

ERIE COUNTY LEGISLATURE
MEETING NO. 3
February 6, 1997

The Legislature was called to order by Chairman SWANICK.

All Members Present.

The Invocation was delivered by Minister James Clark, Calvary Baptist Church, Buffalo, New York.

The Pledge of Allegiance was led by Ms. Cohen Kennedy.

The minutes of the previous meeting were APPROVED.

MISCELLANEOUS RESOLUTIONS:

ITEM 1 - Mr. HOLT presented a resolution of congratulations to Reverend Dr. Ralph Loew and the Hospice Association. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 2 - Mr. GREENAN presented a resolution of congratulations to Gregory Budney for receiving Eagle Scout Award. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 3 - Ms. COHEN KENNEDY presented a resolution of congratulations to honor the 1997 Recipients of the Amherst Youth Board Awards: Mark G. Farrel, Adult-Professional, Mary Michael Egan, Adult-Volunteer, Anaxet Jones, Youth-Female Volunteer, Brad Woollacott, Youth-Male Volunteer and Amherst Police Department-Business/Organization Award. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS:

ITEM 4 - Chairman SWANICK directed that Local Law Intro. 1 (Print #1) - 1997 remain on the table.

COMMITTEE REPORTS:

ITEM 5 - Ms. PEOPLES presented the following and moved for immediate consideration. Mr. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 30

JANUARY 28, 1997

FINANCE AND MANAGEMENT
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

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

- | | | | |
|------|--|---|----------------|
| Item | Page | -1996 | (Comm. 1E-19) |
| a. | COUNTY EXECUTIVE: | Summary of Projected 1996-97 Reimbursement Losses to Erie County. | |
| | (6-0) Chairman Swanick present as ex-officio member. | | |
| Item | Page | -1996 | (Comm. 13E-11) |
| b. | COMPTROLLER: | Review of Internal Control Procedures for Cash & Checks. | |
| | (6-0) Chairman Swanick present as ex-officio member. | | |
| Item | Page | -1996 | (Comm. 21E-1) |
| c. | COMPTROLLER: | County Guarantee of City Tax Liens. | |
| | (6-0) Chairman Swanick present as ex-officio member. | | |

- Item Page -1996 (Comm. 22E-29)
d. **COMPTROLLER:** Audit of Youth Services - Division of Detention for Period 1/1/95-3/31/96.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 23M-15)
e. **ERIE COUNTY CULTURAL RESOURCES ADVISORY BOARD:** 1997 Cultural Funding Recommendation for Erie County.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Int. 23-10)
f. **SWANICK & DEBENEDETTI:** Reclaiming Funds to Legislature Contingency.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 24E-4)
g. **GREENAN:** Copy of Letter to Budget Director Re: Request for a List of All Positions Recommended to be Eliminated in 1997 Budget Proposal.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 27D-1)
h. **BUDGET, MANAGEMENT & FINANCE:** Budget Monitoring Report for Period Ending 9/30/96.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 27D-10)
i. **YOUTH SERVICES:** Response to Comptroller's Audit.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 27E-1)
j. **COMPTROLLER:** Review of 1997 Tentative Budget.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 27E-3)
k. **COMPTROLLER:** Audit - Unfilled Vacant Positions 9/30/96.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 29E-1)
l. **COMPTROLLER:** Short-Term Borrowing Investment Program.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 29E-3)
m. **COUNTY CLERK:** Report of Mortgage Tax Receipts & Disbursements for Period 4/96-9/96.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1996 (Comm. 29E-4)
n. **COMPTROLLER:** Sales Tax Receipts for 9 Months Ended 9/30/96.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1996 (Comm. 29E-5)
o. **COMPTROLLER:** Cost of Borrowing Report for Sale of General
Obligation Revenue Anticipation Notes.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 1D-5)
p. **BUDGET, MANAGEMENT & FINANCE:** Budget Monitoring Report for Period
Ending 10/31/96.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 1E-1)
q. **COMPTROLLER:** Financial Statements for Quarter Ending 9/30/96.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 2E-4)
r. **MARSHALL:** Copy of Letter to County Executive Requesting Copy of
Contract with Erie County & ASI for Tax Map Conversion.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 1D-19A)
2. **BUDGET, MANAGEMENT & FINANCE:**
(A) WHEREAS, the Erie County Director of Real Property Tax Services has
received applications for corrected tax billings and/or refunds for
taxes previously paid in accordance with New York State Real Property
Tax Law sections 554 and 556, and

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

RESOLVED, that Petitions numbered 1 through 38 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. 1/1997 - ASSESSOR - Cancel - \$34.55
SBL No. 96.00-6-2.1 - TOWN OF ALDEN
Acct. No. 112 - 21.74
Acct. No. 132 - 12.81

Charge to: TOWN OF ALDEN 6.18
ALDEN FIRE PROTECTION 6.63

CANCEL - CLERICAL ERROR, ASSESSED VALUE ENTERED INCORRECTLY ON THE TAX
ROLL. ASSESSMENT WAS 82,200 IT SHOULD BE 80,100. RPTL 550(2)A.

Petition No. 2/1997 - ASSESSOR - Cancel - \$260.12

SBL No. 108.00-1-1.1 - TOWN OF ALDEN

Acct. No. 112 - 0.00

Acct. No. 132 - 260.12

Charge to: TOWN OF ALDEN 260.12

CANCEL - CLERICAL ERROR, THE WATER DISTRICT #3 WAS APPLIED TO THIS PARCEL IN ERROR. RPTL 550(2)E.

Petition No. 3/1997 - ASSESSOR - CANCEL - \$117.95

SBL No. 118.11-2-1.12 - TOWN OF ALDEN

Acct. No. 112 - 0.00

Acct. No. 132 - 117.95

Charge to: TOWN OF ALDEN

CANCEL - CLERICAL ERROR, PARCEL WAS CHARGED IN ERROR FOR REFUSE. RPTL 550(2)E.

Petition No. ⁴~~106~~ / 1997 - ASSESSOR - Cancel - \$101.89

SBL No. 98.00-1-1.13 - TOWN OF ALDEN

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 101.89

Charge to : TOWN OF ALDEN 101.89

CANCEL - CLERICAL ERROR, WATER DISTRICT #3 WAS CHARGED IN ERROR TO THIS PARCEL. RPTL 550(2)E.

Petition No. ~~9697~~ ⁵ / 9697 - ASSESSOR - Refund - \$3,028.05

SBL No. 27.15-6-2 & 14 OTHERS - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 3,028.05

Charge to : WILLIAMSVILLE CENT 3,028.05

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THESE PARCELS . THE ASSESSMENT WAS 13,500 IT SHOULD BE 5,000. RPTL 550(2)A.

CHECK IN FAVOR OF: GEORGE R. PHELYN & ESSEX HOMES OF WNY

Petition No. ~~9697~~ ⁶ / 9697 - ASSESSOR - Refund - \$548.60

SBL No. 41.16-9-25 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 548.60

Charge to : WILLIAMSVILLE CENT 548.60

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 185,100 IT SHOULD BE 162,000. RPTL 550(A) CHECK IN FAVOR OF: FRED A & MELANIE LUONGO II

Petition No. ~~1996~~ ⁷ / 1996 - ASSESSOR - Refund - \$3,016.10

SBL No. 42.05-5-66 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 3,016.10

Charge to : WILLIAMSVILLE CENT 3,016.10

REFUND - UNLAWFUL ENTRY, PARCEL IS WHOLLY EXEMPT FROM TAXES - NON- PROFIT ORGANIZATION. RPTL 550(7)A. CHECK IN FAVOR OF: UNITED CEREBRAL PALSY

Petition No. ~~9697~~ ⁸ / 9697 - ASSESSOR - Refund - \$7,355.33

SBL No. 555.00-11-1.1 Y - TOWN OF BOSTON

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 7,355.33

Charge to : HAMBURG CENTRAL 7,355.33

REFUND - UNLAWFUL ENTRY, ASSESSED VALUE EXCEEDS THE ASSESSMENT THAT WAS APPROVED BY THE STATE BOARD. ASSESSMENT WAS 1,133,049 IT SHOULD BE 826,285. RPTL 550(7)E. CHECK IN FAVOR OF: DIST- NATIONAL FUEL GAS

PETITION NUMBER ~~9~~ ⁹ CONTINUED

Petition No. 3065 / 9697 - ASSESSOR - Refund - \$2,573.73

SBL No. 555.00-11-1.2 - TOWN OF BOSTON

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 2,573.73

Charge to : SPRING-GRIFFITH 2,573.73

REFUND - UNLAWFUL ENTRY, ASSESSMENT EXCEEDS THE ASSESSED VALUE THAT WAS APPROVED BY THE STATE BOARD. ASSESSMENT WAS 517,464 IT SHOULD BE 377,365. RPTL 550(7)E.

CHECK IN FAVOR OF: DIST - NATIONAL FUEL GAS

Petition No. ~~10~~ ¹⁰ / 9697 - ASSESSOR - Refund - \$3,386.85

SBL No. 555.00-11-1.3 - TOWN OF BOSTON

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 3,386.85

Charge to : EDEN CENTRAL 3,386.85

REFUND - UNLAWFUL ENTRY, ASSESSMENT EXCEEDS THE ASSESSED VALUE THAT WAS APPROVED BY THE STATE BOARD. ASSESSMENT WAS 696,517 IT SHOULD BE 507,941. RPTL 550(7)E.

CHECK IN FAVOR OF: DIST - NATIONAL FUEL GAS

Petition No. ~~11~~ ¹¹ / 9697 - ASSESSOR - Refund - \$6,893.99

SBL No. 555.00-11-1.4 - TOWN OF BOSTON

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 6,893.99

Charge to : TOWN OF BOSTON 68.26
ORCH PARK CENTRAL 6,825.73

REFUND - UNLAWFUL ENTRY, ASSESSMENT EXCEEDS THE ASSESSED VALUE THAT WAS APPROVED BY THE STATE BOARD. THE ASSESSMENT WAS 1,234,035 IT SHOULD BE 899,930. RPTL 550(7)E.

CHECK IN FAVOR OF: DIST - NATIONAL FUEL GAS

Petition No. ~~12~~ ¹² / 9697 - ASSESSOR - Cancel - \$229.92

SBL No. 281.00-1-1./A - TOWN OF BRANT

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 229.92

Charge to : SILVER CRK CENTRAL 229.92

CANCEL -ERROR IN ESSENTIAL FACT, HOUSE IS NO LONGER IN EXISTENCE ON THE PROPERTY. RPTL 550(3)A. THE LAND IS LOCATED ON THE CATTARUGUS INDIAN RESERVATION WHICH IS NOT TAXABLE. RPTL 454

13
Petition No. ~~3003~~ / 1997 - ASSESSOR - Cancel - \$148.36

SBL No. 17.00-2-33 - TOWN OF CLARENCE

Acct. No. 112 - \$ 99.99

Acct. No. 132 - \$ 48.37

Charge to : TOWN OF CLARENCE 35.14
SWORMSVILLE FIRE 13.23

CANCEL - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 43,000 IT SHOULD BE 32,100. RPTL 550(20A).

14
Petition No. ~~3012~~ / 9697 - ASSESSOR - Refund - \$515.34

SBL No. 44.00-2-11.111 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 515.34

Charge to : CLARENCE CENTRAL 515.34

REFUND - CLERICAL ERROR, THIS PARCEL IS A DUPLICATE PARCEL.
CHECK IN FAVOR OF: CIMATO & SONS

15
Petition No. ~~3071~~ / 1997 - ASSESSOR - Cancel - \$420.95

SBL No. 44.00-2-11.111 - TOWN OF CLARENCE

Acct. No. 112 - \$ 238.49

Acct. No. 132 - \$ 182.46

Charge to : TOWN OF CLARENCE 182.46

CANCEL - CLERICAL ERROR, PARCEL IS A DUPLICATE. RPTL 550(2)F.

16
Petition No. ~~3072~~ / 1997 - ASSESSOR - Cancel - \$603.74

SBL No. 44.19-2-30 - TOWN OF CLARENCE

Acct. No. 112 - \$ 435.71

Acct. No. 132 - \$ 168.03

Charge to : TOWN OF CLARENCE 168.03

CANCEL - CLERICAL ERROR. EXZEMPTION FOR A RELIGIOUS ORGANIZATION WAS OMITTED IN ERROR. RPTL 550(2)C.

17
Petition No. ~~3073~~ / 1997 - ASSESSOR - Cancel - \$434.45

SBL No. 58.10-1-11 - TOWN OF CLARENCE

Acct. No. 112 - \$ 247.66

Acct. No. 132 - \$ 186.79

Charge to : TOWN OF CLARENCE 186.79

CANCEL - CLERICAL ERROR, THE ASSESSMENT WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 180,000 IT SHOULD BE 153,000.
RPTL 550(2)A.

Petition No. 18 / 1997 - ASSESSOR - Cancel - \$58.13

SBL No. 59.00-2-22 - TOWN OF CLARENCE

Acct. No. 112 - \$ 27.46

Acct. No. 132 - \$ 30.67

Charge to : TOWN OF CLARENCE 13.09
CLARENCE FIRE DIST 17.58

CANCEL - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 81,500 IT SHOULD BE 72,700. RPTL 550(2)A.

Petition No. 19 / 1997 - ASSESSOR - Cancel - \$1,146.78

SBL No. 70.08-4-10 - TOWN OF CLARENCE

Acct. No. 112 - \$ 770.52

Acct. No. 132 - \$ 376.26

Charge to : TOWN OF CLARENCE 279.19
HARRIS HILL FIRE DIST 97.07

CANCEL - CLERICAL ERROR, THE RELIGIOUS ORGANIZATION EXEMPTION TO WHICH THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR. RPTL 550(2)C. (THE CONGREGATION OF THE SISTERS OF ST. JOSEPH)

Petition No. 20 / 1997 - ASSESSOR - Cancel - \$152.71

SBL No. 71.06-3-3 - TOWN OF CLARENCE

Acct. No. 112 - \$ 110.08

Acct. No. 132 - \$ 42.63

Charge to : TOWN OF CLARENCE 42.63

CANCEL - CLERICAL ERROR, THE VETERAN'S EXEMPTION TO WHICH THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 21 / 1997 - ASSESSOR - Cancel - \$1,420.41

SBL No. 344.00-3-23 - TOWN OF COLLINS

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 1,420.41

Charge to : SPRING-GRIFFITH 1,420.41

CANCEL - ERROR IN ESSENTIAL FACT, THIS PARCEL IS VACANT LAND ONLY. THE TAX IN THE AMOUNT OF 1420.41 WILL BE PLACED ON 344.00-3-22.6 AS AN OMITTED TAX ON THE 1997 TOWN & COUNTY TAX BILL.

Petition No. 22 / 1997 - ASSESSOR - Cancel - \$612.16

SBL No. 137.02-3-21 - TOWN OF ELMA

Acct. No. 112 - \$ 591.17

Acct. No. 132 - \$ 20.99

Charge to : TOWN OF ELMA 20.99

CANCEL - CLERICAL ERROR, PARCEL WAS ENTITLED TO A SENIOR EXEMPTION OF 50% WHICH WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

23

PETITION NUMBER ~~3078~~ CONTINUED

Petition No. 3079 / 1997 - ASSESSOR - Cancel - \$506.73

SBL No. 146.02-3-31 - TOWN OF ELMA

Acct. No. 112 - \$ 478.35

Acct. No. 132 - \$ 28.38

Charge to : TOWN OF ELMA 28.38

CANCEL - CLERICAL ERROR, THIS PARCEL WAS ENTITLED TO A VETERAN'S EXEMPTION WHICH WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)c.

24

Petition No. ~~3087~~ / 9394 - ASSESSOR - Refund - \$105.67

SBL No. 24.06-2-22 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 105.67

Charge to : GRND ISLN CENTRAL 105.67

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 107,000 IT SHOULD BE 102,200 . RPTL 550(2)A.

CHECK IN FAVOR OF: JOHN A & JOHANNE MAYO

25

Petition No. ~~3087~~ / 1994 - ASSESSOR - Refund - \$76.73

SBL No. 24.06-2-22 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 52.32

Acct. No. 132 - \$ 24.41

Charge to : TOWN OF GRAND ISLAND 19.81
GRAND ISLAND FIRE PROTECT 4.60

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 107,000 IT SHOULD BE 102,200. RPTL 550(2)A.

CHECK IN FAVOR OF: JOHN A & JOHANNE MAYO

26

Petition No. ~~3087~~ / 9495 - ASSESSOR - Refund - \$107,601.41

SBL No. 24.06-2-22 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 107,601.41

Charge to : GRND ISLN CENTRAL 107,601.41

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 107,000 IT SHOULD BE 102,200. RPTL 550(2)A.

CHECK IN FAVOR OF: JOHN A & JOHANNE MAYO

27
Petition No. ~~9663~~ / 1995 - ASSESSOR - Cancel - \$10,168.28

SBL No. 24.06-2-22 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 51.47

Acct. No. 132 - \$ 10,116.81

Charge to : TOWN OF GRAND ISLAND 10,112.19
GRAND ISLAND FIRE PROTECT 4.62

REFUND - CLERICAL ERROR, ASSESSMENT WAS ENTERED INCORRECTLY ON THE
TAX ROLL. ASSESSED VALUE WAS 107,000 IT SHOULD BE 102,200.
RPTL 550(2)A.

CHECK IN FAVOR OF: JOHN A & JOHANNE MAYO

28
Petition No. ~~9664~~ / 9596 - ASSESSOR - Refund - \$111.77

SBL No. 24.06-2-22 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 111.77

Charge to : GRND ISLN CENTRAL 111.77

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE
TAX ROLL. ASSESSMENT WAS 107,000 IT SHOULD BE 102,200. RPTL 550(2)A.
CHECK IN FAVOR OF: JOHN A & JOHANNE MAYO

29
Petition No. ~~9665~~ / 1996 - ASSESSOR - Refund - \$75.15

SBL No. 24.06-2-22 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 51.19

Acct. No. 132 - \$ 23.96

Charge to : TOWN OF GRAND ISLAND 19.38
GRAND ISLAND FIRE PROTECT 4.58

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE
TAX ROLL. ASSESSMENT WAS 107,000 IT SHOULD BE 102,200. RPTL 550(2)A.
CHECK IN FAVOR OF: JOHN A & JOHANNE MAYO

30
Petition No. ~~9666~~ / 9697 - ASSESSOR - Refund - \$113.43

SBL No. 24.06-2-22 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 113.43

Charge to : GRND ISLN CENTRAL 113.43

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE
TAX ROLL. ASSESSMENT WAS 107,000 IT SHOULD BE 102,200. RPTL 550(2)A.
CHECK IN FAVOR OF: JOHN A & JOHANNE MAYO

31
Petition No. ~~9667~~ / 197 - ASSESSOR - Cancel - \$80.40

SBL No. 24.06-2-22 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 53.93

Acct. No. 132 - \$ 26.47

Charge to : TOWN OF GRAND ISLAND 21.94
GRAND ISLAND FIRE PROTECT 4.53

SENIOR EXEMPTION HAMBURG TOWN ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 107,000 IT SHOULD BE 102,200. RPTL 550(2)A.

32

Petition No. ~~3000~~ / 1997 - ASSESSOR - Cancel - \$46.78

SBL No. 24.19-5-9 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 25.79

Acct. No. 132 - \$ 20.99

Charge to : TOWN OF GRAND ISLAND 20.99

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION ON THIS PARCEL WAS MISCALCULATED DUE TO INCORRECT INFORMATION ON THE INCOME.

33

Petition No. ~~3007~~ / 1997 - ASSESSOR - Cancel - \$54.39

SBL No. 38.17-2-21 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 24.50

Acct. No. 132 - \$ 29.89

Charge to : TOWN OF GRAND ISLAND 29.89

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION ON THIS PARCEL WAS MISCALCULATED DUE TO INCORRECT INFORMATION ON THE INCOME.

34

Petition No. ~~3090~~ / 1996 - ASSESSOR - Cancel - \$3,494.13

SBL No. 160.09-5-4 - TOWN OF HAMBURG

Acct. No. 112 - \$ 744.64

Acct. No. 132 - \$ 2,749.49

Charge to : TOWN OF HAMBURG 962.73
FRONTIER CENTRAL 1,611.30
BIG TREE FIRE PROTECT 175.46

CANCEL - CLERICAL ERROR, PARCEL IS OWNED BY THE TOWN OF HAMBURG MAKING IT WHOLLY EXEMPT FROM TAXES. RPTL 550(7)A.

35

Petition No. ~~1004~~ / 1994 - ASSESSOR - Cancel - \$1,578.57

SBL No. 194.00-4-16 - TOWN OF HAMBURG

Acct. No. 112 - \$ 791.88

Acct. No. 132 - \$ 786.69

Charge to : TOWN OF HAMBURG 680.50
HAMBURG TOWN FIRE PROTECT 106.19

CANCEL - UNLAWFUL ENTRY , PARCEL IS OWNED BY THE TOWN OF HAMBURG MAKING IT WHOLLY EXEMPT FROM TAXES. RPTL 550(7)A.

Petition No. 36/9496 - ASSESSOR - Refund - \$435.00

SBL No. 162.18-1-91 - TOWN OF ORCHARD PARK

Acct. No. 112 - 0.00

Acct. No. 132 - 435.00

Charge to: ERIE CO SEW DST 3 435.00

REFUND - CLERICAL ERROR, PARCEL WAS OVERCHARGED FOR UNITS ON THE SEWER TAX. RPTL 550(2)E. CHECK IN FAVOR OF: THOMAS A. & DOROTHY MORROW.

Petition No. 37/9697 - ASSESSOR - Refund - \$361.17

SBL No. 172.03-4-16 - TOWN OF ORCHARD PARK

Acct. No. 112 - 0.00

Acct. No. 132 - 361.17

Charge to: HAMBURG CENTRAL 361.17

REFUND - CLERICAL ERROR, ASSESSED VALUE ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 120,900 IT SHOULD BE 103,200. RPTL 550 (2) A. CHECK IN FAVOR OF: THOMAS J EGLOFF.

Petition No. 38/1997 - ASSESSOR - Cancel - \$2,647.57

SBL No. 134.59-3-16.1 - TOWN OF WEST SENECA

Acct. No. 112 - 1,112.90

Acct. No. 132 - 1,534.67

Charge to: TOWN OF WEST SENECA 1,345.01
W SENECA FIRE #6 189.66

REFUND - CLERICAL ERROR, ASSESSED VALUE ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 359,500 IT SHOULD BE 259,500. RPTL 550 (2) A.

(6-0) Chairman Swanick present as ex-officio member.

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

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

RESOLVED, that Petitions numbered 276 through 279 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.

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

Petition No. 276, - Fox, Jack R. & Leona H. - S.B.L. - 184.00-4-12.11
Town of Orchard Park

There was an improvement on the property that was removed, This is an Error in Essential Fact. Application for a refund must be made within one year of the tax warrant. Filing period expired on September 15, 1994. (\$136.47 - 1993/1994 School tax refund) RPTL 550(3)a.

Petition No. 277, - Fox, Jack R. & Leona H. - S.B.L. - 184.00-4-12.11
Town of Orchard Park

There was an improvement on the property that was removed, This is an Error in Essential Fact. Application for a refund must be made within one year of the tax warrant. Filing period expired on January 15, 1995. (\$108.60 - 1994 County tax refund) RPTL 550(3)a.

Petition No. 278, - Fox, Jack R. & Leona H. - S.B.L. - 184.00-4-12.11
Town of Orchard Park

There was an improvement on the property that was removed, This is an Error in Essential Fact. Application for a refund must be made within one year of the tax warrant. Filing period expired on September 15, 1995. (\$138.94 - 1994/1995 School Tax Refund) RPTL 550(3)A.

Petition No. 279, - Fox, Jack R. & Leona H. - S.B.L. - 184.00-4-12.11
Town of Orchard Park

There was an improvement on the property that was removed, This is an Error in Essential Fact. Application for a refund must be made within one year of the tax warrant. Filing period expired on January 15, 1996. (\$106.96 - 1995 County tax refund) RPTL 550(3)a.

(6-0) Chairman Swanick present as ex-officio member.

OPEN ITEM
(Comm. 1D-19B)

Item Page -1997
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 below, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copiers of this resolution to the Deputy Commissioner-Highways, Department of Public Works.

WHITEHAVEN ROAD CR 75
GRAND ISLAND, NEW YORK

| PARCEL | OWNER(S) | AREA | FEE |
|--------|--------------------------|-------------|-------------|
| 155 | Niagara Associates Group | 0.058 acres | \$ 433.00 |
| 157 | Niagara Associates Group | 1.444 acres | \$10,694.00 |
| 159 | Niagara Associates Group | 0.434 acres | \$ 3,217.00 |
| 169 | Niagara Associates Group | 0.764 acres | \$ 5,656.00 |
| 170 | Robert Weaver | 0.117 acres | \$ 5,000.00 |

SWEET HOME ROAD CR 301
AMHERST, NEW YORK

| PARCEL | OWNER(S) | AREA | FEE |
|--------|---|-------------|-------------|
| 04 | Rosemary T. DeFelice | 0.016 acres | \$ 1,500.00 |
| 05 | Sweet Home Central School (6-0) Chairman Swanick present as ex-officio member. | 0.028 acres | \$ 1,000.00 |

- Item Page -1997 (Comm. 2D-8)
4. **BUDGET, MANAGEMENT & FINANCE:**
RESOLVED, that the following described parcel of land be sold without Public Auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to: Ted & Mary Lange, 3 Parkside Drive, West Seneca, New York 14224 for the sum of One Thousand and 00/100 Dollars (\$1000.00).

All That Tract or Parcel of Land, situate in the Town of West Seneca, County of Erie, State of New York being part of Farm Lots 166 and 167, Township 10, Range 7;

Being all land labeled as "Proposed Town of West Seneca Park Site" under Map Cover 2182 and that portion of West Willowdale Drive (50' wide) commencing at the southeast corner of subplot 54 and proceeding westerly to the west line of said M. C. 2182;

Further described on Erie County Tax Maps as Section, Block and Lot No. 143.11-1-2, Southgate Drive (52.00 x 168.72 irr.);

Intending to convey all land acquired by Erie County as Serial No. 841 in the County In Rem Tax Foreclosure Action No. 131; and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described property to the aforesaid purchaser, and be it further

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

(6-0) Chairman Swanick present as ex-officio member.

| Item | Page | -1997 | (Comm. 2D-9) |
|------|--|-------|--------------|
| 5. | BUDGET, MANAGEMENT & FINANCE: | | |

RESOLVED, that the following described parcel of land be sold without Public Auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to: Lancaster Congregation of Jehovah's Witnesses, c/o Mr. Mark Truskey, 41 Brewster, Depew, New York 14043 for the sum of Five Hundred and 00/100 Dollars (\$500.00).

All That Tract or Parcel of Land, situate in the Town of Lancaster, County of Erie, State of New York being part of Farm Lot 7, Section 10, Township 11, Range 6, and being described as Sublots 28 and 29 in Block 10 under Map Cover 1149; (Conway Avenue) 50' x 140' and

Further described on Erie County Tax Maps as Section, Block and Lot No. 115.06-5-23;

Intending to convey all lands acquired by the County of Erie under In Rem 143 Serial # 896; and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described property to the aforesaid purchaser, and be it further

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

(6-0) Chairman Swanick present as ex-officio member.

WHEREAS, In 1993, Consolidated Rail Corporation ("Conrail") commenced an action pursuant to 49 U.S.C. 11501 in Federal District Court for the Southern District of New York, and in each year thereafter, seeking to have its state-wide tax assessments and tax payments reduced to a level consistent with those assessments and taxes paid prior to the expiration of the New York State Service Enhancement Program; and

WHEREAS, The ability of Conrail to pursue its tax reduction action under federal law, which fundamentally challenges New York State tax assessment methodology, has been appealed to the United States Supreme Court, and that Court has affirmed lower court rulings that Conrail can seek to have its property assessments lowered and taxes reduced in a manner inconsistent with New York State tax methodology, by methods which favor railroads and adversely affects the ability of municipalities to defend tax assessment levels in the aftermath of the Service Enhancement Program's expiration; and

WHEREAS, Erie County has been named in each of the Conrail tax challenges as a class representative defendant in a class of 700 New York municipalities which have Conrail property within their jurisdiction and derive tax revenue therefrom; and

WHEREAS, Counsel for class representative defendants and Conrail have engaged in settlement negotiations over the past eight months to settle this lawsuit in advance of trial; and

WHEREAS, Conrail and counsel for the class representative defendants have tentatively agreed to a state-wide settlement figure of Conrail tax payments for the years 1993-2000 to be \$220 million or \$27.5 million per year; and

WHEREAS, settlement on those terms would result in payment of Erie County of approximately \$1 million for money Conrail has escrowed for the past three years for County taxes and taxes the County has guaranteed for other municipalities, and

WHEREAS, this settlement is supported by the Erie County Attorney, all counsel to the class representative defendants, the State Attorney General's Office, the Office of the Governor and the New York State Office of Real Property Services;

NOW, THEREFORE, BE IT

RESOLVED, this Legislature has reviewed the terms and conditions of the draft settlement agreement and deems it fair and reasonable within the context of the federal court action; and be it further

RESOLVED, that this Legislature hereby directs and authorizes the Erie County Attorney to finalize the settlement agreement with Conrail and execute it on behalf of the County of Erie on the basis of state-wide Conrail tax payments of \$220 million over eight years.

(6-0) Chairman Swanick present as ex-officio member.

CRYSTAL DAVIS PEOPLES
Chairperson

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

CARRIED UNANIMOUSLY.

ITEM 6 - Mr. FITZPATRICK presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 31

JANUARY 28, 1997

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT.

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

- | | Item | Page | -1996 | (Comm. 3M-14) |
|----|----------------------------|------|--|----------------|
| a. | BUFFALO CONVENTION CENTER: | | Draft of Amendment Re: Financing Construction, Leasing & Operation of Buffalo Convention Center. | |
| | (5-0) | | | |
| b. | DPW: | | Elevator Renovation - ECMC, for Information Only. | (Comm. 29D-16) |
| | (5-0) | | | |

Item Page -1997 (Comm. 1D-17)
c. DPW: Highway Division Audit - 3 Year Period Ending 3/31/96.
 (5-0)

Item Page -1997 (Comm. 1M-5)
d. ECIDA: Notice of Meeting to be Held on 1/15/97.
 (5-0)

Item Page -1997 (Comm. 2D-4)
e. DPW: Executed Contract East Creek Bridge Town of Wales.
 (5-0)

Item Page -1997 (Comm. 2M-10)
f. NFTA: Minutes of Meeting Held 11/18/96 & 12/16/96.
 (5-0)

Item Page -1997 (Comm. 1D-20)
2. DPW:

WHEREAS, the Commissioner of Public Works recommends that conveyance of a one foot strip of land along the north side of Milestrip Road from Southwestern Boulevard, westerly, to the Buffalo-Pittsburgh Railroad, be conveyed to the Town of Orchard Park in consideration for property from the Town that is adjacent to Rich Stadium.

NOW, THEREFORE, BE IT

RESOLVED, that upon the recommendation of the Commissioner of Public Works, the one foot strip of land along Milestrip Road be conveyed to the Town of Orchard Park in consideration of a parcel of land (4.57± acres) adjacent to Rich Stadium, all as shown on attached maps, and be it further

RESOLVED, that the Town of Orchard Park has expressed their desire for this land conveyance as evidenced by their Town Resolution dated October 22, 1996; and be it further

RESOLVED, that the Erie County Advisory Review Committee (ARC) met on November 14, 1996 and recommended approval of the above transaction subject to State Environmental Quality Review (SEQR) action and has prepared a SEQR Findings Statement regarding the designated one foot strip of land along Milestrip Road and issued a Negative Declaration related to the consideration of the land parcel adjacent to the Rich Stadium property; and be it further

RESOLVED, that the Erie County Legislature approve the above transfer of properties including the SEQR Findings Statement and the Negative Declaration; and be it further

RESOLVED, that the County Executive be authorized to execute and acknowledge, in the name of the County, and affix the seal of the County to any necessary documents prepared by the County Attorney to effect the transfer of these properties; and be it further

RESOLVED, that the Clerk of the County Legislature be instructed to forward five (5) certified copies of this resolution to the Commissioner of Public Works.

(5-0)

MICHAEL A. FITZPATRICK
Chairman

Mr. FITZPATRICK moved the adoption. Ms PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 7 - Mrs. FISHER presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 32

JANUARY 28, 1997

HEALTH COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT EXCEPT LEGISLATOR MARSHALL. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

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

- | | Item | Page | -1996 | (Comm. 11M-10) |
|----|---------|--|-------|----------------|
| a. | MELTCA: | Long Term Care Program for EC Employees. | | |
| | (5-0) | Chairman Swanick present as ex-officio member. | | |
-
- | | Item | Page | -1996 | (Comm. 15D-15) |
|----|-------|--|-------|----------------|
| b. | DPW: | Professional Services Contract for Alcohol & Drug Testing. | | |
| | (5-0) | Chairman Swanick present as ex-officio member. | | |
-
- | | Item | Page | -1996 | (Comm. 18M-25) |
|----|---------------------------------------|--|-------|----------------|
| c. | MASTEN NEIGHBORHOOD ADVISORY COUNCIL: | Summary of Buffalo's Pilot Lead Abatement Program. | | |
| | (5-0) | Chairman Swanick present as ex-officio member. | | |

- Item Page -1996 (Comm. 22M-11)
d. **HEALTH SYSTEMS AGENCY:** Annual Report of the Erie County Infant Mortality Community Review Team.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 29D-5)
e. **ERIE COUNTY MEDICAL CENTER:** Notice of Meeting Held 12/11/96 & Minutes of Meeting Held 11/13/96.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 29D-6)
f. **ERIE COUNTY MORGUE:** Monies & Other Properties Found on Deceased Persons.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 29D-8)
g. **ERIE COUNTY MEDICAL CENTER:** NYS Department of Health Published Scoreboard on Mortality Rates for 1994 Related to Open Heart Surgery.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 29M-3)
h. **NYS DEPARTMENT OF HEALTH:** Deletion of Maternity & Infant Care Clinic & Four Services.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 29M-5)
i. **WELLNESS INSTITUTE:** News & Notes.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 29M-16)
j. **MELTCA:** Copy of Letter to Legislator Peoples Re: EC Discounted CNA Long Term Care Protection Program.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 1D-7)
k. **HEALTH:** Notice of Meeting Held 1/7/97 & Minutes of Meeting Held 11/19/96.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 1D-8)
l. **ERIE COUNTY MEDICAL CENTER:** Financial Statements for 11/30/96.
(5-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 1D-12)
m. **ERIE COUNTY MORGUE:** Monies & Other Property Found on Deceased Persons.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 1D-13)
 n. **ERIE COUNTY MEDICAL CENTER:** Notice of Board of Managers Meeting
 Held 1/8/97 & Minutes of Meeting Held 12/11/96.
 (5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm 1D-14)
 o. **ERIE COUNTY MEDICAL CENTER:** Notice of Finance Committee Meeting
 Held 1/7/96.
 (5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 1E-11)
 p. **COUNTY EXECUTIVE:** Appointment to ECMC Board of Managers.
 (5-0) Chairman Swanick present as ex-officio member.

Item Page -1996 (Comm. 29E-26)
 2. **COUNTY EXECUTIVE:**
 WHEREAS, the Erie County Health Department operates a Public Health
 Campaign Program, and

WHEREAS, the Erie County Department of Health has received a
 continuing grant award from the New York State Health Department in the
 amount of \$453,815 for the Public Health Campaign Program from 4/1/96 -
 3/31/97, and

WHEREAS, the grant includes funding the Model Tuberculosis Control
 clinic and sexually transmitted disease prevention and treatment
 programs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves
 revisions to be budgeted as follows for the current contract:

PUBLIC HEALTH CAMPAIGN
 4/1/96 - 3/31/97
 PROJECT #553

| SFG | REVENUE | CURRENT BUDGET | CHANGES | REVISED BUDGET |
|-----|--------------|-------------------|---------------|-------------------|
| 553 | STATE AID | <u>\$421,677</u> | <u>32,138</u> | <u>\$453,815</u> |
| | TOTAL | <u>\$421,677</u> | <u>32,138</u> | <u>\$453,815</u> |

EXPENSES

| | | | | |
|--------------|------------------|-------------------------|-------------------------|-------------------------|
| 800 | PERS. SERVICES | \$309,794 | 22,111 | \$331,905 |
| 805 | FRINGES | 76,767 | 7,028 | 83,795 |
| 810 | OFFICE SUPPLIES | 1,000 | 0 | 1,000 |
| 814 | MEDICAL SUPPLIES | 10,000 | 0 | 10,000 |
| 821 | DUES & FEES | 1,000 | 500 | 1,500 |
| 823 | REPAIRS & MAINT. | 750 | 0 | 750 |
| 824 | TRAVEL-LOCAL | 9,851 | 0 | 9,851 |
| 825 | TRAVEL-CONF. | 0 | 1,000 | 1,000 |
| 826 | OTHER EXPENSES | 2,200 | 5,614 | 7,814 |
| 830 | CONTRACTUAL | 0 | 1,200 | 1,200 |
| 880-5100 | DISS | 5,000 | 0 | 5,000 |
| 890 | CONTINGENCIES | <u>5,315</u> | <u>-5,315</u> | <u>0</u> |
| TOTAL | | <u>\$421,677</u> | <u>\$ 32,138</u> | <u>\$453,815</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) Chairman Swanick present as ex-officio member.

AS AMENDED

(Comm. 2D-11)

Item Page -1997

3. COUNTY ATTORNEY:

WHEREAS, this Legislature on September 19, 1996, passed a resolution in support of the County Executive Dennis Gorski's directive to County Attorney Kenneth Schoetz that he commence a lawsuit against the tobacco industry to recover the cost to County taxpayers for Medicaid and indigent care for tobacco related illness and disease, and further gave its support to the retention of outside counsel on a contingency fee basis; and

WHEREAS, the County Attorney conducted a nation-wide search for outside counsel to best represent Erie County pursuant to Sec. 19.08 of the Erie County Code; and

WHEREAS, the Erie County Attorney as a result of that search and adherence to the Sec. 19.08 process has selected the law firm of Ness, Motley, Loadholt, Richardson & Poole of Charlestown, South Carolina to represent the County in its lawsuit against the tobacco industry on a contingent fee basis; and

WHEREAS, on January 14, 1997, the Erie County Attorney commenced the County's lawsuit against the tobacco industry by filing the County's Summons and Complaint in the office of the Erie County Clerk;

NOW THEREFORE BE IT,

RESOLVED, that the Erie County Legislature hereby reaffirms its support for, directs, authorizes and ratifies the commencement of a County lawsuit against the tobacco industry to recover moneys paid by Erie County for Medicaid and indigent care to the full extent permitted under applicable law and to further seek injunctive relief to stop the targeting of cigarette sales to minors and for whatever further relief as may be required to successfully prosecute the action commenced by the Erie County Attorney on January 14, 1997; and be it further

RESOLVED, that the Erie County Legislature hereby directs and authorizes the Erie County Attorney to enter into a contract on behalf of Erie County for the provision of professional services with the law firm of Ness, Motley, Loadholt, Richardson & Poole, to prosecute the County's claims for relief against the tobacco industry on a contingent fee basis; and be it further

RESOLVED, that the County's contract with Ness, Motley shall provide that all expenses required to prosecute the County's lawsuit shall be advanced by Ness, Motley, and that Ness, Motley's contingency fee shall not exceed 25% of any court award or settlement, less expenses, and be it further

RESOLVED, Ness, Motley, in conjunction with the County Attorney, is hereby authorized, within the limits of Ness, Motley's agreement with the County to contract for such technical, professional and other services as may be required to advance the county's lawsuit against the tobacco industry; and be it further

RESOLVED, that the County Attorney is hereby authorized to expend from his office appropriation lines and the County's Risk Retention Fund such moneys as may be required by his office for the incidental costs of prosecuting this lawsuit, including but not limited to mail, stationery and supplies, travel, legal research, telecommunications and personnel.

(4-0) Legislator DeBenedetti absent. Chairman Swanick present as ex-officio member.

- | | | | |
|------|------|-------|--------------|
| Item | Page | -1996 | (Comm. 2E-8) |
|------|------|-------|--------------|
4. COUNTY EXECUTIVE:
RESOLVED, that the HEALTH COMMITTEE does hereby recommend that the full Erie County Legislature confirm the appointment of **CHARLES R. NOTARO, Esq.**, 48 Westgate Road, Kenmore, NY 14217, and **ELYSE NEMOYER**, 80 Squire Drive, Orchard Park, NY 14127 and the re-appointment of **IRWIN H. CHESKIN, DDS**, 131 North Drive, Eggertsville, NY 14226 to the Board of Managers of the Erie County Medical Center for a term ending **DECEMBER 31, 2001**.
(5-0) Chairman Swanick present as ex-officio member.

- | | | | |
|------|------|-------|---------------|
| Item | Page | -1997 | (Comm. 2E-14) |
|------|------|-------|---------------|
5. COUNTY EXECUTIVE:
WHEREAS, the Erie County Health Department provides an important program of medical care through its Well Child Clinics offering free immunizations, physical exams to preschool children at numerous community based clinics throughout the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to enter into an agreement with the following community agency to provide space for a Health Department Well Child Clinic for a term not to exceed three (3) years effective January 1, 1997 through December 31, 1999, and at a rate of fifty dollars (\$50.00) per session. Funds are available in the Health Department's 1997 Adopted Budget. Sessions to be the third Wednesday of each month:

University United Methodist Church
410 Minnesota Avenue
Buffalo, New York

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) Chairman Swanick present as ex-officio member.

- | | | | |
|------|------|-------|------------------------------------|
| Item | Page | -1997 | AS AMENDED (Comm. 2E-19) |
|------|------|-------|------------------------------------|
6. COUNTY EXECUTIVE:
WHEREAS, the Erie County Medical Center has identified need for hospital beds that can effectively reduce pressure ulcers and reduce operating costs, and

WHEREAS, the Hill-Rom Corporation offers beds and furniture that can address the Medical Center's patient needs, reduce operating costs by \$200,000 per year for 5 years and help reduce patient length of stay, and

WHEREAS, a 5-year capital lease with Hill-Rom is available at the current County borrowing rate, with a reimbursement of approximately 60 cents on the dollar under ECMC's current reimbursement rate for each year of the lease,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a 5-year capital lease with Hill-Rom Corporation, on behalf of the Erie County Medical Center, for beds and furniture at the County borrowing rate, and be it further

RESOLVED, that the total lease at 4.16% rate is \$2,237,391.50 and that ECMC will receive capital reimbursement at approximately 60 cents on the dollar under its current rates for each year of the lease, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Comptroller, the Erie County Medical Center and the Hill-Rom Corporation.

(5-0) Chairman Swanick present as ex-officio member.

JUDITH P. FISHER
Chairperson

Mr. MARSHALL requested that Resolve No. 6 be separated.

GRANTED.

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

CARRIED UNANIMOUSLY.

Mr. MARSHALL moved to send Resolve No. 6 back to committee. Mr. GREENAN seconded.

Chairman SWANICK directed that a Roll Call be taken.

MEETING NO. 3
FEBRUARY 6, 1997

ERIE COUNTY LEGISLATURE

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

DEFEATED.

Mrs. FISHER moved the adoption of Resolve No. 6. Ms. PEOPLES seconded.

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Ranzenhofer, DeBenedetti, Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Olma, Peoples, Swanick - 12. Noes - Greenan, Larson, Marshall, Pauly, Villarini - 5.

CARRIED UNANIMOUSLY.

ITEM 8 - Mr. DUSZA presented the following and moved for immediate consideration. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 33

JANUARY 30, 1997

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT EXCEPT LEGISLATOR PAULY. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

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

- | | | | |
|------|---|-------|----------------|
| Item | Page | -1996 | (Comm. 18M-13) |
| a. | JEWISH FAMILY SERVICES: Survey of Gambling in NYS. | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | |
| Item | Page | -1996 | (Comm. 23M-6) |
| b. | ALL-AMERICA CITY: Fact Sheet: Greater Buffalo City Award. | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | |
| Item | Page | -1996 | (Comm. 23M-12) |
| c. | DEBORAH EDDS BANG: Copy of Letter to Legislator Swanick Re: Casino Gambling. | | |
| | (5-0) Chairman Swanick present as ex-officio member. | | |

- d. Item Page -1996 (Comm. 29E-7)
COUNTY EXECUTIVE: Position Change Report PP#26 1996.
(5-0) Chairman Swanick present as ex-officio member.
- e. Item Page -1996 (Comm. 29M-14)
OTB: Minutes of Board of Directors Meeting Held 10/24/96.
(5-0) Chairman Swanick present as ex-officio member.
- f. Item Page -1997 (Comm. 1E-3)
COUNTY EXECUTIVE: Position Change Report.
(5-0) Chairman Swanick present as ex-officio member.
- g. Item Page -1997 (Comm. 1E-16)
COUNTY EXECUTIVE: Filled Positions 11/96.
(5-0) Chairman Swanick present as ex-officio member.
- h. Item Page -1997 (Comm. 2E-2)
COMPTROLLER: Audit Certified Payroll PP#6 1996.
(5-0) Chairman Swanick present as ex-officio member.
- i. Item Page -1997 (Comm. 2E-3)
COUNTY EXECUTIVE: Position Change Report PP#2 1997.
(6-0) Chairman Swanick present as ex-officio member.
- j. Item Page -1997 (Int. 2-16)
MARSHALL, GREENAN & LARSON: County's Non-Compliance with Civil
Service Laws.
(5-0) Chairman Swanick present as ex-officio member.

AS AMENDED

2. Item Page -1996 (Int. 20-1)
**DUSZA, HOLT, PEOPLES, GREENAN, RANZENHOFER, MARSHALL, KUWIK,
LARSON, FISHER, SWANICK & MARINELLI:**
WHEREAS, the county holds title to a great deal of real property
throughout Erie County, and

WHEREAS, from time to time, the county's Division of Budget,
Management, and Finance will hold public auctions for the purposes of
selling county property, and

WHEREAS, often, residents whose private property abuts county
property to be auctioned are unaware of the planned auction of said
abutting county property, and

WHEREAS, it would be in the best interests of the county and its
taxpayers if abutting property owners were given right of first refusal
with regard to the purchase of county property that is to be sold, and

WHEREAS, should such a delineation prove inconsistent with the current provisions of the county charter, or should the inclusion of such special provisions for particular land owners prove inconsistent with state or federal law, the county would instead be best served to establish a policy whereby abutting property owners, in advance of any auction of county property, are specifically informed of said auction through a letter from the county, and

WHEREAS, the Legislature wishes to receive an opinion relative to this proposal from the County's Department of Law,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support the sale of county land to private individuals and businesses as a means to put more real property on the tax rolls, thereby spreading the responsibility for the county's tax levy among the greatest number of property owners, and be it further

RESOLVED, that the Erie County Attorney is hereby requested to submit an opinion to the Legislature relative to a Local Law that would require the county to offer to abutting land owners the right of first refusal when county land that abuts their property is scheduled for auction, and be it further

RESOLVED, that in the absence of the aforesaid local law, this Honorable Body does hereby support a general policy for the Division of Budget, Management, and Finance whereby said private property owners be informed through a letter from the county when county land abutting their property is to be offered at auction, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Attorney Kenneth Schoetz, and to Budget Director Sheila Kee.

Fiscal Impact: None for Resolution.

(5-0) Chairman Swanick present as ex-officio member.

| | | | |
|------|--------------------------|-------|---------------|
| Item | Page | -1997 | (Comm. 1E-18) |
| 3. | COUNTY EXECUTIVE: | | |

WHEREAS, General Municipal Law Section 104-b, subdivision 4 requires the governing board of the County to annually review County policies and procedures with respect to procurement of goods and services where such goods and services are not required by law to be procured pursuant to competitive bidding, and

WHEREAS, the Erie County Procurement Policies and Procedures have been reviewed and found to be in compliance with the requirements of General Municipal Law Section 104-b and were adopted by this Legislature on July 25, 1996, and

WHEREAS, such Policies and Procedures are in addition to and in furtherance of specific purchase and procurement laws and rules set forth by State statute, the Erie County Charter, and the Erie County Administrative Code.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby adopt the *Erie County Purchase Policies and Procedures Under General Municipal Law 104-b* as the policy of the County of Erie pursuant to General Municipal Law Section 104-b, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of Information and Support Services and the Director of Purchase.

(5-0) Chairman Swanick present as ex-officio member.

| | | | |
|------|--------------------------|-------|---------------|
| Item | Page | -1997 | (Comm. 2E-15) |
| 4. | COUNTY EXECUTIVE: | | |

WHEREAS, many Erie County Competitive and Non-Competitive class Civil Service positions require specialized training and experience which is difficult to obtain or unavailable outside of County service, and

WHEREAS, in order to fill these competitive class and non-competitive class positions it is necessary to hire individuals and provide specialized training to them, and

WHEREAS, in order to facilitate the hiring of individuals to receive this specialized training and experience, certain County positions are filled on a trainee or underfill basis from trainee Civil Service Lists or in the absence of a valid trainee list, on a provisional or temporary basis, and

WHEREAS, since the specific budget amendment authorizing the filling of County positions on a trainee or underfill basis was eliminated from the budget, departments will not be able to fill such positions which will then impair the departments ability to render services to the public,

NOW, THEREFORE, BE IT

RESOLVED, that effective January 1, 1997 funds appropriated for the competitive and non-competitive class positions listed below may be used to pay a trainee or underfill a lesser amount until such employee becomes qualified to fill such positions:

(5-0) Chairman Swanick present as ex-officio member.

5. Item Page -1997 (Comm. 2E-16)
COUNTY EXECUTIVE:

WHEREAS, the Erie County Legislature amended the 1997 Erie County budget to stipulate that all requests for authority to recruit at a higher increment level must be approved by both the Legislature and the County Executive, and

WHEREAS, the same stipulation is contained in the written amendments to the 1997 Erie County Budget, and

WHEREAS, the authorization of variable minimums is crucial to the delivery of medical and other essential public services,

NOW, THEREFORE, BE IT

RESOLVED, that where such higher increment levels were authorized by the County Legislature in 1996, such levels for these positions shall be continued in the fiscal year commencing January 1, 1997. A list of the of the position titles is as follows:

| <u>DEPARTMENT</u> | <u>TITLE</u> | <u>JG/STEP</u> |
|-------------------|--|----------------|
| Health | Chief County Toxicologist | 16-4 |
| Legislature | Clerk Typist | 1-5 |
| ECMC | Clinical Perfusionist | 15-5 |
| Health | Dentist | 14-3 |
| ECMC, Home | Licensed Practical Nurse | 4-3 |
| ECMC, Home | Licensed Practical Nurse (2 nd & 3 rd shift) | 4-4 |
| Health | Medical Director (Reproductive Health) (RPT) | 18-5 |
| Social Services | Medical Director (SS) (RPT) | 20-5 |
| Health | Medical Examiner | 15-5 |
| ECMC, Home | Medical Record Admin. | 8-3 |

| | | |
|-----------------------|--|------|
| ECMC | Medical Record Technician | 6-3 |
| Health | Medical Specialist | 17-5 |
| ECMC | Nuclear Medicine Technologist | 8-5 |
| Health | Nurse Practitioner | 10-3 |
| ECMC, Home | Occupational Therapist | 10-5 |
| Home | Pharmacist | 12-5 |
| ECMC | Pharmacist-ECMC | 13-5 |
| ECMC, Home | Physical Therapist | 10-5 |
| ECMC | Radiologic Technologist | 7-5 |
| Sheriff (HC) | Registered Nurse (HC) | 8-3 |
| Youth | Registered Nurse | 8-3 |
| ECMC | Respiratory Care Practitioner | 6-3 |
| Public Works- Hwy. | Senior Civil Engineer | 14-4 |
| Legislature | Senior Clerk Typist | 4-5 |
| ECMC | Senior Respiratory Care Practitioner | 7-3 |
| ECMC-Home | Senior Licensed Practical Nurse (1 st) | 5-3 |
| ECMC-Home | Senior Licensed Practical Nurse (2 nd & 3 rd shifts only) | 5-4 |
| Health | Senior Nurse Practitioner | 11-3 |
| Home | Senior Pharmacist | 13-4 |
| ECMC | Senior Pharmacist-ECMC | 14-4 |
| ECMC | Special Procedures Technologist | 8-4 |
| ECMC-Home | Supervising Physical Therapist | 12-5 |
| Social Services | Utilization Review Nurse | 8-3 |

and be it further

RESOLVED, that once a variable minimum is approved for a particular position or job title, said variable minimum shall be in effect for all employees placed in said position during the year. It is also intended that where a variable minimum is granted for a full time position, the authorization is extended to any regular part-time or part-time position in any department, and be it further

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

(5-0) Chairman Swanick present as ex-officio member.

RAYMOND K. DUSZA
CHAIRMAN

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

CARRIED UNANIMOUSLY.

ITEM 9 - Mr. OLMA presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 34

JANUARY 30, 1997

ENERGY AND ENVIRONMENT
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

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

| | Item | Page | -1996 | (Comm. 22E-30) |
|----|--------------|--|-------|----------------|
| a. | OLMA: | Copy of Letter to Erie County Water Authority Re: Requesting Board of Commissioners to Appear at Energy & Environment Committee Meeting. | | |
| | | (5-0) | | |

| | Item | Page | -1996 | (Comm. 22M-16) |
|----|-------------------------------------|--|-------|----------------|
| b. | ERIE COUNTY WATER AUTHORITY: | Notice of Receipt of Resolution Re: Review of Authority Administrative Operations. | | |
| | | (5-0) | | |

| | Item | Page | -1996 | (Comm. 29D-9) |
|----|-------------|---|-------|---------------|
| c. | DEP: | SEQR - Solicitation for Lead Agency Status - Land Acquisition Next to Rich Stadium. | | |
| | | (5-0) | | |

| | Item | Page | -1996 | (Comm. 29E-19) |
|----|--------------------------|--|-------|----------------|
| d. | COUNTY EXECUTIVE: | ECSD NO. 1 - E&M Engineering & Surveyors, Change Order #6. | | |
| | | (5-0) | | |

| | Item | Page | -1996 | (Comm. 29E-24) |
|----|--------------------------|---|-------|----------------|
| e. | COUNTY EXECUTIVE: | ECSD NO. 3 - Southtowns Sewage Treatment Agency - Power Conditioning System Engineering Services Agreement. | | |
| | | (5-0) | | |

| | Item | Page | -1996 | (Comm. 29M-4) |
|----|----------------|--|-------|---------------|
| f. | NYSDEC: | Notice of Public Hearing Re: Integrated Waste Systems. | | |
| | | (5-0) | | |

| | Item | Page | -1996 | (Comm. 29M-13) |
|----|----------------|--------------------------------|-------|----------------|
| g. | NYSDEC: | Fact Sheet - Servotronics Inc. | | |
| | | (5-0) | | |

- Item Page -1996 (Comm. 29M-15)
h. **NYS FISH & WILDLIFE MANAGEMENT BOARD:** Minutes of Region 9 Meeting
Held 12/4/96.
(5-0)
- Item Page -1997 (Comm. 1D-9)
i. **DEP:** SEQR - Lead Agency Status - ECC North.
(5-0)
- Item Page -1997 (Comm. 1E-21)
j. **COUNTY EXECUTIVE:** Erie County Sewer Construction Projects Annual
Change Order Report.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 1E-22)
k. **COUNTY EXECUTIVE:** ECSD NO. 6 - Engineering Service Agreement Work
Project PH-1R.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 2E-10)
l. **COUNTY EXECUTIVE:** Semi-Annual Attendance Records Board of Managers
ECSD.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 2M-4)
m. **NIAGARA MOHAWK:** Support of New York State S.7827 & S.7826.
(5-0)
- Item Page -1997 (Comm. 2M-5)
n. **NYSDEC:** Notice of Meeting to be Held 1/29/97 & Fact Sheet -
Transit Valley Plaza Site.
(5-0)

AS AMENDED

- Item Page -1996 (Comm. 27E-19)
2. **COUNTY EXECUTIVE:** WHEREAS, the Boards of Managers for Erie County
Sewer District Nos. 1, 2, 3, 4, 5 & 6 have a system of sewer district
user charges or fees; and

WHEREAS, the Boards have requested and are desirous of collecting
said user charges or fees for properties in the same manner and fashion
as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget and Management is hereby
authorized and directed to spread said sewer district user charges or
fees against properties within Erie County Sewer District Nos. 1, 2, 3,
4, 5, & 6 liable therefore as provided by law; and be it further;

RESOLVED, that the following amounts be collected:

| | | |
|---------------------|----|--------------------|
| Sewer District #1 | \$ | 377,752 |
| Sewer District #4 | \$ | 271,184 |
| Sewer District #5 | \$ | 235,305 |
| Sewer District #2 | \$ | 50,890 |
| (Original District) | | |
| Sewer District #2 | \$ | 41,418 |
| (Extension 1B) | | |
| Sewer District #3 | \$ | 320,594 |
| (Original District) | | |
| Sewer District #3 | \$ | 20,492 |
| (Boston Valley) | | |
| Sewer District #3 | \$ | 72,047 |
| (Armor McKinley) | | |
| Sewer District #3 | \$ | 13,653 |
| (Holland) | | |
| Sewer District #6 | | <u>\$1,107,136</u> |
| | | \$2,510,471 |

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Sheila Kee, Director of Budget and Management; Charles J. Alessi, Deputy Commissioner of Environment and Planning and Richard J. Schechter, Assistant County Attorney.

(5-0)

| | | | |
|------|--------------------------|-------|----------------|
| Item | Page | -1996 | (Comm. 29E-17) |
| 3. | COUNTY EXECUTIVE: | | |

RESOLVED, that the County Executive is hereby authorized to enter into a contract with James Amato and Company, PC, CPA for an amount not to exceed \$2,000 for the purpose of conducting a Housing Loan Portfolio analysis, and be it further

RESOLVED, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with by the Department of Environment and Planning and a summary of the review results are included as Attachment A to this resolution, and be it further

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

(5-0)

| | | | |
|------|--------------------------|-------|----------------|
| Item | Page | -1996 | (Comm. 29E-20) |
| 4. | COUNTY EXECUTIVE: | | |

WHEREAS, the Erie County Legislature had awarded the French Road Relief Sewer Contract to Sergi Construction, 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 the French Road Relief Sewer Contract in the amount of \$1,672,951.33 which includes Change Order No. 2 (final), a decrease of \$327,793.32, and Final Payment No. 15 in the amount of \$891.02.

NOW, THEREFORE, BE IT

RESOLVED, that the French Road Relief Sewer Contract between the County of Erie and Sergi Construction, Inc., 774 Jewett Holmwood Road, East Aurora, New York 14042, be accepted in the amount of \$1,672,951.33, which includes Change Order No. 2 (final) a decrease of \$327,793.32 and Payment No. 15 (final) in the amount of \$891.02, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the French Road Relief Sewer Contract in the amount of \$1,672,951.22 and make final payment from Capital Account Sewer District #1, Fund No. 430, Project No. 515, Department No. 810, and Capital Account Sewer District No. 1, Fund No. 430, Project No. 694, Department NO. 810; and be it further

RESOLVED, that the Erie County Comptroller is hereby directed to return the unused portion, \$327,793.32, to Sewer Capital Account-Sewer District No. 1, Fund 430, Project No. 694, Department 810, Object No. 891, Unallocated, 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 Richard J. Schechter, Assistant County Attorney.

(5-0)

AS AMENDED
(Comm. 29E-23)

Item Page -1996

5. **COUNTY EXECUTIVE:**

WHEREAS, Erie County Sewer District No. 2 needs to retain the services of an Engineer to provide engineering services for the repair of the District's 18 Mile Creek Sewage Pumping Station, and

WHEREAS, the Board of Managers and the Department of Environment and Planning have recommended the firm Abate Engineering Associates, P.C., 4455 Genesee Street, Buffalo, NY.

NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of Abate Engineering Associates, P.C. 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 Abate Engineering Associates, P.C., 4455 Genesee Street, Buffalo, NY, to provide the needed engineering services subject to approval as to form by the County Attorney's Office, and be it further

RESOLVED, that the Comptroller be authorized and direct to allocate \$10,000 from Sewer Capital SD #2, 430-517-820-891, Unallocated; to SD #2, 430-517-820-973, Sewer Construction Expenditures, Sub Account 100 Professional Service Contracts, for payment of the engineering services agreement, 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 and the Erie County Comptroller's Office.

(5-0)

| | | | |
|------|------|-------|----------------|
| Item | Page | -1996 | (Comm. 29E-25) |
|------|------|-------|----------------|

6. **COUNTY EXECUTIVE:**
WHEREAS, the Erie County Legislature has awarded the Storm Sewer Connection to the Well Street Pumping Station Contract to Kandey Company, Inc.; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all work required by the contract documents has been completed; and

WHEREAS, the Department of Environment and Planning has recommended final acceptance of this Contract in the amount of \$35,938.00 and final payment made in the amount of \$14,088.00, which includes release of retainage.

NOW, THEREFORE, BE IT

RESOLVED, that the Storm Sewer Connection to the Well Street Pumping Station Contract between the County of Erie and Kandey Company, Inc., 13 Ransier Drive, West Seneca, New York 14224 be accepted in the amount of \$35,938.00, and final payment made in the amount of \$14,088.00, which includes release of retainage; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Storm Sewer Connection to the Well Street Pumping Station Contract in the amount of \$35,938.00 from Sewer Capital, Sewer District No. 6, Fund 430, Project No., 519, Department No. 840, Object 891, between the County of Erie and Kandey Company, Inc., 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 each to the Erie County Comptroller's Office and Richard J. Schechter, Assistant County Attorney.

(5-0)

| | | | |
|------|------|-------|--------------|
| Item | Page | -1997 | (Comm. 1E-6) |
|------|------|-------|--------------|

7. **COUNTY EXECUTIVE:**
WHEREAS, the County of Erie owns and operates Wendt Beach which is located in the Town of Evans; and

WHEREAS, the County desires to construct an additional parking lot at the Wendt Beach site; and

WHEREAS, the Lakeshore Youth Soccer Association is willing to donate to the County \$2,000.00 of crushed stone in order to help the County construct a parking lot at Wendt Beach.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County to accept from the Lakeshore Youth Soccer Association a donation of \$2,000.00 of crushed stone to be used at Wendt Beach in order to construct a parking lot; and

RESOLVED, the County Executive is hereby authorized to enter into all necessary agreements with the Lakeshore Youth Soccer Association in order to effectuate the donation of crushed stone; and

RESOLVED, certified copies of this Resolution shall be forwarded to the Erie County Commissioner of Parks, Recreation and Forestry, the Director of Division of Budget, Management and Finance and the Erie County Attorney's Office.

(5-0)

Item Page -1997 (Comm. 1E-12)

8. **COUNTY EXECUTIVE:**

WHEREAS, the County has borrowed on behalf of the Erie County Sewer Districts from the State's Environmental Facilities Corporation (EFC) to take advantage of subsidized interest rates ranging from one-third to one half less than the normal County borrowing rate on long term bonds; and

WHEREAS, the EFC borrowings require the payment of a 0.11 percent administrative fee; and

WHEREAS, the administrative fees for 1997 were budgeted under the Sewer District's Debt Service, but need to be placed in the Operating Fund - Dues and Fees.

NOW, THEREFORE, BE IT

RESOLVED, that the following sums be transferred within the 1997 Budget from Debt Service to Operating Fund - Dues and Fees, Account 821 as follows:

| <u>Sewer District Nos. 1, 4, & 5</u> | <u>Amount</u> |
|--|---------------|
| from Debt Service: 220-851-810-886-3300 | |
| to: DAC 220-851-810-821 | \$19,500 |

| | |
|---|----------|
| <u>Sewer District No. 2</u> | |
| from Debt Service: 220-852-820-886-3300 | |
| to: DAC 220-852-820-822 | |
| | \$ 9,000 |

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copis of this resolution to Charles J. Aless, P.E., Deputy Commissioner, Department of Environment and Planning, Greg Gach, Senior Budget Consultant, and Nancy Naples, County Comptroller.

(5-0)

Item Page -1997 (Comm. 1E-13)

9. **COUNTY EXECUTIVE:**

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium and Towns of Hamburg/Town of West Seneca/Erie County HOME Consortium, is hereby authorized to submit a 1997/98 consolidated application to the federal Department of Housing and Urban Development for the following programs having an estimated dollar amount as indicated.

- 1.) Community Development Block Grant Program - \$ 3,483,000
- 2.) Emergency Shelter Grant Program - \$ 84,000
- 3.) HOME Investment Partnership Program - \$ 1,028,000

and be it further

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

RESOLVED, that copies of this resolution shall be forwarded to the Commissioner of the Department of Environment and Planning and Director of the Erie County Budget Office.

(6-0) Chairman Swanick present as ex-officio member.

| | | | |
|------|--------------------------|-------|---------------|
| Item | Page | -1997 | (Comm. 1E-15) |
| 10. | COUNTY EXECUTIVE: | | |

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 1996-97 snowmobile season in an amount not to exceed \$45,943, and

WHEREAS, the sum of \$1,000 is budgeted as a state revenue for snowmobile development in the 1997 Adopted Budget of the Division of Parks, and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the Erie County Department of Parks, Recreation and Forestry within the County parks and forest lots, as well as similar work performed by the Erie County Federation of Snowmobile Clubs on club trails located outside County-owned lands,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$45,943 as pertains to snowmobile trail maintenance performed during the 1996-97 snowmobile season, and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with the Erie County Federation of Snowmobile Clubs for an amount not to exceed \$43,141 for the purpose of snowmobile trail maintenance on club trails during the 1996-97 snowmobile season, provided that the Federation meets all insurance and other requirements deemed necessary by the County, and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the division of Parks, fund 110, project 942, dept. 640, account 553, in the amount of \$43,141, and an increase in appropriations in the amount of \$43,141 in the Division of Parks, fund 110, project 942, dept. 640, account 821, in order that funds may be available to make payment to the Erie County Federation of Snowmobile Clubs, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget and Management, Commissioner of the Department of Environment and Planning, and the Commissioner of the Department of Parks, Recreation and Forestry.

(5-0)

Item Page -1997 (Comm. 2E-9)

11. **COUNTY EXECUTIVE:**

WHEREAS, the Department of Environment and Planning has proposed establishment of an Open Item in the Legislature's Energy and Environment Committee to reduce the time required for approval of a bond authorization for sewer construction projects.

NOW, THEREFORE, BE IT

RESOLVED, that an Open Item be established in the Energy and Environment Committee of this Legislature for the purpose of considering prerequisite resolutions pertaining to Bond Authorizations and other documents regarding either the Erie County Sewer Districts or the Southtowns Sewage Treatment Agency; and be it further

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

(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 2E-18)

12. **COUNTY EXECUTIVE:**

WHEREAS, the Erie County Legislature awarded sanitary sewer Contract 29L to Joseph J. Kelly Blacktop, Inc. on October 17, 1996; and

WHEREAS, during construction of said sewer contract Joseph J. Kelly Blacktop, Inc. encountered a differing site condition not anticipated by the construction bid documents, and

WHEREAS, the Erie County Department of Environment and Planning recommends approval of Change Order No. 1 to Contract 29L in the amount of \$26,600 to compensate the contractor for the additional costs associated with the previously unanticipated removal of rock; and

WHEREAS, the Erie County Department of Environment and Planning also recommends the transfer of funds from Sewer District No. 4's Capital Reserve Fund to the Operating Fund to cover the cost of this unanticipated expense.

NOW, THEREFORE, BE IT

RESOLVED, that Change Order No. 1 to Contract 29L be approved in the amount of \$26,600; and be it further

RESOLVED, that the Erie County Comptroller be authorized and directed to transfer \$26,600 from Sewer District No. 4's Capital Reserve Account, Fund 430, Project 771 to Account 220-851-810-823, Repairs and Maintenance Charges; and be it further

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

(5-0)

GREGORY B. OLMA
Chairman

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

CARRIED UNANIMOUSLY.

ITEM 10 - Ms. COHEN KENNEDY presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 35

JANUARY 30, 1997

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

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

| | Item | Page | -1996 | (Comm. 3E-7) |
|----|----------------|---|-------|--------------|
| a. | LARSON: | Copy of Letter to ECC Re: Effect of State Budget on Students of ECC. | | |
| | | (5-1) Legislator Larson in the negative. Chairman Swanick present as ex-officio member. | | |

| | Item | Page | -1996 | (Int. 6-9) |
|----|-----------------|--|-------|------------|
| b. | PEOPLES: | Proposed Academic Program Reductions at ECC. | | |
| | | (6-0) Chairman Swanick present as ex-officio member. | | |

| | Item | Page | -1996 | (Comm. 12E-4) |
|----|---------------------|--|-------|---------------|
| c. | COMPTROLLER: | ECC Trends in Student/Faculty Ratio. | | |
| | | (6-0) Chairman Swanick present as ex-officio member. | | |

| | Item | Page | -1996 | (Comm. 15D-14) |
|----|--------------------------------|--|-------|----------------|
| d. | ERIE COMMUNITY COLLEGE: | Comprehensive Review of Trends in Student/Faculty Ratio. | | |
| | | (6-0) Chairman Swanick present as ex-officio member. | | |

| | Item | Page | -1996 | (Comm. 21M-8) |
|----|--|--|-------|---------------|
| e. | STUDENT GOVERNMENT ASSOCIATION: | ECC North Child Care on Campus. | | |
| | | (6-0) Chairman Swanick present as ex-officio member. | | |

| | Item | Page | -1996 | (Comm. 22D-1) |
|----|--------------------------------|--|-------|---------------|
| f. | ERIE COMMUNITY COLLEGE: | Minutes of Board of Trustees Meeting Held 8/28/96. | | |
| | | (6-0) Chairman Swanick present as ex-officio member. | | |

| | Item | Page | -1996 | (Comm. 22D-7) |
|----|--------------------------------|---|-------|---------------|
| g. | ERIE COMMUNITY COLLEGE: | Notice of Board of Trustees Meeting to be Held on 10/28/96. | | |
| | | (6-0) Chairman Swanick present as ex-officio member. | | |

| | Item | Page | -1996 | (Comm. 22D-10) |
|----|--|--|-------|----------------|
| h. | BUFFALO & ERIE COUNTY PUBLIC LIBRARY: | Minutes of Meeting Held 9/19/96 & Notice of Meeting Held 10/16/96. | | |
| | | (6-0) Chairman Swanick present as ex-officio member. | | |

MEETING NO. 3

FEBRUARY 6, 1997

ERIE COUNTY LEGISLATURE

- | | Item | Page | -1996 | (Comm. 22M-8) |
|----|--|------|-------|----------------|
| i. | CLAUDIA CATALANO: Copy of Letter to Legislator Peoples Re: Greater Buffalo Film Commission. | | | |
| | (6-0) Chairman Swanick present as ex-officio member. | | | |
| | Item | Page | -1996 | (Comm. 22M-10) |
| j. | JUST BUFFALO LITERARY CENTER: Project Artspace at Tri-Main Capital Funding. | | | |
| | (6-0) Chairman Swanick present as ex-officio member. | | | |
| | Item | Page | -1996 | (Comm. 22M-12) |
| k. | ERIE COUNTY CULTURAL RESOURCES ADVISORY BOARD: 1997 Cultural Funding Recommendation Report. | | | |
| | (6-0) Chairman Swanick present as ex-officio member. | | | |
| | Item | Page | -1996 | (Comm. 23D-5) |
| l. | ERIE COMMUNITY COLLEGE: Notice of Meeting Held 10/28/96 & Minutes of Meeting 10/96. | | | |
| | (6-0) Chairman Swanick present as ex-officio member. | | | |
| | Item | Page | -1996 | (Comm. 23D-8) |
| m. | ERIE COMMUNITY COLLEGE: Notice of Meetings 11/4/96 & 11/13/96. | | | |
| | (6-0) Chairman Swanick present as ex-officio member. | | | |
| | Item | Page | -1996 | (Comm. 23M-22) |
| n. | CITY OF BUFFALO DEPARTMENT OF PUBLIC WORKS: Copy of Letter to Legislator Swanick Re: Shea's Performing Arts Center Stage Expansion. | | | |
| | (6-0) Chairman Swanick present as ex-officio member. | | | |
| | Item | Page | -1996 | (Comm. 24D-4) |
| o. | ERIE COMMUNITY COLLEGE: Notice of Meeting to be Held on 11/25/96. | | | |
| | (6-0) Chairman Swanick present as ex-officio member. | | | |
| | Item | Page | -1996 | (Comm. 24D-13) |
| p. | BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Notice of Meeting Held 11/21/96 & Minutes from Meeting Held 10/18/96. | | | |
| | (6-0) Chairman Swanick present as ex-officio member. | | | |
| | Item | Page | -1996 | (Comm. 24M-10) |
| q. | SS CANADIANA PRESERVATION SOCIETY: Letter Asking to Address the Community Enrichment Committee. | | | |
| | (6-0) Chairman Swanick present as ex-officio member. | | | |
| | Item | Page | -1996 | (Comm. 27D-3) |
| r. | ERIE COMMUNITY COLLEGE: Minutes of Subcommittee Meetings of 11/96. | | | |
| | (6-0) Chairman Swanick present as ex-officio member. | | | |

MEETING NO. 3

FEBRUARY 6, 1997

ERIE COUNTY LEGISLATURE

- Item Page -1996 (Comm. 27D-4)
s. **ERIE COMMUNITY COLLEGE:** Early Retirement Incentive Program Resolution.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 27D-5)
t. **ERIE COMMUNITY COLLEGE:** Child Care Capital Project.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 29D-10)
u. **ERIE COMMUNITY COLLEGE:** Minutes of Board of Trustees Meeting Held 9/96.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1996 (Comm. 29D-11)
v. **ERIE COMMUNITY COLLEGE:** Minutes of Board of Trustees Meeting Held 11/96.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 1D-2)
w. **BUFFALO & ERIE COUNTY PUBLIC LIBRARY:** Minutes of Board of Trustees Meeting Held 11/21/96.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 1D-4)
x. **ERIE COMMUNITY COLLEGE:** Minutes of Board of Trustees Meeting Held 12/18/96.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 1D-10)
y. **ERIE COMMUNITY COLLEGE:** Minutes of Board of Trustees Meeting to be Held 1/15/97.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 1D-15)
z. **ERIE COMMUNITY COLLEGE:** Notice of Meeting to be Held 1/14/97.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 1D-16)
aa. **ERIE COMMUNITY COLLEGE:** Notice of Board of Trustees Meeting to be Held 1/29/97.
(6-0) Chairman Swanick present as ex-officio member.
- Item Page -1997 (Comm. 1M-6)
bb. **JEFFREY BURKE:** Letter to Legislator Cohen Kennedy Re: ECC Future Development.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 2D-1)
cc. **ERIE COMMUNITY COLLEGE:** Notice of Marketing Committee Meeting Held
1/14/97 & Budget & Finance Committee Meeting Held 1/21/97.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 2D-3)
dd. **BUFFALO & ERIE COUNTY PUBLIC LIBRARY:** Notice of Meeting Held
1/16/97 & Minutes of Meeting Held 12/19/97.
(6-0) Chairman Swanick present as ex-officio member.

Item Page -1996 (omm. 27E-12)
2. **COUNTY EXECUTIVE:**
WHEREAS, the Erie Community College Board of Trustees has
reviously approved 17 Capital Projects for 1997, and

WHEREAS, The Erie Community College Board of Trustees
requests that two of these projects:

Replace Hot Water System - North \$100,000
New Boiler - South \$60,000
be implemented as soon as possible so as not to lose available State
Aid, and

WHEREAS, these projects were not contained in the 1997
Erie County Capital Budget, and

WHEREAS, Erie Community College has funding available in
the Capital Chargeback Fund.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves two
Capital Projects:

| | |
|--------------------------------------|-----------|
| 1.) Replace Hot Water System - North | \$100,000 |
| 2.) New Boiler - South | 60,000 |
| | \$160,000 |

to be funded by the Erie Community College Capital Chargeback Fund, and
be it further

RESOLVED, that copies of this resolution be forwarded to
Erie Community College and the Director of Budget and Management.
(6-0) Chairman Swanick present as ex-officio member.

AS AMENDED

(Comm. 1E-14)

Item Page -1997

3. **COUNTY EXECUTIVE:**

WHEREAS, Erie County approved a Capital Budget for the North Campus Gymnasium Renovation in 1993 for \$170,000, and

WHEREAS, an additional \$34,000 was required to complete the project, and

WHEREAS, the additional 50% matching State Aid is available if the project is formally amended;

NOW THEREFORE BE IT

RESOLVED, that the Erie County Legislature approves an amended budget for the North Campus Gymnasium Renovation of \$204,000 with State Aid of \$102,000, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie Community College and the Commissioner of Public Works.

(6-0) Chairman Swanick present as ex-officio member.

Item Page -1997

4. **COUNTY EXECUTIVE:**

(Comm. 1E-23)

RESOLVED, that the COMMUNITY ENRICHMENT COMMITTEE recommends that the full Erie County Legislature confirm the re-appointment of **ROBERT J. PLACHE**, 323 Southwood Drive, Tonawanda, NY 14223 to the Buffalo and Erie County Public Library Board of Trustees for a term expiring **December 31, 2001**.

(6-0) Chairman Swanick present as ex-officio member.

RANDI COHEN KENNEDY
Chairperson

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

CARRIED UNANIMOUSLY.

ITEM 11 - Mr. KUWIK presented the following and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 36

JANUARY 30, 1997

PUBLIC SAFETY
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT.

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

| | Item | Page | -1996 | (Comm. 24M-6) |
|----|---|------|-------|---------------|
| a. | WEST SENECA POLICE BENEVOLENT ASSOCIATION: Copy of Letter to | | | |
| | Legislator Greenan Re: Loss of Position of Cindy Goss. | | | |
| | (5-0) | | | |

| | Item | Page | -1996 | (omm. 24M-9) |
|----|---|------|-------|--------------|
| b. | TOWN OF WEST SENECA POLICE DEPARTMENT: Copy of Letter to | | | |
| | Legislator Greenan Re: Loss of the Position of Cynthia Goss. | | | |
| | (5-0) | | | |

| | Item | Page | -1996 | (Comm. 29D-14) |
|----|---|------|-------|----------------|
| c. | CENTRAL POLICE SERVICES: Minutes of Board of Trustees Meeting & E- | | | |
| | 911 Practices Committee for 1996. | | | |
| | (5-0) | | | |

| | Item | Page | -1997 | (Comm. 1D-11) |
|----|---|------|-------|---------------|
| d. | COUNTY ATTORNEY: Acknowledgement of Receipt of Resolution. | | | |
| | (5-0) | | | |

| | Item | Page | -1997 | (Comm. 2D-6) |
|----|--|------|-------|--------------|
| e. | CENTRAL POLICE SERVICES: Report on Usage of Statewide Automated | | | |
| | Fingerprint Identification System (SAFIS). | | | |
| | (5-0) | | | |

| | Item | Page | -1997 | (Comm. 2M-11) |
|----|---|------|-------|---------------|
| f. | YATES COUNTY LEGISLATURE: Copy of Resolution 31-97 Increase Rate | | | |
| | of Reimbursement for Parole Violation Assigned Counsel. | | | |
| | (5-0) | | | |

| | Item | Page | -1996 | (Comm. 29E-12) |
|----|--------------------------|------|-------|----------------|
| 2. | COUNTY EXECUTIVE: | | | |

RESOLVED, that the County Executive is hereby authorized to enter into contract and accept funding from the New York State Division of Criminal Justice Services for the receipt of the Disproportionate Minority Confinement Grant, and be it further

RESOLVED, that authorization is hereby provided to establish a Disproportionate Minority confinement Grant in the Probation Department to be budgeted as follows:

Probation Department
Disproportionate Minority Confinement Grant
1/1/97 - 12/31/97

| <u>Revenue</u> | <u>Increase</u> |
|-------------------------|-----------------|
| Account 627 - State Aid | \$50,000 |
| Total Revenue | \$50,000 |

| <u>Appropriation</u> | |
|----------------------------------|----------|
| Account 800 - Personal Services | 39,397 |
| Account 805 - Fringe Benefits | 9,061 |
| Account 824 - Local Travel | 1,042 |
| Account 825 - Out of Area Travel | 500 |
| Total Appropriation | \$50,000 |

and be it further

RESOLVED, that authorization is hereby provided to establish the position of Probation Officer Minority Group Specialist, job group 11, in the Disproportionate Minority Confinement Grant of the Probation Department, and be it further

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

(5-0)

- Item Page -1996 (Comm. 29E-13)
3. **COUNTY EXECUTIVE:**
WHEREAS, the New York State Crime Victims Board has approved additional funding for the Victim/Witness Assistance Program in the District Attorney's Office,

NOW, THEREFORE, BE IT

RESOLVED, that the budget for Victim/Witness Assistance Program in the District Attorney's Office be increased as follows:

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Victim/Witness Assistance Program #528
July 1, 1996 - June 30, 1997

REVENUE

| <u>ACCOUNT</u> | <u>DESCRIPTION</u> | <u>INCREASE</u> |
|----------------|--------------------------|-----------------|
| Account 627 | State Aid | <u>\$25,000</u> |
| | TOTAL ADDITIONAL REVENUE | <u>\$25,000</u> |

APPROPRIATIONS

| | | |
|-------------|--------------------------------|-----------------|
| Account 933 | Equipment - Technical | <u>\$25,000</u> |
| | TOTAL ADDITIONAL APPROPRIATION | <u>\$25,000</u> |

RESOLVED, that certified copies of this resolution can be forwarded to the Division of Budget, Management and Finance and the District Attorney's Office.
(5-0)

Item Page -1996 (Comm. 29E-14)
4. COUNTY EXECUTIVE:
WHEREAS, funds for a Witness Protection Grant are available from New York State in the amount of \$12,700.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Division of Criminal Justice Services for the purpose of establishing the Witness Protection Grant in the Erie County District Attorney's Office, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized in order to establish the District Attorney's Witness Protection Grant.

GRANT FUND

District Attorney - Witness Protection Grant #753

| <u>REVENUE</u> | <u>INCREASE</u> |
|-------------------------|-----------------|
| Account 627 - State Aid | <u>\$12,700</u> |
| Total Revenue | <u>\$12,700</u> |

APPROPRIATION

| | |
|------------------------------|-----------------|
| Account 826 - Other Expenses | <u>\$12,700</u> |
| Total Appropriation | <u>\$12,700</u> |

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 and Management.

(5-0)

Item Page -1996 (Comm. 29E-15)
5. **COUNTY EXECUTIVE:**

RESOLVED, that the Erie County Department of Emergency Services is hereby authorized to use funds received from the Atlantic States Legal Foundation as settlements of lawsuits to purchase communications equipment and pay the instructors fee for service to continue PSCIM training, and be it further

RESOLVED, that the following transactions are hereby authorized modifying the third grant budget to continue operation of the PSCIM courses in conjunction with the Department of Central Police Services:

Department of Emergency Services

PSCIM GRANT III MODIFICATION

| <u>Revenue</u> | Present | Mod. | Total |
|---------------------------|----------------|----------|----------------|
| ACCT 361 | | | |
| 05 - Other Local Services | <u>\$8,000</u> | | <u>\$8,000</u> |
| <u>Appropriations</u> | | | |
| ACCT 830 | | | |
| Contractual Svs. | | +\$1,827 | \$1,827 |
| ACCT 933 | | | |
| Laboratory and | | | |
| Technical Equip. | \$8,000 | -\$1,827 | <u>\$6,173</u> |
| Total | | | <u>\$8,000</u> |

and be it further

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

(5-0)

Item Page -1997 (Comm. 1E-8)

6. COUNTY EXECUTIVE:
WHEREAS, funds for a Local Law Enforcement Block Grant are available from the U.S. Department of Justice in the amount of \$76,531.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the U.S. Department of Justice and the City of Buffalo for the purpose of establishing a Local Law Enforcement Block Grant in the Erie County District Attorney's Office, and be it further

RESOLVED, that authorization is hereby provided to create the position of Assistant District Attorney IV, Job Group 15, in the District Attorney's Local Law Enforcement Block Grant, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized in order to establish the District Attorney's Local Law Enforcement Block Grant:

GRANT FUND

District Attorney - Local Law Enforcement Block Grant #755

| <u>REVENUE</u> | <u>INCREASE</u> |
|-------------------------------|-----------------|
| Account 684 - Federal Revenue | <u>\$76,531</u> |
| Total Revenue | <u>\$76,531</u> |

| | |
|-------------------------------|---------------|
| <u>APPROPRIATION</u> | |
| Account 800 - Personnel | \$63,902 |
| Account 805 - Fringe Benefits | <u>12,629</u> |
| Total Appropriation | \$76,531 |

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 and Finance.

(5-0)

Item Page -1997 (Comm. 1E-9)

7. **COUNTY EXECUTIVE:**
WHEREAS, New York State's Governor's Traffic Safety Committee changed the process by which they would award grant monies in order to improve identification of traffic safety priorities on a local basis, and

MEETING NO. 3
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ERIE COUNTY LEGISLATURE

WHEREAS, due to this change in procedure, the time period previously budgeted from October 1, 1996 through September 30, 1997 must be changed to October 1, 1996 through December 31, 1996 which has already been approved by the State, and

WHEREAS, a new grant has been established for the time period of January 1, 1997 through December 31, 1997 and included in the 1997 budget,

NOW, THEREFORE BE IT,

RESOLVED, that the current Office of Traffic Safety grant No. 523 originally established to terminate September 30, 1997 be amended to expire on December 31, 1996, and be it further

RESOLVED, that the following transactions are hereby authorized in order that the amended budget will agree with the final State authorization.

OFFICE OF TRAFFIC SAFETY

Project #523

10/1/96 - 9/30/97 amended to 10/1/96 - 12/31/96

| <u>APPROPRIATIONS</u> | <u>FROM</u> | <u>CHANGE</u> | <u>TO</u> |
|----------------------------------|--------------|-----------------|-----------|
| ACCT 800 PERSONAL SERVICES | \$34,990 | \$(25,933) | \$9,057 |
| ACCT 805 FRINGE BENEFITS | 8,048 | (5,723) | 2,325 |
| ACCT 810 OFFICE SUPPLIES | 600 | (600) | 0 |
| ACCT 823 REPAIRS & MAINTENANCE | 300 | (300) | 0 |
| ACCT 824 TRAVEL & MILEAGE | 900 | (700) | 200 |
| ACCT 825 OUT OF AREA TRAVEL | 900 | (450) | 450 |
| ACCT 826 OTHER EXPENSE | 8,969 | (8,319) | 650 |
| ACCT 880 INTERFUND | | | |
| 1100 DEPT. OF COUNTY EXEC | 3,109 | (2,589) | 520 |
| 5100 D.I.S.S. | 2,265 | (1,942) | 323 |
| ACCT 890 CONTRACT SALARY RESERVE | <u>1,454</u> | <u>(1,454)</u> | <u>0</u> |
| TOTAL | \$61,535 | \$(48,010) | \$13,525 |

REVENUES

| | | | |
|--|-----------------|-------------------|-----------------|
| ACCT 592 STATE AID DEPT OF TRANSPORTATION | <u>\$61,535</u> | <u>\$(48,010)</u> | <u>\$13,525</u> |
| TOTAL | \$61,535 | \$(48,010) | \$13,525 |

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance and the Office of Traffic Safety.

(5-0)

- Item Page -1997 (Comm. 2E-7)
8. **COUNTY EXECUTIVE:**
 RESOLVED, that authorization is hereby provided for the County Executive to enter into contract and accept Supplemental Aid to Localities funding in the amount of \$158,351, with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that authorization is hereby provided to establish the following grant budgets in order to appropriate these funds.

Grant Fund - Department 273
 Medical Examiner's Toxicology Lab
 4/1/96-3/31/97

| <u>Revenue</u> | <u>Increase</u> |
|--|-----------------|
| Acct. 627 State Aid Criminal Justice Program | \$58,301 |
| Total Revenue | <u>\$58,301</u> |

| <u>Appropriation</u> | <u>Increase</u> |
|------------------------------|------------------|
| Acct. 814 - Medical Supplies | 3,301 |
| Acct. 821 - Dues and Fees | 4,500 |
| Acct. 933 - Equipment | 50,500 |
| Total Appropriations | \$ <u>58,301</u> |

Grant Fund - Department 650
 Central Police Services Forensic Lab
 4/1/96-3/31/97

| <u>Revenue</u> | <u>Increase</u> |
|--|------------------|
| Acct. 627 State Aid Criminal Justice Program | \$100,050 |
| Total Revenue | <u>\$100,050</u> |

| <u>Appropriation</u> | <u>Increase</u> |
|--------------------------------|------------------|
| Acct. 821 - Dues and Fees | 7,500 |
| Acct. 823 - Repairs | 15,000 |
| Acct. 825 - Out of Area Travel | 1,500 |
| Acct. 933 - Equipment | 76,050 |
| Total Appropriations | <u>\$100,050</u> |

and be it further

RESOLVED, that certified copies of this request be forwarded to the Division of Budget, Management and Finance, the Department of Central Police Services, and the Health Department - Division of the Medical Examiner.

(5-0)

| Item | Page | -1997 | (Comm. 2E-17) |
|------|--------------------------|-------|---------------|
| 9. | COUNTY EXECUTIVE: | | |

RESOLVED, that the Erie County Executive is hereby authorized to enter into a Memorandum of Understanding with the Buffalo Fire Department on behalf of the Erie County Department of Emergency Services for the joint use of the County owned decontamination trailer and pull vehicle with the Erie County Hazardous Materials Organization (ECHO), 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 Emergency Services.

(5-0)

EDWARD J. KUWIK
CHAIRMAN

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 37

JANUARY 30, 1997

SOCIAL SERVICES
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT.

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

| Item | Page | -1996 | (Int. 22-3) |
|--|--------------|-------|-------------|
| a. | HOLT: | | |
| Payment Process for Agencies Contracting with the County to Provide Child Day Care Services. | | | |
| (5-0) | | | |

Item Page -1996 (Comm. 23E-1)
b. **MARSHALL:** Appointment of Jeffrey Sortisio to Erie County
Coordinating Council on Children & Families.
(5-0)

Item Page -1996 (Comm. 29M-2)
c. **VIVE:** Copy of Letter to Legislator Swanick Re: Soup Group
Coalition to Feed the Hungry.
(5-0)

Item Page -1996 (Comm. 29E-16)
2. **COUNTY EXECUTIVE:**

WHEREAS, the Department of Youth Services has \$6,252 of unused funding in Account, 830, Contract Agencies, in the Department of Youth Services -Youth Division's 1996 regular operating budget to cover the cost of contracting with not-for-profit youth service agencies providing Youth Development /Delinquency Prevention Programs, and

WHEREAS, the Erie County Youth Board has reviewed and recommended \$6,252 in funding for the following agency programs:

| | |
|---|---------|
| Epiphany U.C.C. (Youth for a Better Tomorrow) | \$2,500 |
| Polish Community Center(Youth Service Program | \$1,752 |
| Planned Parenthood (Wise Guys Program) | \$1,000 |
| Buffalo Federation of Neighborhood Centers (Erie County Youth Best Award Program | \$1,000 |

NOW, THEREFORE, BE IT

RESOLVED, that \$6,252 is approved for the County to enter into contractual agreements with the aforementioned agency programs, and be it further

RESOLVED, that the source of funds is \$6,252 in the Department of Youth Services - Youth Division's 1996 budget under Account 830 Contractual Services (\$3,216 in state aid from the New York State Division for Youth, and \$3,216 in county tax funds), and be it further

RESOLVED, that 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 since these special services must be provided immediately, 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 abstains.

- | | | | |
|------|------|-------|--------------|
| Item | Page | -1997 | (Comm. 1E-7) |
|------|------|-------|--------------|
3. **COUNTY EXECUTIVE:**
WHEREAS, Intergrated Therapy Services has been approved by the New York State Department of Health to furnish early intervention services for infants and toddlers, ages birth through two, with developmental delays and their families.

NOW, THEREFORE, BE IT

RESOLVED, that in order to provide for these services, the County Executive is hereby authorized to enter into contract with Intergrated Therapy Services, and be it further

RESOLVED, that the necessary funds to cover the cost of this contract have been appropriated in the 1997 budget of the Department of Youth Services, Services to Handicapped Children Division in SFG, account #831, Services to Handicapped Children, and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impracticable to follow the RFP procedures, and hereby waives the procedures outlined in Section 19.08 of the Erie County Administrative Code, since this special service must be provided immediately and has been approved by the New York State Department of Health, 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.

(5-0)

- | | | | |
|------|------|-------|---------------|
| Item | Page | -1997 | (Comm. 1E-19) |
|------|------|-------|---------------|
4. **COUNTY EXECUTIVE:**
WHEREAS, there are unencumbered State Nutrition Assistance Program Grant funds available under Project Code 610, and

WHEREAS, the Department desires to utilize these funds to provide home-delivered meals in the latter part of 1996 through the Meals On Wheels contract, and

WHEREAS, the allocations for the Meals On Wheels of Buffalo and Erie County, Inc. 1996 contract require revision in order to reflect the additional encumbrance of State Nutrition Assistance Program Grant funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Department is authorized to revise grant allocations for the 1996 contract between the County of Erie and Meals On Wheels of Buffalo and Erie County, Inc., the amount of which remains unchanged.

Funds for the revision to above-mentioned contract are available in the adopted 1996 Erie County Budget:

| <u>Project</u> | <u>Acct</u> | <u>Sub</u> <u>Acct</u> | <u>Description</u> | <u>Amount</u> |
|----------------|-------------|---------------------------|----------------------------|--------------------|
| 600 | 830 | 141 | Contr Svcs-Meals On Wheels | \$1,375,024 |
| 460 | 830 | 141 | Contr Svcs-Meals On Wheels | \$ 208,043 |
| 610 | 830 | 141 | Contr Svcs-Meals On Wheels | \$ 750,741 |
| 465 | 830 | 141 | Contr Svcs-Meals On Wheels | \$ 271,929 |
| 592 | 830 | 141 | Contr Svcs-Meals On Wheels | \$ 115,314 |
| 941 | 830 | 141 | Contr Svcs-Meals On Wheels | \$ 25,665 |
| | | | | ----- |
| | | | TOTAL CONTRACT | <u>\$2,746,716</u> |

and be it further

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

(5-0)

Item Page -1997 (Comm. 1E-20)
5. **COUNTY EXECUTIVE:**

WHEREAS, funding has been made available to Erie County by the New York State Office for the Aging to conduct Congregate Services Initiative programming for the period April 1, 1996 through March 31, 1997 through the Community Services for Elderly (CSE) grant; and

WHEREAS, this money is to be used in senior centers and other group settings for preventive services to maintain the health of the well elderly; and

WHEREAS, the City of Buffalo Division for Senior Citizens is prepared to conduct a program of physical activity, fitness, and wellness education in numerous senior centers and also hold a fitness event for Erie County senior citizens, in line with the goals of the program; and

WHEREAS, no additional County funds are required for this grant; and

WHEREAS, the Department of Senior Services desires to revise the current budget for the CSE grant, project no. 608, for the period 4/1/96 to 3/31/97, to reflect the actual needs of the grant,

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the CSE grant be revised as follows:

REVENUE

| <u>ACCOUNT</u> | | <u>CURRENT BUDGET</u> | <u>CHANGES</u> | <u>REVISED BUDGET</u> |
|----------------|-----------|---------------------------|----------------|---------------------------|
| 617 | State Aid | \$ 775,042 | \$+11,654 | \$ 786,696 |
| 443 | In-Kind | 92,878 | +25,887 | 118,765 |
| | TOTAL | | | <u>\$ 37,541</u> |

APPROPRIATIONS

| <u>ACCOUNT</u> | | <u>CURRENT BUDGET</u> | <u>CHANGES</u> | <u>REVISED BUDGET</u> |
|----------------|----------------------|---------------------------|-----------------|---------------------------|
| 800 | Personal Services | \$100,920 | \$+ 3,028 | \$ 103,948 |
| 805 | Fringe Benefits | 25,409 | - 3,028 | 22,381 |
| 810 | Office Supplies | 2,190 | + 4 | 2,194 |
| 830 | Contractual Services | 966,895 | +37,537 | \$1,004,432 |
| | | | <u>S+37,541</u> | |

RESOLVED, that the County Executive be and hereby is authorized to enter into contract with the City of Buffalo Division for Senior Citizens for the period December 1, 1996 through March 31, 1997 for a total of \$15,533, of which \$11,650 is New York State funds and \$3,883 of which is subcontractor funds; and be it further

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

(5-0)

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6. **COUNTY EXECUTIVE:**

WHEREAS, the Department of Youth Services' Detention Division, Department 251, is requesting the creation of a position of Detention Home Intake Worker, Job Group 8, Step 5 at a cost of \$33,908 and to create the position of Assistant Detention Social Worker (PT) at a cost of \$9,576 in the Alternative Home Services Grant, and

WHEREAS, funds are available in the 1997 Detention Division's personnel services budget by deleting two vacant positions: one Youth Detention Worker, Job group 6 (Position #009176) for a savings of \$29,576 and one Youth Detention Worker (PT), Job Group 6 for a savings of \$9,576 along with additional funds from Account 821--Dues and Fees in the amount of \$4,332.

NOW, THEREFORE, BE IT

RESOLVED, that a position of Detention Home Intake Worker, Job Group 8 is hereby created in the Department of Youth Services Detention Division and that the position of Assistant Detention Social Worker (PT), Job Group 9, is hereby created in the Detention Division's Alternative Home Services Grant, and be it further

RESOLVED, that the positions of Youth Detention Worker, Job Group 6 (#009176) and the position of Youth Detention Worker (PT), Job Group 6 (#009609) are hereby deleted in the Department of Youth Services' Detention Division, and be it further

RESOLVED, that the sum of \$4,332 is hereby transferred from account 821--Dues and Fees to the Account 800--Personal Services in the budget of the Division of Detention, and be it further

RESOLVED, that a transfer of \$9,576 from Account 800--Personnel Services to Account 880-2509 Interfund Transfer in the Erie County Youth Services' Detention Division to fund the position added in the Alternative Home Services Grant is hereby authorized. The corresponding entry to increase Account 686-2510--Interfund Revenue by \$9,576 along with a matching increase of \$9,576 in Account 800--Personal Services in the Alternative Home Services Grant will complete the accounting entries to create the requested position, and be it further

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

(5-0)

| | Item | Page | -1997 | (Comm. 2E-13) |
|----|--------------------------|------|-------|---------------|
| 7. | COUNTY EXECUTIVE: | | | |

WHEREAS, the New York State Office for the Aging has notified the Erie County Department of Senior Services of a decrease in State Aid for the Expanded In-Home Services for the Elderly Program (EISEP) for the grant period April 1, 1996 to March 31, 1997, and

WHEREAS, additional revenues have been identified that will enhance program services, and

WHEREAS, the current budget for EISEP, Project No. 609, must be revised to reflect the actual needs of the program, and

WHEREAS, no additional County funds are required, and

WHEREAS, the Department of Senior Services is currently authorized to subcontract with eight (8) agencies to provide Adult Day Care/Respite under Title III-D of the Older Americans Act and the Expanded In-Home Services for the Elderly Program Grant, and

WHEREAS, the Town of Hamburg Adult Day Services has demonstrated over the past year their ability to provide Adult Day Care/Respite services by complying with the New York State Office for the Aging requirement for Social Adult Day Care Programs.

NOW, THEREFORE, BE IT

RESOLVED, that the EISEP grant budget, Project No. 609, for the period April 1, 1996 to March 31, 1997 be revised as follows:

REVENUES

| <u>ACCOUNT</u> | <u>DESCRIPTION</u> | <u>CURRENT BUDGET</u> | <u>REVISIONS</u> | <u>REVISED BUDGET</u> |
|----------------|------------------------------|---------------------------|-------------------|---------------------------|
| 443 | In-Kind Contributions | \$ 103,298 | \$ +18,823 | \$ 122,121 |
| 468 | EISEP Cost Sharing | 25,000 | + 3,100 | 28,100 |
| 617 | State Aid-Community Services | 1,422,298 | - 780 | 1,421,518 |
| | | | <u>\$ +21,143</u> | |

APPROPRIATIONS

| | | | | |
|-----|-----------------------|-------------|-------------------|--------------|
| 800 | Personal Services | \$ 330,024 | \$ +11,790 | \$ 341,814 |
| 805 | Fringe Benefits | 89,009 | - 9,334 | 79,675 |
| 810 | Office Supplies | 5,100 | - 780 | 4,320 |
| 821 | Dues & Fees | 2,000 | - 1,000 | 1,000 |
| 823 | Repairs & Maintenance | 500 | - 400 | 100 |
| 824 | Travel & Mileage | 2,500 | + 600 | 3,100 |
| 825 | Out of Area Travel | 2,500 | - 1,656 | 844 |
| 830 | Contractual Services | \$1,457,222 | <u>+21,923</u> | \$ 1,479,145 |
| | | | <u>\$ +21,143</u> | |

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with the Town of Hamburg Adult Day Services to provide Adult Day Care/Respite services under Title III-D of the Older Americans Act and the EISEP/RESPITE Program effective January 1, 1997, and be it further

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RESOLVED, that certified copies of this resolution be forward to the Division of Budget, Management & Finance, the County Attorney's Office and the Department of Senior Services.
(5-0)

GEORGE A. HOLT, Jr.
Chairman

Mr. HOLT requested that Resolve No. 2 be separated.

GRANTED.

Mr. HOLT moved the balance of the report. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Mr. HOLT moved the adoption of Resolve No. 2. Mrs. FISHER seconded.

CARRIED.

Legislator Olma abstained.

LEGISLATORS RESOLUTIONS:

ITEM 13 - Mr. HOLT presented the following resolution and requested that it be referred to the SOCIAL SERVICES COMMITTEE.

GRANTED.

Int. 3-1 From: Leg. Holt Re: Maintaining Protection for Food Stamp Recipients Under New Federal Regulations

ITEM 14 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Mr. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 37 Re: Minority Participation in Court House
Project (Int. 3-2)

WHEREAS, The Erie County Department of Public Works is currently preparing to award contracts for the various components of the County's \$50 million Court Facilities Plan, including both the renovation of existing facilities and the construction of a new Courthouse, and

WHEREAS, The administration of County Executive Dennis T. Gorski has demonstrated a commitment to ensure full minority participation in any and all County service contracts, as well as County sponsored construction projects, and

WHEREAS, The County Division of Equal Employment Opportunity is charged with developing and administering Equal Employment and Affirmative Action Programs as required by Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, and pursuant to the laws of New York State, and

WHEREAS, The County Courthouse project represents a significant opportunity for employment in the construction trades all phases of the County Courthouse project,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby request that the County Department of Public Works and the County Division of Equal Employment Opportunity (EEO) each file with this Honorable Body a report outlining their plans to fully meet the minority participation goals as they relate to any and all aspects of the design and construction phases of the new County Courthouse, and be it further

RESOLVED, That certified copies of this resolution be forwarded to County Public Works Commissioner John C. Lofreddo and County EEO Director Ty Shaw.

FISCAL IMPACT: TO BE DETERMINED

GEORGE A. HOLT, Jr.

CRYSTAL DAVIS PEOPLES

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

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

CARRIED UNANIMOUSLY.

ITEM 15 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Mr. OLMA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 38 Re: Clarence-Newstead and Alden-Newstead
Agricultural Districts 8-Year Review
(Int. 3-3)

RESOLVED, that the Clerk of the Legislature is directed to hold a Public Hearing on March 6, 1997, at 7:30 p.m. at the Clarence Town Hall, 1 Town Place, Clarence, New York, concerning the 8-year review of the Clarence-Newstead and the Alden-Newstead Agricultural Districts, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to publish said Notice of Public Hearing in the newspapers having general circulation within these two (2) agricultural districts, to so notify the affected municipalities and the property owners within the agricultural districts including any proposed areas of modification (additions/deletions).

CHARLES M. SWANICK FREDERICK J. MARSHALL CRYSTAL D. PEOPLES
EDWARD J. KUWIK MICHAEL A. FITZPATRICK GEORGE A. HOLT, Jr.
JUDITH P. FISHER GREGORY B. OLMA AL DEBENEDETTI RAYMOND DUSZA
JOHN W. GREENAN LYNN M. MARINELLI ROBERT VILLARINI WILLIAM PAULY
RANDI COHEN KENNEDY MICHAEL RANZENHOFER DALE W. LARSON

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

CARRIED UNANIMOUSLY.

ITEM 16 - Mr. PEOPLES presented the following resolution and moved for immediate consideration. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 39 Re: Support for Constitutional Amendment
Prohibiting Unfunded State Mandates on
Local Governments (Int. 3-4)

WHEREAS, unfunded state mandates impose a financial burden upon local governments and their taxpayers by shifting the responsibility and cost of carrying out those mandates, and

WHEREAS, the result of unfunded state mandates forces local governments to raise taxes and/or to lower services in order to meet the associated costs of the additional requirements, and

WHEREAS, the imposition of unfunded mandates by the State of New York on local governments is, in essence, taxation without representation, and creates an atmosphere which encourages the expansion of government on the part of the state but at the cost to local taxpayers,

WHEREAS, Governor George Pataki has introduced legislation (Program Bill #4) which would amend Article IX of the New York State Constitution prohibiting the State of New York from imposing any new unfunded state mandate on local governments, and

WHEREAS, an unfunded mandate is defined in the legislation as a provision of law that requires affected local jurisdictions, in a statewide aggregate, to spend more money to provide services, and

WHEREAS, the legislation would make compliance with new State mandates, once determined to be unfunded, to be voluntary for local governments, school districts, special districts, or any agency, authority, commission, department or instrumentality thereof, and

WHEREAS, such provisions of the law include statutes enacted by the Legislature, executive orders issued by the Governor, and rules or regulations promulgated by any State agency, department, bureau, board, officer, authority or commission, and Budget Bills and Article VII legislation would be considered one law under this proposed legislation,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body does not support the imposition of mandated programs or services by the State of New York without the commensurate level of financial assistance as to completely relieve the county and its taxpayers from any financial burden associated with the mandate, and be it further

RESOLVED, that this Honorable Body supports legislation introduced by Governor George Pataki (Program Bill #4) which would amend Article IX of the New York State Constitution to prohibit the State from imposing additional unfunded state mandates on local governments, and be it further

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

FREDERICK J. MARSHALL JOHN W. GREENAN
DALE W. LARSON MICHAEL H. RANZENHOFER ROBERT VILLARINI

Ms. PEOPLES offered an amendment as follows:

After the 2nd RESOLVE clause add the following new RESOLVE clause to read as follows:

RESOLVED, that pending passage of said constitutional amendment, Governor George Pataki and/or the State Legislature not knowingly pass any law which will impose an unfunded mandate on local jurisdiction, and be it further

Ms. PEOPLES moved the adoption of the amendment. Mr. RANZENHOFER 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 17 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Mrs. FISHER seconded.

CARRIED UNANIMOUSLY.

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RESOLVED, that the County Executive is hereby authorized to enter into new or amended contracts with the agency cited, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, and to Melvin Florczak and Dan Keohane of the Convention Center Management Corporation.

Fiscal Impact: Appropriation of 1997 budgeted funds.

CHARLES M. SWANICK CRYSTAL D. PEOPLES EDWARD J. KUWIK
MICHAEL A. FITZPATRICK GEORGE A. HOLT, Jr. JUDITH P. FISHER
GREGORY B. OLMA ALBERT DEBENEDETTI RAYMOND K. DUSZA
LYNN M. MARINELLI RANDI COHEN KENNEDY

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 41 Re: Requesting County Executive Gorski to
 Declare February 14, 1997 "Turn Off TV
 Day" in Erie County (Int. 3-6)

WHEREAS, the stability of the American family unit is critically important to the fabric of American society, and

WHEREAS, since the advent of commercial television, the TV has been a constant source of entertainment and information for people of all ages, and

WHEREAS, along with the advantages of television are necessarily certain disadvantages, principally a loss of "quality time" within family units, with their time instead spent watching TV, and

WHEREAS, "Turn Off TV Day" is a wonderful opportunity for all people to commit to turning off their TV for an entire day; instead of watching television, people are encouraged to read, visit museums, enjoy theater productions, assist their favorite charities, or engage in other collective activities with friends and family, and

WHEREAS, this Legislature wishes to request that County Executive Gorski declare February 14, 1997 as "Turn off TV Day" in Erie County,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby request that County Executive Dennis T. Gorski declare February 14, 1997 as "Turn off TV Day" in Erie County, thereby encouraging people to spend additional productive, quality time with friends and family on this day, and be it further

RESOLVED, that a certified copy of this resolution be sent to County Executive Dennis T. Gorski.

Fiscal Impact: None for Resolution.

RANDI COHEN KENNEDY

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 42 Re: Tougher Sentencing for Violent
Felons (Int. 3-7)

WHEREAS, the New York State Senate has renewed its commitment to reducing violent crime by passing three pieces of legislation aimed at increasing penalties for violent felony offenders, and

WHEREAS, S.222 would impose a mandatory minimum sentence of 25 years to life in prison for criminals convicted of a third violent felony, and

WHEREAS, S.222 also would prevent criminals with two or more previous violent felony convictions from plea bargaining down to a non-violent felony charge in order to avoid the higher sentence, and

WHEREAS, current statute allows sentences between 12 to 20 years, thus increasing the likelihood that these violent criminals will be back on the streets to commit more crimes, and

WHEREAS, S. 186 would require defendants to serve consecutive sentences for multiple violent felonies, such as murder or rape, committed through a single criminal act, and

WHEREAS, present law undermines the seriousness of each crime by allowing a defendant to serve multiple sentences concurrently, and

WHEREAS, S.92 would make it easier to prosecute defendants on a charge of first degree arson by broadening the definition of "incendiary device" to include a chemically or mechanically ignited device, and

WHEREAS, these bills will allow judges to lock up remorseless criminals for as long as possible, thereby protecting individuals from violent actions

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature commends the New York State Senate for passing these proposals as a means to help reduce violent crime, and be it further

RESOLVED, that the Erie County Legislature supports legislation S.222, S.186 and S.92, and urges the New York State Assembly to renew its commitment to reducing violent crime by also passing these proposals, and be it further

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RESOLVED, that certified copies of this resolution be forwarded to NYS Senate Majority Leader Joseph L. Bruno, NYS Assembly Speaker Sheldon Silver, NYS Senate Minority Leader Martin Connors, NYS Assembly Minority Leader Tom Reynolds, and NYS Senators Dale Volker, Michael Tully, Jr., and Guy Velella.

DALE W. LARSON JOHN W. GREENAN MICHAEL H. RANZENHOFER
ROBERT VILLARINI FREDERICK J. MARSHALL

Ms. PEOPLES offered an amendment as follows:

Delete the 8th WHEREAS clause in its entirety and replace with the following WHEREAS clause to read as follows:

WHEREAS, these bills will more effectively provide for the safety and well-being of our citizens through more responsible terms of incarceration, and

Delete the 1st RESOLVE clause in its entirety and replace with the following RESOLVE clause to read as follows:

RESOLVED, that the Erie county Legislature does hereby reaffirm its commitment to providing for the safety and well-being of our citizens, and be it further

Mr. RANZENHOFER offered an amendment as follows:

Add the following WHEREAS clause to read as follows:

WHEREAS, these bills will more effectively provide for the safety and well-being of our citizens through more responsible terms of incarceration, and

Add the following RESOLVE clause to read as follows:

RESOLVED, that the Erie county Legislature does hereby reaffirm its commitment to providing for the safety and well-being of our citizens, and be it further

Ms. PEOPLES withdrew her amendment.

Mr. RANZENHOFER withdrew his amendment.

Ms. PEOPLES offered an amendment as follows:

Delete the 8th WHEREAS clause.

Add a WHEREAS clause to read as follows:

WHEREAS, these bills will more effectively provide for the safety and well-being of our citizens through more responsible terms of incarceration, and

Add a RESOLVE clause to read as follows:

RESOLVED, that the Erie county Legislature does hereby reaffirm its commitment to providing for the safety and well-being of our citizens, and be it further

Ms. PEOPLES moved the adoption of the amendment. Mr. KUWIK 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 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 43 Re: Re-Instituting the Erie County Sport
Fishery Promotion Program (Int. 3-8)

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, in 1995, the Legislature initiated the Erie County Sport Fishery Promotion Program, with the objective of this program is to better capitalize on the revenue potential of sport fishing off Lake Erie and the Niagara River, and

WHEREAS, in 1996, the Legislature approved funding for the Erie County Sport Fishery Promotion Program, which aggressively markets the Western New York region, identifying attractive areas for people to fish, and attracting others to our area for tournaments and other events, and

WHEREAS, during its brief existence, this program has proven to be a great success, attracting anglers from other counties and states to our Great Lakes region for the extensive fishing opportunities we have in this area, and

WHEREAS, in the 1997 budget, the Legislature earmarked \$30,000 for the continuation of this very successful program, which is administered through a personal services contract through the county's Department of Environment and Planning, and

WHEREAS, in addition to the transfer of funds, the Legislature must also approve a waiver of the competitive bid process for this program, as with Northeast Outdoors, Inc. has performed this function for the county for some time, and any change in contractors for this program would be neither cost effective nor feasible for the county's purposes,

WHEREAS, a personal services contract has been established with Northeast Outdoors, Inc., the company selected through the Consultant Selection Process called for pursuant to Section 19.08 of the Erie County Administrative Code, and

WHEREAS, the Legislature must pass an enabling resolution such as this to effect this transfer of funds, to re-institute the Erie County Sport Fishery Promotion Program,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$30,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 945, Department 620, (DAC: 110945620830), for paying the following agency:

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| <u>NAME</u> | <u>LINE</u> | <u>BUDGETED AMOUNT</u> | <u>ADDED</u> | <u>NEW AMOUNT</u> |
|---|-------------|----------------------------|-----------------|-----------------------|
| Erie County Sport Fishery Promotion Program | 830/0764 | \$- 0 - | \$30,000 | \$ 30,000 |
| TOTAL | | | \$30,000 | |

and be it further

RESOLVED, that the County Executive is hereby authorized to execute an agreement with Northeast Outdoors, Inc., with said agreement being for the purpose of continuing the 1996 Sport Fishing Promotion Program in Erie County, and be it further

RESOLVED, that this Honorable Body, in recognition of the unique and special services provided by Northeast Outdoors, Inc. with respect to this program, does hereby waive the competitive bid requirements contained within the Erie County Administrative Code, Section 19.08, for the purposes of extending this contract with Northeast Outdoors, Inc., and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director Sheila Kee, Environment and Planning Commissioner Richard Tobe First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, and to Northeast Outdoors, Inc.

Fiscal Impact: Appropriation of 1997 budgeted funds.

CHARLES M. SWANICK CRYSTAL D. PEOPLES EDWARD J. KUWIK
MICHAEL A. FITZPATRICK GEORGE A. HOLT, Jr. JUDITH P. FISHER
GREGORY B. OLMA ALBERT DEBENEDETTI RAYMOND K. DUSZA
LYNN N. MARINELLI RANDI COHEN KENNEDY

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 44 Re: Supporting President Clinton's Proposal
 to Monitor the Safety of Our Food
 (Int. 3-9)

WHEREAS, the deadly E Coli and other food-borne diseases which contribute to food poisoning and other illnesses have been and continue to be discovered in food, and

WHEREAS, in some cases, young children have become seriously ill or have lost their lives due to such contamination, and

WHEREAS, at West Hertel Academy in the city of Buffalo, on January 30th, several students became ill after lunch in the school's cafeteria, suggesting at least the possibility of some problems with food, and

WHEREAS, the problems in this particular case suggests a need for strong policies regarding the food that we eat, and especially the food that we serve our children, and

WHEREAS, President Clinton has proposed to increase the number of centers nationwide, whose purpose is to serve as a state-of-the-art early warning system for food-borne diseases, and other related problems, and

WHEREAS, President Clinton has also proposed that administrators in the federal departments of Agriculture, Health and Human Services, and the Environmental Protection Agency work with communities, farmers, businesses, consumer protection groups and officials at all levels of government to help improve food safety, and

WHEREAS, this Legislature must be put on record in support President Clinton's efforts, which will hopefully serve to ensure that our food remains safe for all to eat,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby renew its commitment to ensuring the safety of food in Erie County, and be it further

RESOLVED, that this Honorable Body does hereby put itself on record in support of President Clinton's recent proposals to put in place a nationwide, state-of-the-art, early warning system for food-borne illnesses, in order to ensure the safety of our food, including any and all plans to enhance communication and inter-governmental cooperation between local governments and federal agencies toward this end, and be it further

RESOLVED, that this Honorable Body does hereby request that the Commissioner of Health file a written report with the Clerk of the Legislature upon final determination of the cause for the problems experienced by students at West Hertel Academy on January 30, and be it further

RESOLVED, that certified copies this resolution will be sent to President Bill Clinton, United States Senators Alfonse M. D'Amato and Daniel Patrick Moynihan, United States Representatives John LaFalce, Bill Paxton, and Jack Quinn, Federal Agriculture Secretary Dan Glickman, Federal Health and Human Services Secretary Donna Shalala, Federal Environmental Protection Agency Administrator Carol Browner, and to the City of Buffalo Board of Education.

Fiscal Impact: None for Resolution.

JUDITH P. FISHER CRYSTAL D. PEOPLES AL DEBENEDETTI

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

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

CARRIED UNANIMOUSLY.

ITEM 22 - Mr. MARSHALL presented the following resolution and moved for immediate consideration. Mr. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 45 Re: Supporting the Wellness Institute's
 Grant Application to the Buffalo
 Foundation (Int. 3-10)

WHEREAS, The Wellness Institute of Buffalo and Western New York, Inc., oversees the activity of the Greater Buffalo All-America City and Community Committee, and

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WHEREAS, The Wellness Institute has spearheaded efforts which led to Buffalo's designation as an All-America City and Community, and

WHEREAS, Designation as an All-America City and Community brings increased recognition, pride and opportunity to all of Erie County, and

WHEREAS, The Wellness Institute has initiated plans to use such designation as a springboard to implement civic empowerment programs in order to improve Greater Buffalo's national public image, promote civic pride, prompt citizen involvement in their communities, and pursue a bid to bring the All-America City and Community competition to Buffalo, and

WHEREAS, The Wellness Institute has need of resources, both financial and otherwise, to maintain the aforementioned civic empowerment programs, and

WHEREAS, The Wellness Institute has submitted an application to the Buffalo Foundation in an effort to secure resources to maintain those civic empowerment programs,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby recognize the accomplishments of the Wellness Institute of Greater Buffalo and Western New York, Inc. and commend them in their continuing efforts to improve the quality of life and opportunity in the Greater Buffalo area, and be it further

RESOLVED, That the Erie County Legislature does hereby memorialize the Buffalo Foundation to approve grant applied for by the Wellness Institute of Greater Buffalo and Western New York, Inc. for the purposes of continuing their civic empowerment programs, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Gail Johnstone, executive director of the Buffalo Foundation; and to Philip L. Haberstro, executive director of the Wellness Institute of Greater Buffalo and Western New York, Inc.

FISCAL IMPACT: NONE FOR RESOLUTION.

RAYMOND K. DUSZA GEORGE A. HOLT, Jr. LYNN M. MARINELLI
JOHN W. GREENAN WILLIAM A. PAULY

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 46 Re: State Application for Waiver to
 Protect Food Stamps Benefits
 (Int. 3-11)

WHEREAS, Nearly 5,000 Erie County residents collect food stamps as an essential means of providing nutrition for themselves and their families, and

WHEREAS, new federal regulations mandate that unless adults under age 50 work at least 20 hours per week they are entitled to no more than three months of food stamps every three years, and

WHEREAS, state governments can apply for a waiver to this requirement based on county unemployment rates to protect those benefits in the event those actively seeking work cannot find employment, and

WHEREAS, New York state Governor George E. Pataki has requested a waiver from the United States Department of Agriculture for counties with an unemployment rate greater than 10 percent, and

WHEREAS, Erie County, at a December, 1996 unemployment rate of 4.2 percent, would not be granted a waiver under Governor Pataki's request, and

WHEREAS, Under Governor Pataki's waiver request those 5,000 residents of Erie County currently receiving food stamps still face limitation and termination of benefits if they cannot satisfy the new federal requirements,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby memorialize New York state Governor George E. Pataki to amend his waiver request to the United States Department of Agriculture to include Erie County, at an unemployment rate of 4.2 percent, and be it further

RESOLVED, That the Erie County Legislature does hereby memorialize New York state Governor George E. Pataki to pursue any and all other possible methods for justifying a waiver to the federal regulations that includes Erie County, and be it further

RESOLVED, That a certified copy of this resolution be forwarded to New York state Governor George E. Pataki.

FISCAL IMPACT: IMPACT TO BE DETERMINED.

CHARLES M. SWANICK CRYSTAL D. PEOPLES GEORGE A. HOLT, Jr.

Chairman SWANICK directed that this item be TABLED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 47 Re: Protecting the Veterans Property Tax Exemptions by Raising the Maximum Home Value Cap (Int. 3-12)

WHEREAS, recent legislation adopted at the state level has changed the way Alternative Veterans Exemptions are calculated, and

WHEREAS, local assessors and the county must now use the latest state equalization rate to annually calculate the maximum exemption limits, and

WHEREAS, Chapter 477 of the Laws of 1996, amending Section 458-a of the Real Property Tax Law, permits localities to pass Local Laws altering the eligibility requirements of the alternative veterans exemption by increasing the maximum home value cap from the current level of \$80,000 to \$120,000, and

WHEREAS, the Erie County Legislature desires to commence legislative proceedings on a proposed 1997 Local Law adopting the maximum exemption of \$120,000, as set forth in Section 458-a of the Real Property Tax Law,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, in conjunction with the Erie County Attorney's office, does hereby commence proceedings to draft and adopt a proposed Local Law raising the maximum veterans exemptions to \$120,000, pursuant to Real Property Law Section 458-a, and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Executive Dennis T. Gorski, the Erie County Department of Veterans Affairs, and the Erie County Division of Budget, Management, and Finance.

Fiscal Impact: To be Determined

CHARLES M. SWANICK CRYSTAL D. PEOPLES EDWARD J. KUWIK
MICHAEL A. FITZPATRICK GEORGE A. HOLT, Jr. JUDITH P. FISHER
GREGORY B. OLMA ALBERT DEBENEDETTI RAYMOND K. DUSZA
LYNN M. MARINELLI RANDI COHEN KENNEDY

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 48 Re: ECMC Report on Impact of Managed
Care (Int. 3-13)

WHEREAS, In their 1997 budget, the Erie County Medical Center will experience revenue losses due to reductions in Medicaid reimbursements, as well as lower inpatient rates from third-party health insurance carriers, and

WHEREAS, The still evolving managed care environment, impacting, among others, the local hospital industry, will continue to influence changes in the quality and cost of providing health care, as well as issues concerning patient access to health care, and

WHEREAS, While projected revenues are assumptions subject to modifications depending on future trends in federal and state reimbursement regulations, most ECMC patient fees are paid by Medicare, Medicaid and third party insurers, and

WHEREAS, Erie County provides an annual general fund appropriation to ECMC to cover bad debt and charity, as well as other costs associated with being a major public institution, and

WHEREAS, As various trends within the health care industry impact the general finances, quality of health care, as well as patient access issues at ECMC, it is important that the County Legislature be regularly informed of these changes and their immediate and long-term impact on the hospital's operations, and

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby request that ECMC Chief Executive Officer Mr. Paul Candino appear before the next scheduled meeting of the Legislature's Health Committee for the purpose of reporting on the impact the local managed care environment, among other regulatory trends, may be having on ECMC finances, short and long-term, as well as on the impact of managed care on service quality and patient access, for all hospital provided services, including mental health services, and be it further

RESOLVED, That certified copies of this resolution be forwarded to ECMC Chief Executive Officer Mr. Paul Candino.

FISCAL IMPACT: To Be Determined

CHARLES M. SWANICK CRYSTAL D. PEOPLES JUDITH P. FISHER

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 49 Re: Resurfacing Kenmore Avenue
 (Int. 3-14)

WHEREAS, The responsibility for the repair and maintenance of Kenmore Avenue is currently shared between the County of Erie and City of Buffalo, and

WHEREAS, This shared road maintenance responsibility has resulted in a disparity in the way the road repair needs are addressed given the dual jurisdictional nature of Kenmore Avenue, and

WHEREAS, Kenmore Avenue is deteriorating and in need of resurfacing due to heavy traffic volume, and

WHEREAS, The 1997 Erie County contains capital funding for road repair and maintenance purposes, and

WHEREAS, Additionally, while the County of Erie and the City of Buffalo are exploring ways to promote greater governmental efficiency and effectiveness, through service consolidation, the problem of dual jurisdictional road maintenance should be address within this consolidation study, and

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby request the County Department of Public Works, in cooperation with the Buffalo City Public Works Department, report on immediate and future plans for resurfacing Kenmore Avenue, extending from Main Street to the Interstate 190, and be it further

RESOLVED, That the new County/City Consolidation Committee consider ways of addressing the problems of dual jurisdictional responsibility as it relates to, among others, Kenmore Avenue road repair and maintenance, and be it further

RESOLVED, That certified copies of this resolution be forwarded to County Public Works Commissioner John Loffredo, County/City Consolidation Committee Chairman David P. Rutecki, as well as City of Buffalo of Public Works Commissioner Joseph Giambra.

Fiscal Impact: To Be Determined

LYNN M. MARINELLI

Chairman SWANICK directed that the names of Legislators DeBenedetti and Swamick be added as co-sponsors.

CARRIED UNANIMOUSLY.

WHEREAS, the most successful aspect of Operation Prime Time was its ability to recognize leadership potential in many youngsters, who in turn brought that leadership to fruition by leading other youths in a positive way, and

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WHEREAS, it is desirable for the county to seek to involve more youngsters in Operation Prime Time in 1997, and

WHEREAS, Operation Prime Time was assisted in 1996 with grant from Erie County, and would need an additional grant from the county to operate in 1997, 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> |
|-------------------------------------|-------------|------------------|
| Town of Tonawanda | n/a | \$12,500 |
| Youth Bureau - Operation Prime Time | | |
| TOTAL | | \$ 12,500 |

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 Gorski, Budget Director Sheila Kee, Erie County Youth Commissioner Nathan Hare, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, the Tonawanda Town Board, and to Joseph Allen, Director, Town of Tonawanda Youth Bureau, 2440 Sheridan Drive, Tonawanda, NY 14150.

Fiscal Impact: Appropriation of 1997 budgeted funds.

CHARLES M. SWANICK LYNN M. MARINELLI

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

CARRIED UNANIMOUSLY.

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

Int. 3-16 From: Leg. Greenan Re: Unfilled Positions in the Sheriffs Department

Chairman SWANICK directed that Int. 3-16 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 - Greenan, Larson, Marshall, Pauly, Ranzenhofer, Villarini - 6. Noes - DeBenedetti, Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Olma, Peoples, Swanick - 11.

DEFEATED.

Subsequently, Int. 3-16 was referred to the PUBLIC SAFETY COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 51 Re: Urging Preservation of State
Community College TAP Grants at
Current Duration (Int. 3-17)

WHEREAS, Ever-increasing numbers of students in our state university system work full or part time to afford the mounting cost of higher education, and

WHEREAS, More people are going back to school in an effort to compete in a tumultuous job market which often necessitates retraining to remain a viable asset in the business world, and

WHEREAS, Those with certain economic or educational needs choose to attend community colleges in pursuit of higher education, and

WHEREAS, Community colleges serve to provide an invaluable environment for non-traditional students to pursue job retraining, remediation and higher education en route to obtaining an associate's degree, and

WHEREAS, Community colleges serve as a cornerstone of the state university system in that students constantly transfer from two year community colleges to four year state universities, and

WHEREAS, Community colleges are often the first step toward achieving financial independence in that they provide the education necessary to compete in the current job market, therefore easing the burden on the state public assistance system and providing additional income tax revenue, and

WHEREAS, The Tuition Assistance Program (TAP) provides the financial assistance needed by a sizable number of community college students to aid them in achieving their goal of higher education, and

WHEREAS, The necessity of outside employment, fewer sections of required classes offered, full time status being lower than what is necessary per semester for graduation in four semesters, infrequently offered classes, and other mitigating factors make graduating in four semesters an impossibility for many dedicated students, and

WHEREAS, Governor Pataki in his proposed 1997-98 budget has reduced the number of semesters community college students are eligible for TAP from six semesters to four, and

WHEREAS, That reduction in TAP duration would make it impossible for many students who rely on TAP to complete their already begun pursuit of their associate's degree; and

WHEREAS, That reduction in TAP duration would further serve to discourage those considering entering community colleges in pursuit of higher education because of the probability completion of the degree program would not be financially possible,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby memorialize Governor Pataki to reinstate the current six semester community college duration of the Tuition Assistance Program to ensure that all may pursue higher education in New York State, and be it further

RESOLVED, That the Erie County Legislature does hereby memorialize the New York State Legislature to preserve educational opportunity for all by maintaining the current six semester community college duration of the Tuition Assistance Program; and be it further

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

FISCAL IMPACT: IMPACT TO BE DETERMINED

RANDI COHEN KENNEDY

CARRIED UNANIMOUSLY.

RESOLVED, that Erie County Legislature requests the task force members be selected as follows: one member by the County Legislature's Majority; one member by the County Legislature's Minority; one member by the County Executive; one member to be recommended by Dr. Barry Eckert, Dean of Health Related Professions, SUNY Buffalo; one member to be recommended by the Superintendent of Erie I BOCES; and one member to be recommended by the Superintendent at Erie II Chataugua-Cattaraugus BOCES; and be it further

RESOLVED, that the individuals selected by Dr. Eckert and the Superintendents at BOCES be recommended for consideration and approval by the County Legislature, and be it further

RESOLVED, that Commissioner Lubin examine the feasibility and steps that would need to be taken by said task force to implement a pilot program, similar to that of Venice High School, with a public high school in Erie County, and be it further

RESOLVED, that this nutritional task force issue an RFP to public high schools in Erie County that would like to participate in the program, requesting information such as the number of students, average of those who buy lunches, school lunch selections, vending machines or bookstores in the school that sell snacks, and any other information it deems pertinent to the project, and be it further

RESOLVED, that one high school be selected to participate in the nutrition pilot program, after thorough examination of all RFPs submitted, and be it further

RESOLVED, that in addition to examining a pilot program to improve school lunches, the nutritional task force research the feasibility of sponsoring a fruit and vegetable fair, at various public schools throughout Erie County, by securing donations from local produce distributor be it further

RESOLVED, that Commissioner Lubin report his findings and recommendations regarding the nutritional task force, its pilot program and fruit and vegetable fair at the Erie County Legislature's next scheduled Health Committee meeting, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Department of Health Commissioner Arnold Lubin, Dr. Barry Eckert, Dean of Health Related Professions at SUNY Buffalo, and the Superintendents of Erie I BOCES and Erie II Chatauga-Cattaraugus BOCES.

MICHAEL H. RANZENHOFER DALE W. LARSON
JOHN W. GREENAN ROBERT VILLARINI FREDERICK J. MARSHALL

Ms. PEOPLES offered an amendment as follows:

Delete the 1st WHEREAS and replace with the following:

WHEREAS, a significant portion of children's daily food intake is consumed at schools; often being food fromt he school's cafeteria, and

Delete the 2nd WHEREAS clause and replace with the following:

WHEREAS, schools have the opportunity to instill good nutritional habits in children through the selection of food offered, and

Add the following to the second RESOLVE clause to read as follows:

..by the County Executive; one member to be recommended by the Erie County School Food Service Association;..

Add the following after the 5th RESOLVE clause to read as follows:

RESOLVED< that the committee encourage and accept proposals from local public school districts, including Buffalo, as how to best develop and implement a more nutritionally rewarding menu for our school children, and be it further

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

CARRIED UNANIMOUSLY.

ITEM 31 - Ms. COHEN KENNEDY presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 53 Re: Providing Life Saving Technology to
 Our Volunteer Firefighters
 (Int. 3-19)

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 Getzville Fire Company provides a vital public service to the residents of the Town of Amherst, all on a volunteer basis, and

WHEREAS, the Getzville Fire Company wishes to purchase two Cardiac Defibrillator units for the purposes of providing quality emergency cardiac care, and

WHEREAS, a grant of \$4,700 on the part of the County would assist the Getzville Fire Company in their efforts to obtain this equipment and provide this service, 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 \$4,700 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>AMOUNT</u> |
|--------------------|-----------------|
| Getzville Fire Co. | \$4,700 |
| TOTAL | \$ 4,700 |

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into new or amended contracts with the agency cited, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, and to James Hereth, President, Getzville Fire Company, PO Box 111, Getzville, NY 14068-0111

Fiscal Impact: Appropriation of 1997 budgeted funds.

RANDI COHEN KENNEDY

Chairman SWANICK directed that the names of Legislators Pauly and Ranzenhofer be added as co-sponsors.

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

CARRIED UNANIMOUSLY.

ITEM 32 - Mrs. FISHER presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 54 Re: Bilingual Transportation Svcs for Our Senior Citizens (Int. 3-20)

WHEREAS, Erie County in general, and the lower West side of Buffalo in particular, is home to a significant number of Spanish-speaking persons, and

WHEREAS, County government provides transportation services to thousands of senior citizens throughout Erie County, to help people get to doctor's appointments, retail establishments, or social functions, and

WHEREAS, while many Spanish speaking persons in Erie County are bilingual, in that they speak both Spanish and English, often, it is older Spanish speaking persons that find difficulty in adjusting to speaking English, and are most likely to rely only on their native language to communicate, while younger persons are more apt to learn to speak in English in public schools and in preparation to enter the workforce, and

WHEREAS, Transportation van services provided by the Erie County Department of Senior Services may be requested by Spanish speaking seniors, and if the Department is not capable of communicating with the client, it may lead to a reluctance for that person to utilize the service, and

WHEREAS, this Legislature needs to be educated as to the Department's ability to communicate with its Spanish speaking clients,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby renew its commitment to ensuring that services provided by county government remain open and accessible to all taxpayers, regardless of what language they may speak, and

RESOLVED, that this Honorable Body does hereby request that officials from the Department of Senior Services appear at an upcoming meeting of the Social Services Committee to discuss the following:

1. Does the Department often provide transportation services to areas of the county where persons are primarily Spanish speaking?
2. Does the Department currently employ any Spanish speaking van drivers or other personnel?
3. Do Departmental officials believe that utilizing Spanish speaking personnel would increase use of the transportation service in Erie County?
4. What plans do officials have to ensure that bilingual services are available to Spanish speaking persons who wish to utilize the county's transportation services?

and be it further

RESOLVED, that certified copies of the resolution be sent to County Executive Dennis T. Gorski and to Acting Senior Services Commissioner Patrick Wahl.

Fiscal Impact: None for Resolution.

JUDITH P. FISHER

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

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

CARRIED UNANIMOUSLY.

ITEM 33 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Mr. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 55 Re: Release of Funds from Legislature
Contingency (Int. 3-21)

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 \$60,000 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> |
|--------------------------------------|-------------|-----------------|
| Sickle Cell Anemia Assoc./WNY | 830/0756 | \$ 5,000 |
| Ken-Bailey Recreation Center | 830/0750 | \$ 5,000 |
| Masten Neighborhood Advisory Council | 830/0264 | \$50,000 |
| TOTAL | | \$60,000 |

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, and to the Sickie Cell Anemia Association of WNY, the Ken-Bailey Recreation Center, and to the Masten Neighborhood Advisory Council.

Fiscal Impact: Appropriation of 1997 budgeted funds.

CRYSTAL DAVIS PEOPLES

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56 Re: Assisting the Administration of Justice in the Town of Cheektowaga (Int. 3-22)

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 town of Cheektowaga Justice Court is in need of improvements within its administrative functions that will serve to the betterment of the people of that community, and

WHEREAS, a small grant on the part of Erie County toward that end will necessarily serve toward the more efficient and effective administration of justice, 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 \$4,000 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 | \$ 4,000 |
| TOTAL | | \$ 4,000 |

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into new or amended contracts with the agency cited, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, 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. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 35 - Ms. COHEN KENNEDY presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57 Re: Beautification Efforts at Maple West Elementary School (Int. 3-23)

WHEREAS, Maple West Elementary School, located in the town of Amherst, is celebrating its 30th Anniversary this year, and

WHEREAS, in commemoration of this anniversary, members of the Maple West PTA Pride Committee wish to beautify the school and community playground by planting five hardwood trees on-site, and

WHEREAS, this project will be a true reflection of the spirit of providing something sustainable to be enjoyed by people in the years to come, as these trees will beautify the area and provide shaded areas in future years, 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, a modest grant from the county, in the amount of \$5,000, will assist Maple West's PTA Pride Committee in realizing this worthy goal, 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 (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> |
|--|-------------|-----------------|
| Maple West PTA Pride Committee - Shade Tree Project | n/a | \$ 5,000 |
| TOTAL | | \$ 5,000 |

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, and to Cheryl DiVita and Kate Rooney, Co-Chairs, West Maple PTA Pride Committee.

Fiscal Impact: Appropriation of 1997 budgeted funds.

RANDI COHEN KENNEDY

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

CARRIED UNANIMOUSLY.

ITEM 36 - Mr. DEBENEDETTI presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 58 Re: Release of Funds from Legislature
Contingency (Int. 3-24)

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 \$100,000 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> |
|--------------------------|-------------|-------------------|
| Black Rock Riverside NHS | 830/0338 | \$ 100,000 |
| TOTAL | | \$ 100,000 |

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 Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, and to Black Rock-Riverside Neighborhood Housing Services.

Fiscal Impact: Appropriation of 1997 budgeted funds.

ALBERT DEBENEDETTI

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

CARRIED UNANIMOUSLY.

ITEM 37 - Mr. GREENAN presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 59 Re: Suspension of License to Drive Snowmobile
 or Boat for Prior DWI Conviction
 (Int. 3-25)

WHEREAS, a recent Buffalo News article reported that a 33-year-old man was charged with operating a snowmobile while intoxicated, and

WHEREAS, it was reported that the snowmobile operator also has a motor vehicle license which is under suspension for allegedly having three alcohol-related arrests, and

WHEREAS, the operation of any motorized vehicle, whether it is a automobile, boat, or snowmobile, while intoxicated as defined by New York State law, is a serious threat to public safety, and

WHEREAS, under present New York State law the suspension of an automobile operators' license for an alcohol-related offense does not impose a suspension of the privilege to operate a boat or snowmobile,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body requests Sgt. Mark Donohue, Marine and Snowmobile Special Services, Erie County Sheriff's Department, to appear before the Legislature's Public Safety Committee to discuss current New York State law regarding alcohol-related offenses and operators' licenses, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Sgt. Mark Donohue of the Erie County Sheriff's Department.

JOHN W. GREENAN

Ms. PEOPLES offered an amendment as follows:

Add the following RESOLVE clause after the 1st RESOLVE clause to read as follows:

RESOLVED, that this Honorable Body does hereby memorialize the New York State Legislature and New York State Governor George Pataki to examine this issue and implement laws to ensure the safety of our citizens by prohibiting DWI boating and snowmobiling, and be it further

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 38 - Mr. DEBENEDETTI presented the following resolution and requested that it be referred to the FINANCE AND MANAGEMENT COMMITTEE.

GRANTED.

Int. 3-26 From: Legs. DeBenedetti, Greenan, Holt & Larson Re: Additional Studies for the Buffalo Convention Center

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 61 Re: Release of Funds from Legislature
Contingency (Int. 3-28)

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 \$15,000 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> |
|--|-------------|------------------|
| Community Grief Center of WNY, Inc. | 830/0412 | \$ 15,000 |
| TOTAL | | \$ 15,000 |

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 Gorski, Budget Director Sheila Kee, First Assistant County Attorney Alan Gerstman, Budget Analyst Jackie Mullen, and to the Community Grief Center of WNY, Inc.

Fiscal Impact: Appropriation of 1997 budgeted funds.

EDWARD J. KUWIK

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

CARRIED UNANIMOUSLY.

ITEM 41 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Mr. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 62 Re: Personnel Adjustment - Erie County
Legislature (Int. 3-29)

RESOLVED, that the Erie County Legislature does hereby delete one position of Administrative Assistant [Job Group 10, Step 1 - Position No. 001175], effective February 5, 1997, and be it further

RESOLVED, that the Legislature does hereby create one position of Sec to Maj [Job Group 07 - NEW POSITION], effective February 10, 1997, and be it further

RESOLVED, that a variable minimum hiring rate of Step 2 be established for the aforementioned position of Sec to Maj, and be it further

RESOLVED, that the funds necessary to effect these changes are available within the Legislature's 1997 budget for Personal Services, and be it further

RESOLVED, that the Clerk of the Legislature, the Department of Personnel and the Division of Budget, Management & Finance are hereby authorized to complete all necessary paperwork to effectuate these personnel changes, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of Personnel and the Director of Budget, Management & Finance.

FISCAL IMPACT: None.

CHARLES M. SWANICK

CRSYTAL DAVIS PEOPLES

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

CARRIED.

Legislator DeBenedetti in the negative.

WHEREAS, these programs will be supervised by a nine-member board comprised; of the Commissioner of Education, the President of the Higher Education Services Corporation, the Chairman of the Dormitory Authority, the state Comptroller, the Superintendent of Banks, the Superintendent of Insurance, and three members of the private sector to be appointed by the Governor and legislative leaders, which would then select a private financial institution to manage and invest the funds, and

WHEREAS, these innovative programs will not only save the hard working citizens of this state money for college tuition, it also ensures the continued strength of New York's excellent private and public colleges for future New Yorkers, and any prospective college student looking for the best college education possible,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the College Choices Program and encourages the State Senate and the Assembly to pass this legislation, and be it further

RESOLVED, that this Honorable Body considers this plan the most advantageous program for middle class families who may otherwise not qualify for tuition assistance, and be it further

RESOLVED, that certified copies shall be sent to Governor George Pataki, Senate Majority Leader Joseph L. Bruno, Senator Kenneth P. LaValle, Commissioner of Education Richard Mills, President of Higher Education Services Corporation Robert Maurer, Chairman of the Dormitory Authority Thomas J. Murphy, Superintendent of Banks Neil D. Levin, Acting Superintendent of Insurance Greg Serio and to the Western New York Legislative Delegation.

JOHN W. GREENAN

MICHAEL H. RANZENHOFER

Ms. PEOPLES offered an amendment as follows:

Add a new RESOLVE clause preceding the 1st RESOLVE clause to read as follows:

RESOLVED, the Erie County Legislature does hereby reaffirm its commitment to providing its residents with top quality, affordable, local higher education, and be it further

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. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEMS ON THE TABLE:

ITEM 43 - Mr. HOLT moved to take Int. 3-11 from the table for immediate consideration. Mr. OLMA seconded.

CARRIED UNANIMOUSLY.

Re: State Application for Waiver to Protect Food Stamp Benefits
(Int. 3-11)

WHEREAS, Nearly 5,000 Erie County residents collect food stamps as an essential means of providing nutrition for themselves and their families, and

WHEREAS, new federal regulations mandate that unless adults under age 50 work at least 20 hours per week they are entitled to no more than three months of food stamps every three years, and

WHEREAS, state governments can apply for a waiver to this requirement based on county unemployment rates to protect those benefits in the event those actively seeking work cannot find employment, and

WHEREAS, New York state Governor George E. Pataki has requested a waiver from the United States Department of Agriculture for counties with an unemployment rate greater than 10 percent, and

WHEREAS, Erie County, at a December, 1996 unemployment rate of 4.2 percent, would not be granted a waiver under Governor Pataki's request, and

WHEREAS, Under Governor Pataki's waiver request those 5,000 residents of Erie County currently receiving food stamps still face limitation and termination of benefits if they cannot satisfy the new federal requirements,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby memorialize New York state Governor George E. Pataki to amend his waiver request to the United States Department of Agriculture to include Erie County, at an unemployment rate of 4.2 percent, and be it further

RESOLVED, That the Erie County Legislature does hereby memorialize New York state Governor George E. Pataki to pursue any and all other possible methods for justifying a waiver to the federal regulations that includes Erie County, and be it further

RESOLVED, That a certified copy of this resolution be forwarded to New York state Governor George E. Pataki.

FISCAL IMPACT: IMPACT TO BE DETERMINED.

CHARLES M. SWANICK CRYSTAL D. PEOPLES GEORGE A. HOLT, Jr.

Ms. PEOPLES offered an amendment as follows:

Add the following new RESOLVE clauses to read as follows:

RESOLVED, that the work requirements of the food stamp program be waived in those areas of the state where the real unemployment levels exceed 10%, particularly in urban counties like Erie County, and be it further

RESOLVED, that this resolution is intended to protect individuals who are endeavoring to meet the program requirements, however, are unable to due to a shortage of job opportunities in certain areas of the state, and be it further

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

CARRIED.

Legislators Greenan, Larson, Marshall, Ranzenhofer and Villarini in the negative.

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

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

CARRIED.

Legislators Greenan, Larson, Marshall, Ranzenhofer and Villarinini in the negative.

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

ITEM 44 - Mr. MARSHALL moved to discharge the FINANCE AND MANAGEMENT COMMITTEE from further consideration of Int. 2-22. Mr. GREENAN seconded.

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Greenan, Larson, Marshall, Pauly, Ranzenhofer, Villarinini, DeBenedetti, DeMarco, Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Olma - 15. Noes - Peoples, Swanick - 2.

CARRIED.

RESOLUTION NO. 64 Re: Sales Tax Exemption on Sale of
Clothing (Int. 2-22)

WHEREAS, the New York State Legislature approved and the Governor signed into law Chapter 309 of the Laws of 1996 which eliminated the state portion of sales tax on certain items of clothing from January 18, 1997 to January 24, 1997, and

WHEREAS, the law also provided to local governments, by local option, the authority to exempt the sale of certain items of clothing from the local portion of sales tax during the aforementioned time period, and

WHEREAS, it has been reported that sales on clothing items have sharply increased sharply in shops and malls across New York State, predominately in municipalities which opted to provide its citizenry with an exemption from the local share of sales tax, complimenting the State sales tax exemption, as permitted under Chapter 309 of the Laws of 1996, and

WHEREAS, this Honorable Body would like the opportunity to study the positive benefits of the state and local sales tax exemption as experienced by other county governments, and

WHEREAS, there have been proposals advanced by state legislators for: (1) the provision of state and local sales tax exemption on purchases of clothing during the same time in 1998 and (2) for the permanent exemption of clothing purchases from state sales tax with local governments being provided the option to exempt purchases of clothing from local sales tax clothing,

NOW, THEREFORE, BE IT

RESOLVED, the this Honorable Body supports providing tax relief to its citizens whenever possible, and be it further

RESOLVED, that this Honorable Body has recognized the wide support of New Yorkers across this state for the exemption from sales tax on purchases of clothing, and be it further

RESOLVED, that this Honorable Body requests Governor Pataki and state legislative leaders to consider enacting legislation which would provide for the exemption of state sales and local sales tax on purchases of clothing for a similar time period in 1998, and be it further

RESOLVED, that this Honorable Body encourages Governor Pataki and state legislative leaders to consider: (1) providing additional time periods throughout the year for sales tax exemption on clothing purchases, (2) making permanent the state sales tax exemption on clothing purchases and providing local governments the option to enact a local sales tax exemption, and be it further

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

JOHN W. GREENAN DALE W. LARSON FREDERICK J. MARSHALL
MICHAEL H. RANZENHOFER ROBERT M. VILLARINI

Mr. MARSHALL offered an amendment as follows:

Amend the 3rd RESOLVE clause to read as follows:

RESOLVED, that this Honorable Body requests Governor Pataki and state legislative leaders to consider enacting legislation which would provide for the exemption of state sales tax and the local sales tax option exemption on local sales tax on purchases of clothing for a similar time period in 1998, and be it further

Ms. PEOPLES moved to send back to committee. Mr. FITZPATRICK seconded.

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Dusza, Fisher, Fitzpatrick, Holt, Kuwik, Marinelli, Peoples, Swanick - 8. Noes - Greenan, Larson, Marshall, Pauly, Ranzenhofer, Villarini, DeBenedetti, Cohen Kennedy, Olma - 9.

DEFEATED.

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

CARRIED UNANIMOUSLY.

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

Mr. MARSHALL moved the adoption of the resolution as amended. Mr. GREENAN seconded.

CARRIED.

Legislators Fitzpatrick, Holt and Peoples in the negative.

SUSPENSION OF THE RULES:

ITEM 45 - Mrs. FISHER moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 3M-19 From: Parents Anonymous Re: Parents Anonymous Early Aftercare Program (LIFT)

Chairman SWANICK directed that Comm. 3M-19 be referred to the SOCIAL SERVICES COMMITTEE.

ITEM 46 - Mrs. FISHER moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 3M-20 From: Excalibur Leisure Skills Center, Inc. Re: Excalibur Leisure Skills Center Programs

Chairman SWANICK directed that Comm. 3M-20 be referred to the HEALTH COMMITTEE.

ITEM 47 - Mrs. FISHER moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 3D-9 From: Erie County Department of Forensic Mental Health Re: 1996 Annual Report

Chairman SWANICK directed that Comm. 3D-9 be referred to the HEALTH COMMITTEE.

ITEM 48 - Mr. MARSHALL moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 3E-27 From: Leg. Marshall Re: Minority Appointment to the Erie County Audit Committee for 1997.

Chairman SWANICK directed that Comm. 3E-27 be RECEIVED, FILED & PRINTED.

Dear Ms. Manzella:

Please be advised that the Republican Minority has selected **FREDERICK J. MARSHALL** as our representative on the Erie County Audit Committee for 1997.

This letter will be offered under the suspension of rule during Meeting #3 of the Erie County Legislature and it is requested that it be received, filed and printed.

Thank you for your attention to this letter.

Sincerely,
FREDERICK J. MARSHALL
Minority Leader

RECEIVED, FILED & PRINTED.

COMMUNICATIONS FROM ELECTED OFFICIALS:

FROM THE COMPTROLLER

ITEM 49 - (Comm. 3E-1) One-Week Sales & Use Exemption on Clothing & Footwear

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

FROM LEGISLATOR COHEN KENNEDY

ITEM 50 - (Comm. 3E-2) Change Vote on the Marshall Amendment to Intro. 2-19

RECEIVE, FILE & PRINT.

Dear Madame Clerk:

In accordance with Rule 33 of the Rules of Erie County Legislature, please be advised that I wish to change my vote on the Marshall amendment to resolution Intro. 2-19 (1997).

I wish to be recorded in the affirmative on the aforementioned vote.

Very truly yours,
RANDI COHEN KENNEDY

RECEIVED, FILED & PRINTED.

FROM LEGISLATOR MARINELLI

ITEM 51 - (Comm. 3E-3) Change Vote on the Marshall Amendment to Intro. 2-19

RECEIVE, FILE & PRINT.

Dear Madame Clerk:

In accordance with Rule 33 of the Rules of Erie County Legislature, please be advised that I wish to change my vote on the Marshall amendment to resolution Intro. 2-19 (1997).

I wish to be recorded in the affirmative on the aforementioned vote.

Very truly yours,
LYNN M. MARINELLI

RECEIVED, FILED & PRINTED.

FROM THE COUNTY EXECUTIVE

ITEM 52 - (Comm. 3E-4) Position Change Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR MARSHALL

ITEM 53 - (Comm. 3E-5) Copy of Letter to Budget Director Re: Technical Accounting Adjustments

FROM THE COMPTROLLER

ITEM 54 - (Comm. 3E-6) Erie County Federal Assistance Audit Report for Year Ended 12/31/95

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

FROM CHAIRMAN SWANICK

ITEM 55 - (Comm. 3E-7) Appointments to County/Municipal Consolidation Committee

RECEIVE, FILE & PRINT.

Dear Madame Clerk:

Pursuant to Rule 38 of the Rules of the Erie County Legislature, I hereby transmit the following appointments to the County/Municipal Consolidation Committee:

Chairman: David P. Rutecki, Vice President, M&T Bank
Members: Lou Jean Fleron, Cornell Univesity, School of Labor Relations
Ralph Lorigo, Attorney at Law
Carl Paladino, President, Ellicott Develoment Corporation
Mark Pearce, Attorney at Law
Kathleen Rizzo Young, Banking Officer, Corporate
Communications, M&T Bank

Very truly yours,
CHARLES M. SWANICK

RECEIVED, FILED & PRINTED.

FROM LEGISLATOR OLMA

ITEM 56 - (Comm. 3E-8) Copy of letter to Belmont Shelter Re:
Invitation to Energy & Environment Meeting

FROM THE COUNTY EXECUTIVE

ITEM 57 - (Comm. 3E-9) ECSD No. 4 - Contract 25L - Change Order No.
1

The above two items were received and referred to the ENERGY AND
ENVIRONMENT COMMITTEE.

ITEM 58 - (Comm. 3E-10) 1996 Contract Extensions for Various
Cultural & Public Benefit Agencies

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

ITEM 59 - (Comm. 3E-11) Youth Services - Authorization to Contract
- Delinquency Prevention Program

Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 60 - (Comm. 3E-12) ECMC Capital Leasw with Med One Markwting
Inc.

Received and referred to the HEALTH COMMITTEE.

(h) With respect to the additional tax of 1 percent imposed for the period comencing March 1, 1989, and ending February 28, [1997] 1998, the provisions of subdivisions (a), (b), (c), (d), (e), (f), and (g) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (d), and (e) to an effective date shall be read as referring to March 1, 1989, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to November 1, 1988, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February 28, 1989.

Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March 1, 1989, any transaction which may not be subject to the additional tax imposed effective on that date.

(i) The taxes imposed under subdivisions (a), (c) and (d) of Section 2 shall be paid at the rate of 3 percent upon all sales made and services rendered on or after March first, nineteen hundred [ninety-seven] ninety-eight. With respect to the tax rate of 3 percent effective March first, nineteen hundred [ninety-seven] ninety-eight, the provisions of subdivisions (b), (c), (d), (e) and (f) of this section apply, except that for purposes of this subdivision, all references in said subdivisions (b), (c), (d) and (e) to an effective date shall be read as referring to March first nineteen hundred [ninety-seven] ninety-eight, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February twenty-eight, nineteen hundred [ninety-seven] ninety-eight. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March first, nineteen hundred [ninety-seven] ninety-eight any transaction which may not be subject to the lowered tax rate in effect on that date.

Section 3. Section four of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this resolution, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March first, nineteen hundred eighty-nine, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business, or (ii) if items are used as such or incorporated into a structure, building or real property by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7), and (8) of subdivision (c) of section 2, (D) of any tangible personal property, however acquired, where not acquired for the purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section 2 have been performed, (E) of any telephone answering service described in subdivision (b) of section two, and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first nineteen hundred [ninety-seven] ninety-eight, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first nineteen hundred [ninety-seven] ninety-eight, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, nineteen hundred [ninety-seven], ninety-eight, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, nineteen hundred [ninety-seven] ninety-eight, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, nineteen hundred [ninety-seven], ninety-eight, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or creator shall not be deemed a taxable use by such person.

Section 4. Subdivision (D) of clause (1) of Section 11 of the Erie County Sales and Use Tax Resolution, being resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

(D) With respect to the additional tax of one percent imposed effective for the period beginning March first, nineteen hundred eighty-nine, and ending February twenty-eight, nineteen hundred [ninety-seven] ninety-eight, in respect to the use of property used by the purchaser in this County prior to March first, nineteen hundred eighty-nine.

Section 5. This enactment shall take effect March first, nineteen hundred ninety-seven.

Ms. PEOPLES offered an amendment as follows:

Add Chapter No. 8.

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

CARRIED UNANIMOUSLY.

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

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Marshall, Pauly, Ranzenhofer, Villarini, DeBenedetti, Dusza, Fisher, Fitzpatrick, Holt, Cohen Kennedy, Kuwik, Marinelli, Olma, Peoples, Swanick - 15. Noes - Greenan, Larson - 2.

CARRIED.

FROM THE COUNTY EXECUTIVE

ITEM 62 - (Comm. 3E-14) Appointment to Buffalo & Erie County Public Library Board of Trustees

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ITEM 63 - (Comm. 3E-15) ECSD No. 4 - Easement Request - NYS Electric & Gas, Town of Lancaster

ITEM 64 - (Comm. 3E-16) ECSD No. 4 - URS Consultants, Inc. - Change Order No. 1

ITEM 65 - (Comm. 3E-17) ECSD No. 1 - Kenaidan Construction Corporation, Inc. Change Order No. 1

ITEM 66 - (Comm. 3E-18) ECSD No. 6 - Tunney Electric, Inc. Contract E Change Order No. 1

ITEM 67 - (Comm. 3E-19) ECSD No. 1 Kenaiden Construction Contract 1A Change Order No. 2

ITEM 68 - (Comm. 3E-20) ECSD No. 4 - Kenaidan Construction Corporation Contract A Dispensation of Hours

ITEM 69 - (Comm. 3E-21) ECSD No. 6 Increase & Improvement of Facilities (1991) \$14.5 Million Bond Authorization

ITEM 70 - (Comm. 3E-22) ECSD No. 6 - Buffalo Sheet Metals, Inc. Contract H Change Order No. 1

ITEM 71 - (Comm. 3E-23) ECSD No. 6 - Malcolm Pirnie, Inc. Change Order No. 2

ITEM 72 - (Comm. 3E-24) ECSD No. 4 - URS Consultants, Inc. Change Order No. 1

ITEM 73 - (Comm. 3E-25) ECSD No. 4 - Bid Opening Contracts EC-6A, EC-6B, EC-6C & EC-6D

ITEM 74 - (Comm. 3E-26) ECSD No. 6 - Aquatech Association, Corporation Contract G Change Order No. 1

The above twelve items were received and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS:

FROM ERIE COMMUNITY COLLEGE

ITEM 75 - (Comm. 3D-1) Notice of Meetings 2/5/97 & 2/12/97

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM HEALTH

ITEM 76 - (Comm. 3D-2) Notice of Meeting to be Held 2/11/97

Received and referred to the HEALTH COMMITTEE.

FROM ERIE COMMUNITY COLLEGE

ITEM 77 - (Comm. 3D-3) Notice of Meeting Held 1/29/97 & Minutes of Meetings From 1/97

ITEM 78 - (Comm. 3D-4) Minutes of Meeting Held 1/29/97

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

FROM DEP

ITEM 79 - (Comm. 3D-5) Copy of Letter to Consolidated Rail Corporation Re: CSX & Conrail Merger

FROM DPW

ITEM 80 - (Comm. 3D-6) Consultant Services for Various Projects

ITEM 81 - (Comm. 3D-7) Buffalo River Fish & Wildlife Habitat
Restoration Demonstration Project

ITEM 82 - (Comm. 3D-8) Angola Highway Vehicle Storage Facility

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

FROM IAN BROWN

ITEM 83 - (Comm. 3M-1) Copy of letter to Legislator Cohen Kennedy
Re: Closing Taverns at 1:00 A.M.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM TOWN OF AMHERST YOUTH BOARD

ITEM 84 - (Comm. 3M-2) Thank You for Clean Air Act

Received and referred to the HEALTH COMMITTEE.

FROM BUFFALO POLICE COMMISSIONER

ITEM 85 - (Comm. 3M-3) Response to Resolution Re: SAFIS

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM ERIE COUNTY ASSESSORS ASSOCIATION

ITEM 86 - (Comm. 3M-4) Chapter 313 of RPTL Sec. 467 - Senior Citizen Exemption

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

FROM NURSING 96

ITEM 87 - (Comm. 3M-5) Straight Talk About Breast Cancer

ITEM 88 - (Comm. 3M-6) When Ovarian Cancer Strikes

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

FROM OTB

ITEM 89 - (Comm. 3M-7) Minutes of Meeting 12/5/96

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM BELMONT SHELTER CORPORATION

ITEM 90 - (Comm. 3M-8) Response to Intro. 2-2

FROM ERIE COUNTY WATER AUTHORITY

ITEM 91 - (Comm. 3M-9) Financial Statements for Year Ended 12/31/96 & 12/31/95

The above two items were received and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

FROM NYSAC

ITEM 92 - (Comm. 3M-10) Acknowledgement of Receipt of Resolution
RECEIVED & FILED.

FROM NYSDEC

ITEM 93 - (Comm. 3M-11) Fact Sheet Mr. C's Dry Cleaners Site
Received and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

FROM STATE BOARD OF REAL PROPERTY

ITEM 94 - (Comm. 3M-12) Final Class Equalization Rates
Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

FROM ECIDA

ITEM 95 - (Comm. 3M-13) Notice of Meeting to be Held 2/12/97
Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BUFFALO ZOO

ITEM 96 - (Comm. 3M-14) November 1996 Financial Report
Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

FROM SELL-OUT

ITEM 97 - (Comm. 3M-15) Business Package
Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEAGUE OF WOMEN VOTERS

ITEM 98 - (Comm. 3M-16) Appointment to the County/Municipal Consolidation Committee

RECEIVE, FILE & PRINT.

Dear Ms. Manzella:

We have received a copy of the resolution establishing the County/Municipal Consolidation Committee.

The League of Women Voters has decided to appoint **KATHERINE A. TARBELL**, a member of the League, as its representative on the Committee. Her home address is 295 Reist Street, Williamsville, NY 14221. Her home telephone number is 631-8838.

Very truly yours,

LYLE TOOHEY, President

League of Women Voters of the Greater Buffalo Area

RECEIVED, FILED & PRINTED.

FROM BUFFALO COMMON COUNCIL

ITEM 99 - (Comm. 3M-17) Bring SUNY Law School Downtown

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM WELLNESS INSTITUTE

ITEM 100 - (Comm. 3M-18) Minutes of Meeting Held 1/23/97

Received and referred to the HEALTH COMMITTEE.

MEMORIAL RESOLUTIONS:

ITEM 101 - Mr. HOLT moved that when this Legislature adjourns, it do so out of respect to the memory of **MARY FISHER** and **ANNE Z. RUSIN**, deceased. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 102 - Mr. VILLARINI moved that when this Legislature adjourns, it do so out of respect to the memory of STAN LEVINE, deceased. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ADJOURNMENT:

ITEM 103 - 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, February 20, 1997. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, February 20, 1997 at 2:00 P.M., Eastern Standard Time.

LAURIE A. MANZELLA
Clerk