city and county each have different schedules and priorities for road maintenance. and

WHEREAS. Motorists using Kenmore Avenue are concerned for public safety as well as the wear and tear caused to their automobiles due to this poorly maintained roadway. and

WHEREAS. The situation with Kenmore Avenue is representative of the high level of frustration taxpayers experience with inefficient and effective government service delivery. and

WHEREAS. Motorists are deserving of an affirmative response to their frustrations with the current situation concerning Kenmore Avenue. and

WHEREAS. The County Municipal Consolidation Committee has recommended that the County Legislature dedicate \$920,000 from the 1997 County budget to help the city maintain certain roads of joint jurisdiction. including Kenmore Avenue. and

✓ WHEREAS. Kenmore Avenue provides perhaps the best and worst examples of the problems caused by joint jurisdictional road maintenance. and

NOW, THEREFORE, BE IT

RESOLVED. That the Erie County Legislature does hereby reaffirm its support for a consolidation of Kenmore Avenue with the County Public Works Department, and be it further

RESOLVED. That pending a formal agreement between the County of Erie and City of Buffalo for said consolidation of Kenmore Avenue, a memorandum of understanding should be jointly developed between the city and county to ensure a coordinated and standardized maintenance program for Kenmore Avenue, and be it further

RESOLVED. That certified copies of this resolution be forwarded to County Executive Dennis T. Gorski, Buffalo Mayor Anthony M. Masiello, County Public Works Commissioner John C. Loffredo and City Public Works Commissioner Joseph N. Giambra.

Fiscal Impact: To Be Determined.

LYNN M. MARINELLI

Ms. PEOPLES offered the following amendment:

ADD the following as the Second RESOLVE:

RESOLVED, that the Erie County Legislature does hereby approve the following resolution concerning the issues of coordinating and scheduling of any and all future repair and maintenance, in addition to the ownership issue, involving Kenmore Avenue, including the area from Main Street to Military:

That 1997 county consolidation funding, in an amount not to exceed the County Municipal Consolidation Committee recommended amount for city road maintenance, be designated for the city of Buffalo and earmarked for the purposes of repairing the south side of Kenmore Avenue, and

✓ That County and city public works department officials are hereby requested to develop a municipal agreement for the purposes of coordinating future Kenmore Avenue maintenance and repair schedules, and

That county and city public works department officials study the feasibility, including legal and budgetary issues, of having one municipality take future title to Kenmore Avenue, thereby addressing the historical problems associated with the current two jurisdictional ownership.

Ms. MARINELLI moved the adoption of the amendment. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

Ms. MARINELLI moved the adoption of the resolution as amended. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

ITEM 47 - Ms. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 10E-14. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that Comm. 10 E-14 be RECEIVED, FILED & PRINTED.

Dear Ms. Manzella:

✓ Please be advised that pursuant to Section 302 of the New York State Agricultural District Law, Article 25-AA, I hereby re-appoint the following individuals to the Erie County Agricultural and Farmland ~~98~~ Protection Board: **THOMAS ABBOTT**, Richard Milling Company, 351- Union Rd., Hamburg, NY 14085, **RALPH MITZEL**, 542 Pavement Road, Lancaster, NY 14086, **DONALD SPOTH**, 2715 Tonawanda, Creek Road, Amherst, NY 14228.

The terms of Messrs. Abbott, Mitzel and Spoth are to expire in March 2000.

Sincerely,
CHARLES M. SWANICK
Chairman
Erie County Legislature

✓ RECEIVED, FIELD & PRINTED.

ITEM 48 - Ms. CHASE moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Int. 8-11. Mr. GREENAN seconded.

CARRIED UNANIMOUSLY.

✓ Int. 8-11 From: Legs. Chase, Marshall, Greenan, Larson & Ranzenhofer Re: Filling of Nine Vacant Positions in Child Protection Registry/Child Protection Services

Ms. PEOPLES offered the following amendment:

DELETE, in its entirety, the sixth WHEREAS clause.

DELETE, in its entirety, the first RESOLVED clause.

DELETE the following from the second RESOLVED clause:

...the next...

and REPLACE with the following:

...a future...

ADD the following to the second RESOLVED clause:

For the vacancies...as well as what impact the filling of these vacancies would have on the level of service provided...and be it further

ADD the following FISCAL IMPACT statement:

Fiscal Impact: To be determined.

Ms. PEOPLES moved the adoption of the amendment. Ms. COHEN KENNEDY seconded.

CARRIED.

Legislators Chase, Greenan, Larson, Marshall, Pauly and Ranzenhofer in the negative.

Mr. GREENAN offered an amendment as follows:

Add the following RESOLVE clause to read as follows:

RESOLVED, that this Honorable Body calls upon County Executive Dennis Gorski to immediately fill the nine positions in the Child Protection Registry and Child Protection Services, and be it further

Mr. GREENAN moved the adoption of the amendment. Ms. CHASE seconded.

DEFEATED.

Legislators DeBenedetti, Dusza, Fisher, Fitzpatrick, Holt, Cohen/Kennedy, Kuwik, Marinelli, Olma, Peoples and Swanaick in the negative.

Ms. PEOPLES moved to send Int. 8-11 as amended back to Committee. Mr. HOLT seconded.

Chairman SWANICK directed a Roll Call be taken.

Ayes - Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Peoples, Swanick - 9. Noes - Chase, Greenan, Larson, Marshall, Pauly, Ranzenhofer, DeBenedetti, Olma - 7.

CARRIED.

Subsequently Int. 8-11 remaining in the SOCIAL SERVICES COMMITTEE.

ITEM 49 - Mr. MARSHALL moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Int. 29-11. Ms. CHASE seconded.

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Chase, Greenan, Larson, Marshall, Pauly, Ranzenhofer, DeBenedetti, Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Olma, Peoples, Swanick - 17. Noes - 0.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 289

Re: Loss of Welfare Benefits

Due To Illegal Activities.

(Int. 29-11)

WHEREAS, individuals receiving welfare benefits share the same obligation as individuals who are not receiving such benefits to be law abiding citizens, and

WHEREAS, the receipt of welfare benefits is in essence a social contract between the recipient and government and that it is expected of individuals receiving benefits to be law abiding, demonstrate personal responsibility, and strive to become independent of the social welfare system, and

WHEREAS, it was recently reported that welfare benefits used in illegal activities, such as food stamps being sold less than the cash value and being used to purchase unlawful materials, and

WHEREAS, the use of welfare benefits in illegal activities threatens the integrity of our social services system, diverts resources from the truly needy and denies to the taxpayers of this state and county the services for which their tax dollars are being levied,

NOW, THEREFORE, BE IT

✓✓ RESOLVED, that this Honorable Body believes that social service recipients who involves their welfare benefits in illegal activities should forfeit the right to those benefits, and be it further

✓✓ RESOLVED, that this Honorable Body requests Erie County Department of Social Services Commissioner Deborah Merrified to appear before the next meeting of the Legislature's Social Services Committee and to make recommendations as to how Erie County can efficiently remove from the welfare rolls individuals convicted of using their benefits in an illegal manner or having their benefits associated with illegal activities.

JOHN W. GREENAN FREDERICK J. MARSHALL MICHAEL H. RANZENHOFER

Ms. PEOPLES offered the following amendment:

DELETE, in it's entirety, the second WHEREAS clause.

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the fight against illegal activities of any kind, and be it further

DELETE, IN ITS ENTIRETY, THE SECOND RESOLVED clause, and REPLACE with the following:

RESOLVED, that this Honorable Body requests Erie County Department of Social Services Commissioner Deborah Merrifield to appear at a future meeting of the Legislature's Social Services Committee to discuss possible plans to ensure that those receiving public assistance through the county are not engaged in any illegal activities, and what possible sanctions and rehabilitation may be appropriate in such cases, and be it further

ADD, following the second RESOLVED clause:

RESOLVED, those certified copies of this resolution be forwarded to Erie County Executive Dennis Gorski and Erie County Social Services Commissioner Deborah Merrifield.

ADD the following FISCAL IMPACT statement:

Fiscal Impact: To be determined.

Ms. PEOPLES moved the adoption of the amendment. Mr. OLMA seconded.
CARRIED.

✓ Legislators Chase, Greenan, Larson, Marshall, Pauly, Ranzenhofer and DeBenedetti in the negative.

Ms. PEOPLES offered an additional amendment as follows:

In the new 2nd RESOLVE clause delete the word "possible" and replace with the word "current".

Ms. PEOPLES moved the adoption of the amendment. Mrs. FISHER seconded.

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that the names of Legislators Swanick, Peoples, Kuwik, Fitzpatrick, Holt, Fisher, Olma, DeBenedetti, Dusza, Marinelli and Cohen Kennedy be added as co-sponsors.

✓ MS. PEOPLES moved the adoption of the resolution as amended. Mrs. FISHER seconded.

CARRIED UNANIMOUSLY.

Space → SUSPENSION OF THE RULES

ITEM 29 - Ms. PEOPLES moved for a suspension of the rules to include an item not on the agenda. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 290

Re: Home Rule Request
Regarding Mr. Michael Baranyi.
(Int. 12-27)

WHEREAS, Mr. Michael Baranyi was targeted by the Erie County Medical Center to participate in the Retirement Incentive Program as provided by Chapter 30 of the laws in 1996, and

WHEREAS, Mr. Baranyi's name appears on the List of Members Eligible for the 1996 Retirement Incentive Program which was submitted by Erie County, and

WHEREAS, Mr. Baranyi retired from his position as a laboratory helper effective September 14, 1996, and

WHEREAS, Through no fault of his own, Mr. Baranyi failed to complete and submit a retirement application to the New York State and Local employees' retirement system, and

WHEREAS, As a result, the current system will not allow him to retire and will not allow him to submit his application after the fact, and

WHEREAS, Due to the fact Mr. Baranyi is only 51 years of age, Mr. Baranyi does not qualify for normal service retirement, and

WHEREAS, Pursuant to the request of the County Executive, proposed Senate bill S.5412 and Assembly bill A. 8137 will require the system to accept the application, and Mr. Baranyi be considered to have made timely application for the benefits available pursuant to Chapter 30 of the laws of 1996,

NOW, THEREFORE, BE IT

RESOLVED,

To the Legislature:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate bill 5412 and Assembly bill 8137 entitled, "An act to require the New York State and local employees' retirement system to accept a retirement application from Mr. Michael Baranyi, an employee of the Erie County Medical Center as of September 14, 1996," and be it further

RESOLVED, It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: the local government does not have the power to enact such legislation by local law in such request is made by the chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body.

Fiscal Impact: To be determined.

CHARLES M. SWANICK

Ms. PEOPLES moved the adoption. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

The Comptroller
~~FROM LEGISLATOR MARSHALL~~

ITEM 51 - (Comm. 12E-1) 1997 Audit - Division of Budget, Management & Finance - Hotel Occupancy Tax Collection Procedures - 7/1/95 - 6/30/96.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

ITEM 52 - (Comm. 12E-2) Erie County Sheriff's Office - Asset Forfeiture Fund Appropriations - Project #493.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM COUNTY EXECUTIVE

ITEM 53 - (Comm. 12E-3) ECC 1997 - 1998 Tentative Budget.

FROM LEGISLATORS COHEN KENNEDY & MARINELLI

ITEM 54 - (Comm. 12E-4) ECC'S Response to Intro 7-15.

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

FROM THE COUNTY EXECUTIVE

ITEM 55 - (Comm. 12E-5) Position Change Report.

FROM LEGISLATOR MARINELLI

ITEM 56 - (Comm. 12E-6) Response to Government Affairs Committee
Item 10E-42.

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

FROM THE COMPTROLLER

ITEM 57 - (Comm. 12E-7) Sales Tax Receipts for 4/97.

ITEM 58 - (Comm. 12E-8) Quarterly Investment Report 1/1/97 to
3/31/97.

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

ITEM 59 - (Comm. 12E-9) Certificate of Determination Re:
\$40,000,000 R.A.N.

RECEIVED & FILED.

FROM THE SHERIFF

ITEM 60 - (Comm. 12E-10) Copy of Letter to County Executive: Re:
East Ferry Detention Center.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

ITEM 61 (Comm. 12E-11) Audit - Senior Services - Admin. Of Grant
Programs & Contractual Agencies 1/1/96 to 11/30/96.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIRMAN SWANICK

ITEM 62 (Comm. 12E-12) Copy of Letter to Governor Pataki Re:
Assembly Bill A.6795-A.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

ITEM 63 - (Comm. 12E-13) Copy of Letter to NYS Attorney General Re:
Tobacco Settlement.

Received and referred to the HEALTH COMMITTEE.

FROM LEGISLATOR DEBENEDETTI

ITEM 64 - (Comm. 12E-14) Copy of Letter to Personnel Commissioner
Re: Request for Information.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 65 - (Comm. 12E-15) Copy of Letter to County Executive Re: Rabies Clinic Sites.

Received and referred to the HEALTH COMMITTEE.

FROM THE COUNTY EXECUTIVE

ITEM 66 - (Comm. 12E-16)

Ms. PEOPLES moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 291

Re: Social Services - Case
Records Management System
Purchase Contract
Authorization.

WHEREAS, the Department of Social Services has issued a comprehensive Request for Proposal (RFP) for implementation of a case records management system using state of the art computer imaging technology, and

WHEREAS, the Erie County Legislature has previously authorized a contract with Automated Office Products (AOP Solutions) of Buffalo, New York for specialized imaging system hardware, software, overall system installation and training in connection with this project, and

WHEREAS, the imaging system also will include a network of standard personal computer workstations for on-line document retrieval that are not provided through the AOP Solutions contract, and

WHEREAS, the RFP issued by the Department for the imaging system included separate specifications for personal computer workstations required for the imaging system network, in order to ensure the lowest cost for these standard equipment items, and

WHEREAS, proposals from five (5) of the six (6) firms responding to the RFP included pricing for personal computer workstations, and

WHEREAS, Empire Business Systems Inc. of 802 Elmwood Avenue, Buffalo, New York submitted a bid for personal computer workstations that was the lowest of those received and has offered a unit price, including software, set-up an on-site, maintenance, that is also lower than that available through the New York State standard purchasing contract for equivalent equipment.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Social Services is hereby authorized to purchase personal computer workstations from Empire Business Systems, Inc. of Buffalo, New York for the case records management system, pursuant to the best and final offer price quote in the RFP response of said local vendor, and be it further

RESOLVED, that the unit cost for a maximum of 425 personal computer workstations purchased pursuant to this authorization shall not exceed two thousand three hundred and thirty eight (\$2,338) dollars per unit, including software, set-up and three years of on-site maintenance, and be it further

RESOLVED, that the Department of Social Services is hereby authorized to execute any required purchase agreement or contract with Empire Business Systems for the delivery of personal computer workstations as specified for this project, and be it further

RESOLVED, that budgeted funds for the purchase of personal computer workstations for the case records management system are available and have been designated for this purpose in the Adopted Capital Budget and in the 1997 adopted operating budget of the Department of Social Services, and no additional funds are required, and be it further

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

Ms. PEOPLES moved the adoption. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

ITEM 67 - (Comm. 12E-17) Grant Programs - Authorization to Contract.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ITEM 68 - (Comm. 12E-18) Part Time Laborers in Buildings & Grounds.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ITEM 69 - (Comm. 12E-19) Personnel - Transfer of Funds.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 70 - (Comm. 12E-20) District Attorney's Office - Variable Minimum.

Received and referred to the PUBLIC SAFETY COMMITTEE.

ITEM 71 - (Comm. 12E-21) Health - Revised Immunization Action Plan 11/1/96 to 10/31/97.

ITEM 72 - (Comm. 12E-22) Health - Donation from Wegman's for Purchase of Reagents.

ITEM 73 - (Comm. 12E-23) Health - Infant Mortality Review Program 7/1/97 - 6/30/98.

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

ITEM 74 - (Comm. 12E-24) Emergency Services - Contract with RCC Consultants, Inc.

ITEM 75 - (Comm. 12E-25) Emergency Services - ProQA Client License Agreement for MERS.

The above two items were received & referred to the PUBLIC SAFETY COMMITTEE.

ITEM 76 - (Comm. 12E-26)

Ms. PEOPLES moved for immediate consideration. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 292 Re: Buffalo River - Cazenovia Creek Model
Wetlands & Watershed Stewardship Program

WHEREAS, the EPA Great Lakes National Program Office (EPA-GLNPO) awarded the Erie County Department of Environment and Planning a grant titled "Buffalo River Fish and Wildlife Habitat Restoration Demonstration Project" in the amount of \$1,250,000 which created three sites along the river to provide for fish and wildlife habitat and the access to the river for community enjoyment, and

WHEREAS, Erie County has an existing community outreach component for the restoration project and it is in the best interest of Erie County to protect and enhance the three restoration sites, and

WHEREAS, The National Association of Counties (NACo) receives funding from the USEPA and the US Department of Labor (Job Training Partnership Act), and

WHEREAS, the National Association of Counties (NACo) approved a grant proposal submitted by Erie County Department of Environment and Planning for a model stewardship program pertaining to wetlands protection, watershed management and youth employment and training within the Buffalo River/Cazenovia Creek Wetlands and Watershed, and

WHEREAS, it is a requirement of the grant that the model program be monitored and documented and that it is in the best interest of the project to secure the services of a consultant to produce said work, and

WHEREAS, the identified project consultant, E. Ann Poole, has previously worked on the Buffalo River Habitat Restoration Project under separate contract with the U.S. Department of Interior - U.S. Fish and Wildlife Service and is very familiar with the proposed program aspects.

NOW THEREFORE BE IT

RESOLVED, that the County Executive is authorized to enter into all necessary agreements with the National Association of Counties (NACo), to accept and implement a Buffalo River/Cazenovia Creek Model Wetlands and Watershed Stewardship Program in an amount not to exceed \$11,500 in grant resources over the next six months, and be it further

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the Buffalo and Erie County Private Industry Council (PIC) and the Town of West Seneca Youth Bureau - AmeriCorps Project to implement the program, and be it further

RESOLVED, that the County Executive is authorized to enter into contract with the program consultant E. Ann Poole, Consulting Ecologist/Environmental Planner to document the program for a sum not to exceed \$3,000 in grant resources, and be it further

RESOLVED, that since the contract with E. Ann Poole is less than \$10,000, the request for proposal provision of Section 19.08 of the Erie County Administrative Code does not apply, and be it further

RESOLVED, that the following budget is approved in the grant project titled "Buffalo River/Cazenovia Creek Model Wetlands and Watershed Stewardship Project" as follows:

<u>DAC #</u>		
830	Contractual Services	\$ 9,000
814	Lab Supplies	1,000
826	Other	1,500
		<u>\$ 11,500</u>

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

Ms. PEOPLES moved the adoption. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

ITEM 77 - (Comm. 12E-27) Agricultural Pollution Prevention Grant Program.

ITEM 78 - (Comm. 12E-28) ECSD No. 1 - Borden - Clinton Pumping Stations & Pipeline Improvement Project Construction & Engineering Change Orders - NYS Environ. Bond Act.

ITEM 79 - (Comm. 12E-29) ECSD No. 3 NYS Water Pollution Control Revolving Loan Program Windom Truck Sewer Project.

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

ITEM 80 - (Comm. 12E-30) Request for Legislative Action - Mental Health Contract with Erie County Council for the Prevention of Alcohol & Substance Abuse Inc. 1/1/97 - 12/31/97.

Received and referred to the HEALTH COMMITTEE.

ITEM 81 - (Comm. 12E-31) Buffalo River Fish & Wildlife Habitat Restoration Demonstration Project - Section 1135 Program.

ITEM 82 - (Comm. 12E-32) ECSD No. 4 Contract No. EC-5B - Contact Close-Out Buffalo Sheet Metals, Inc.

ITEM 83 - (Comm. 12E-33) Buffalo River Fish & Wildlife Habitat Restoration Demonstration Project - SFG 194

ITEM 84 - (Comm. 12E-34) ECSD No. 4 Overflow Retention Facilities Modifications Contract EC-5A - Change Order No. 3 Paul J. Gallo Contracting, Inc.

ITEM 85 - (Comm. 12E-35) ECSD No. 4 Overflow Retention Facilities Modifications Contract EC-5A - Change Order No. 4 Paul J. Gallo Contracting, Inc.

ITEM 86 - (Comm. 12E-36) ECSD No. 1 - Borden - Clinton Pumping Stations Improvement Contract "D" - Change Order No. 1 - NYS Environmental Bond Act.

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

ITEM 87 - (Comm. 12E-37) Request for Legislative Action Increase Appropriations Mental Health - Lab & Tech Equipment & DISS Service Charges - 100%.

Received and referred to the HEALTH COMMITTEE.

ITEM 88 - (Comm. 12E-38) Social Services Employment Education & Training.

Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 89 - (Comm. 12E-39) Appointment to Health Board.

RECEIVE, FILE & PRINT.

Honorable Members:

Pursuant to the power vested in me by Section 503 of Article V of the Erie County Charter and Section 5.04 of the Administrative Code, I, Dennis T. Gorski, County Executive of the County of Erie, do hereby appoint and submit for your information, the following to the Erie County Board of Health.

APPOINTMENT	TERM EXPIRES
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JOSEPH BERNAT 86 North Drive Buffalo, NY 14216	12/31/2002
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Mr. Joseph Bernat is the recommendation of Mayor Masiello as the City of Buffalo's representative.

Very truly yours,
DENNIS T. GORSKI
COUNTY EXECUTIVE

RECEIVED, FILED & PRINTED.

FROM THE COUNTY EXECUTIVE

ITEM 90 - (Comm. 12E-40) District Attorney Assets Forfeiture Appropriations - Probation Department & the D.A.'s Office.

Received and referred to the PUBLIC SAFETY COMMITTEE.

ITEM 91 - (Comm. 12E-41) Social Services - Child Care Development Block Grant.

Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 92 - (Comm. 12E-42)

Ms. PEOPLES moved for immediate consideration. Mr. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 293 Re: Underfill of Senior Executive
Position

WHEREAS, the County Executive wishes to achieve additional savings
in his 1997 departmental budget,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to underfill a
senior executive position, at job grade 14, step 1, for a total net
annual savings of \$17,540, and be it further

RESOLVED, that certified copy of this resolution be sent to the
Department of Personnel and the Department of Budget, Management and
Finance.

Ms. PEOPLES moved the adoption. Mr. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

ITEM 93 - (Comm. 12E-43) ECSD No. 6 - Wilmuth Street Pumping
Station contract "E" Contract Closeout - Tunney Electric, Inc.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ERIE COUNTY MORGUE

ITEM 94 - (Comm. 12D-1) Monies & Other Properties Found on Deceased
Persons.

Received and referred to the HEALTH COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

ITEM 95 - (Comm. 12D-2) Notice of Board of Trustees Meetings Held
6/17/97 & 6/18/97.

ITEM 96 - (Comm. 12D-3) Notice of Meetings Held 6/10/97, 6/16/97 & 6/17/97.

The above two items were RECEIVED & FILED.

FROM ERIE COUNTY MEDICAL CENTER

ITEM 97 - (Comm. 12D-4) Meeting Notice & Agenda for Board of Managers Meeting Held 6/12/97.

Received and referred to the HEALTH COMMITTEE.

FROM DEP

ITEM 98 - (Comm. 12D-5) SEQOR - Negative Declaration - ECSD No. 5 Stahley Road Sanitary Sewer.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM MENTAL HEALTH

ITEM 99 - (Comm. 12D-6) Notice of Community Services Board Meeting Held 6/19/97.

Received and referred to the HEALTH COMMITTEE.

FROM THE OFFICE FOR THE DISABLED

ITEM 100 - (Comm. 12D-7) Agenda for Meeting to be Held 6/27/97.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

ITEM 101 - (Comm. 12D-8) Notice of Board of Trustees Meeting Held 6/25/97.

RECEIVED & FILED.

FROM DEP

ITEM 102 - (Comm. 12D-9) SEQR - Negative Declaration - South Park Apartments Construction.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

ITEM 103 - (Comm. 12D-10) Copy of Resolution Approved by Board of Trustees in Opposition to Tuition Increase.

Received and referred to the Community Enrichment Committee

FROM BUFFALO & ERIE COUNTY PUBLIC LIBRARY

ITEM 104 - (Comm. 12D-11) Meeting Notice & Agenda for Board Meeting Held 6/19/97.

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

FROM ERIE COUNTY MEDICAL CENTER

ITEM 105 - (Comm. 12D-12) Notice of Meeting to be Held 7/8/97.

Received and referred to the HEALTH COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

ITEM 106 - (Comm. 12D-13) Meeting Notice and Agenda for Meeting Held 6/25/97.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM CENTRAL POLICE SERVICES

ITEM 107 - (Comm. 12D-14) Countywide Statistics - 1996.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

ITEM 108 - (Comm. 12D-15) 1995 - 1997 Long Range Plan.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LAW

ITEM 109 - (Comm. 12D-16) Notices of Claim.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

ITEM 110 - (Comm. 12D-17) Subcommittee Meeting Minutes - June 1997.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM DEP

ITEM 111 - (Comm. 12D-18) SEQR - Negative Declaration - Aurora Apartments Construction

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LAW

ITEM 112 - (Comm. 12D-19) Tobacco Settlement Alert.

Received and referred to the HEALTH COMMITTEE.

FROM DPW

ITEM 113 - (Comm. 12D-20) Environmental Engineering Services - Various Projects.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

ITEM 114 - (Comm. 12D-21) Response to Audit - Hotel Occupancy Tax.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM DPW

✓ ITEM 115 - (Comm. 12D-22) Master Agreement with NYSDOT - Preliminary Engineering And Right-of-Way Incidental Phases - North Forest Road, Town of Amherst.

ITEM 116 - (Comm. 12D-23) ECC - City Campus - Atrium Rehabilitation.

ITEM 117 - (Comm. 12D-24) Botanical Gardens Dome Rehabilitation.

ITEM 118 - (Comm. 12D-25) Cleaning & Caulking of the Rath Building.

ITEM 119 - (Comm. 12D-26) Buffalo & Erie County Public Library, Local Area Network for OPAC.

ITEM 120 - (Comm. 12D-27) Ellicott Creek Park, Drainage Improvement Project.

ITEM 121 - (Comm. 12D-28) Energy Conservation Engineering.

ITEM 122 - (Comm. 12D-29) ECC - North, South, City Campuses, Exterior Renovation Work.

ITEM 123 - (Comm. 12D-30) Roof, Communication Building at Chestnut Ridge Park.

ITEM 124 - (Comm. 12D-31) ECC - South Campus, HVAC Alterations and Improvements.

ITEM 125 - (Comm. 12D-32) 1997 Overlay "A" Program - Towns of Alden, Evans, Hamburg, Orchard Park & City of Buffalo.

ITEM 126 - (Comm. 12D-33) Phillips Road Reconstruction - Towns of Colden, Holland & Sardinia.

ITEM 127 - (Comm. 12D-34) Wastewater Systems Repairs & Modifications - Sheriff's Radio Communication Building - Chestnut Ridge.

ITEM 128 - (Comm. 12D-35) Increase to Contract - George Urban Boulevard, Town of Cheektowaga, Village of Depew.

✓ ITEM 129 - (Comm. 12D-36) Chestnut Ridge Pak Water Line Installation Phase I.

ITEM 130 - (Comm. 12D-37) Erie County Court Facilities.

The above sixteen Items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM NYSDEC

ITEM 131 - (Comm. 12M-1) Fact Sheet - 318 Urban Street - City of Buffalo.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM JAMES M. MORRISSEY

✓ ITEM 132 - (Comm. 12M-2) Copy of Letter to Assemblyman Eve Re: Some Comparisons of the Gorski, Pataki and Assembly Welfare Reforms.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM WELLNESS INSTITUTE

ITEM 133 - (Comm. 12M-3) Notice of Meeting Held 6/19/97.

RECEIVED & FILED.

FROM MONROE COUNTY LEGISLATURE

✓ ITEM 134 - (Comm. 12M-4) Copy of Letter Re: Memorializing New York Legislature and Governor Pataki to Include Counties Under Provisions of NY State Lobbying Act.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM NYSDEC

ITEM 135- (Comm. 12M-5) Erie County Household Hazardous Waste Drop-Off Day 6/21/97.

RECEIVED & FILED.

FROM ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

ITEM 136 - (Comm. 12M-6) Minutes of Meeting Held 5/20/97

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM VILLAGE OF WILLIAMSVILLE

ITEM 137 - (Comm. 12M-7) Certified Resolution Re: Support for ECC North Campus.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

✓ FROM ERIE COUNTY FEDERATION OF SPORTSMEN'S CLUBS INC.

ITEM 138 - (Comm. 12M-8) Copy of Letter Re: Use of Rich Stadium.

FROM OTB

ITEM 139 - (Comm. 12M-9) Minutes of Meeting Held 4/24/97.

The above two items were received & referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM NYSAC

ITEM 140 - (Comm. 12M-10) Copy of Resolution Re: Urging Changes in the New York State Welfare System.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM MELINDA HOLLAND CLEAN SITES

ITEM 141 - (Comm. 12M-11) Summary of Meeting Held 6/4/97 & Notice of Meeting Held 6/17/97.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM SANDRA STYKA

ITEMS 142 - (Comm. 12M-12) Copy of Letter Re: Chautauqua Conference on Regional Governance.

HUBLINK

ITEM 143 - (Comm. 12M-13) A Vision for Mobility.

The above two items were received & referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM BUFFALO COMMON COUNCIL

ITEM 144 - (Comm. 12M-14) Copy of Resolution Re: Support for Consolidation Efforts.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM NEW YORK STATE COALITION FOR CHILDREN'S MENTAL HEALTH SERVICES

ITEM 145 - (Comm. 12M-15) Children's Mental Health Services Checklist.

FROM SUNY AT BUFFALO DEPARTMENT OF MEDICINE

ITEM 146 - (Comm. 12M-16) Copy of Letter to Legislator Peoples Re: Concerns with Managed Care for Medicaid Recipients in Erie County

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

FROM SUFFOLK COUNTY LEGISLATURE

✓ ITEM 147 - (Comm. 12M-17) Copy of Resolution Re: Requesting State of New York to Rollback Cost of State Constitutional Convention.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM NYSDEC

ITEM 148 - (Comm. 12M-18) Fact Sheet Re: Fourth Street Site.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM PAUL MACCLENNAN

✓ ITEM 149 - (Comm. 12M-19) Copy of Letter to Legislator Fisher Re: Labeling of Products at Supermarkets.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM NYSPERB

ITEM 150 - (Comm. 12M-20) Erie County Clean Air Act Impasse.

Received and referred to the HEALTH COMMITTEE.

FROM OTB

ITEM 151 - (Comm. 12M-21) Duplicate of Comm. 12M-9.

FROM SUNY AT BUFFALO DEPARTMENT OF MEDICINE

ITEM 152 - (Comm. 12M-22) Duplicate of Comm. 12M-16.

The above two items were RECEIVED & FILED.

FROM COURTYARD CHILD DEVELOPMENT CENTER

ITEM 153 - (Comm. 12M-23) Copy of Letter to Chairman Swanick Re: Closing of Child Care Learning Lab at ECC City Campus.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM TOD KNIAZUK

ITEM 154 - (Comm. 12M-24) Highlights of the Chautauqua Conference on Regional Governance.

FROM DAVID RUSK

ITEM 155 - (Comm. 12M-25) Sprawl, Race, and the Fate of Cities: Buffalo and Niagara Falls.

The above two items were Received and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

FROM THE ECIDA

ITEM 156 - (Comm. 12M-26) 1996 Audited Financial Statements.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ADJOURNMENT:

ITEM 157 - 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, July 3, 1997. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, July 3, 1997 at 2:00 P.M., Daylight Savings Time.

LAURIE A. MANZELLA
Clerk