

ERIE COUNTY LEGISLATURE
MEETING NO. 18
September 11, 1997

The Legislature was called to order by Chairman SWANICK.

All Members present except Legislator Holt.

The Invocation was delivered by Rabbi Joseph H. Eiduson, RJE of Temple Beth Zion in Buffalo, New York.

The Pledge of Allegiance was led by Ms. PEOPLES.

The Minutes of the previous meeting were APPROVED.

ITEMS ON THE TABLE

ITEM 1 - Ms. PEOPLES moved to take the Minutes of Meeting No. 16, 1997 from the table for immediate consideration. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

Ms. PEOPLES moved the adoption. Mr. MARSHALL seconded,

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

ITEM 2 - Mr. KUWIK presented a resolution of congratulations to Erie County Probation Department's Juvenile Intensive Supervision Program on Receiving the 1997 NACO Achievement Award. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 3 - Ms. MARINELLI presented a resolution of congratulations Honoring the Compass House on the Occasion of its 125th Anniversary. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 4 - Mr. SWANICK & Ms. PEOPLES presented a resolution Recognizing September 20, 1997 as Kids Day America". Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

ITEM 5 - Mr. MARSHALL & Ms. CHASE presented a resolution of Congratulations to the Orchard Park boys and Girls Club. Ms. PEOPLES COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

ITEM 6 - Ms. CHASE presented a resolution of Congratulations to the International Brotherhood of Electrical Worker's Local #41. 100th Anniversary. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 7 - Mr. LARSON presented a resolution of Congratulations to Kimberly Marzec's for Her Heroic Actions. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 8 - Ms. CHASE presented a resolution of Congratulations to Harry Rudy's Retirement From the N.Y.S. Army National Guard, Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 9 - Ms. COHEN KENNEDY presented a resolution of Congratulations Proclaiming September 19, 1997 Law Day in the Town of Amherst with Opening of Amherst Youth Center. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 10 - Ms. PEOPLES presented a resolution of Congratulations to the "Kensington-Bailey Neighborhood Housing Services Week" to be held September 14-20. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 11 - Ms. MARINELLI presented a resolution of Congratulations to the Buffalo Bisons on winning the 1997 American Association Championship Baseball Season. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 12 - Mr. KUWIK presented a resolution of Congratulations to Father Robert Augustine Twele, OFM CONV. For his Dedication & Service as 12th Principal of Saint Francis High School. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS:

ITEM 13 - CHAIRMAN SWANICK directed that Local Law Intro No. 10 (Print #1) - 1997 remain on the table.

CARRIED - UNANIMOUSLY.

LEGISLATORS RESOLUTIONS:

ITEM 14 - Mr. DUSZA presented the following resolution and requested it be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Int. 18-1. From: Leg. Dusza. Re: Support for Proposed Thruway Ramp in Cheektowaga.

ITEM 15 - Mr. MARSHALL presented the following resolution and moved to RECEIVE & FILE. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Int. 18-2. From: Legs. Marshall, Chase, Greenan, Larson, Ranzenhofer, Olma, Pauly & DeBenedetti. Re: Support for Sales Tax Exemption on Clothing from September 1-7, 1997.

RECEIVED & FILED.

ITEM 16 - Mr. OLMA presented the following resolution and requested that it be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Int. 18-3. From: Leg. OLMA. Re: Project Labor Agreement for the Buffalo Bills Lease.

ITEM 17 - Mr. GREENAN presented the following resolution and moved for immediate consideration. Mr. MARSHALL seconded.

Int. 18-4. From Legs. Greenan, Chase, Larson, Ranzenhofer & Marshall. Re: The Consideration of Volunteer Fire Departments to be allowed to use Schools in Their District for Training.

Chairman SWANICK directed that Int. 18-4 be referred to the PUBLIC SAFETY COMMITTEE.

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

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Chase, Greenan, Larson, Marshall, Pauly, Ranzenhofer - 6.
Noes - DeBenedetti, Dusza, Fisher, Fitzpatrick, Cohen Kennedy, Kuwik, Marinelli, Olma, Peoples, Swanick - 10.

DEFEATED.

Subsequently, Int. 18-4 was referred to the PUBLIC SAFETY COMMITTEE.

ITEM 18 - Mr. LARSON presented the following resolution and requested it be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Int. 18-5. From: Leg. Larson. Re: Naming the Gazebo in Como Park - The Rich Marino Gazebo.

ITEM 19 - Mr. FITZPATRICK presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 360

Re: Remove Megan's Law
Injunction. (Int. 18-6)

WHEREAS, the Sex Offender Registry Act of 1995, commonly referred to as Megan's Law, represented a significant step towards protecting communities and our vulnerable children from sex offenders and sexually violent predators, and

WHEREAS, due to the dangers posed by a high recidivism rate for sex offenders, especially violent offenders, the community notification provisions of Megan's Law requires that sex offenders register annually and verify their residency on a quarterly basis for the remainder of their lives, and

WHEREAS, the registry information is helpful to local law enforcement agencies and communities toward safeguarding children who may reside in an area where a sex offender may be living, and

WHEREAS, there is currently a federal court injunction preventing local law enforcement agencies from notifying communities when a convicted sex offender is living in their area, thereby undermining the intent of Megan's Law (the Sex Offender registry Act of 1995),

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record in support of urging the United States Court of Appeals, Second Circuit, to remove the permanent injunction issued by the United States District Court for the Southern District of New York, thereby allowing for the community notification provisions of Megan's Law to be implemented, and be it further

RESOLVED, that certified copies of this resolution be forwarded to every municipal policing agency in Erie County, in addition to Sheriff Thomas F. Higgins and District Attorney Frank Clark.

Fiscal Impact: To Be Determined.

MICHAEL A. FITZPATRICK

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

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

CARRIED UNANIMOUSLY.

ITEM 20 - Ms. PEOPLES presented the following resolution and requested it be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Int. 18-7. From: Mesdames: Peoples, Fisher, Marinelli, Cohen Kennedy, Chase, & Messrs.: Marshall, Ranzenhofer, Olma, DeBenedetti, Swanick, Pauly, Holt, Kuwik, Larson, Fitzpatrick, Dusza & Greenan. Re: Eden Valley (#2), Eden-Boston (#3), and Eden-Langford (#4) Agricultural Districts - 8 Year Review.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 361

Re: Support & Involvement in
New York State's Food Stamp
Replacement Program.
(Int. 18-8)

WHEREAS, as of August 22, 1997 the federal government has abandoned its responsibility for legal immigrants by making them ineligible for the federal food stamp program, and

WHEREAS, a New York State Food Stamp Replacement Program has been established to provide for the food needs of the elderly, children and disabled legal immigrants of New York State, and

WHEREAS, this program has a county option for participation and a county share for non-federal costs, and

WHEREAS, he more than 125 food pantries and dining rooms in Erie County are already serving more people with fewer resources, and consequently will not be able to meet the daily needs of the over 1,000 legal immigrants living in Erie County who are at risk for losing their food stamps, and

WHEREAS, If Erie County adopts this state program, children, elderly and disabled immigrants would be provided with their nutritional ongoing food needs while also allowing for important cultural food choices, and

WHEREAS, The need for this program is temporary since once a legal immigrant becomes a citizen he is again eligible for the federal food stamp program, and

WHEREAS, Pending congressional "Hunger Has a Cure" legislation, sponsored by New York State Representatives Jim Walsh and Jack Quinn, would restore federal Food Stamp Program benefits to the legal immigrant population if passed, and

WHEREAS, Providing for the innocent individuals who would be faced with hunger without assistance from the State Food Stamp Program can lead to a healthier and stronger Erie County community,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby believe legal immigrants should be afforded the opportunities and privileges they came here seeking when they entered The United States, and be it further

RESOLVED, That this Honorable Body does hereby express its support in principle for the State Replacement Food Stamp Program, and be it further

RESOLVED, That this Honorable Body does further call upon the County to adopt this program ensuring that the needy children, elderly and disabled legal immigrants of Erie County receive the food necessary to maintain a healthy and happy lifestyle, and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Governor George Pataki, New York State Social Services Commissioner Brian Wing, United States Representatives Jack Quinn and Jim Walsh, Erie County Executive Dennis Gorski and Erie County Social services Commissioner Deborah Merrifield.

Fiscal Impact: To be determined.

JUDITH P. FISHER

Chairman SWANICK directed that the names of Legislators Cohen Kennedy and Peoples be as co-sponsors.

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

CARRIED UNANIMOUSLY.

ITEM 22 - Mr. LARSON presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 362

Re: Funding for the Lancaster
Redskins Booster Club.
(Int. 18-9)

WHEREAS, the Lancaster Redskins Booster Club helps provide funding and volunteers for all sporting programs in Lancaster High School, and

WHEREAS, currently the Boosters Club needs money to fund this falls sports programs, and

WHEREAS, sports are an important part of students lives, both as participants and spectators, and

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from the Legislative Contingency Fund (countywide Contingency DAC: 110923310893) to Fund 1110, Project 921, Department 301 Agency Payments & Grants-Public Benefit Services, (DAC: 11021301830) for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Lancaster Redskins Boosters Club	n/a	\$5,000

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 forwarded to the County Executive Dennis T. Gorski, Budget Director Kenneth . Kruly, First Assistant County Attorney Alan Gertsman an Pat Farruggio President of the Lancaster Redskins Boosters Club, Lancaster High School, 1 Forton Drive, Lancaster, New York 14086.

Fiscal Impact: Appropriation of 1997 Budgeted Funds.

DALE W. LARSON

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

CARRIED UNANIMOUSLY.

ITEM 23 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 363 Re: Marilla Agricultural District - 8 Year
Review (Int. 18-10)

WHEREAS, the Erie County Legislature has received notification of the eight-year review requirement of the Marilla Agricultural District which were created in 1973 and recertified every 8 years thereafter, and

WHEREAS, a copy of this Agricultural District maps is on file in the County Clerk's office and the Marilla Municipal Office.

NOW, THEREFORE, BE IT

RESOLVED, that the Clerk of the Legislature be directed to publish a public notice in a newspaper having general circulation within the area of the above agricultural district, that notice be posted in at least five conspicuous places within the districts, and that notice also be sent to the affected municipality, being the Town of Marilla; and be it further

RESOLVED, that after this 30 day period, the Legislature hereby directs the Clerk to refer the Marilla Agricultural District to the Erie County Department of Environment and Planning and the Agricultural and Farmland Protection Board for a report and recommendations; and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Department of Environment (Chet C. Jandzinski) and the Town of Marilla.

**NOTICE OF PROPOSAL FOR THE 8-YEAR
MARILLA AGRICULTURAL DISTRICT**

PLEASE TAKE NOTICE, that the Erie County Legislature has received notification of the eight-year review requirement of the Marilla Agricultural District which was created on December 14, 1973, and recertified in 1981, and 1989, pursuant to Article 25-AA of the Agriculture and Markets Law of the State of New York, a map of each district which is now on file and open to public inspection in the Erie County Clerk's office in Buffalo, NY, and the Marilla Town Hall, 1740 Two Rod Road, Marilla, NY.

PLEASE TAKE FURTHER NOTICE, that any municipality whose territory encompasses this district may propose a modification to such districts. Any landowner who owns at least ten percent (10%) of the land in a proposed modification of a district (either a proposal to include or delete land in a district) may propose such modification. Any state agency may also propose modification of these districts.

PLEASE TAKE FURTHER NOTICE, that any proposed modifications of this district must be filed with the Clerk of the County of Erie and Clerk of the Erie County Legislature within thirty (30) days after the publication of such notice.

PLEASE TAKE FURTHER NOTICE, that at the termination of the thirty (30) day period, any proposed modifications will be submitted to the Erie County Department of Environment and Planning and the Erie County Agricultural and Farmland Protection Board, thereafter, a public hearing will be held on this district including proposed modifications and recommendations of the said department and board.

CHARLES M. SWANICK

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

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

CARRIED UNANIMOUSLY.

ITEM 24 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Mrs. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 364 Re: Concord Agricultural District -
8 Year Review (Int. 18-11)

WHEREAS, the Erie County Legislature has received notification of the eight-year review requirement of the Concord Agricultural District which were created in 1973 and recertified every 8 years thereafter, and

WHEREAS, a copy of this Agricultural District maps is on file in the County Clerk's office and the Concord Boston, and North Collins Municipal office.

NOW, THEREFORE, BE IT

RESOLVED, that the Clerk of the Legislature be directed to publish a public notice in a newspaper having general circulation within the area of the above agricultural districts, that notice be posted in at least five conspicuous places within the districts, and that notice also be sent to the affected municipalities, being the Towns of Concord, Boston and North Collins, and be it further

RESOLVED, that after this 30 day period, the Legislature hereby directs the Clerk to refer the Concord Agricultural District to the Erie County Department of Environment and Planning and the Agricultural and Farmland Protection Board for a report and recommendations, and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Department of Environment (Chet C. Jandzinski) and the Towns of Concord, Boston and North Collins.

**NOTICE OF PROPOSAL FOR THE 8-YEAR
CONCORD AGRICULTURAL DISTRICT**

PLEASE TAKE NOTICE, that the Erie County Legislature has received notification of the eight-year review requirement of the Concord Agricultural District which was created on December 21, 1981, and recertified in 1989, pursuant to Article 25-AA of the Agriculture and Markets Law of the State of New York, a map of each district which is now on file and open to public inspection in the Erie County Clerk's office in Buffalo, NY, and the Concord Town Hall, 86 Franklin Street, Springville, NY.

PLEASE TAKE FURTHER NOTICE, that any municipality whose territory encompasses this district may propose a modification to such districts. Any landowner who owns at least ten percent (10%) of the land in a proposed modification of a district (either a proposal to include or delete land in a district) may propose such modification. Any state agency may also propose modification of these districts.

PLEASE TAKE FURTHER NOTICE, that any proposed modifications of this district must be filed with the Clerk of the County of Erie and Clerk of the Erie County Legislature within thirty (30) days after the publication of such notice.

PLEASE TAKE FURTHER NOTICE, that at the termination of the thirty (30) day period, any proposed modifications will be submitted to the Erie County Department of Environment and Planning and the Erie County Agricultural and Farmland Protection Board, thereafter, a public hearing will be held on this district including proposed modifications and recommendations of the said department and board.

CHARLES M. SWANICK

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 365

Re: Supporting Youth Activities
& Athletic Organization.
(Int. 18-12)

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 \$27,000 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>
Buffalo Police Athletic League	n/a	\$ 2,500
Buffalo PC-Buffalo Boxing Museum	n/a	\$ 2,500
Woodgate School of Traditional Irish Dance	n/a	\$ 3,000
South Buffalo Youth Association	n/a	\$ 2,000
Rince Na Tiarna Association	n/a	\$ 3,000
South Buffalo Community Assn.-		
Cazenovia Events Committee	n/a	\$ 1,000
Sting Rays Football	n/a	\$ 5,000
Old 1st Ward Community Center	n/a	<u>\$ 8,000</u>
 TOTAL		 \$27,000

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 County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Alan Gerstman and to the Buffalo Police Athletic League, c/o Ed Cudney, 74 Franklin St., Buffalo, NY 14202; Woodgate School of Traditional Irish Dance, c/o Patricia McGrath, 18 Kent Drive, Orchard Park, NY 14127; South Buffalo Youth Association, c/o Larry Wolff, 16 Heussy, Buffalo, NY 14220; Rince Na Tierna Association, c/o Mary Heneghan, Board President, 446 Buffalo Road, East Aurora, NY 14052; the South Buffalo Community Association, Cazenovia Events Committee, c/o Kris Parisi, Co-Director, 2219 S. Park Ave., Buffalo, NY 14220; Sting Ray Football, c/o Sting Ray A.C., Inc., Albert Chastain, 61 Princeton Place, Buffalo, NY 14210; and to the Old 1st Ward Community Center, c/o Kathleen Scheiber, Program Administrator, 62 Republic Street, Buffalo, NY 14204.

Fiscal Impact: Appropriation of 1997-budgeted funds.

MICHAEL A. FITZPATRICK

Mr. FITZPATRICK offered an amendment as follows:

ADD the following after the second RESOLVE clause:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$7,500 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 11021301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>BUDGET AMOUNT</u>	<u>+/-</u>	<u>TOTAL FUNDING</u>
Kids Voting	830/0891	\$10,000	\$7,500	\$17,500
TOTAL			\$7,500	

and be it further

ADD the following to the final RESOLVE clause:

Kids Voting USA, Anne Leary, Executive Director, One News Plaza, PO Box 100, Buffalo, NY 14240.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

ITEM 26 - Ms. COHEN KENNEDY presented the following resolution and
moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 366

Re: Continuing Vital Substance
Abuse Prevention Programs
within the Town of Amherst.
(Int. 18-13)

WHEREAS, in 1996, the Erie County Legislature approved funding for the
Community Prevention Network's Parent to Parent Program for adults in
Amherst/Williamsville communities, and

WHEREAS, this program has been critically important in the training of adults
throughout the community in the prevention of substance abuse amongst youngsters, and

WHEREAS, through the county's assistance in 1996, parents and children
received informational and educational services about substance abuse from the Parent to
Parent Program, and

WHEREAS, it is the intention of the Community Prevention Network to continue
and to expand the services of the Parent to Parent Program in 1997, and

WHEREAS, a Parent Resource/Training Center is planned for Amherst's Harlem
Road Community Center, as a place to train participants in the Parent to Parent Program,
as well as for other Community Prevention Network substance abuse training programs,
and

WHEREAS, the Center will engage in enhanced outreach activities with this new initiative, being open to the public as a lending library for materials regarding substance abuse, and servicing as an important community tool for residents and schoolchildren who have a need for such information for school projects, and

WHEREAS, in order to accomplish these goals, the Community Prevention Network is in need of a modest grant from Erie County, 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 \$2,500 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>
Community Prevention Network	n/a	\$ 2,500
TOTAL		\$ 2,500

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 County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Alan Gerstman and to Sally Yageric, Coordinator of Parent Programs, Community Prevention Network, Harlem Road Community Center, 4255 Harlem Road, Amherst, NY 14226.

Fiscal Impact: Appropriation of 1997 budgeted funds.

RANDI COHEN KENNEDY

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

CARRIED UNANIMOUSLY.

ITEM 27 - Mr. KUWIK presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 367

Re: Redirection of Crime
Prevention Funds to the Cities
of Lackawanna & Tonawanda.
(Int. 18-14)

WHEREAS, on July 17, 1997, the Legislature approved Intro. 14-8, which transferred funds from the Legislature Contingency to the Cities of Lackawanna and Tonawanda for the purposes of crime prevention in those localities, and

WHEREAS, the Legislature approved the transfer of \$40,000 to the City of Lackawanna and \$30,000 to the City of Tonawanda, and

WHEREAS, those funds were transferred to the county's budgetary code lines for Public Benefit Agencies, and

WHEREAS, an error was made in doing so, as those funds should rightly have been transferred to Department 303 - Extraordinary Aid to Cities, and

WHEREAS, the Legislature, in order to effectuate the transfer of these funds, must approve a resolution redirecting these funds to this new budget line,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$70,000 from Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830) to Department 303 - Extraordinary Aid to Cities as follows:

<u>NAME</u>	<u>DAC</u>	<u>AMOUNT</u>
City of Lackawanna	110904303830866	\$40,000
City of Tonawanda	110904303830867	\$30,000
TOTAL		\$70,000

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 County Executive Dennis Gorski, Budget Director Kenneth C. Kruly, First Assistant County Alan Gerstman and to Lackawanna Mayor Kathleen Staniszewski, 714 Ridge Rd., Lackawanna, NY 14218, Tonawanda Mayor Alice Roth, 200 Niagara St., Tonawanda, NY 14150.

Fiscal Impact: Appropriation of 1997 budgeted funds.

EDWARD J. KUWIK

CHARLES M. SWANICK

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

CARRIED.

Legislator Marshall in the negative.

ITEM 28 - Mr. MARSHALL presented the following resolution and requested it be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Int. 18-15. From: Legs. Chase & Marshall. Re: The Safety of Rural Roads in the South Towns.

ITEM 29 - Mrs. FISHER presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 368

Re: Restoration of New York
State's federal Medicaid
Funding. (Int. 18-16)

WHEREAS, Approximately one third of New York State's and over \$130 million of Erie County's 1997 budget represents Medicaid appropriation for citizens who are sick and in need, and

WHEREAS, The federal government reimburses just 50 percent of New York State's Medicaid costs while states such as Arkansas are granted an 83 percent Medicaid reimbursement, and

WHEREAS, Since 1990 New York State has imposed a gross receipts tax on hospitals and nursing homes for services provided under the Medicaid program and allowed this tax to be included as a part of their costs consequently reimbursable by the federal government under Medicaid, and

WHEREAS, New York State is forced to do this due to the outdated formula still in use that fails to cover the costly Medicaid expenses for the state, and

WHEREAS, This formula for allocating Medicaid funds, devised in 1946, takes into account New York's per capita wealth while failing to recognize this state's per capita poverty needs, and

WHEREAS, This antiquated formula does not recognize the higher cost of living and the higher health care costs in New York State, and

WHEREAS, States such as New York have attempted to keep their needy populations healthy by including greater numbers of people and services in their Medicaid program, and

WHEREAS, New York State's concentration of urban poor and large AIDS population further contributes to high Medicaid expenses, and

WHEREAS, The U.S. Senate bill, sponsored by Sen. D'Amato, backed by Sen. Moynihan and unanimously approved by the Senate Finance Committee was drafted to create an understanding between New York and the federal government over the state's Medicaid accounting procedures, and

WHEREAS, President Clinton recently exercised his line-item veto rights by rejecting New York State's federal reimbursement formula

WHEREAS, This may directly result in a negative impact for the future of health services in New York State and Erie County,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature believes the appropriate solution for fairness on all levels is reconstruction of the formula used to distribute Medicaid funding, and be it further

RESOLVED, That this Honorable Body supports Congress' bill and strongly urges President Bill Clinton to reevaluate his position on the line-item veto and consider the unique health needs of New York State and Erie County, and be it further

RESOLVED, that certified copies of this resolution be forwarded to President Clinton, the Western New York Delegation of Congress, Erie County Executive Gorski, an Erie County Social Services Commissioner Deborah Merrifield.

Fiscal Impact: Negative for New York State and Erie County under line-item veto.

JUDITH P. FISHER

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

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

CARRIED UNANIMOUSLY.

ITEM 30 - MS. PEOPLES presented the following resolution and moved for immediate consideration. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 369

Re: County Consolidation
Funding for Demolition of City
(Int. 18-17)

WHEREAS, officials representing Erie County and Buffalo City governments have been meeting to negotiate implementation of the recommendations of the County Municipal Consolidation Committee, and

WHEREAS, one of the several recommendations of the County Municipal Consolidation Committee concerned the issue of demolition of blighted and deteriorating housing which has been determined to attract and retain criminal activity near the city municipal border, and

WHEREAS, the Buffalo City Department of Community Development has developed a comprehensive housing plan, including demolition and redevelopment, which is intended to remove blight and to provide new housing opportunities for the people of Buffalo, and

WHEREAS, included in this plan is a proposed collaboration with Erie County to demolish 71 properties which are situated within a one mile perimeter along Buffalo, Cheektowaga, Sloan and West Seneca municipal borders, and

WHEREAS, the cost of the aforementioned demolitions is approximately \$600,000, representing supplemental funding to the city budgeted appropriations of \$5.1 million for 1997-98, and

WHEREAS, the \$600,000 of additional county funding for 71 housing demolitions will bring to approximately 500 the number of scheduled city property demolitions for 1997, including 430 properties designated for demolition with city budgeted appropriations,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that Buffalo Community Development Commissioner Alan H. DeLisle appear before the Legislature Finance and Management Committee to present the city's plans for housing demolition and redevelopment in the City of Buffalo, and be it further

RESOLVED, that after reviewing Buffalo's housing plans, the County Legislature will consider authorizing the use of approximately \$600,000 from 1997 County budgeted appropriations, countywide contingency, for housing demolitions in the City of Buffalo, and be it further

RESOLVED, that the aforementioned authorization will represent supplemental funding to the city's demolition budget and will be applied exclusively for the purpose of financing the cost of 71 property demolitions situated along a one mile perimeter of southeast border in the City of Buffalo, and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Budget Director Kenneth Kruly, Buffalo Community Development Commissioner Alan H. DeLisle and Buffalo City Clerk Charles L. Michaux, III.

Fiscal Impact: \$600,000.

CHARLES M. SWANICK

CRYSTAL DAVIS PEOPLES

Mr. RANZENHOFER offered an amendment as follows:

DELETE the 2nd & 3rd RESOLVE Clauses.

Mr. RANZENHOFER moved the adoption of the amendment. Mr. MARSHALL seconded.

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Chase, Greenan, Larson, Marshall, Pauly, Ranzenhofer, Cohen Kennedy - 7. Noes - DeBenedetti, Dusza, Fisher, Fitzpatrick, Kuwik, Marinelli, Olma, Peoples, Swanick - 9.

DEFEATED.

Chairman SWANICK stepped down as Chairman for debate.

Chairman SWANICK resumed the Chairmanship.

Chairman SWANICK directed that the names of Legislators Kuwik, Fisher and Fitzpatrick be added as co-sponsors.

Ms. PEOPLES moved adoption of resolution as amended. Mrs. Fisher seconded.

CARRIED.

Legislators Marshall, Ranzenhofer & Chase in the negative.

ITEM 31 - Mr. DEBENEDETTI presented the following resolution and moved for immediate consideration. Mr. OLMA seconded.

Int. 18-18. From: Leg. DeBenedetti. Re: Erie County Sport Fishery Promotion Program.

Chairman SWANICK directed that Int. 18-18 be referred to the FINANCE AND MANAGEMENT COMMITTEE.

Mr. DEBENEDETTI moved to Challenge the Chair. Mr. OLMA seconded.

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Chase, Greenan, Larson, Marshall, Pauly, Ranzenhofer, DeBenedetti, Olma - 8. Noes - Dusza, Fisher, Fitzpatrick, Cohen Kennedy, Kuwik, Marinelli, Peoples, Swanick - 8.

DEFEATED.

Subsequently, Int. 18-18 was referred to the FINANCE AND MANAGEMENT COMMITTEE.

SUSPENSION OF THE RULES

ITEM 32 - Mr. DUSZA moved for a suspension of the rules to include an item not on the agenda. Ms. PEOPLES seconded.

Mr. Olma objected.

Int. 18-19 From: Leg. Dusza Re: Commending the Settlement Reached on the Proctor & Gamble Coupon Issue.

Chairman SWANICK directed that Int. 18-19 be referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 33 - Mr. MARSHALL moved for a suspension of the rules to include an item not on the agenda. Mr. GREENAN seconded

Ms. Peoples objected.

Int. 18-20 From: Legs. Marshal Greenan, Chase, Larson & Ranzenhofer. Re: Support for Buffalo Bills and Opposition to New or Higher Taxes to Pay for Proposed Bills Lease.

Chairman SWANICK directed that Int. 18-20 be referred to the FINANCE & MANAGEMENT COMMITTEE.

ITEM 34 - Mr. DEBENEDETTI moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Int. 18-21 From: Leg. DeBenedetti Re: Graphics Controls Corporation.

Chairman SWANICK directed that Int. 18-21 be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

ITEM 35 - (Comm. 18E-1) Cost of Borrowing Report.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

ITEM 36 - (Comm. 18E-2) Summary of 1997-98 ECC Budget Appropriations & Revenues.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE SHERIFF

ITEM 37 - (Comm. 18E-3) 1996 Annual Report.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

ITEM 38 - (Comm. 18E-4) Position Change Report.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

ITEM 39 - (Comm. 18E-5) New Direct Payroll Deposit System.

RECEIVED & FILED.

FROM LEGISLATORS COHEN KENNEDY & PAULY

ITEM 40 - (Comm. 18E-6) Letter to Chairman Swanick Re: Creation of Regional Task Force.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR MARSHALL

ITEM 41 - (Comm. 18E-7) Letter to County Executive Re: Bills Lease.

FROM THE COUNTY EXECUTIVE

ITEM 42 - (Comm. 18E-8) TERM Sheet Between Buffalo Bills, Erie County, New York State - 8/8/97.

FROM THE COMPTROLLER

ITEM 43 - (Comm. 18E-9) COPY OF KPMG Peat Marwick's Management Letter for the County's Year ended 12/31/97.

ITEM 44 - (Comm. 18E-10) 9/1 - 9/7/97 One-Week Sales and use Tax Exemption on Clothing.

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

FROM THE COUNTY EXECUTIVE

ITEM 45 - (Comm. 18E-11) 1997-1998 ECC Adopted Budget.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ITEM 46 - (Comm. 18E-12) Position Change Report.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

ITEM 47 - (Comm. 18E-13) Erie County Supplement to Comprehensive Annual Financial Report for the Year Ended 12/31/96.

ITEM 48 - (Comm. 18E-14) Interim Financial Report for the Six Months Ended 6/30/97.

ITEM 49 - (Comm. 18E-15) Proposal to Fund Erie County's Share of Buffalo Bills Lease.

FROM CHAIRMAN SWANICK

ITEM 50 - (Comm. 18E-16) Copy of Article on Ralph Wilson, Jr.

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

ITEM 51 - (Comm. 18E-17) Establishing a Special Committee to Study the issue of I.D.A. Reform.

RECEIVE, FILE & PRINT.

Dear Ms. Manzella:

Please be advised that pursuant to Rule 38, Rules of Order, I am hereby establishing a special legislature committee to study the issue of Industrial Development Agency (IDA) reform. I received a written request seeking the establishment of this special committee by Legislators Randi Cohen Kennedy and William Pauly.

New York State law grants authority to municipalities to establish IDAs as a mechanism for jobs creation and retention. For example, should an out of state business try to entice a local company to relocate or expand to their state, local IDAs can provide tax abatement plans or issue tax exempt bonds to assist in retaining the local company. A public benefit is realized when a local company stays in Erie County and employment is retained or expanded.

However, in the past several years IDAs operating within Erie County have used their authority to entice local companies for relocation or expansion to their municipality. This situation has created a very competitive environment between municipal IDAs. Creating competition between local IDAs was not the objective of the state legislature when they granted municipalities throughout New York State the authority to establish IDAs in the first place.

In an effort to address the problem of local competition, the New York State Legislature and the Executive Directors of the six IDAs operating in Erie County have independently studied IDA reform issues and have recommended various proposals. However, the problem of IDA influenced competition between local municipal authorities persists.

The Legislature's Special Committee will study the reform proposals that have been completed by the state legislature and the local IDA directors. The committee will study state and federal law to determine what local authority may be available to regulate municipal IDAs. The use of inter-municipal agreements should also be studied as a means mitigating the effects of competition. The committee will issue a report to the County Legislature within 90 days of its establishment. Pursuant to rule 38, the Chairman of the Legislature will determine membership of the committee. Accordingly, I will consider recommendations from the members of the Legislature.

CHARLES M. SWANICK

RECEIVED, FILED & PRINTED.

FROM LEGISLATOR DUSZA

ITEM 52 - Comm. 18E-18

Ms. PEOPLES moved for immediate consideration. Mr. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 370

RE: Lease for Legislative
Office Space.

RESOLVED, that the Erie County Executive is hereby authorized to sign a Lease Agreement between BERNARD L. RUSINAK, Sr., 2958 Union Road, Cheektowaga, New York 14227 and Erie County Legislator Raymond K. Dusza for Legislative Office Space.

Ms. PEOPLES moved the adoption. Ms. MARINELLI seconded.

CARRIED.

Legislator DUSZA abstained.

Legislator DEBENEDETTI in the negative.

FROM THE COMPTROLLER

ITEM 53 - (Comm. 18E-19) Copy of Letter to Commissioner Merrifield
Re: Geneva B. Scruggs Community Health Care Center, Inc.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

ITEM 54 - (Comm. 18E-20) Filling Vacant Positions - July 1997.

ITEM 55 - (Comm. 18E-21) Filling Vacant Positions - August 1997.

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

ITEM 56 - (Comm. 18E-22) Social Services - "Work Now" Grant Establishment.

Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 57 - (Comm. 18E-23)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 371

Re: Surplus Revenue - Road
Repair Reserve Fund.

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

WHEREAS, the Road Repair Reserve Fund has \$1,658,216.00 available for repairs of roads and bridges in the County during 1997, and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following public hearing, and

WHEREAS, the Erie County Legislature, in accordance with resolution Intro. 16-3 [1997], duly advertised and will hold a public hearing on September 11, 1997, at 1:30 in the afternoon of that day,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appropriate \$1,658,216.00 from the Erie County Road Repair Reserve Fund [SFG DAC 2109642246980105] to Oil and Chip Transfer Tax [SFG DAC 4206862236852240] for the following road and bridge repair projects during 1997:

IN HOUSE OVERLAY:

Baseline Road	Two areas	2.00 miles	\$125,000
Williston Road	Eastwood to County Line	0.60 mile	\$ 60,000
E.A. Porterville	Pine to Two Rod	3.50 miles	\$280,000
Morse Road	Sharp to Rte 240	2.50 miles	\$140,000
Whitney Road	Hunter's Creek to County Line	2.72 miles	\$200,000
<u>Pine Ridge Road</u>	<u>Two Intersections</u>	<u>.50 mile</u>	<u>\$ 20,000</u>
TOTAL:		11.82 miles	\$825,000

OIL & CHIP

Cedar Road	Rte 93 to Carney	1.35 miles	\$ 20,000
Tonawanda Ck	Transit to Rapids	5.95 miles	\$ 50,000
Crittendon Road	Rte 33 to Indian Falls	4.80 miles	\$ 40,000
Lapp Road	Transit to Greenacres	1.50 miles	\$ 10,000
Strickler Road	Keller to Lapp	1.50 miles	\$ 10,000

Cemetery Road	Nichter to Walden	0.94 mile	\$ 6,000
Nichter Road	Cemetery to Pavement	0.80 mile	\$ 5,000
Wende Road	Genesee to Walden	0.60 mile	\$ 4,000
Cayuga Creek	Clinton to Broadway	2.70 miles	\$ 30,000
Zoeller Road	Genesee to Walden	0.80 mile	\$ 5,000
School Road	Jennings to Village Line	3.00 miles	\$ 20,000
Haig Road	E. Eden to Feddick	1.50 miles	\$ 15,000
Zimmerman Rd	Rte 391 to Brown Hill	6.00 miles	\$120,000
Bley Road	Bauer to Rte 62	0.50 mile	\$ 3,000
Versailles Plank Road	Eden Evans to Sturgeon Point	1.80 miles	\$ 12,000
Zenner Road	Feddick to East Eden	1.40 miles	\$ 9,000
Old Evans Ctr.-Eden	N. Main to Evans Center -Eden	0.45 mile	\$ 5,000
N. Boston Rd.	East Eden to Taylor	1.40 miles	\$ 9,000
Boston State Road	Maintenance Paving	4.00 miles	\$ 30,000
Eckhardt Road	East Eden to Rte 75	1.40 miles	\$ 9,000
Saunders Hill Road	Hunter's Creek to County Line	2.99 miles	\$ 20,000
Maple Hill Road	Warner Hill to Fish Hill	1.64 miles	\$ 11,000
Irish Road	Hayes Hollow to Knapp	2.07 miles	\$ 15,000
Vermont Hill Road	Centerline to South Protection	9.60 miles	\$108,000
Hunter's Creek Road	Rte 20A to Centerline	2.31 miles	\$ 29,000
Sharp Road	Genesee to Sibley	2.00 miles	\$ 10,000
Pratham Road	Allen to Crump	2.00 miles	\$ 10,000
Matteson Corners Road	Warner Gulf to Pratham	3.00 miles	\$ 15,000
Ketchum Road	Marshfield to Stearns	2.00 miles	\$ 14,000
South Quaker Road	Zoar to Bagdad	1.25 miles	\$ 8,000
Hoffman Road	Rte 39 to Town's Portion	0.75 mile	\$ 5,000

Wheeler/Spaulding Road Full Length	0.75 mile	\$ 5,000
Lenox Road Rte 39 to Quaker	1.00 mile	\$ 5,000
Middle Road Rte 39 to Vaughan	7.00 miles	\$ 35,000
Foster Road Zoar Valley to West Becker	3.80 miles	\$ 30,000
Jennings Road Rte 249 to Rte 39	<u>6.25 miles</u>	\$ 35,000
TOTAL:	90.80 miles	\$767,000

CRACK FILL

John Street, Colvin, Girdle, Central, Genesee,
Webster, Versailles Plank, Abbott, Vaughan,
Delameter, Amsdell, Taylor, Rogers, Jewett-
Holmwood, Jamison, Boston-Springville

\$ 66,216

TOTAL APPROPRIATION \$1,658,216.00;

and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Dennis T. Gorski, Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, 1st Assistant County Attorney Alan P. Gerstman, Public Works Commissioner John C. Loffredo, and Deputy Commissioner of Highways David P. Comerford.

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

ITEM 58 - (Comm. 18E-24) Overtime Allocation for the Erie County Detention Facility & Health Department, Division of Emergency Medical Services.

ITEM 59 - (Comm. 18E-25) Social Services - Medicaid managed Care Grant.

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

ITEM 60 - (Comm. 18E-26) District Attorney's Office - Appropriation of funding for DISS Expense.

Received and referred to the PUBLIC SAFETY COMMITTEE.

ITEM 61 - (Comm. 18E-27) Creation & Funding of Position in Division of Labor Relations.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 62 - (Comm. 18E-28) New York State Combined DNA Index System (CODIS) Grant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

ITEM 63 - (Comm. 18E-29) County Executive appointment to the Erie County Fire Advisory Board.

RECEIVED, FILED & PRINTED.

HONORABLE MEMBERS:

Pleased be advised that I have appointed FRANK NOESON to fill the unexpired term of Ronald Hutchings as a member of the Erie County Fire Advisory Board. Mr. Noeson is the past chief of the Springville Fire Company and would be a great asset to the advisory board.

This will be for the duration of Mr. Hutchings term expiring 5/31/98.

Very truly yours,
DENNIS T. GORSKI
County Executive

RECEIVED, FILED & PRINTED.

ITEM 64 - (Comm. 18E-30) ECC - Protective Fence Around South Campus Athletic Track.
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ITEM 65 - (Comm. 18E-31) District Attorneys Office - Request to Accept Gift.
Received and referred to the PUBLIC SAFETY COMMITTEE.

ITEM 66 - (Comm. 18E-32) Regionalization & Consolidation of Governmental Services -
Action Plan.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ITEM 67 - (Comm. 18E-33) Senior Services - Authorization to Amend Grant Budgets.
Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 68 - (Comm. 18E-34) Erie County Southtowns Sewage Treatment Agency Engineering
Service Agreement - Legislature Comm 20E-13 (1995)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ITEM 69 - (Comm. 18E-35) Youth Services - Authorization to Contract - Delinquency
Prevention Programs.

Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 70 - (Comm. 18E-36) Emergency Services Hazardous Materials Transportation Uniform Safety Act (HMTUSA) Grant Phase III.

Received and referred to the PUBLIC SAFETY COMMITTEE.

ITEM 71 - (Comm. 18E-37) Office of the Comptroller - Countywide Cost Allocation Plan, Award of Contract.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ITEM 72 - (Comm. 18E-38) Health Department - Revised Tuberculosis Control Outreach Program 2//1/97 - /31/98.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

ITEM 73 - (Comm. 18E-39) Youth Services - Authorization to Contract.

Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 74 - (Comm. 18E-40) Notice of Public Hearing - ECSD's 1998 Assessment Rolls.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ITEM 75 - (Comm. 18E-41)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 371

Re: ECDSD No. 5 - Increase &
Improvement of Facilities (1996) Public
Hearing.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF
CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE
FACILITIES OF ERIE COUNTY SEWER DISTRICT NO. 5 IN THE COUNTY OF
ERIE, NEW YORK.

(Introduced) September 11, 1997

(Adopted) September 11, 1997

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County law, including an approving order of the State Comptroller, County Sewer District No. 5 of the County of Erie, New York, has heretofore been established, and

WHEREAS, the County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a map, plan, report and estimate of cost by the County Engineers (Erie County department of Environment and Planning) relating to a proposed increase and improvement of the facilities of said District No. 5 which map, plan report and estimate of cost have been approved by the Board of Managers of said district on February 11, 1997 and filed with County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost describe a proposed increase and improvement of the facilities of said District No. 5 in said County, consisting of construction of a new gravity sewer and related improvements to provide a connection to the Amherst Pumping Station, construction of a new gravity sewer on Bridlewood Drive and Hidden Oaks Drive, construction of new sewer connections for Transit Road crossings, and related facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of said Sewer District No. 5 is \$2,800,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate share of sewer units in the District, (ii) /applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 5; and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase and improvement if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$27.60, is above the Average Estimated Cost of \$10.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 268 of the County Law; and

WHEREAS, said County Legislature duly adopted Resolution No. 122 on the 6th day of March, 1997, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid increase and improvement of facilities in accordance with the aforesaid map, plan, report and estimate of cost, and

WHEREAS, such Resolution authorized and directed the preparation by the Department of Environment and Planning of an Application to the State Comptroller for his consent to the total expenditure for such increase and improvement, such Application to be executed and verified by and on behalf of the County by the County Executive; and

WHEREAS, said public hearing was duly held at 25 Delaware Avenue, Buffalo, New York, in said County, on the 10th day of April, 1997, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature after duly considering the evidence given at such public hearing and reviewing said Application, as prepared by the Department of Environment and Planning, duly adopted Resolution No. 149 on the 10th day of April, 1997 authorizing such increase and improvement of facilities and directing that said Application be forwarded by the County Executive to the State comptroller to obtain his consent to the total expenditure authorized by said resolution; and

WHEREAS, said Application has been received by the State Comptroller and after review of said Application the State Comptroller's staff has requested that a new public hearing be held after publication of notice calling such hearing which did not specify the cost of hook-up fees, if any, to, and the cost of such proposed increase and improvement to the Typical Property (as defined in the County Law), in accordance with recent amendments to the County Law; and

WHEREAS, it is now desired to call a new public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law, after publication of notice specifying said hook-up fees and cost;

NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 25 Delaware Avenue, in Buffalo, New York, in said County, on the 25th day of September, 1997, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to increase and improve the facilities of Erie County Sewer District No. 5 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 25 Delaware Avenue, Buffalo, New York, in said County, on the 25th day of September, 1997, at 1:30 P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of the facilities of Erie County Sewer District No. 5 in said County.

The increase and the improvement of the facilities consists of construction of a new gravity sewer and related improvements to provide a connection to the Amherst Pumping Station, construction of a new gravity sewer on Bridlewood Drive and Hidden Oaks Drive, construction of new sewer connections for Transit Road crossings, and related facilities, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of said district on February 11, 1997.

The maximum estimated cost of the aforesaid increase and improvement of facilities is \$2,800,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewer units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire are of said Sewer district No. 5.

The expenditures for such additional increase and improvement of facilities will not cause additional costs for property owners in the district for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$27.60. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature , a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York.

BY ORDER OF THE COUNTY
LEGISLATURE OF THE COUNTY OF
ERIE, NEW YORK
BY: LAURIE A. MANZELLA
Clerk of the Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in "The Buffalo News", hereby designated the official newspaper of said County for such publication, not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.

Ms. PEOPLES moved the adoption. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

ITEM 76 - (Comm. 18E-42)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 372

Re: ECSD No. 3 - Southtowns Sewage
Treatment Agency Increase & Improve-
ment of Facilities (1997) Public Hearing.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF
CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE
FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWAGE TREATMENT
AGENCY IN THE COUNTY OF ERIE, NEW YORK

(Introduced) September 11, 1997

(Adopted) September 11, 1997

WHEREAS, pursuant to proceedings heretofore has and taken in accordance with the provisions of Article 5-A of the County Law, including an approving order of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established, and

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency (the "Southtowns Agency") has heretofore been created pursuant to an inter-municipal agreement dated December 30, 1974, as amended, (the "Southtowns Agreement") for the purpose of establishment, construction, operation, and maintenance of the Southtowns Advanced Wastewater Treatment Facility (the "Southtowns Treatment Facility") for the benefit of Erie County Sewer District No. 3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, and the Village of Hamburg; and

WHEREAS, pursuant to the Southtowns Agreement the County, acting for and on behalf of Erie County Sewer District No. 3, was responsible for financing the total project costs for the Southtowns Treatment Facility; and

WHEREAS, pursuant to the amendment to the Southtowns Agreement dated June 26, 1997, the County, acting on behalf of Erie County Sewer District No. 3, will be responsible for financing the total project costs for proposed improvements to the Southtowns Treatment Facility; and

WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has on April 24, 1997 duly directed that there be prepared a map, plan, report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the Southtowns Treatment Facility, which map, plan, report and estimate of cost have been approved by the Board of Managers of said District and the Administrative Board of the Erie County-Southtowns Sewage Treatment Agency and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost describe a proposed increase and improvement of the Southtowns Treatment Facility, consisting of replacement of various equipment, machinery, and apparatus, related improvements to such Facility, and improvements to Southtowns Agency sewage transmission lines and pumping stations, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the Southtowns Treatment Facility is \$10,000,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer district No. 3, (ii) the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer Districts Nos. 21, 7, 10, 5, 4, 8, and 11 of Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, and the Village of Hamburg, and (iii) the Village of Blasdell as a contracting entity with the Southtowns Agency; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase and improvement if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$21.90, is above the Average Estimated Cost of \$10.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 268 of the County Law; and

WHEREAS, said County Legislature duly adopted Resolution No. 234 on the 5th day of June, 1997, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid increase and improvement of facilities in accordance with the aforesaid map, plan, report and estimate of cost, and

WHEREAS, such Resolution authorized and directed the preparation by the Department of Environment and Planning of an Application to the State Comptroller for his consent to the total expenditure for such increase and improvement, such Application to be executed and verified by and on behalf of the County by the County Executive; and

WHEREAS, said public hearing was duly held at 25 Delaware Avenue, Buffalo, New York, in said County, on the 17th day of July, 1997, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof WHEREAS, submitted to said County Legislature; and

WHEREAS, said County Legislature after duly considering the evidence given at such public hearing and reviewing said Application, as prepared by the Department of Environment and Planning, duly adopted Resolution No. 312 on the 17th day of July, 1997 authorizing such increase and improvement of facilities and directing that said Application be forwarded by the County Executive to the State Comptroller to obtain his consent to the total expenditure authorized by said resolution; and

WHEREAS, said Application has been received by the State Comptroller and after review of said Application the State Comptroller's staff has requested that a new Public hearing to be held after publication of notice calling such hearing which did not specify the cost of hook-up fees, if any, to, and the cost of such proposed increase and improvement to the Typical Property (as defined in the County Law), in accordance with recent amendments to the County Law; and

WHEREAS, it is now desired to call a new public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law, after publication of notice specifying said hook-up fees and cost;

NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 25 Delaware Avenue, in Buffalo, New York, in said county, on the 25th day of September, 1997, at 130 P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal increase and improve the Southtowns Treatment Facility in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, in said County, on the 25th day of September, 1997, at 1:30 o'clock P.M. , Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of the Southtowns Advanced Wastewater Treatment Facility in said County.

The increase and the improvement of the facilities consist of replacement of various equipment, machinery, and apparatus, related improvements to such Facility, and improvements to Erie County-Southtowns Sewage Treatment Agency sewage transmission lines and pumping stations, and related facilities, all as more fully described in the map, plan, report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning), which has been filed with the County Legislature and which has been approved by the Board of Managers of Erie County Sewer District No. 3 and the Administrative Board of the Erie County-Southtowns Sewage Treatment Agency.

The maximum estimated cost of the aforesaid increase and improvement of facilities is \$10,000,000, to be apportioned in accordance with the an inter-municipal agreement dated December 30, 1974, as amended, (the "Southtowns Agreement") among (i) Erie County Sewer District No. 3, (ii) the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer districts No. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, and the Village of Hamburg, and (iii) the Village of Blasdell, as a contracting entity with the Erie County-Southtowns Sewage Treatment Agency; each in accordance with their service areas, as determined pursuant to the Southtowns Agreement.

The expenditures for such additional increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$21.90. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York
September 11, 1997

BY ORDER OF THE COUNTY
LEGISLATURE OF THE COUNTY OF
ERIE, NEW YORK
BY LAURIE A. MANZELLA
Clerk, County Legislature

Section 3. The Clerk of the said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the "The Buffalo News", hereby designated the official newspaper of said County for such publication, not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

ITEM 77 - (Comm. 18E-43) ECSD No. 1 - Engineering Service Agreement - Work Project PH2 - Legislative Comm. 20E-13.

ITEM 78 - (Comm. 18E-44) Semi-Annual Attendance Records Board of Managers - ECSD's.

ITEM 79 - (Comm. 18E-45) Erie County Southtowns Sewage Treatment Agency Plant Modifications - Design - URS Greiner, Inc.

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

ITEM 80 - (Comm. 18E-46) Health - Rental Agreement for Well Child Clinics.

ITEM 81 - (Comm. 18E-47) Health - Lease Agreement for Women, Infants & Children's (WIC) Program-Distribution Site - 790 Ridge Road, Lackawanna.

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

ITEM 82 - (Comm. 18E-48) ECSD No. 4 - Dispensation of Hours - Granville Constructors, Inc. Contract EC-6A.

ITEM 83 - (Comm. 18E-49) ECSD No. 3 - Milestrip Road Pumping Station Contract "B" - Electrical Construction Corp - Contract Close-out.

ITEM 84 - (Comm. 18E-50) ECSD Nos. 1-6 Section 270/271 Resolutions.

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

ITEM 85 - (Comm. 18E-51) Health - Childhood Lead Poisoning Previous Program 1/1/97 - 12/31/97.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

ITEM 86 - (Comm. 18E-52) Notice of Adoption ECSD's - 1998 Assessment Rolls

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ITEM 87 - (Comm. 18E-53) Health - Infant Child Health Assessment program 10/1/97- - 9/30/97.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

ITEM 88 - (Comm. 18E-54) Early Intervention Program -- Authorization to Contract.

Received and referred to the SOCIAL SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM BUDGET, MANAGEMENT & FINANCE

ITEM 89 -- (Comm. 18D-1) Budget Monitoring Report for Period Ending 5/31/97.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECMC

ITEM 90 - (Comm. 18D-2) Notice of Meeting Held on 8/7/97.

RECEIVED & FILED.

FROM BUFFALO & ERIE COUNTY PUBLIC LIBRARY

ITEM 91 -- (Comm. 18D-3) Minutes of Meeting Held 6/19/97.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM HEALTH

ITEM 92 -- (Comm. 18D-4) Application of Local Law No. 5 -- 1996 to Rath Building Cafeteria.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

FROM CLERK OF THE LEGISLATURE

ITEM 93 -- (Comm. 18D-5) Acknowledgement of Receipt of Request for Public Records.

RECEIVED & FILED.

FROM DPW

ITEM 94 - (Comm. 18D-6) Jewett-Holmwood Road CR368 Town of Aurora
Document No. 97 - 750 PW.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BUFFALO & ERIE COUNTY PUBLIC LIBRARY

ITEM 95 - (Comm. 18D-7) Director's Report of 7/97 Meeting of the Board of Trustees.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LAW

ITEM 96 - (Comm. 18D-8) Notices of Claim.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ERIE COUNTY MORGUE

ITEM 97 - (Comm. 18D-9) Monies & Properties Found on Deceased Persons.

FROM ECMC

ITEM 98 - (Comm. 18D-10) Finance committee 8/7/97 financial Statements for 6/30/97.

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

FROM ECC

ITEM 99 - (Comm. 18D-11) Notice of Meetings Held 8/7/97, 8/8/97 & 8/12/97.

ITEM 100 - (Comm. 18D-12) Notice of Meeting Held 8/27/97.

The above two items were RECEIVED & FILED.

FROM BUDGET, MANAGEMENT & FINANCE

ITEM 101 - (Comm. 18D-13) Budget Monitoring Report for Period Ending 6/30/97.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM HEALTH

ITEM 102 - (Comm. 18D-14) Public Health Laboratory News.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

FROM ECC

ITEM 103 - (Comm. 18D-15) Notice of Meeting Held 8/12/97.

RECEIVED & FILED.

FROM ECMC

ITEM 104 - (Comm. 18D-16) Minutes of Meeting Held 8/14/97.

FROM LAW

ITEM 105 - (Comm. 18D-17) Copy of Letter to Attorney Vacco Re: Tobacco Settlement.

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

FROM DEP

ITEM 106 -- (Comm. 18D-18) SEQR -- Negative Declaration Two Mile Creek Greenway.
Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMMISSION ON STATUS OF WOMEN

ITEM 107 -- (Comm. 18D-19) Minutes of Meeting Held 7/9/97.
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM DPW

ITEM 108 -- (Comm. 18D-20) Buffalo Bills Stadium Improvements/Lease.
Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BUFFALO & ERIE COUNTY PUBLIC LIBRARY

ITEM 109 -- (Comm. 18D-21) Minutes of Meeting Held 7/9/97.
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

ITEM 110 -- (Comm. 18D-22) Copy of Letter to Mr. Ted Arts of Refresh-Aire Re: Erie County Clean Air Act.

RECEIVED & FILED.

FROM HEALTH

ITEM 111 - (Comm. 18D-23) Notification of Board Meeting Change from 9/23/97 to 10/21/97.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

FROM ECC

ITEM 112 - (Comm. 18D-24) Minutes of Meeting Held 8/27/97.

FROM BUFFALO & ERIE COUNTY PUBLIC LIBRARY

ITEM 113 - (Comm. 18D-25) Buffalo & Erie County public Library 1995/1996 Report.

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

FROM DEP

ITEM 114 - (Comm. 18D-26) Copy of Letter to Legislator Marshall Re: Buffalo Bills Lease.

FROM LAW

ITEM 115 - (Comm. 18D-27) Erie County Courthouse Project: Site Acquisition.

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

ITEM 116 - (Comm. 18D-28) Notices of Claim.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM DEP

ITEM 117 - (Comm. 18D-29) Copy of Letter to Legislator Marshall Re: Revised Attachment A of Bills Lease Regarding Rent Calculations.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECC

ITEM 118 - (Comm. 18D-30) Minutes of Meeting Held 6/25/97.

ITEM 119 - (Comm. 18D-31) Minutes of Meeting Held 8/27/97.

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

FROM ECMC

ITEM 120 - (Comm. 18D-32) Finance Commissioner 9/5/97 Financial Statements for 7/31/97.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

FROM DPW

ITEM 121 - (Comm. 18D-33) Construction & Construction Supervision/Inspection Phase Ridge Road Bridge 137-1 BIN 3-32693-0 Over Cazenovia Creek town of West Seneca.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ERIE COUNTY MORGUE

ITEM 122 - (Comm. 18D-34) Monies & Other Property Found on Deceased Person.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

FROM SOCIAL SERVICES

ITEM 123 - (Comm. 18D-35) Copy of Draft Re: Food Assistance Program.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM ECC

ITEM 124 - (Comm. 18D-36) Notice of Meetings Held 9/8/97, 9/9/97 & 9/10/97.

RECEIVED & FILED.

ITEM 125 - (Comm. 18D-37) Notice of New Slate of Officers for Board of Trustees

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM ECMC

ITEM 126 - (Comm. 18D-38) Notice of Meeting & Agenda for meeting Held 9/11/97.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

FROM DPW

ITEM 127 - (Comm. 18D-39)

Ms. PEOPLES moved for immediate consideration. Mr. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 374

Re: 1997 Overlay "B" program -- Maryvale Drive, Cheektowaga; Dingens Street, Cheektowaga; Freeman Road, Orchard Park.

WHEREAS, bids were taken for the 1997 Overlay 'B' Program, Project Number MM OP-97B, which includes Maryvale Drive (CR 194), Town of Cheektowaga, Dingens Street (CR 315), Town of Cheektowaga, and Freeman Road (CR 369), Town of Orchard Park, on September 4, 1997, the low bidder being Omer Construction Company, Incorporated of 621 Aero Drive, Cheektowaga, New York at a low bid amount of \$855,291.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Project Number MM OP- 97B for the 1997 Overlay 'B' Program, between the County of Erie and the low bidder Omer Construction Company, Incorporated of Cheektowaga, New York at its low bid of \$855,291.00; and be it further

RESOLVED, that an amount of \$855,291.00 be allocated from the New York State Multi Modal Program, contingent upon New York State providing said funds; and be it further

RESOLVED, that an additional amount of \$100,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed \$100,000.00 from the New York State Multi Modal Program, contingent upon New York State providing said funds; 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.

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

CARRIED UNANIMOUSLY.

FROM DPW

ITEM 128 -- (Comm. 18D-40) 1997 Consolidated Highway Improvement Program (CHIPS)
-- Revenue Increase.

FROM SENIOR SERVICES

ITEM 129 – (Comm. 18D-41) Response to Audit – Department of senior Services – Report 97-09.

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

FROM DPW

ITEM 130 – (Comm. 18D-42) Renovations to the Cardiothoracic Department Building F, ECMC – Phase II.

ITEM 131 – (Comm. 18D-43) Supplement Agreement to General Architect/Engineer Contract, Renovations to ECMS's Spinal Center.

ITEM 132 – (Comm. 18D-44) ECMC Toxicology Pathology Roof Renovations.

ITEM 133 – (Comm. 18D-45) Emergency Generator for Geneva B. Scruggs Intermediate Care Facility.

ITEM 134 – (Comm. 18D-46) Maintenance Agreement with New York State Thruway Authority – Lake Avenue, North Creek Road & Gowans Road Structures – Towns of Hamburg, Eden & Evans.

ITEM 135 – (Comm. 18D-47) Supplemental Agreement with NYSDOT – Construction & Construction Inspection Phases – Clarence Center Road Bridge, Town of Clarence.

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

ITEM 136 - (Comm. 18D-48)

Ms. PEOPLES moved for immediate consideration. Mr. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 375

Re: Conrail Crossing Project - Overlay
"A" Program Evans Center - Eden Road,
Town of Evans.

WHEREAS, the County of Erie has proposed to rehabilitate and improve Evans Center-Eden Road (CR 32) in the area of the railroad crossing in the Town of Evans as part of the 1997 Overlay A Program, and

WHEREAS, Consolidated Rail Corporation (CONRAIL) is agreeable to performing necessary work and furnishing all materials required and the County of Erie will reimburse CONRAIL for the cost of work to be performed by the Railroad in connection with the project, and

WHEREAS, the project will require the coordination of work with the County and the Railroad, and

WHEREAS, the County and Railroad are desirous of entering into an agreement covering the performance of work required to complete the project

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to enter into an agreement between the County of Erie and the Consolidated Rail Corporation of Philadelphia, Pennsylvania. Said agreement to allow reimbursement to the Railroad in an amount not to exceed \$4,500.00 for its related costs from the 1997 Consolidated Highway Improvement Program (CHIPS) and for the County to assume administrative responsibility; and be it further

RESOLVED, that all CONRAIL costs associated with this agreement shall be funded from the 1997 Consolidated Highway Improvement Program (CHIPS) for the purpose of paying for railroad work; and be it further

RESOLVED, that the Erie County Comptroller be authorized to use these funds to pay Consolidated Rail Corporation for the work performed under these agreements, and be it further

RESOLVED, that the Clerk of the County Legislature of the County of Erie is hereby directed to transmit five (5) certified copies of the foregoing resolution to the Deputy Commissioner, Highways.

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

CARRIED UNANIMOUSLY.

FROM DPW

ITEM 137 - (Comm. 18D-49) Increase to Professional Services Contract for Right-of-Way Appraisal & Acquisition.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM LEGAL AID BUREAU

ITEM 138 - (Comm. 18M-1) 1996 Financial Statements - 1996 Annual Report & Minutes from Board Meeting Held on 6/3/97.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM SANDRA K. STYKA

ITEM 139 - (Comm. 18M-2) Letter Re: The Final Report of the Temporary State Commission on Constitutional Revision.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM CINEMA ISAIAH GREENBERG, ESQ.

ITEM 140 – (Comm. 18M-3) Notice of Claim.

Received and referred to the COUNTY ATTORNEY.

FROM HUD

ITEM 141 – (Comm. 18M-4) Reports: “The State of the Cities” & “HUD 2020: Management Reform Plan, Executive Summary”

FROM CITY COMPTROLLER GIAMBRA

ITEM 142 – (Comm. 18M-5) “No Handout, No Bailout” A Plan to RE-Engineer Service Delivery to Buffalo Residents.

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

FROM NYS ASSEMBLYMEMBER REYNOLDS

ITEM 143 – (Comm. 18M-6) Acknowledgement of Receipt of Letter Re: Estate Tax Reform.

FROM SENATOR MARY LOU RATH

ITEM 144 – (Comm. 18M-7) acknowledgement of Receipt of Letter Re: Estate Tax Reform.

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

FROM WNY LAND CONSERVANCY

ITEM 145 – (Comm. 18M-8) Rail Transit is Land Conservation.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM MELINDA HOLLAND, CLEAN SITES

ITEM 146 -- (Comm. 18M-9) Notice of Meeting Held 8/6/97 & Summary of Meeting held 7/15/97.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

ITEM 147 -- (Comm. 18M-10) 17A Report & Capital Status Report for Fiscal Year Ending 3/31/97.

FROM OTB

ITEM 148 -- (Comm. 18M-11) Minutes of Meeting held 6/26/97.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMUNITY GRIEF CENTER OF WNY INC.

ITEM 149 -- (Comm. 18M-12) Summary of Activities & Expense Statement for Period 1/1/97 -- 6/30/97, Income & Expense Statement for the Period 10/1/96 -- 6/30/97.

FROM ECIDA

ITEM 150 -- (Comm. 18M-13) Notice of Meeting Held on 8/13/97.

RECEIVED & FILED.

FROM THE BUFFALO ZOO

ITEM 151 -- (Comm. 18M-14) Letter to Legislator Fisher Re: Options for the Zoo's Future.
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE WELLNESS INSTITUTE

ITEM 152 -- (Comm. 18M-15) Update on Current Activities.
Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

FROM THOMAS P. MULLEN

ITEM 153 -- (Comm. 18M-16) Letter of Resignation from Board Member Position at ECMC.
RECEIVED & FILED.

FROM NYSDEC

ITEM 154 -- (Comm. 18M-17) Fact Sheet -- Tennessee Gas Pipeline Station 229-Town of Eden.
Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM NFTA

ITEM 155 -- (Comm. 18M-18) Minutes of Meeting Held on 6/16/97.

ITEM 156 -- (Comm. 18M-19) 17A Report & Capital Expenditure Reports for 1st Quarter of
FY Ending 3/31/98. Capital Expenditure report for 4th Quarter of FY Ending 3/31/97.

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

FROM THE VILLAGE OF GOWANDA

ITEM 157 -- (Comm. 18M-20) Funding for the Gowanda Free Library.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM KENNETH J. RUMMENIE

ITEM 158 -- (Comm. 18M-21) Copy of Letter to Chairman Swanick Re: Community Development Financial Institutions Funding.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM MELINDA HOLLAND CLEAN SITES

ITEM 159 -- (Comm. 18M-22) Notice of Meeting Held 8/19/97 & Summary of Meeting Held 8/6/97.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE GREATER BUFFALO CONVENTION & VISITORS BUREAU

ITEM 160 -- (Comm. 18M-23) Unaudited Financial Statements for the Period Ending 6/30/97.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM NYSDEC

ITEM 161 -- (Comm. 18M-24) Fact Sheet -- Republic Steel Site, Hazardous Waste Site (Site #9-15-047) Site Remediation.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CITY OF BUFFALO ASSESSMENT DEPARTMENT

ITEM 162 - (Comm. 18M-25) 1998 Transit Mall Service Charge Roll.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NY CIVIL LIBERTIES UNION

ITEM 163 - (Comm. 18M-26) Freedom of Information Law.

RECEIVED & FILED.

FROM NFTA

ITEM 164 - (Comm. 18M-27) Minutes of Meeting Held 7/21/97.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NEW YORK STATE FISH AND WILDLIFE

ITEM 165 - (Comm. 18M-28) Minutes of Meeting Held 7/11/97.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM IROQUOIS CENTRAL SCHOOL DISTRICT

ITEM 166 - (Comm. 18M-29) Copy of Letter to County Executive Gorski Re: Elimination of Sales Tax on Clothing Articles Under \$100.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NEW YORK STATE DEPARTMENT OF HEALTH

ITEM 167 - (Comm. 18M-30) "Maternal, Child and Adolescent Health Profile": New York State, 1993.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

FROM ECIDA

ITEM 168 - (Comm. 18M-31) Notice of Meeting Held 9/10/97

RECEIVED & FILED.

FROM MELINDA HOLLAND, CLEAN SITES

ITEM 169 - (Comm. 18M-32) Notice of Meeting Held 9/3/97 & Summary of Meeting held 8/19/97.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BELL ATLANTIC

ITEM 170 - (Comm. 18M-33) The Merger of Bell Atlantic and Nynex.

RECEIVED & FILED.

FROM THE PREMIER GROUP

ITEM 171 - (Comm. 18M-34) The Proposed Excise Tax.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE WELLNESS INSTITUTE

ITEM 172 - (Comm. 18M-35) Minutes of Meeting held 8/22/97.

Received and referred to the HEALTH/MENTAL HEALTH COMMITTEE.

FROM THE US DEPARTMENT OF ENERGY'S CLEAN CITIES PROGRAM

ITEM 173 - (Comm. 18M-36) The Clean Airport Summit.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE GREATER BUFFALO PARTNERSHIP

ITEM 174 - (Comm. 18M-37) 2nd Report of the Buffalo Bills Task force.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ERIE COUNTY FIRE ADVISORY BOARD

ITEM 175 - (Comm. 18M-38) Copy of Letter to Legislator Fisher Re: 1997 Budget for Emergency Services - Fire Safety Division.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM HILLARY CLARKE

ITEM 176 - (Comm. 18M-39) Copy of Letter to County Executive Gorski in Support of Cigarette Excise Tax.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

MEMORIAL RESOLUTIONS:

ITEM 177 - Ms. PEOPLES moved that when this Legislature adjourns, it do so out of respect to the memory of SISTER MOTHER THERESEA, deceased. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 178 - Ms. PEOPLES moved that when this Legislature adjourns, it do so out of respect to the memory of PRINCESS DIANE, deceased. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ADJOURNMENT:

ITEM 179 - 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, September 25, 1997. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, at 2:00 P.M., September 25, 1997, Daylight Savings Time.

LAURIE A. MANZELLA
Clerk