

ERIE COUNTY LEGISLATURE  
MEETING NO. 5  
March 6, 1997

The Legislature was called to order by Chairman SWANICK.

\_\_\_\_\_  
All Members Present.

\_\_\_\_\_  
A Moment of Silence was held.

\_\_\_\_\_  
The Pledge of Allegiance was led by Mr. Marshall.

\_\_\_\_\_  
The Minutes of the previous meeting were APPROVED.

MISCELLANEOUS RESOLUTIONS:

ITEM 1 - Mr. DUSZA presented a resolution of congratulations to the General Pulaski Association for Sponsoring the Annual Pulaski Day Parade. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.  
\_\_\_\_\_

ITEM 2 - Mr. DUSZA presented a resolution of congratulations to the Recipients of the Am-Pol Eagle's 1996 "Citizen of the Year" Awards. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.  
\_\_\_\_\_

ITEM 3 - Mr. RANZENHOFER presented a resolution of congratulations honoring the Clarence Chamber of Commerce Award Winners - "Citizen of the Year" - Jill Carl & "Business of the Year" - Paul's Teacher's Pet. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.  
\_\_\_\_\_

✓ ITEM 4 - Mr. GREENAN presented a resolution of congratulations to Debora & Dianna Whiteacker for Saving the Life of their Neighbor. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

✓ ITEM 5 - Ms. PEOPLES presented a resolution of making March 12-18, 1997 "Girl Scouts Week". Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

✓ ITEM 6 - Ms. PEOPLES & Mr. HOLT presented a resolution of making March 10-14 "Minority Recruitment Week". Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 7 - Mr. LARSON presented a resolution of congratulations to Jason Batt on receiving an Eagle Scout Award. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 8 - Mr. MARSHALL presented a resolution of congratulations to East Aurora High School Ninth Graders for their Fight Against Substance Abuse. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 9 - Mr. MARSHALL & Ms. PEOPLES presented a resolution of congratulations to Philip C. Kadet for his Years of Service as a member of the Erie County Audit Committee. Mr. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

✓ ITEM 10 - Ms. COHEN KENNEDY presented a resolution of congratulations to the Girl Scouts Council of Buffalo & Erie County on the occasion of the 85th Anniversary of Girls Scouts of USA & 80th Anniversary in Erie County. Ms. PEOPLES seconded. ✓

CARRIED UNANIMOUSLY.

LOCAL LAWS:

ITEM 11 - Ms. PEOPLES moved to take Local Law Intro. No. 2 (Print #1) - 1997 from the table to RECIEVE & FILE. Mr. GREENAN seconded.

CARRIED UNANIMOUSLY.

LL INT. 2-1	DEBENEDETTI, OLMA, KUWIK, SWANICK, COHEN KENNEDY, FITZPATRICK, HOLT, FISHER, DUSZA & MARINELLI:	A LL Amd EC Law #1-1960 Constituting the Erie County Administrative Code in Rel to Establismment of Fishery Advisory Board
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RECEIVED & FILED.

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ITEM 12 - Ms. PEOPLES moved to take Local Law Intro. No. 2 (Print #2) -1997 from the table for immediate consideration. Mr. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 2

PRINT #2

1997

A LOCAL LAW amending Erie County Law number 1 of 1960, as amended, constituting the Erie County Administrative Code, in relation to establishment of a Fishery Advisory Board.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Article nine of Erie County local law number one of nineteen hundred sixty, as amended, constituting the Erie county administrative code, is hereby amended to by adding thereto a new section 9.07 to read as follows:

9.07 Fisheries advisory board. There shall be within the department a fisheries advisory board, consisting of twelve members. The county executive shall make the appointments for eight positions, the chairman of the Erie county legislature shall make the appointment for one position, the enrolled members of each of the two political parties which have the greatest number of members seated in the Erie county legislature shall by majority vote make the appointment each for one position, and the Chairperson of the Legislature's Energy & Environment Committee shall make the appointment for one member, and all such appointments shall be subject to confirmation by the Erie county legislature. Members shall be appointed to terms of three years, except that of the members first appointed, four shall be appointed to terms expiring the thirty-first day of December nineteen hundred ninety-seven, four shall be appointed to terms expiring the thirty-first day of December nineteen hundred ninety-eight, and four shall be appointed to terms expiring the thirty-first day of December nineteen hundred ninety-nine. The chairman of the Erie county legislature shall make the appointment to designate one of the four members which next become vacant by expiration of the original term after approval of this local law, which shall then and thereafter be the position to be appointed by the chairman of the Erie county legislature, with the appointee serving for a term of three years. The members of the Erie county legislature shall make the appointments to designate the two members which next become vacant by expiration of the original term after approval of this local law, which shall then and thereafter be the positions to be appointed by the members of the Erie county legislature,

with each appointee serving for a term of three years. The Chairperson of the Erie county Legislature's Energy & Environment Committee shall make the appointment to designate the member which next becomes vacant by expiration of the original term after approval of this local law, which shall then and thereafter be the position to be appointed by the Chairperson of the Erie county Legislature's Energy & Environment Committee, with the appointee serving for a term of three years. Members shall be residents of the county of Erie, and shall include representatives of sports and recreational fishing, and of the various fields of marine and aquatic sciences. The board shall advise the department on matters concerning protection, development and access to fisheries, upon related issues, and upon such additional matters as may be requested by the commissioner or by the county executive. No later than the first day of December in each year, the board shall deliver to the county executive an annual report summarizing the board's activities over the preceding twelve months.

Section 2. This local law shall take effect immediately.

ALBERT DEBENEDETTI  
CHARLES M. SWANICK  
EDWARD J. KUWIK  
GEORGE A. HOLT, Jr.  
RAYMOND K. DUSZA

GREGORY B. OLMA  
RANDI COHEN KENNEDY  
MICHAEL A. FITZPATRICK  
JUDITH P. FISHER  
LYNN M. MARINELLI

Underlined material is NEW.  
[Bracketed] material is DELETED.

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

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS:

ITEM 13 - Ms. PEOPLES presented the following and moved for immediate consideration. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 103

FEBRUARY 25, 1997

FINANCE AND MANAGEMENT  
COMMITTEE  
REPORT NO. 2

ALL MEMBERS PRESENT.

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

- |    | Item   | Page  | -1996 | (Int. 6-11)    |
|----|--|---|-------|----------------|
| a. | <b>MARSHALL:</b>   | Mismanagement of Erie County Property Tax Functions.  |       |                |
|    |  | (5-0)   |       |                |
|    | Item   | Page  | -1996 | (Comm. 21D-15) |
| b. | <b>DPW:</b>  | Conveyance of a Portion of Existing Right-of-Way Adjacent to McKinley Parkway, Town of Hamburg. |       |                |
|    |  | (5-0)   |       |                |
|    | Item   | Page  | -1996 | (Int. 22-5)    |
| c. | <b>RANZENHOFER, GREENAN, LARSON, VILLARINI &amp; MARSHALL:</b> | In Opposition to Proposed City of Buffalo Employee Surcharge.                                   |       |                |
|    |  | (3-2) Legislators Ranzenhofer and Larson in the negative.                                       |       |                |

- Item Page -1997 (Comm. 2M-1)  
d. **TOWN OF TONAWANDA:** Request for Direct Payment of Erie County Sales Tax to Town.  
(5-0)
- Item Page -1997 (Int. 2-23)  
e. **DEBENEDETTI & OLMA:** Eliminating the Sales Tax on Clothing.  
(5-0)
- Item Page -1997 (Comm. 3E-1)  
f. **COMPTROLLER:** One-Week Sales & Use Exemption on Clothing & Footwear.  
(5-0)
- Item Page -1997 (Comm. 3M-12)  
g. **STATE BOARD OF REAL PROPERTY:** Final Class Equalization Rates.  
(5-0)
- Item Page -1997 (Comm. 3M-14)  
h. **BUFFALO ZOO:** November 1996 Financial Report.  
(5-0)
- Item Page -1997 (Int. 3-26)  
i. **DEBENEDETTI, GREENAN, HOLT & LARSON:** Additional Studies for the Buffalo Convention Center.  
(5-0)
- Item Page -1997 (Comm. 4M-5)  
j. **BROOME COUNTY LEGISLATURE:** Resolution Requesting New York State Legislature to Repeal the Gross Receipts Tax.  
(5-0)
- Item Page -1997 (Comm. 4M-12)  
k. **CORNELL COOPERATIVE EXTENSION:** 1996 Annual Report & 1997 Calendar of Events.  
(5-0)
- Item Page -1997 (Comm. 4M-14)  
l. **COMMUNITY GRIEF CENTER:** Final Project Report 1996 Public Benefit Funding.  
(5-0)
- Item Page -1996 (Comm. 20E-15)  
2. **COUNTY EXECUTIVE:**  
WHEREAS, the contract between Erie County and the Community Action Organization requires that unused money for 1995 be returned to the County, and

WHEREAS, \$7,500.00 is the County's pro-rated share of the 1995 surplus which is needed by the Community Action Organization for the Neighborhood Crime Prevention Program's operational needs.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the Community Action Organization to retain the 1995 budget surplus of \$7,500.00 for operational needs of the Neighborhood Crime Prevention Program, and be it further

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

(5-0)

**AS AMENDED**

(Comm. 29E-29)

	Item	Page	-1996	
3.	LARSON, PEOPLES, KUWIK, FITZPATRICK AND RANZENHOFER:			
	WHEREAS, pursuant to a contract amendment effective January 1, 1996, the May 28, 1975 Agreement for the Financing, Construction, Leasing, and Operation of a Convention Center between the County of Erie and the City of Buffalo, has been modified to provide for total responsibility for the Convention Center to be transferred to Erie County, and			

WHEREAS, the Legislature has set aside \$1,000,000 in the 1997 Erie County Budget under Legislative Contingency to subsidize the operation of the Buffalo Convention Center, and

WHEREAS, the January 1, 1996 contract Amendment called for an expansion of the Convention Center Management Corporation to include five County Executive appointments, a representative of the Majority and Minority Caucuses of the Legislature and the President of the Greater Buffalo Convention and Visitors Bureau, and

WHEREAS, the January 1. 1996 Contract Amendment gave the County the right to review operations of the Convention Center and take action to improve operations of the Center, and

WHEREAS, the revised and expanded Board has been working with Erie County to improve operations in the areas of food service, building operations, and promotion and marketing of the facility, and

WHEREAS, the Convention Center Board has as a first step established a Food Service Task Force which will examine options for providing quality food to the Convention Center patrons, and



WHEREAS, the existing contract between Erie County and the Convention Center Management Corporation ends on December 31, 1997,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the Convention Center Management Corporation provide to the Erie County Legislature, on a needs basis, information outlining the Corporation's continuing efforts to streamline, modernize, and improve Convention Center operations, and be it further

RESOLVED, that the County Executive has entered into contract with the Convention Center Management Corporation for the above referenced purpose, and be it further

RESOLVED, that the Erie County Legislature supports the intent and language outlined in the attached agreement including the stated milestone dates for reports to the Erie County Legislature, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Gorski, Budget Director, Sheila Kee, and First Assistant County Attorney Alan Gerstman and Commissioner Richard M. Tobe, Department of Environment and Planning.

(5-0)

OPEN ITEM  
(Comm. 1D-19A)

Item	Page	-1997
4. BUDGET, MANAGEMENT & FINANCE:		

WHEREAS, the Erie county Director of Real Property Tax Services has received applications for corrected tax billings and/or refunds for taxes 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 listing below) now, therefore, be it

RESOLVED, that petitions numbered 39 through 66 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. 39/9496 - ASSESSOR - Refund - \$851.22

SBL No. 85.00-5-12 - TOWN OF ALDEN

Acct. No. 112 - 0.00

Acct. No. 132 - 851.22

Charge to: TOWN OF ALDEN 851.22

REFUND - CLERICAL ERROR, PARCEL WAS OVERCHARGED FOR REFUSE. PARCEL WAS CHARGED FOR 3 UNITS OF REFUSE WHEN IT SHOULD HAVE BEEN CHARGED ONLY ONE. RPTL 550(2)E. CHECK IN FAVOR OF: JAMES R. & KAREN DARLAK

Petition No. 40/1997 - ASSESSOR - Cancel - \$235.90

SBL No. 85.00-5-12 - TOWN OF ALDEN

Acct. No. 112 - 0.00

Acct. No. 132 - 235.90

Charge to: TOWN OF ALDEN 235.90

CANCEL - CLERICAL ERROR, REFUSE CHARGE WAS FOR 3 UNITS SHOULD HAVE BEEN ONLY ONE UNIT. RPTL 550(2) E.

Petition No. 41/1997 - ASSESSOR - Cancel - \$117.95

SBL No. 96.00-2-3 - TOWN OF ALDEN

Acct. No. 112 - 0.00

Acct. No. 132 - 117.95

Charge to: TOWN OF ALDEN 117.95

CANCEL - CLERICAL ERROR, PARCEL WAS CHARGED FOR REFUSE TAX WHEN IT HAS A DUMPSTER ON THE PROPERTY. RPTL 550(2) E.

Petition No. 42/9697 - ASSESSOR - Refund - \$420.42

SBL No. 118.16-4-10 - TOWN OF ALDEN

Acct. No. 112 - 0.00

Acct. No. 132 - 420.42

Charge to: ALDEN CENTRAL 420.42

REFUND - CLERICAL ERROR, THE SENIOR EXEMPTION THAT THIS PROPERTY WAS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2) C.  
CHECK IN FAVOR OF: GERALD K. GRAY & WIFE.

<sup>43</sup>  
Petition No. 3099 / 1997 - ASSESSOR - Cancel - \$310.95

SBL No. 118.16-4-10 - TOWN OF ALDEN

Acct. No. 112 - \$ 253.30

Acct. No. 132 - \$ 57.65

Charge to : TOWN OF ALDEN 57.65

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

<sup>44</sup>  
Petition No. 3100 / 1997 - ASSESSOR - Cancel - \$6,002.85

SBL No. 26.03-2-8.12 - TOWN OF AMHERST

Acct. No. 112 - \$ 3,771.46

Acct. No. 132 - \$ 2,231.39

Charge to : TOWN OF AMHERST 2,231.39

CANCEL - CLERICAL ERROR, THIS PARCEL IS UNDER AN IDA PILOT AGREEMENT. THE IDA EXEMPTION WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

<sup>45</sup>  
Petition No. 3101 / 1996 - ASSESSOR - Refund - \$29.00

SBL No. 54.14-2-4.1 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 29.00

Charge to : TOWN OF AMHERST 29.00

REFUND - CLERICAL ERROR, PROPERTY WAS OVERCHARGED FOR UNITS OF SEWER USAGE. RPTL 550(2)E.  
CHECK IN FAVOR: RICHARD J LARKIN JR.

<sup>46</sup>  
Petition No. 3102 / 1997 - ASSESSOR - Cancel - \$176.46

SBL No. 67.79-6-20 - TOWN OF AMHERST

Acct. No. 112 - \$ 79.45

Acct. No. 132 - \$ 97.01

Charge to : TOWN OF AMHERST 86.23  
EGGERTSVILLE DIST #6 10.78

<sup>47</sup>  
Petition No. 3103 / 9092 - ASSESSOR - Cancel - \$1,307.88

SBL No. 78.72-2-2 - CITY OF BUFFALO

Acct. No. 112 - \$ 1,307.88

Acct. No. 132 - \$ 0.00

Charge to :  
CANCEL - UNLAWFUL ENTRY, PARCEL IS A RELIGIOUS ORGANIZATION THAT IS WHOLLY EXEMPT FROM TAXES. EXEMPTION WAS OMITTED IN ERROR. RPTL 550(7)A.

Petition No. <sup>48</sup>3104 / 1997 - ASSESSOR - Cancel - \$304.00

SBL No. 80.20-14-9 - TOWN OF CHEEKTOWAGA

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 304.00

Charge to : TOWN OF CHEEKTOWAGA 304.00

CANCEL - CLERICAL ERROR, INCORRECT GALLONAGE USED TO DETERMINE  
SEWER TAX. RPTL 550(2)E.

Petition No. <sup>49</sup>3105 / 1997 - ASSESSOR - Cancel - \$309.00

SBL No. 82.06-1-2.12 - TOWN OF CLARENCE

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 309.00

Charge to : ECSD #5 USER CHARGE 309.00

CANCEL - CLERICAL ERROR. PARCEL WAS OVERCHARGED FOR USER CHARGES  
ON THE SEWER TAX. RPTL 550(2)E.

Petition No. <sup>50</sup>3106 / 1997 - ASSESSOR - Cancel - \$393.10

SBL No. 214.00-2-+21.111/A - TOWN OF COLDEN

Acct. No. 112 - \$ 231.60

Acct. No. 132 - \$ 161.50

Charge to : TOWN OF COLDEN 161.50

CANCEL - CLERICAL ERROR, SENIOR EXEMPTION WAS MISCALCULATED ON THE  
TAX ROLL. RPTL 550(2)B.

Petition No. <sup>51</sup>3107 / 1997 - ASSESSOR - Cancel - \$37.32

SBL No. 335.16-1-2 - TOWN OF CONCORD

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 37.32

Charge to : TOWN OF CONCORD 37.32

CANCEL - CLERICAL ERROR, SENIOR EXEMPTION WAS OMITTED FOR THE TOWN  
TAX PORTION. RPTL 550(2)C.

Petition No. <sup>52</sup>3108 / 1997 - ASSESSOR - Cancel - \$3,583.93

SBL No. 136.00-1-19.1 - TOWN OF ELMA

Acct. No. 112 - \$ 1,052.37

Acct. No. 132 - \$ 2,531.56

Charge to : TOWN OF ELMA 119.34  
IROQUOIS CENTRAL 2,260.56  
ELMA FIRE PROTECT 151.66

CANCEL-CLERICAL ERROR, ASSESSED VALUE ENTERED INCORRECTLY ON THE  
TAX ROLL. ASSESSMENT WAS 28,000 IT SHOULD BE 17,000. RPTL 550(2)A.

<sup>53</sup>  
Petition No. 3109 / 1997 - ASSESSOR - Cancel - \$4,887.15

SBL No. 136.00-1-27 & 4 OTHERS - TOWN OF ELMA

Acct. No. 112 - \$ 1,435.10

Acct. No. 132 - \$ 3,452.05

Charge to : TOWN OF ELMA	162.70
IROQUOIS CENTRAL	3,082.55
ELMA FIRE PROTECT	206.80

CANCEL - CLERICAL ERROR, PARCELS WERE MERGED WITH 136.00-1-19.1.  
RPTL 550(2)F.

<sup>54</sup>  
Petition No. 3111 / 1997 - ASSESSOR - Cancel - \$180.46

SBL No. 138.01-4-27.11 - TOWN OF ELMA

Acct. No. 112 - \$ 143.51

Acct. No. 132 - \$ 36.95

Charge to : TOWN OF ELMA	16.27
ELMA FIRE PROTECT	20.68

CANCEL - CLERICAL ERROR, ASSESSED VALUE ENTERED INCORRECTLY ON THE  
TAX ROLL. ASSESSMENT WAS 6,800 IT SHOULD BE 1,500. RPTL 550(2)A.

<sup>55</sup>  
Petition No. 3112 / 1997 - ASSESSOR - Cancel - \$72.45

SBL No. 235.19-2-40 - TOWN OF EVANS

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 72.45

Charge to : ERIE CO SEWER DIST	72.45
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CANCEL - CLERICAL ERROR, PARCEL WAS OVERCHARGED FOR FRONTAGE ON THE  
ERIE COUNTY SEWER TAX. RPTL 550(2)E.

<sup>56</sup>  
Petition No. 3113 / 1997 - ASSESSOR - Cancel - \$120.00

SBL No. 37.03-1-47.2 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 120.00

Charge to : TOWN OF GRAND ISLAND	120.00
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CANCEL - CLERICAL ERROR, PARCEL WAS CHARGED IN ERROR FOR REFUSE.  
THIS PARCEL IS A COMMERCIAL PROPERTY WITH PRIVATE REFUSE SERVICE.  
RPTL 550(2)E.

<sup>57</sup>  
Petition No. 3114 / 1997 - ASSESSOR - Cancel - \$120.00

SBL No. 38.11-1-26 - TOWN OF GRAND ISLAND

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 120.00

Charge to : TOWN OF GRAND ISLAND	120.00
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CANCEL - CLERICAL ERROR, PARCEL IS VACANT LAND AND WAS CHARGED FOR  
REFUSE TAX. RPTL 550(2)E.

*58*  
Petition No. 3115 / 1997 - ASSESSOR - Cancel - \$150.00

SBL No. 105.00-4-55.1 - TOWN OF LANCASTER

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 150.00

Charge to : TOWN OF LANCASTER 150.00

CANCEL - UNLAWFUL ENTRY, PARCEL WAS CHARGED FOR ERIE COUNTY SEWER TAX WHEN IT IS OUT OF DISTRICT. RPTL 550(7)B.

*59*  
Petition No. 3116 / 1997 - ASSESSOR - Cancel - \$150.00

SBL No. 116.00-3-28.17 - TOWN OF LANCASTER

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 150.00

Charge to : TOWN OF LANCASTER 150.00

CANCEL - UNLAWFUL ENTRY, PARCEL IS LOCATED OUT OF ERIE COUNTY SEWER DISTRICT. THIS PARCEL WAS CHARGED IN ERROR FOR SEWER TAX. RPTL 550(7)B

*60*  
Petition No. 3117 / 1997 - ASSESSOR - Refund - \$170.50

SBL No. 170.16-1-6 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 170.50

Charge to : TOWN OF HAMBURG 170.50

REFUND - CLERICAL ERROR, PARCEL WAS CHARGED FOR THREE UNITS OF WATER WHEN IT SHOULD HAVE BEEN CHARGED FOR TWO UNITS. RPTL 550(2)E.  
CHECK IN FAVOR OF: GEORGE & SHIRLEIN SCHWARTZOTT

*61*  
Petition No. 3118 / 1997 - ASSESSOR - Cancel - \$324.00

SBL No. 182.00-4-16 - TOWN OF HAMBURG

Acct. No. 112 - \$ 0.00

Acct. No. 132 - \$ 324.00

Charge to : TOWN OF HAMBURG 324.00

CANCEL - UNLAWFUL ENTRY, PARCEL IS LOCATED OUT OF DISTRICT AND SHOULD NOT HAVE BEEN CHARGED FOR TREATMENT TAX. RPTL 550(7)B.

*62*  
Petition No. 3119 / 1994 - ASSESSOR - Refund - \$454.58

SBL No. 387.00-6-12.211 - TOWN OF NORTH COLLINS

Acct. No. 112 - \$ 196.42

Acct. No. 132 - \$ 258.16

Charge to : TOWN OF NORTH COLLINS 57.52  
NORTH COLLINS CENT 190.46  
NO COLLINS FIRE DIST 10.18

REFUND - CLERICAL ERROR, ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSMENT WAS 16,500 IT SHOULD BE 9,782. RPTL 550(2)A.  
CHECK IN FAVOR OF: JOHN L QUITTER

Petition No. 63/1997 - ASSESSOR - Cancel - \$84.60

SBL No. 53.72-4-29 - TOWN OF TONAWANDA

Acct. No. 112 - 49.25

Acct. No. 132 - 35.35

Charge to: TOWN OF TONAWANDA 35.35  
CANCEL - CLERICAL ERROR, VETERAN'S EXEMPTION WS OMITTED FROM THE TAX  
ROLL IN ERROR. RPTL 550(2)C.

Petition No. 64/1997 - ASSESSOR - Cancel - \$322.07

SBL No. 65.28-2-24 - TOWN OF TONAWANDA

Acct. No. 112 - 209.53

Acct. No. 132 - 112.54

Charge to: KEN-TON UNION FREE 112.54  
CANCEL - CLERICAL ERROR, RPTL 520 THAT APPEARED ON THE 1997 COUNTY TAX  
ROLL WAS PLACED ON PARCEL IN ERROR. THE EXEMPTION WAS REMOVED FROM THIS  
PARCEL WHEN IN FACT THERE WAS A LIVING TRUST ON DEED.

Petition No. 65/9596 - ASSESSOR - Refund - \$301.31

SBL No. 178.00-1-52 - TOWN OF WALES

Acct. No. 112 - 0.00

Acct. No. 132 - 301.31

Charge to: IROQUOIS CENTRAL 301.31  
REFUND - ERROR IN ESSENTIAL FACT, PARCEL IS NOT IN EXISTENCE. RPTL  
550(3)B. CHECK IN FAVOR OF: MARINE MIDLAND

Petition No. 66/1997 - ASSESSOR - Cancel - \$190.00

SBL No. 124.20-11-42 - TOWN OF WEST SENECA

Acct. No. 112 - 0.00

Acct. No. 132 - 190.00

Charge to: ERIE CO SEW DST 1 190.00  
CANCEL - CLERICAL ERROR, PARCEL WAS CHARGED FOR TWO UNITS OF SEWER WHEN  
IT SHOULD HAVE BEEN CHARGED FOR ONE UNIT. RPTL 550(2)E.  
(5-0)

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

WHEREAS, the 1996 contracts for the following agencies have been delayed in being executed, and

WHEREAS, according to standard procedure contracts must be executed within a designated year, and

WHEREAS, these contracts are necessary to carry out the various purposes for which these funds were originally intended,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the extension of these agency contracts until June 30, 1997 so that the following agencies will have the ability to carry out their particular mission as specified in their contract: Polish Community Center, \$30,866; Old First Ward Community Center - Minor Home Repair, \$6,000; Old First Ward Community Center - Tutoring Program, \$8,000; South Buffalo Soccer, \$5,000; Polish American Congress, \$2,500; Babcock Boys Club, \$1,700; CEPA Gallery, \$2,000; Village of Blasdell - Signs, \$5,200; Village of Blasdell - National Night Out/Neighborhood Watch, \$1,300; Erie County Fire Chiefs' Mutual Aid Organization, \$900; Woodlawn Volunteer Fire Company, \$2,500; and South Buffalo Irish Center, \$4,000; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Polish Community Center, Old First Ward Community Center, South Buffalo Soccer Club, Polish American Congress, Babcock Boys Club, CEPA Gallery, Village of Blasdell - Signs, Village of Blasdell - National Night Out/Neighborhood Watch, Erie County Fire Chiefs' Mutual Aid Organization, Woodlawn Volunteer Fire Company, South Buffalo Irish Center, the Division of Budget, Management and Finance, and the Department of Law.

(5-0)

Item            Page                            -1997                            (Comm. 4D-9)  
6.    **BUDGET, MANAGEMENT & FINANCE:**

RESOLVED, that after public advertisement, a canvas of adjoining property owners and a public auction held by the Erie County Director of Budget, Management and Finance on September 18, 1996 that the sale of the following described parcels of County owned land were sold to the following persons:



1. ALL THAT TRACT OR PARCEL OF LAND situated in the Village of Farnham, Town of Brant, County of Erie and State of New York, being part of Farmlot 86, Township 8, Range 9 (Location - Detroit Street - 51.00 x 72.00) Being known as SBL# 266.18-2-59 and intending to convey all land acquired by the County of Erie under In Rem 145, Serial 941 to Fred J. Dillemath, Sr. & Mildred J. Dillemath, 10703 Perry Street, Farnham, New York 14061 for the sum of Four Hundred and 00/100 Dollars (\$400.00)

2. ALL THAT TRACT OR PARCEL OF LAND situated in the Village of Depew, Town of Cheektowaga, County of Erie and State of New York, being part of Farmlot 69, Township 11, Range 7, and being known as Pt. Sublot 1, Block P filed under Map Cover 995. (Location - Sherwood Court - 32.00 x 128.00). Being known as SBL# 103.08-11-13 and intending to convey all land acquired by the County of Erie as filed in a deed at the Erie County Clerk's Office on 9/2/36 under Liber 2570, Page 253 to Michael J. Kruse, 1902 Ridge Road, Apt. 193, West Seneca, New York 14224 for the sum of Two Hundred and 00/100 Dollars (\$200.00).

3. ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Grand Island, County of Erie and State of New York, being part of Farmlot 43, Township 12, Range 9. (Location - 2771 Staley Road - 3.40 AC). Being known as SBL# 36.00-3-28 and intending to convey all land acquired by the County of Erie under In Rem 151, Serial No. 1061 to Dale M. Gruber, 1787 West River Road, Grand Island, New York 14072 for the sum of Eight Thousand and 00/100 Dollars (\$8,000.00).

4. ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Lancaster, County of Erie and State of New York, being part of Farmlot 94, Township 10, Range 6. (Location - Folts Avenue {Paper Street} - 50.00 x 240.00). Being known as SBL# 115.14-4-26 and intending to convey all land acquired by the County of Erie under In Rem 141A, Serial No. 453 to Charles J. Seiler and Susan M. Wagner, 202 Wayside Drive, Depew, New York 14043 for the sum of Seven Hundred and 00/100 Dollars (\$700.00).

5. ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Lancaster, County of Erie and State of New York, being part of Farmlot 94, Township 10, Range 6. (Location - Folts Avenue {Paper Street} - 50.00 x 240.00). Being known as SBL# 115.14-6-21 and intending to convey all land acquired by the County of Erie under In Rem 141A, Serial No. 459 to Charles J. Seiler and Susan M. Wagner, 202 Wayside Drive, Depew, New York 14043 for the sum of Six Hundred and 00/100 Dollars (\$600.00).

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 properties to the aforesaid purchasers, 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.

(5-0)

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| Item | Page | -1997 | (Comm. 4D-10) |
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7. **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: Jacqueline K. Stroud, 219 Roland Street, Sloan, New York 14212 for the sum of One Hundred Fifty and 00/100 Dollars (\$150.00).

All that Tract or Parcel of Land, situate in the Village of Sloan, County of Erie, State of New York, being part of Farmlot 32, Township 11, Range 7 and being described as Sublot 24 under Map Cover 257 (Roland Street) 30.00 x 100.60 and

Further described on Erie County Tax Maps as Section, Block and Lot No. 113.21-5-42;

Intending to convey all lands acquired by the County of Erie under In Rem 143 Serial 669; 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.

(5-0)

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| Item | Page | -1997 | (Comm. 4D-11) |
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8. **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: Daniel J. Neeson, 639 Harlem Road, West Seneca, New York 14224 for the sum of Two Hundred and 00/100 Dollars (\$200.00).

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 Lot 134, Township 10, Range 7 and being described as Lot 16 as filed under Map Cover 362; (643 Harlem Road) 30.00 x 120.00 and

Further described on Erie County Tax Maps as Section, Block and Lot No. 124.610-4-34;

Intending to convey all lands acquired by the County of Erie under In Rem 150 Serial 1326; 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.

(5-0)

**CRYSTAL DAVIS PEOPLES**  
**Chairperson**

Ms. PEOPLES requested that Resolves Nos. 1c and 5 be separated.

GRANTED.

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

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that Resolve No. 1c be referred back to committee.

Ms. PEOPLES offered an amendment to Resolve No. 5 as follows:

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

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,300 from the Fund 110, Project 921, Department 301 - Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), as approved in legislative resolution 29-8 (1996) on December 19, 1996, as a transfer of funds to **LOS TAINOS-Sr. Citizens**, to the Department of Senior Services, Fund 110, Project 939, Department 630 (DAC: 110939630830208), for the purposes of the appropriate administration of the aforementioned contract, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the extension of the aforementioned Los Tainos' agency contract until June 30, 1997, so that the agency will have the ability to carry out its particular mission as specified in its contract, and be it further

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

CARRIED UNANIMOUSLY.

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

CARRIED.

Legislator Olma abstained.

LEGISLATORS RESOLUTIONS:

ITEM 14 - Mr. GREENAN presented the following resolution and moved for immediate consideration. Mr. MARSHALL seconded.

Int. 5-1 From: Legs. Greenan & Marshall Re: Audit of ECMC Research & Study Trust

Chairman SWANICK directed that Int. 5-1 be referred to the HEALTH 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. 5-1 was referred to the HEALTH COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 104 Re: Victim Notification of Parole Hearings  
(Int. 5-2)

WHEREAS, The scars - physical or mental - of a crime oftentimes stay with the victim for life, and

WHEREAS, At times the only solace a victim or their family can take is the knowledge the perpetrator of the crime is serving out their term of incarceration and rehabilitation in a penitentiary, and

WHEREAS, Some victims have reason to fear that, if set free, the perpetrator of the crime may once again seek to inflict harm on that same victim, and

WHEREAS, Criminals have regular opportunities through parole hearings to shorten their term of incarceration, yet their victims have no voice in the matter, and

WHEREAS, Victims have an implicit right to both know about possible changes in the sentencing of those who have perpetrated crimes upon them and have the opportunity to address the parole board - whether in person or in writing - as to the appropriateness of granting parole, and

WHEREAS, Despite the obvious need to hear from those who have such a direct tie to the crime, currently no notification of upcoming parole hearings is given to victims or their families, and

WHEREAS, To remedy that situation, the New York state Assembly has introduced Assembly Bill A02080, which would provide written notification to victims - or in the case of murder or manslaughter, the victim's family - of upcoming parole hearings, and

WHEREAS, Assembly Bill A02080 also provides victims or their families with the right to attend, speak at, or submit written comments to the parole board,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby memorialize the New York state Legislature pass, and New York state Governor George Pataki sign into law Assembly Bill 020280, giving victims notification of parole hearings and the right to address parole boards, and be it further

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

**Fiscal Impact:** None for resolution.

EDWARD J. KUWIK

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

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

CARRIED UNANIMOUSLY.

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IREM 16 - Mr. LARSON presented the following resolution and moved for immediate consideration. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 105 Re: Use of County Home's Baseball Field for Alden Little League (Int. 5-3)

WHEREAS, previous legislation (18-13-94) authorized an agreement, complete with insurance provisions, between the Town of Alden and Erie County which allows the Town of Alden Recreational Soccer League to utilize the soccer field at the Erie County Home, and

WHEREAS, the Town of Alden's Recreation Department also would like to utilize the Home's baseball field one night per week for its Little League because current facilities are not adequate to handle the volume of games necessary to accommodate all those wishing to play the sport, and

WHEREAS, this venture will be helpful to the Recreational Little League which, like the Soccer League, continues to grow, and could benefit the residents of the Home who could view the games as a recreational activity, and

WHEREAS, Alden Supervisor Richard Savage will ask the Recreation Department not to schedule a soccer game and baseball game on the same night so as to not cause a parking problem, and will attempt to accommodate any other provision deemed necessary,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Attorney to amend the agreement between the Town of Alden and the County of Erie to include the use of the Erie County Home's baseball field to be utilized by the Town of Alden Recreational Little League, and be it further

RESOLVED, that the County Attorney present the amended agreement to this Honorable Body for its approval at the next scheduled meeting of the Erie County Legislature, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Attorney's Office, the Alden Town Board, Town of Alden Supervisor Richard A. Savage, Commissioner John C. Loffredo, and Commissioner Charles F. Komurek.

DALE W. LARSON

Mr. LARSON moved the adoption. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 106 Re: Nutritional Fact Sheet (Int. 5-4)

**WHEREAS**, a recent nutritional study of 15,000 Americans conducted by a U.S. Department of Agriculture dietitian revealed that as a group, teenage girls are more likely to skip meals, avoid drinking milk, eat away from home and worry about their weight, and

**WHEREAS**, researchers found that among teenage girls only 16 percent got enough calcium through their diets and that this is disturbing because by the mid-20's, women start losing bone mass, and

**WHEREAS**, only 21 percent of teenage girls got enough iron through their diets, some of the lowest intakes of any groups reviewed in the study, and

**WHEREAS**, low iron intakes can impair academic and athletic performance, as well as reduce resistance to infections, and

**WHEREAS**, poor diets can create both immediate and longterm health problems,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body seeks to assist young girls in Erie County to better understand proper nutrition in order to promote better health, and be it further

RESOLVED, that this Honorable Body request Erie County Health Commissioner Dr. Arnold Lubin to produce a nutritional fact sheet targeted to teenage girls which accomplishes the following: 1) Explains the benefits of keeping healthy, appealing foods, like fruit, vegetables, nonfat yogurt and milk readily available at home; 2) Educate teenage girls as to which foods are rich in nutrients and which are not; and 3) Discuss a realistic, healthy concept of body weight, and be it further

RESOLVED, that the Erie County Department of Health will make this informational resource available to local schools, municipal governments, public benefits agencies, not-for-profit organizations and other groups which deal with or provide services to teenage girls, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Dr. Arnold Lubin.

DALE W. LARSON

JOHN W. GREENAN

MICHAEL H. RANZENHOFER

ROBERT VILLARINI

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.

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ITEM 18 - Mr. RANZENHOFER presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 107 Re: Transfer of Vital Statistics Functions  
From the Village of Akron to the Town  
of Newstead (Int. 5-5)

WHEREAS, the Village of Akron unanimously adopted a resolution authorizing the Village Clerk to transfer over to the Town of Newstead all birth and death records, and all history records now presently kept at the Village hall, by Resolution approved on January 27, 1997, a copy of which is annexed hereto, and



WHEREAS, the Town of Newstead unanimously adopted a resolution authorizing the acceptance of the aforementioned records from the Village of Newstead, by Resolution approved on February 24, 1997, a copy of which is annexed hereto, and

WHEREAS, the New York State Department of Health must approve any transfer of said records in accordance with Article 41 of the Public Health Law, and

WHEREAS, the transfer of vital statistics from the Village to the Town requires the recommendation of the Erie County Legislature in accordance with Article 41 of the Public Health law, and

WHEREAS, such consolidation will eliminate the duplication of duties between the Village of Akron and Town of Newstead,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer from the Village of Akron to the Town of Newstead of all birth and death records, and all history records now presently kept by the Village, and those records to be kept in the future, and be it further

RESOLVED, that the Erie County Legislature does hereby recommend to the Commissioner of the New York State Department of Health the approval of said transfer, and be it further

RESOLVED, that a certified copy of this resolution shall be sent to the Commissioner of the New York State Department of Health, the Clerk of the Village of Akron, the Clerk of the Town of Newstead, and to the New York State Senator and Assembly member representing these municipalities.

MICHAEL H. RANZENHOFER

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 108 Re: Supporting Victim Notification of  
Domestic Abuser's Release from  
Incarceration (Int. 5-6)

WHEREAS, Domestic abuse traps its victims in a vicious cycle of hate and violence where the victim is often told by the abuser that a report of the abuse will lead to even greater violence, and

WHEREAS, It takes a tremendous amount of strength and courage for the victim to break their silence and report the abuse, and

WHEREAS, Even with the incarceration of the abuser, victims of domestic violence live in fear that upon release the abuser may in fact renew their violence against the victim, and

WHEREAS, The victims of domestic violence, therefore, have a real and immediate need to know when the release of their abuser shall occur, and

WHEREAS, Erie County has been at the forefront of domestic violence victims' rights; having instituted a groundbreaking program where victims are notified of the release of their assailant, and

WHEREAS, The New York state Assembly has, in an effort to mirror Erie County's effort state-wide, introduced Assembly Bill A02365, which would require local release commissions to notify the victim in domestic abuse cases that their abuser is being released from incarceration, as well as the terms of that release,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its commitment to fighting for the safety of all victims of domestic violence and commend the efforts of all involved who implemented the victim notification program in Erie County, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the New York state Legislature pass and New York state Governor George Pataki sign into law Assembly Bill A02365, requiring local release commissions to notify domestic violence victims of the release of their abuser, as well as the conditions of release, and be it further

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

**Fiscal Impact:** None for resolution.

LYNN M. MARINELLI

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

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

CARRIED UNANIMOUSLY.

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ITEM 20 - Mrs. FISHER presented the following resolution and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 109 Re: Support for Federal Microcredit  
Legislation & Funding (Int. 5-7)

WHEREAS, A fairly recent and extremely successful innovation in the fight against poverty is the microcredit movement, which entails making small loans to the very poor in order that they may procure tools or other necessities to start their own small enterprises or business ventures and thereby eventually cross over the poverty line and become self-sufficient, and

WHEREAS, The first microcredit program was the Grameen Bank, founded by microcredit inventor Muhammad Yunus, which makes small loans to impoverished individuals - predominantly women, who tend to be poorer than men and have fewer opportunities - who meet each week to make loan payments and critique one another's business plans, and

WHEREAS, Grameen presently makes a profit and claims a higher repayment rate than traditional banks; moreover, one-third of its two million borrowers have crossed the poverty line and another third are very near to doing so, and

WHEREAS, Microcredit is now operating in 43 countries, with versions of it serving 150,000 Americans in certain inner cities such as Chicago and Washington, D.C., and

WHEREAS, The microcredit movement has proven so successful that President Bill Clinton has said he will ask the United States Congress for one billion dollars in additional funding over the next five years to further develop microenterprise in the United States, and

WHEREAS, Microcredit programs are most successful when they are enhanced by technical and marketing assistance programs, which require outside funding, and

WHEREAS, The microcredit movement is an outstanding tool and resource to assist those in poverty and the very poor, create jobs, and help women develop independence,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its strong commitment to assisting those in poverty by giving them the opportunity for economic and personal self-sufficiency through government programs which have proven to be successful, such as the microcredit program, and be it further

RESOLVED, That this Honorable Body does hereby memorialize the United States Congress to pass and President Bill Clinton to sign into law legislation providing one billion dollars in additional funding to assist the poor and impoverished through the implementation and development of the microcredit movement, and be it further

RESOLVED, That this Honorable Body does hereby respectfully request the United States Congress and President Clinton to give every consideration to providing funds to Western New York so that a microcredit program may be initiated in Erie County, thereby providing economic opportunities for financial and personal self-sufficiency to the large number of impoverished people in this region, and be it further

RESOLVED, That certified copies of this resolution be sent to United States President Bill Clinton, United States Senators Alfonse M. D'Amato and Daniel Patrick Moynihan, and Members of the United States House of Representatives Jack Quinn, John LaFalce, and Bill Paxon.

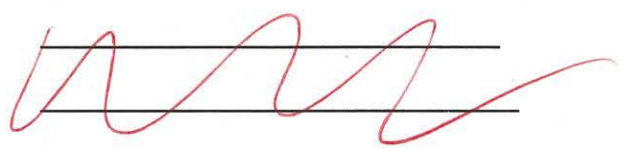
**Fiscal Impact:** Positive for implementation of program.

LYNN M. MARINELLI  
CRYSTAL D. PEOPLES

GEORGE A. HOLT, Jr.  
JUDITH P. FISHER

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

CARRIED UNANIMOUSLY.





*Item 21 - Mr. Holt presented the following resolution and moved for immediate consideration. Ms. Peoples seconded.*

RESOLUTION NO. 110 Re: Support for Federal Foster Care & Adoption Assistance Initiatives (Int. 5-8)

WHEREAS, The United States Congress will be considering legislation concerning foster care and adoption placements this year in its deliberations on the budget for Fiscal Year 1998, and

WHEREAS, It is imperative that the well-being and growth of a child is ensured by his or her permanent placement in a family environment, whether it be through the guardianship of relatives or through suitable adoptive parents, in order that the child may receive all that he or she needs in terms of security, nurturing, education, love, and a sense of belonging, and

WHEREAS, Counties, including Erie County, are often responsible for the administration and financing of vital foster care, adoption, and placement programs, yet because of their fiscal vulnerability are unable to perform these services without federal assistance, and

WHEREAS, Too many children are being placed temporarily in foster care, depriving them of a permanent setting and of essential services; therefore, alternative approaches which lead to permanency in a child's placement and which meet the child's physical, mental, and emotional needs should be given top priority, and

WHEREAS, Alternatives to the present system to increase permanency of placements should be strongly considered by the United States Congress, including: allowing the use of foster care maintenance payments for subsidized guardianship (e.g. by an aunt and uncle, cousins, or grandparents); allowing states to include all services necessary for reunification with parents (counseling, medical assistance, monetary assistance, etc.) within the definition of foster care maintenance payments; increasing fiscal support for the adoption of children with special needs; enhancing training resources by allowing the use of Title IV-E training (Title IV-E of the federal Social Services Act provides for direct services mandated by law in adoption and foster care, county reimbursement for salaries, and reimbursement for training for foster care and adoption workers) to be used for cross-agency training of child welfare staff and other agencies that work with children, including substance abuse, mental health, probation, and welfare; and funding programs that address barriers to permanence (e.g. legal barriers) for children in foster care, and

WHEREAS, The Erie County Legislature supports retaining the federal entitlement for foster care, adoption assistance and administration, as counties such as Erie County simply do not possess the resources to fully fund these most vital programs,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby memorialize the United States Congress to retain the federal entitlement for foster care, adoption assistance and administration, and be it further

RESOLVED, That this Honorable Body does further petition the United States Congress to fully consider any and all alternatives to the present system and any means necessary to expedite a child's placement into a safe, secure, and permanent placement, including those measures enumerated above, and be it further

RESOLVED, That certified copies of this resolution be sent to President Bill Clinton, United States Senators Alfonse M. D'Amato and Daniel Patrick Moynihan, and Members of the United States House of Representatives Bill Paxon, John LaFalce, and Jack Quinn.

**Fiscal Impact:** None for Resolution.

GEORGE A. HOLT, Jr.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111 Re: Instituting State Guidelines for Local Consolidation (Int. 5-9)

WHEREAS, Despite a decrease in population, Erie County continues to consist of three cities, 25 towns, 16 villages, 30 school districts, six housing authorities, six industrial development authorities, and 33 fire districts, and

WHEREAS, While this multi-layered system of governance may have once been required to effectively provide service to the county's population, the currently reduced number of county residents has resulted in an overabundance of municipal governmental service, and

WHEREAS, The cost of providing service on the municipal level has continued to increase, yet municipalities have fewer residents paying taxes to fund those services, and

WHEREAS, Duplication of services at the local level, combined with the increasing costs of providing top quality municipal service, has prompted localities to consider combining some aspects of their governments so as to provide a better, more cost-effective system for the citizens in those municipalities, and

WHEREAS, Though consolidation of services can be an effective and positive step for municipalities to take, it is often uncharted waters for the leaders of the interested localities, and

WHEREAS, To aid in the facilitation of localities' desire to consolidate some or all services, the New York state Assembly has introduced Assembly Bill A00599, the "Local Government Mergers Law," and

WHEREAS, The aforementioned bill provides guidelines for municipal consolidation, including the requirement that all consolidating localities be active participants in the process and the assurance that the residents of all involved municipalities will have the final say through referendum as to whether the consolidation is approved, and

WHEREAS, The New York state Senate has already passed a version of the Local Government Mergers Law, and

WHEREAS, The Local Government Mergers Law would be a useful tool in the process of consolidation while leaving all the decision making power in the hands of the localities and their residents,

NOW, THEREFORE, BE IT

RESOLVED, That this Honorable Body does hereby memorialize the New York state Assembly pass and Governor George Pataki sign into law Assembly Bill A00599, the Local Government Mergers Law, and be it further

RESOLVED, That certified copies of this resolution be forwarded to New York state Governor George Pataki, all members of the Western New York delegation of the New York state Legislature, and Chair of the County/Municipal Consolidation Committee David Rutecki.

**Fiscal Impact:** None for resolution.

JUDITH P. FISHER

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 112 Re: Support for President Clinton's Juvenile Crime Plan (Int. 5-10)

WHEREAS, Crimes committed by persons under the age of 18 are on the rise in New York state, even as the overall crime rate decreases, and

WHEREAS, More crime is being committed by those under age 13 as well; and

WHEREAS, Many of New York state's laws dealing with youth crime were drafted 20 to 30 years ago and are therefore inadequate for addressing the current situation, and

WHEREAS, New York state's problems in dealing with juvenile crime mirror the nation's, and

WHEREAS, President Bill Clinton has unveiled a series of proposals to more effectively deal with juvenile crime, including funds to pay for local prosecutors; funds to help at risk youth by supporting curfews and fighting truancy; funds to help schools pay the cost of staying open later in the day, on weekends, and during the summer months; and grants to improve the juvenile justice system which would make review of violent youth crime in a timely fashion and consider when youthful defendants should be tried as adults,

WHEREAS, These proposals, in conjunction with continued education and opportunity for our youth, will better provide for steering youth away from crime, rehabilitation for first time youthful offenders, and better public protection from repeat violent youth,

NOW, THEREFORE, BE IT .

RESOLVED, That the Erie County Legislature does hereby reaffirm its support for providing every opportunity for our youth to realize their potential, including providing rehabilitation for first time youthful offenders so that they may be guided away from decline into a life of criminal activity, and be it further

RESOLVED, That the Erie County Legislature does hereby reaffirm its commitment to providing for the safety and well being of all citizens through the incarceration of violent criminals, whatever their age, and be it further



RESOLVED, That the Erie County Legislature does hereby memorialize President Bill Clinton and the United States Legislature to support and make law the proposals regarding youth crime, and be it further

RESOLVED, That certified copies of this resolution be forwarded to President Bill Clinton, United States Senators Alfonse M. D'Amato and Daniel Patrick Moynihan, and United States Representatives John LaFalce, Bill Paxon and Jack Quinn.

**Fiscal Impact:** None for resolution.

JUDITH P. FISHER

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

CARRIED UNANIMOUSLY.

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ITEM 24 - Ms. COHEN KENNEDY presented the following resolution and requested that it be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Int. 5-11 From: Leg. Cohen Kennedy Re: Preventing and Dealing with Domestic Violence

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 113 Re: Support for Assembly Bill A.888 -  
Protecting Children from Accidental  
Drowning in Swimming Pools (Int. 5-12)

WHEREAS, a seven year study conducted from 1988-94 by the State of New York Department of Health in New York State reported 760 unintentional drownings, excluding New York City and bathtub drownings and

WHEREAS, of these unintentional drownings, ninety-three (93) were in the 0-4 age group, and of these, 64 occurred in swimming pools, and

WHEREAS, of pediatric pool drownings, 61 occurred in "private pools", with about half of which (31) occurring in pools located at the child's home, and

WHEREAS, certainly, many of these accidental drownings have occurred as a result of accidental entry to a pool area by a toddler, entry which may have been prevented if regulations had been in place mandating that pool enclosures be locked or otherwise secured, and

WHEREAS, in the New York State Assembly a bill awaits consideration (A.888) that any gates required to be provided in a swimming pool enclosure be self-closing and self-latching with the latch handle located within the enclosure and at least 40 inches above grade, and must be locked with a key, combination, or other child proof lock sufficient to prevent unauthorized or unsupervised access to swimming pools by young children, and

WHEREAS, this law will reduce the number of children young children swimming without adult supervision, which in turn will likely reduce the number of pediatric drownings in New York State, and

WHEREAS, this Legislature must be put itself on record in support of this legislation in the interests of the safety of our children,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby call upon the New York State Assembly to consider and approve Assembly Bill A.888, in the interests of ensuring, as best as is possible, that pools and other recreational areas are as safe as possible for our children to use, and be it further

RESOLVED, that this Honorable Body does hereby call upon local members of the New York State Assembly to support this legislation, and does hereby call upon the local delegation to the State Senate to file and support identical legislation, in the interests of protecting our children, and does further call upon Governor Pataki to sign this legislation upon its approval, and be it further

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

Fiscal Impact: None.

CRYSTAL D. PEOPLES LYNN M. MARINELLI  
RANDI COHEN KENNEDY

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

CARRIED UNANIMOUSLY.

ITEM 26 - Ms. COHEN KENNEDY presented the following resolution and requested that it be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Int. 5-13 From: Leg. Cohen Kennedy Re: Programmatic Initiatives in the Town of Amherst

ITEM 27 - Mr. GREENAN presented the following resolution and requested that it be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

✓ Int. 5-14 From: Legs. Greenan & Ranzenhofer Re: Support <sup>for</sup> 24 MHz Spectrum for Public Safety Entities

ITEM 28 - Ms. PEOPLES presented the following resolution and moved for immediate consideration. Ms. COHEN KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 114 Re: Opposing Medicaid Cost Shifting to Erie County (Int. 5-15)

WHEREAS, medical costs associated with mentally disabled individuals discharged into local communities from State institutions and facilities are currently provided to localities through State Medicaid Overburden funding, and

WHEREAS, State Medicaid Overburden funding is available to insure that local share Medicaid costs do not increase for mentally disabled individuals who were previously and exclusively the responsibility of the state, and

WHEREAS, Governor Pataki's 1997-98 tentative state budget recommends imposing a local share funding requirements for Medicaid Overburden Payments relating to acute care service for mentally disabled individuals, and

WHEREAS, Erie County budget officials estimate the impact of Governor Pataki's proposal would result in a cost shifting to Erie County of more than \$3.6 million in 1997 and more than \$4.8 million in annualized costs starting in 1998, and

WHEREAS, alternatively, maintaining current State Medicaid Overburden funding levels would prevent the shifting of costs associated with this program and avoid millions of dollars of new local spending and property tax dollars,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby urge the New York State Legislature to restore state Medicaid Overburden funding, thereby preventing cost shifting to counties and local property taxpayers, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the members of the Western New York Legislative Delegation, the Clerk of the New York State Assembly and Senate, as well as the office of Governor George Pataki.

Fiscal Impact: To be determined.

CHARLES M. SWANICK

CRYSTAL D. PEOPLES

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.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115 Re: Supporting State Legislation that Would  
Allow Counties to Elect to Establish  
"Crime Case Status Hotlines" (Int. 5-16)

WHEREAS, crime is an issue that affects citizens in all communities throughout New York State, including the residents of Erie County, and

WHEREAS, issues concerning victims rights have rightly brought attention to the need for government to pay more attention to the rights of victims of crime and their families, and

WHEREAS, a proposal on the state level would allow counties to create "Crime Status Hotlines" (A.77), and

WHEREAS, this bill would allow counties to establish a toll-free telephone "hotline" that would allow crime victims easy access to the current status of pending criminal proceedings in which the victim may have been involved, custody status of the accused, including the name and location of any local correctional facility in which the alleged perpetrator of the crime has been incarcerated or otherwise detained, and

WHEREAS, this bill would also enable crime victims to receive information on pending court appearances, release dates or other information deemed of interest to the victim, and

WHEREAS, the creation of a "Crime Status Hotline" would enable crime victims to be informed of any release dates relating to their alleged perpetrator, and

WHEREAS, a separate pay-per-use telephone number would be established for use by the general public, attorneys, bail bondsmen, the news media, and other interested parties, the proceeds from which may be used to subsidize the toll-free "hotline," and

WHEREAS, this Legislature must put itself on record in support of this state effort to give counties additional jurisdiction to protect and serve those of its citizens who have been the unfortunate victims of crime,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support state proposals to create a "Crime Case Status Hotline," (Assembly Bill A.77), in order to guarantee crime victims the right to be fully updated on all information pertaining to their case and the status of the perpetrator of the crime, and be it further

RESOLVED, that this Honorable Body does hereby call upon Governor George Pataki and the local delegation to the New York State Assembly and Senate to support this legislation, allowing counties throughout the State of New York to afford this resource to its citizenry, and be it further

RESOLVED, that this Honorable Body does hereby request that Erie County Sheriff Thomas Higgins and Erie County Central Police Services Commissioner John Cardarelli submit commentary to this Body relative to the advisability of establishing such a "hotline" in Erie County, and that those comments be forwarded to the Clerk of the Legislature within 45 days following passage of this resolution, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, the local delegation to the New York State Assembly and Senate, Erie County Executive Dennis Gorski, Erie County Sheriff Thomas Higgins, and to Erie County Central Police Services Commissioner John Cardarelli.

Fiscal Impact: None for Resolution.

EDWARD J. KUWIK      RAYMOND K. DUSZA  
CHARLES M. SWANICK

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Int. 5-17 From: Leg. Holt Re: Release of Funds from Legislative Contingency

Mr. HOLT offered an amendment as follows:

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

✓ RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$14,00 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 10 11, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
YMCA/Wm. Emslie Agency Consortium	830/0753	\$14,000
<b>TOTAL</b>		<b>\$14,000</b>

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

CARRIED UNANIMOUSLY.

Chairman SWANICK directed that Int. 5-17 as amended be referred to the FINANCE AND MANAGEMENT COMMITTEE.

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

ITEM 31 - Mr. OLMA moved to discharge the ENERGY AND ENVIRONMENT COMMITTEE from further consideration of Comm. 4E-15. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116 Re: ECSD No. 6 Bethlehem Steel Corporation/  
South Buffalo Railway Refund of Sewer  
Charges - Bond Resolution

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF PAYMENT OF SETTLED CLAIMS FOR REFUNDS BY ERIE COUNTY SEWER DISTRICT NO. 6 OF EXCESS USER AND AD VALORUM SEWER CHARGES PAID DURING FISCAL YEARS 1992-1996 BY THE BETHLEHEM STEEL CORPORATION AND THE SOUTH BUFFALO RAILWAY TO SAID DISTRICT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$500,000, STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$500,000 BONDS HEREIN AUTHORIZED, PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS, AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 6 TO SAID COUNTY.

(Introduced) February 20, 1997  
(Adopted) March 6, 1997

WHEREAS, pursuant to proceedings of the Erie County Supreme Court is has been determined that the City of Lackawanna has overassessed certain properties owned by Bethlehem Steel Corporation and South Buffalo Railway Company, and said City and the County of Erie have been ordered to refund to said property owners certain excess real property taxes collected as a result of such overassessments, and

WHEREAS, such property owners have claimed that they have paid Erie County Sewer District No. 6 excess ad valorem sewer charges based on such overassessments for fiscal years 1992-1996, and

WHEREAS the Bethlehem Steel Corporation has also claimed that it has paid Sewer District No. 6 excess user charges based on a double counting of the wastewater flow from its Coke Plant, and

WHEREAS, the County Attorney has negotiated settlement agreements with such property owners providing for payment of refunds by Sewer District No. 6 of such excess user and ad valorem sewer charges in a collective amount not to exceed \$500,000, and

WHEREAS, it is now desired to provide for the financing of said cost. NOW, THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$500,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of settled claims against Erie County Sewer District No. 6 in the County of Erie, New York, consisting of refunds of excess user and ad valorem sewer charges paid by Bethlehem Steel Corporation and South Buffalo Railway Company for fiscal years 1992-1996, all as more fully described in the settlement agreements negotiated by the County Attorney relating to such claims, and the total estimated maximum cost of said specific objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof is \$500,000. The plan of financing includes the issuance of \$500,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in Erie County Sewer District No. 6.

Section 2. The period of probable usefulness for the specific object or purpose for which said \$500,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 33.(a) of the Law, is five (5) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$500,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3 . of said Law.



Section 4. The County intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which \$500,000 bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of said Local Finance Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00 and 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or in the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and content and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the County Comptroller, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution or summary hereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

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

Chairman SWANICK directed that a Roll Call be taken.

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

CARRIED UNANIMOUSLY.

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ITEM 32 - Mr. OLMA moved to discharge the ENERGY AND ENVIRONMENT COMMITTEE from further consideration of Comm. 4E-10. Mr. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117 Re: ECSD No. 6 Refund of Sewer  
Charges Roman Catholic Church  
Properties

WHEREAS, the City of Lackawanna erroneously overassessed the following Roman Catholic Church properties located in the City of Lackawanna and Erie County Sewer District No. 6 for the tax year 1988:

<u>Church Property</u>	<u>SBL NO.</u>	<u>Property Address</u>
Queen of All Saints	141.08-2-8	206-226 Ridge
Assumption RC	141.430-6-1.100	
St. Hyacinth	141.44-1-1.1	253 Ridge
St. Anthony	141.60-1-15	Lehigh Avenue
St. Anthony	141.60-1-16	282 Ingham
St. Anthony	141.60-1-17	278 Ingham
St. Anthony	141.60-2-3.1	297 Ingham
St. Anthony	141.68-1-1.1	306 Ingham
St. Anthony	141.68-1-2	South
Our Lady of Perpetual Help	142.07-2-3	
Our Lady of Perpetual Help	142.07-2-4	1231 Abbott Rd.
Our Lady of Perpetual Help	142.07-2-54	1182 Ridge Rd.
Our Lady of Perpetual Help	142.07-2-55	
Our Lady of Perpetual Help	142.07-4-4	1189 Ridge Rd.
Our Lady of Perpetual Help	142.07-4-5	1193 Ridge Rd.
Our Lady of Bistrica	142.11-5-35.1	222 W. Elmview
Our Lady of Bistrica	142.15-3-1.1	
St. Barbara	142.37-4-1./A	539 Ridge Rd.
St. Barbara	142.37-4-26	166 Caldwell Pl.
St. Barbara	142.37-4-28	Caldwell Pl.
St. Barbara	142.37-4-29	Caldwell Pl.
St. Barbara	142.37-4-30	Caldwell Pl.
St. Barbara	142.37-5-2.1	16 Nelson
St. Michael	142.70-1-9.1	148 Warsaw
St. Michael	142.70-5.1.1	1639 Electric
St. Michael	142.70-6-8.1	17 Spring St.

WHEREAS, St. Hyacinth's Parish and Assumption Parish have been issued delinquent tax notices and notices of foreclosure, and

WHEREAS, the Roman Catholic Church properties have paid approximately \$8,000.00 in excess of the charges they should have paid.

NOW, THEREFORE, BE IT

RESOLVED, that in full settlement of the sewer charges for Erie County Sewer District No. 6 due by the Roman Catholic Church properties located in the City of Lackawanna for 1988, it is agreed as follows:

1) St. Hyacinth's Parish will pay \$1,109.70 in full settlement of it's obligation for sewer charges for the 1988 tax year;

2) Erie County Sewer District No. 6 will pay the sum of \$5,000.00 as a refund for all excess sewer charges paid by all the Roman Catholic Church properties located in the City of Lackawanna, Erie County Sewer District No. 6 as identified above;

3) Assumption Parish will pay \$339.07 as full payment of their sewer charges for 1988;

4) All tax delinquent notices and all notices of foreclosure previously issued which may pertain to the above properties are hereby withdrawn;

and be it further,

RESOLVED, that the Division of Budget, Management and Finance is hereby authorized and directed to accept as full payment and settlement for the 1988 tax year \$1,109.70 from St. Hyacinth's Parish and to withdraw any notices of tax delinquency and/or foreclosure, and that the Division of Budget, Management and Finance likewise accept the sum of \$339.07 as full payment and settlement for Assumption Parish's sewer charges for 1988 and also any tax delinquency and/or foreclosure notices be withdrawn, and be it further

RESOLVED, that the Division of Budget, Management and Finance be authorized and directed to make payment to the Roman Catholic Church Parishes in the amount of \$5,000.00 which sum is to be forwarded to their attorney, Joseph A. Stoeckl, Esq., of the firm Kennedy, Stoeckl and Martin, P.C., and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, Richard J. Schechter, Assistant County Attorney, Paul Beyer, Assistant County Attorney, and Sheila Kee, Director of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

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ITEM 33 - Mr. HOLT moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 4E-24. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 118 Re: Department of Youth Services  
Authorization to Contract

WHEREAS, Hillside Children's Center has been approved by the New York State Division for Youth to provide Therapeutic Foster Care Detention Services in a therapeutic community-based state certified, boarding foster home, and

WHEREAS, Hillside Children's Center has obligated themselves to provide eight (8) beds in a therapeutic community-based state certified, boarding foster home for the care and protection of individuals, who are, have been, or may be subject to compulsory care, supervision, treatment and/or incarceration in public or private institutions, and

WHEREAS, it is a cost effective clinically appropriate alternative to residential care, which is more beneficial to the youth and more cost effective than facility based detention services, and

WHEREAS, these services are eligible to receive 64.9% reimbursement based on 50% for local youth and 100% state reimbursement for out-of-county youth, and

WHEREAS, the Hillside Children's Center will provide therapeutic foster care beds at a rate of \$82.67 a day per bed, for the remainder of 1997. Given an eighty per cent occupancy rate, this would be a gross cost of \$158,726 for 1,920 days of care to be provided during the remainder of fiscal 1997. Revenue from the state will cover \$103,013, resulting in a net cost of \$55,713 to Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts and amendments to these contracts, with Hillside Children's Center to provide eight (8) therapeutic foster beds at a rate of \$82.67 a day per bed, and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impractical to follow the RFP procedures since this special service must be provided immediately and hereby waives the procedures outlined in Section 19.08 of the Administrative Code, and be it further

RESOLVED, that the necessary funds to cover the cost of these contracts have been appropriated in the 1997 County budget of the Department of Youth Services, Division 251, Detention, in Account 821 - Dues and Fees, 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.

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

CARRIED UNANIMOUSLY.

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ITEM 34 - Mr. MARSHALL moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Int. 22-11 (1996). Mr. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 119 Re: Requiring Background and Drug  
Checks on Potential Foster Parents  
(Int. 22-11)

WHEREAS, the Erie County Foster care Program is designed to place a child in a home that will provide a stable, safe environment that is essential for the child's well-being, and

WHEREAS, for the child's protection, there should be a thorough background check performed of any individual(s) desirous of being a foster parent, and

WHEREAS, the Erie County Department of Social Services is charged with the responsibility of locating, screening and qualifying applicants for the foster parent program, and

WHEREAS, earlier this year, a 38 year old man with a prison record of arrest for the possession of marijuana was charged with repeatedly sodomizing the foster child assigned to his care, and

WHEREAS, if the proper background check had been in place, this tragedy may have been prevented,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body recognizes that these tragedies can be avoided if proper background screening is undertaken, and be it further

RESOLVED, that this Honorable Body calls upon the Erie County Commissioner of Social Services and the County Sheriff to establish and coordinate a program that would provide for drug testing and criminal records checks of individuals seeking to be designated as foster parents, and

RESOLVED, that this program would also update the background checks made on an individual(s) who become foster parents to ensure the continued safety and well being a child or children placed in such care, and be it further

RESOLVED, that the Erie County Legislature requests that County Executive Dennis Gorski provide funding under the Department of Social Services and/or the sheriff's Department budget to create a position to perform background checks and drug tests necessary to ensure the safety of the county's foster children, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County Executive Dennis Gorski, Erie County Commissioner of Social Services Deborah Merrifield and Erie County Sheriff Thomas F. Higgins.

FREDERICK J. MARSHALL    DALE W. LARSON    JOHN W. GREENAN  
ROBERT VILLARINI

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

CARRIED UNANIMOUSLY.

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ITEM 35 - Mr. MARSHALL moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Int. 29-12 (1996). Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120    Re:    Better Controls on Welfare Benefits  
Paid to Prison Inmates (Int. 29-12)

WHEREAS, Erie County Comptroller Nancy Naples recently issued a report entitled "Department of Social Services Procedures for Identifying and Removing Incarcerated Recipients from Welfare Rolls for the Period January 1, 1995 to March 31, 1996", and

WHEREAS, the Comptroller's report was sharply critical of the failure of the Erie County Department of Social Services for not having adequate procedures in place to prevent prison inmates from receiving such benefits, which is in violation of New York State regulations prohibiting the payment of welfare benefits to prisoners, and

WHEREAS, more than \$135,000 in welfare benefits were incorrectly paid to prison inmates during the aforementioned 15 month period, and

WHEREAS, the Comptroller reported that the Department of Social Services currently only identifies some of the individuals incarcerated in the State prison system who receive welfare benefits, relying solely on the New York State Reporting System, and

WHEREAS, the Comptroller states that there are several categories of incarcerated prisoners that the state system excludes from their reports, and

WHEREAS, in a sample of the Erie County Holding Center, it was discovered that in one hundred percent of the cases involving inmates receiving welfare benefits, no money was recouped by the Department of Social Services, NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body believes that better, more effective measures must be taken by the Department of Social Services to ensure that prison inmates do not receive welfare benefits, and be it further

RESOLVED, that this Honorable Body requests Erie County Social Services Commissioner Deborah Merrifield to appear at the next meeting of the Legislature's Social Services Committee to provide her response to the Comptroller's report and to provide an update as to what measures might be taken to reduce/eliminate the receipt of welfare benefits by prison inmates, and be it further

RESOLVED, that a copy of this resolution be forwarded to DSS Commissioner Deborah Merrifield, County Executive Dennis Gorski, Correction Superintendent Frederick Netzel and County Sheriff Thomas Higgins.

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

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

CARRIED UNANIMOUSLY.



ITEM 35 - Mr. MARSHALL moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Int. 3-16. Mr. LARSON seconded.

Int. 3-16 From: Leg. Greenan Re: Unfilled Positions in the Sheriff's Department

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.

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ITEM 36 - Mr. MARSHALL moved to discharge the FINANCE AND MANAGEMENT COMMITTEE from further consideration of Int. 6-2 (1996). Mr. RANZENHOFER seconded.

Int. 6-2 From: Legs. Larson, Ranzenhofer, Greenan, Marshall & Villarini Re: Re-establishing the Property Tax Relief Account

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.

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ITEM 37 - Mr. MARSHALL moved to discharge the FINANCE AND MANAGEMENT COMMITTEE from further consideration of Int. 1-2. Mr. GREENAN seconded.

Int. 1-2 From: Legs. Greenan, Marshall, Larson, Ranznehofer & Villarini Re: Increasing the Senior Citizen Real Property Tax Exemption

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.

SUSPENSION OF THE RULES:

ITEM 38 - Ms. MARINELLI moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 5M-22 From: City of Buffalo Public Works Department Re: Kenmore Avenue Legislative Resolution Int. 3-14

Chairman SWANICK directed that Comm. 5M-22 be referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 39 - Ms. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 5M-23 From: NYS Association of Counties Re: Contract for Sales Tax Study

Chairman SWANICK directed that Comm. 5M-23 be referred to the FINANCE AND MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS:

FROM LEGISLATOR PEOPLES

ITEM 40 - (Comm. 5E-1) Copy of Letter to County Executive Re: Appointment to the Erie County Commission on the Status of Women

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR MARSHALL

ITEM 41 - (Comm. 5E-2) Copy of Letter to Mr. Kobis Re: Fire Loss at 39 South Grove Street

RECEIVED & FILED.

FROM THE COMPTROLLER

ITEM 42 - (Comm. 5E-3) Audit ECMC Research & Study Trust Fund  
1/1/95 - 5/31/96

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

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FROM THE COUNTY EXECUTIVE

ITEM 43 - (Comm. 5E-4) Position Change Report PP#5/97

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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FROM LEGISLATOR PEOPLES

ITEM 44 - (Comm. 5E-5) Copy of Letter to Dr. Ricci Re:  
Marketing & Public Relations Team

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

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FROM LEGISLATOR DUSZA

ITEM 45 - (Comm. 5E-6) Change of Vote on 4E-9

RECEIVE, FILE & PRINT.

Dear Madame Clerk:

Pursuant to Rule 33 of the Rules of the Erie County Legislature, MOTION FOR RECONSIDERATION AND CHANGING ONE'S VOTE, I hereby request that the Clerk of the Legislature at the next regular session of the Legislature (March 6, 1997) under Agenda Item-Minutes of Previous Meeting, change my vote on "Communications From Elected Officials: 4E-9" [Collective Bargaining Agreement with Teamsters Local 264 the Sheriff and Erie County for period 1/1/96-12/31/99] from an affirmative vote to one of abstention.

The vote on the above communication 4E-9 was unanimous (17-0), and the requested vote change will not affect the approval of the agreement between the Sheriff's Department and the County.

The Erie County Legislature did not negotiate the terms and conditions of the collective bargaining agreement, and the Legislature was without authority to make unilateral (legislative) changes. Our sole responsibility was to either approve or disapprove a comprehensive agreement, arrived through extensive negotiations between the Union and the Administration.

Erie County's Code of Ethics (Local Law Intro. No. 4-1989), requires full disclosure of financial interests in county business of myself, my spouse and unemancipated children, Section 6(h) of the Code of Ethics, entitled Prohibited activities, restricts my voting on certain outside contracts dealing with the County where a "relative" (which includes emancipated children) is a sole proprietor, general partner, or stockholder in a closely held corporation.

I have no personal economic interest, direct or indirect, in the Collective Bargaining Agreement with Teamsters Local 264, the Sheriff, and Erie County for period 1/1/96-12/31/99. However, my son, who is married and fully emancipated, is a member of the Sheriff's Department, appointed through Civil Service, and will be bound by the terms of the Collective Bargaining Agreement.

My interest in the Collective Bargaining Agreement is the same as that of the general community and of my constituents. Approval of the Agreement was the responsible position I, and all my other colleagues, should and did take.

Although I have been advised that no violation of the Code of Ethics financial disclosure provision exists, I wish to remove even the suggestion of an appearance of impropriety in this particular instance. As such, I wish to change my vote on the aforementioned communication, 4E-9 (1997) to "abstain."

Thank you for your attention to this matter.

Very truly yours,  
**RAYMOND K. DUSZA**  
Erie County Legislator  
8th District

RECEIVED, FILED & PRINTED.

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FROM THE COMPTROLLER

ITEM 46 - (Comm. 5E-7) Investment Earnings 1996

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

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FROM THE COUNTY EXECUTIVE

ITEM 47 - (Comm. 5E-8) Annual Report of Erie County Administration  
Agencies for 1996

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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FROM THE COMPTROLLER

ITEM 48 - (Comm. 5E-9) Copy of Letter to County Executive Re: Audit  
Response System

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

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FROM THE COUNTY EXECUTIVE

ITEM 49 - (Comm. 5E-10) Youth Services - Authorization to Contract

Received and referred to the SOCIAL SERVICES COMMITTEE.

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ITEM 50 - (Comm. 5E-11) Health - Reclassification of Position

Received and referred to the HEALTH COMMITTEE.

ITEM 51 - (Comm. 5E-12)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 121 Re: Executive Director - Commission on the Status of Women

WHEREAS, in the 1997 Erie County Budget, under the Erie County Commission on the Status of Women, there is one position of Executive Director - Commission on the Status of Women, Job Group XIII, and

WHEREAS, as a department head, this position is paid from a Managerial Confidential Department Head salary schedule which prescribes rates of pay which are approximately 3.5% lower than the salaries set forth in the current Managerial Confidential salary schedule, and

WHEREAS, a qualified individual has been selected for appointment to this title who is currently serving in a Job Group XIII Managerial Confidential position, and

WHEREAS, if appointed to the Executive Director - Commission on the Status of Women, this individual would suffer a reduction in pay of \$1,750 annually, and

WHEREAS, to ensure that this individual does not suffer a financial loss in accepting this appointment, it is recommended that the Executive Director - Commission on the Status of Women be paid from the Managerial Confidential salary schedule, and

WHEREAS, sufficient funds are available in the Commission on Status of Women's salary account,

NOW, THEREFORE, BE IT

RESOLVED, that compensation for the position of Executive Director - Commission on the Status of Women, Job Group XIII, be determined using the Managerial Confidential salary schedule, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Commissioner of Personnel and the Erie County Commission on the Status of Women.

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

CARRIED.

Legislator DeBenedetti in the negative.

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FROM THE COUNTY EXECUTIVE

ITEM 52 - (Comm. 5E-13) Youth Services - Authorization to Contract  
Received and referred to the SOCIAL SERVICES COMMITTEE.

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ITEM 53 - (Comm. 5E-14) ECSD NO. 2 Engineering Services Agreement  
Work Project CS-1

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ITEM 54 - (Comm. 5E-15) Contract of Sale - Bennett Beach Between  
City of Buffalo & County of Erie

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ITEM 55 - (Comm. 5E-16) Housing Assistance Center Contract

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ITEM 56 - (Comm. 5E-17) Contract - Rural Van Transportation  
Services Program

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ITEM 57 - (Comm. 5E-18) ECS Construction Project Change Order  
Authorization

The above five items were received and referred to the ENERGY  
AND ENVIRONMENT COMMITTEE.

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ITEM 58 - (Comm. 5E-19) ECMC Ventilator Bed Installment Purchase  
Received and referred to the HEALTH COMMITTEE.

ITEM 59 - (Comm. 5E-20) Social Services - Case Records Management System Authorization to Extend Contracts

Received and referred to the SOCIAL SERVICES COMMITTEE.

✓ ITEM 60 - (Comm. 5E-21) Analysis of Governor Pataki's <sup>0</sup>Proposed New York State Budget

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

ITEM 61 - (Comm. 5E-22) 1997-98 Emergency Shelter Grant Program Contracts

Received and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

ITEM 62 - (Comm. 5E-23) Senior Services - Revision of 1997 Grant Budgets

Received and referred to the SOCIAL SERVICES COMMITTEE.

✓ ITEM 63 - (Comm. 5E-24) Emergency Services Accept Donation <sup>0</sup>of Level A Entry Training Suits for Erie County Hazardous Materials Organization

Received and referred to the PUBLIC SAFETY COMMITTEE.

ITEM 64 - (Comm. 5E-25) Variable Minimums

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS:

FROM PERSONNEL

ITEM 65 - (Comm. 5D-1) Response to Audit - Certified Payroll Pay Period 6/96

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.



FROM BUFFALO & ERIE COUNTY PUBLIC LIBRARY

ITEM 66 - (Comm. 5D-2) Notice of Meeting Held 2/20/97 & Minutes of Meeting Held 1/16/97

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

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FROM ERIE COMMUNITY COLLEGE

ITEM 67 - (Comm. 5D-3) Notice of Meeting Held 2/26/97

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FROM ERIE COUNTY COUNCIL ON DISABLED

ITEM 68 - (Comm. 5D-4) Notice of Meeting Held 2/28/97

The above two items were RECEIVED & FILED.

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FROM ERIE COMMUNITY COLLEGE

ITEM 69 - (Comm. 5D-5) Notice of Meeting to be Held 3/12/97

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

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FROM DEP

ITEM 70 - (Comm. 5D-6)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 122 Re: ECSD NO. 5 - Increase &  
Improvement of Facilities

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

(Introduced) March 6, 1997

(Adopted) March 6, 1997

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

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

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

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of said Sewer District No. 5 is \$2,800,000, to be apportioned among real properties in the District in accordance with (1) their respective proportionate shares of sewered units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 5, and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase and improvement if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, in accordance with the provisions of Section 268 of the County Law, and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law; NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 25 Delaware Avenue in Buffalo, New York, in said County, on the 10th day of April, 1997, at 1:30 o'clock p.m., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to increase and improve the facilities of Erie County Sewer District No. 5 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 25 Delaware Avenue in Buffalo, New York, in said County, on the 10th day of April, 1997, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of the facilities of County Sewer District No. 5 in said County.

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

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

Dated: Buffalo, New York  
March 6, 1997

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

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

CARRIED UNANIMOUSLY.

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FROM ERIE COMMUNITY COLLEGE

ITEM 71 - (Comm. 5D-7) Minutes of Meeting Held 2/26/97

(Sold)

ITEM 72 - (Comm. 5D-8) Minutes of Board of Trustees  
Subcommittee Meeting Held 2/97.

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

(Sold)

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FROM ERIE COUNTY MEDICAL CENTER

ITEM 73 - (Comm. 5D-9) Financial Statement for 12/31/97.

(Sold)

ITEM 74 - (Comm. 5D-10) 1997/1998 Governor Pataki's Budget  
Proposal.

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

(Sold)

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FROM ERIE COMMUNITY COLLEGE

ITEM 75 - (Comm. 5D-11) Minutes of Board of Trustees Meeting  
Held 1/29/97.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

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FROM LAW

ITEM 76 - (Comm. 5D-12) Tobacco Litigation.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

MEETING NO. 5  
March 6, 1997

ERIE COUNTY LEGISLATURE

61

*all remaining lines  
should have been  
removed*

FROM ~~AUDIT AND CONTROL~~ *COMPTROLLER*

ITEM 77 - (Comm 5D-13) Audit of Social Services Procedures for Identifying & Removing Incarcerated Recipients from Welfare Rolls.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM SOCIAL SERVICES

ITEM 78 - (Comm. 5D-14) Targeted Citizenship Promotion Project.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM DPW

ITEM 79 - (Comm. 5D-15) Response to Resolution Re: Kenmore Avenue.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ITEM 80 - (Comm. 5D-16) Award of General Architecture Services for Miscellaneous Projects at ECMC & Erie County Home - For Information Only.

ITEM 81 - (Comm. 5D-17) Court Facilities Plan - MBE/WBE Participation Administration.

ITEM 82 - (Comm. 5D-~~18~~) Winspear Road Bridge - Town of Elma.

ITEM 83 - (Comm. 5D-19) Rapids Road Bridge - Towns of Clarence & Royalton.

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

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FROM DEP

ITEM 84 - (Comm. 5D-20) Opinion of County Attorney Re: Awarding of Contracts by Legislature or the Division of Purchase.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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FROM ERIE COUNTY MEDICAL CENTER

ITEM 85 - (Comm. 5D-21) Response to Research & Study Audit.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM NYS SENATOR NANULA

ITEM 86 - (Comm. 5M-1) Copy of Letter to Chairman Swanick Re: ECC Uniting Campuses Downtown.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

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FROM DADD & NELSON

ITEM 87 - (Comm. 5M-2) Public Hearing on Proposed Amendment to Town of Darien Zoning Law.

RECEIVED & FILED.

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FROM TIOGA COUNTY LEGISLATURE

ITEM 88 - (Comm. 5M-3) Copy of Resolution Re: Requesting State to Increase Rate of Reimbursement for Parole Violation Assigned Counsel.

Received and referred to the PUBLIC SAFETY COMMITTEE.

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FROM BOSTON-NORWOOD GROUP

ITEM 89 - (Comm. 5M-4) Proposal to Provide Research in the Financing Changes Taking Place in the Publicly Funded Mental Health System.

Received and referred to the HEALTH COMMITTEE.

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FROM NYSDEC

ITEM 90 - (Comm. 5M-5) Water Week 5/4/97 - 5/10/97.

ITEM 91 - (Comm. 5M-6) Notice of Meeting to be Held 3/11/97  
Re: Tennessee Gas Pipeline Compressor Station.

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

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FROM LEGAL AID BUREAU

ITEM 92 - (Comm. 5M-7) Unaudited Financial Statement for 10 Month Period Ending 10/31/96 & 1995 Financial Statement.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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FROM NYSDEC

ITEM 93 - (Comm. 5M-8) Notice of Meeting to be Held 3/10/97 Re: Vibratex Inc. Site.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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FROM NFTA

ITEM 94 - (Comm. 5M-9) Minutes of Board Meeting Held 1/13/97

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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FROM NYSDEC

ITEM 95 - (Comm. 5M-10) Fact Sheet Wegman's Food Market:  
Voluntary Cleanup Agreement.

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ITEM 96 - (Comm. 5M-11) Notice of Meeting to be Held 3/12/97  
Re: FMC Chemical Division.

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

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FROM NFTA

ITEM 97 - (Comm. 5M-12) Acknowledgement of Receipt of  
Resolution.

Received and referred to the PUBLIC SAFETY COMMITTEE.

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FROM NYSDEC

ITEM 98 - (Comm. 5M-13) Notice of Meeting Held 3/5/97.  
RECEIVED & FILED.

FROM MERIT CONSTRUCTION

ITEM 99 - (Comm. 5M-14) Project Labor Agreement (PLA) for  
County Courthouse Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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FROM US COAST GUARD

ITEM 100 - (Comm. 5M-15) Notice of Proposed Seasonal Bridge  
Over Irondequoit Bay Outlet in Monroe County.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.



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FROM NYS SENATOR VOLKER

ITEM 101 - (Comm. 5M-16) Acknowledgement of Receipt of Resolution.

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FROM MELINDA HOLLAND CLEAN SITES

ITEM 102 - (Comm. 5M-17) Notice of Meeting Held 3/5/97.

The above two items were RECEIVED & FILED.

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FROM ALLIANCE <sup>Folk</sup> OF MENTALLY ILL

ITEM 103 - (Comm. 5M-18) Copy of Letter to Forensic Mental Health Services Re: Declining Personnel.

Received and referred to the HEALTH COMMITTEE.

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ECIDA

ITEM 104 - (Comm. 5M-19) Notice of Board of Directors Meeting 3/12/97.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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FROM NYS DIVISION OF YOUTH

ITEM 105 - (Comm. 5M-20) Acknowledgement of Receipt of Resolution.

Received and referred to the PUBLIC SAFETY COMMITTEE.

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FROM WELLNESS INSTITUTE

ITEM 106 - (Comm. 5M-21) Minutes of Meeting Held 2/20/97.

Received and referred to the HEALTH COMMITTEE.

MEMORIAL RESOLUTIONS:

ITEM 107 - Mr. RANZENHOFER moved that when this Legislature adjourns, it do so out of respect to the memory of **BEVERLY CAVAGNARO**, deceased. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

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ITEM 108 - Mr. DUSZA moved that when this Legislature adjourns, it do so out of respect to the memory of **BISHOP STANLEY BRZANA**, deceased. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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ITEM 109 - Ms. PEOPLES moved that when this Legislature adjourns, it do so out of respect to the memory of **STANLEY FINK**, former Speaker of the New York State Assembly, deceased. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ADJOURNMENT:

ITEM 110 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

Ms. PEOPLES moved that the Legislature adjourn until 2:00 P.M., Thursday, March 20, 1997. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, March 20, 1997 at 2:00 P.M., Eastern Standard Time.

**LAURIE A. MANZELLA**  
Clerk