

ERIE COUNTY LEGISLATURE  
MEETING NO. 12  
JUNE 4, 1998

The Legislature was called to order by Chairman Swanick.

All Members present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Ms. Peoples.

The Minutes of the previous meeting were TABLED.

**MISCELLANEOUS RESOLUTIONS:**

ITEM 1 – Ms. Peoples and Mr. Holt presented a resolution of congratulations to Tiona D. Hill on being named to the All Western Independent Athletic Conference Team. Mr. Kuwik seconded.

CARRIED UNANIMOUSLY.

ITEM 2 – Ms. Chase presented a resolution to Hilbert College in celebration of their 40<sup>th</sup> Anniversary. Mr. Greenan seconded.

CARRIED UNANIMOUSLY.

ITEM 3 – Ms. Chase presented a resolution honoring Sister Tirone's 20 years of dedicated service to Immaculata Academy. Mr. Greenan seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS:**

ITEM 4 – CHAIRMAN SWANICK directed that Local Law Intro No. 10 (Print #1) 1997 remain on the table.

ITEM 5 – CHAIRMAN SWANICK directed that Local Law Intro No. 11 (Print #1) – 1997 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

ITEM 6 – CHAIRMAN SWANICK directed that Local Law Intro No. 1 (Print #1) – 1998 remain on the table and in the HEALTH COMMITTEE.

COMMITTEE REPORTS

ITEM 7 – Mr. Dusza presented the following and moved for immediate consideration. Mr. Greenan seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 205

JUNE 1, 1998

GOVERNMENT AFFAIRS  
COMMITTEE  
REPORT NO. 7

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

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

- |    |  |      |       |                |
|----|--|------|-------|----------------|
|    | Item   | Page | -1998 | (Comm. 10D-2)  |
| a. | <b>COUNTY ATTORNEY:</b> Notices of Claim.<br>(6-0) Chairman Swanick present as ex-officio member.  |      |       |                |
|    | Item   | Page | -1998 | (Comm. 10D-4)  |
| b. | <b>COUNTY ATTORNEY:</b> Letter to Chairman Swanick Re: Constitutional Road Blocks to Merger or Regional Government.<br>(6-0) Chairman Swanick present as ex-officio member.  |      |       |                |
|    | Item   | Page | -1998 | (Comm. 10E-5)  |
| c. | <b>COUNTY EXECUTIVE:</b> Position Change Report.<br>(6-0) Chairman Swanick present as ex-officio member.   |      |       |                |
|    | Item   | Page | -1998 | (Comm. 10M-3)  |
| d. | <b>ALLEGHANY COUNTY BOARD OF LEGISLATORS:</b> Certified Copy of Resolution Re: Requesting State Legislation for Relief From Unnecessary Legal Costs Resulting From Misplaced Lawsuits.<br>(6-0) Chairman Swanick present as ex-officio member. |      |       |                |
|    | Item   | Page | -1998 | (Comm. 10M-7)  |
| e. | <b>OTB:</b> Notice of Meeting Held 4/23/98 & Minutes of Meeting Held 3/26/98.<br>(6-0) Chairman Swanick present as ex-officio member.  |      |       |                |
|    | Item   | Page | -1998 | (Comm. 10M-19) |
| f. | <b>SCHUYLER COUNTY LEGISLATURE:</b> Certified Copy of Resolution Re: Endorsing Campaign Finance Reform.<br>(6-0) Chairman Swanick present as ex-officio member.  |      |       |                |

- |      |      |       |                |
|------|------|-------|----------------|
| Item | Page | -1998 | (Comm. 10M-20) |
|------|------|-------|----------------|
- g. **SCHUYLER COUNTY LEGISLATURE:** Certified Copy of Resolution Re: Requesting State Legislation for Relief From Unnecessary Legal Costs Resulting From Misplaced Lawsuits,  
(6-0) Chairman Swanick present as ex-officio member.

**RAYMOND K. DUSZA**  
**Chairman**

Mr. Dusza moved the adoption. Mr. Greenan seconded.

CARRIED UNANIMOUSLY.

ITEM 8 – Mrs. Fisher presented the following and moved for immediate consideration.  
Mr. Kuwik seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

JUNE 1, 1998

HEALTH COMMITTEE  
REPORT NO. 7

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

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

- |      |      |       |                |
|------|------|-------|----------------|
| Item | Page | -1997 | (Comm. 11M-27) |
|------|------|-------|----------------|
- a. **BUFFALO FEDERATION OF NEIGHBORHOOD CENTERS:** Special Needs Plan.  
(6-0) Chairman Swanick present as ex-officio member.

- |      |      |       |                |
|------|------|-------|----------------|
| Item | Page | -1997 | (Comm. 12M-15) |
|------|------|-------|----------------|
- b. **NEW YORK STATE COALITION FOR CHILDREN'S MENTAL HEALTH SERVICES:** Children's Mental Health Services Checklist.  
(6-0) Chairman Swanick present as ex-officio member.

- |      |      |       |               |
|------|------|-------|---------------|
| Item | Page | -1997 | (Comm. 22M-6) |
|------|------|-------|---------------|
- c. **EAST SIDE HEALTH CENTER PEDIATRICS DEPARTMENT:** Copy of Letter Re: Proposed Discontinuation of Pediatric Services at the East Side Health Center.  
(6-0) Chairman Swanick present as ex-officio member.

- |      |      |       |              |
|------|------|-------|--------------|
| Item | Page | -1998 | (Comm. 2D-7) |
|------|------|-------|--------------|

d. **MENTAL HEALTH:** Forensic Mental Health Annual Report.  
(5-0)

Item Page -1998 (Comm. 2M-11)  
e. **ASSOCIATION FOR PROFESSIONALS IN INFECTION CONTROL:**  
Copy of Letter to New York State Department of Health Re: Impending Hospital  
Mergers Impact on Infection Control.  
(5-0)

Item Page -1998 (Int. 2-15)  
f. **WEINSTEIN, GREENAN, CHASE, RANZENHOFER, MARSHALL &  
LARSON:** Fair Allocation of Medicaid Transition Funds from New York State.  
(5-0)

Item Page -1998 (Int. 7-3)  
g. **CHASE, WEINSTEIN, GREENAN, LARSON, RANZENHOFER &  
MARSHALL:** High Lead Levels in Children.  
(5-0)

Item Page -1998 (Comm. 8D-6)  
h. **SOCIAL SERVICES:** Fidelis/Family Planning.  
(5-0)

Item Page -1998 (Comm. 9M-13)  
i. **UPSTATE NY TRANSPLANT SERVICES, INC.:** Copy of Letter to ECMC's  
Chief Medical Examiner Re: Organ Donations.  
(5-0)

Item Page -1998 (Comm. 9M-21)  
j. **EC MENTAL HYGIENE COMMUNITY SERVICES BOARD:** Notice of  
Meeting Held 4/16/98 & Minutes of Meeting Held 3/9/98.  
(5-0)

Item Page -1998 (Comm. 10D-9)  
k. **ECMC:** Board of Managers Finance Committee Financial Statements for  
3/31/98.  
(5-0)

Item Page -1998 (Comm. 10D-11)  
l. **EC MORGUE:** Monies & Other Properties Found on Deceased Persons.  
(5-0)

Item Page -1998 (Comm. 10D-15)

m. **ECMC:** Notice of Meeting Held 5/14/98 & Minutes of Meetings Held 4/16/98 & 5/5/98.  
(5-0)

Item Page -1998 (Comm. 10E-16)

2. **COUNTY EXECUTIVE:**

WHEREAS, the Erie County Department of Health received a grant budget award from the New York State Department of Health which continues the Infant Mortality Review Program for an additional year, and

WHEREAS, the goals of the Infant Mortality Review Program are to reduce the infant mortality rate and the number of low birth weight incidences with the main objectives being to initiate a community based interdisciplinary review of every infant death and make recommendations to improve maternal and child health outcomes in conjunction with the Family Medicine Faculty Associates,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a grant budget award from the New York State Health Department to be budgeted as follows:

**INFANT MORTALITY REVIEW**  
**7/1/98-6/30/99**

**NEW**

<b>SFG</b>	<b>SUB OBJ</b>	<b>REVENUE</b>	<b>BUDGET</b>
553		State Aid Other	<u>\$ 65,000</u>
<b>TOTAL</b>			<u><b>\$ 65,000</b></u>

**APPROPRIATIONS**

800	Pers. Services	\$ 42,459
805	Fringe Benefits	\$ 10,913
824	Local Travel	\$ 1,500
825	Out of Area Travel	\$ 1,000
830	Contractual	<u>\$ 9,128</u>
<b>TOTAL</b>		<u><b>\$ 65,000</b></u>

and be it further

RESOLVED, that two positions of Public Health Nurse, Regular Part Time, are hereby continued for the grant year, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the SUNY Buffalo School of Medicine, Family Medicine Faculty Associates, in the amount of \$9,128 for the purpose of implementing this program, and be it further

RESOLVED, that the subcontract with the SUNY Buffalo School of Medicine, Family Medicine Faculty Associates is an ongoing special service which must be provided immediately and continuously, and therefore the RFP procedures required under Erie County Local Law No. 6, Section 19.08 of the Administrative Code is hereby waived, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Division of Budget, Management and Finance, the Commissioner of Personnel and the County Attorney's Office.  
(5-0)

**JUDITH P. FISHER**  
Chairperson

Mrs. Fisher moved the adoption. Mr. Kuwik seconded.

CARRIED UNANIMOUSLY.

ITEM 9 – Mr. Olma presented the following and moved for immediate consideration.  
Ms. Peoples.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 207

JUNE 1, 1998

ENERGY AND ENVIRONMENT  
COMMITTEE  
REPORT NO. 8

ALL MEMBERS PRESENT EXCEPT LEGISLATOR GREENAN.

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

	Item	Page	-1998	(Comm. 10D-12)
a.	<b>DEP:</b> SEQR Solicitation for Lead Agency Status Sweet Home Road (CR 301) Reconstruction.			
	(4-0)			

	Item	Page	-1998	(Comm. 10E-23)
b.	<b>COUNTY EXECUTIVE:</b> ECSD No. 4 - Bowmansville/Warner Pumping Stations Contract A, Change Order No. 1 Kenaidan Construction Corp.			
	(4-0)			

	Item	Page	-1998	(Comm. 10M-2)
c.	<b>MELINDA HOLLAND, CLEAN SITES:</b> Summary of Meeting Held 4/21/98 & Notice of Meeting held 5/6/98. (4-0)			

	Item	Page	-1998	(Comm. 10M-16)
d.	<b>ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL:</b> Notice of Meeting Held 5/19/98 & Minutes of Meeting Held 4/21/98. (4-0)			

	Item	Page	-1998	(Comm. 10M-17)
e.	<b>MELINDA HOLLAND, CLEAN SITES:</b> Summary of Meeting Held 5/6/98 & Notice of Meeting Held 5/19/98. (4-0)			

MEETING NO. 12  
JUNE 4, 1998

ERIE COUNTY LEGISLATURE

**OPEN ITEM**

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

(A) A RESOLUTION APPROVING AN INCREASE OF MAXIMUM AMOUNT TO BE EXPENDED FOR FACILITIES IN THE MEADOW LAKES EXTENSION OF ERIE COUNTY SEWER DISTRICT NO. 5 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) January 23, 1997  
(Adopted) June 4, 1998

WHEREAS, the County Legislature of the County of Erie, New York has heretofore duly caused to be prepared and a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a \$135,000 proposed increase of maximum amount to be expended for improvements in the Meadow Lakes Extension to Erie County Sewer District No. 5, which report and estimate of cost, has been approved by the Board of Managers of said District on October 15, 1997 and filed with the County Legislature pursuant to Sections 254 and 269 of the County Law, and

WHEREAS, said report and estimate of cost describe a proposed increase of maximum amount to be expended for improvements in the Meadow Lakes Extension to Erie County Sewer District No. 5, consisting of construction of a subtrunk sewer line along Stahley- Connor Roads, an interceptor pumping station, sewers and appurtenances, all as more fully described in the report and estimate of cost herein referred to, and

WHEREAS, the maximum estimated cost of such improvements of said Sewer District, including the proposed increase of maximum amount to be expended, is \$1,335,000, to be apportioned among real properties in the Meadow Lakes Extension of the District in accordance with (i) their respective proportionate shares of sewered units in said Extension, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Extension, and

WHEREAS, by order dated April 21, 1998, the State Comptroller has granted the County's application for permission to increase the maximum amount to be expended for such improvements, and

WHEREAS, said County Legislature duly adopted Resolution No. 272 on the 21st day of May, 1998, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid increase of maximum amount to be expended for improvements in accordance with the aforesaid report and estimate of cost, and

WHEREAS, said public hearing was duly held at 25 Delaware Avenue, Buffalo, New York, in said County, on the 4th day of June, 1998, at 1:30 o'clock P.M., Prevailing Time, and

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

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing it is hereby found and determined that it is in the public interest to authorize the increase of maximum amount to be expended for improvements in the Meadows Lakes Extension to Erie County Sewer District No. 5, all as more fully described in the preambles hereof, and such increase of maximum amount to be expended is hereby authorized.

Section 2. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish once in the official newspapers of the County for such publication, and also in Buffalo News, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption, and a statement that such resolution is subject to a permissive referendum.

(4-0)

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**(B) A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSES OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF FACILITIES**



OF THE ERIE COUNTY SEWER DISTRICT NO. 2 IN THE COUNTY OF ERIE,  
NEW YORK.

(Introduced) January 23, 1997

(Adopted) June 4, 1998

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 2 of the County of Erie, New York, has heretofore been established, and

WHEREAS, such County Legislature has heretofore duly directed that there be prepared a 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. 2 which report and estimate of cost have been approved by the Board of Managers of said District on **May 14, 1998** and filed with the Erie County Legislature pursuant to Section 268 of the County Law, and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of said District No. 2 in said County, consisting of construction of improvements to the 18 Mile Creek, Sweetland, Point Breeze, Lake Street, and Shorecliff Pumping Stations, all as more fully described in the 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. 2 is \$3,000,000 to be apportioned between real properties (i) in the District, (ii) in the Brant-Farnham and Lotus Bay sewer districts in the Town of Brant, through contracts with the District, all in accordance with their respective proportionate shares of sewered units in the District and such Town of Brant sewer districts, and applicable flat charges, and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase and improvement if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$20.32, is above the Average Estimated Cost of \$10.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 268 of the County Law, and

WHEREAS, 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 2nd day of July, 1998, at 1:30 o'clock p.m., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 2 in said County, and for such other action on

the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 25 Delaware Avenue in Buffalo, New York, in said County, on the 2nd day of July,

1998, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 2 in said County.

The increase and the improvement of the facilities consists of construction of improvements to the 18 Mile Creek, Sweetland, Point Breeze, Lake Street and Shorecliff Pumping Stations, all as more fully described in the 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 May 14, 1998.

The maximum estimated cost of the aforesaid increase and improvement of facilities is \$3,000,000, to be apportioned between real properties (i) in the District, (ii) in the Brant-Farnham and Lotus Bay sewer districts in the Town of Brant, through contracts with the District, all in accordance with their respective proportionate shares of sewer units in the District and such Town of Brant sewer districts, and applicable flat charges, and

The expenditure for such increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law), is \$20.32. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York  
June 4, 1998

BY ORDER OF THE COUNTY

LEGISLATURE OF THE COUNTY  
OF  
ERIE, NEW YORK  
by **LAURIE A. MANZELLA**  
Clerk, County Legislature

(4-0)

(AS AMENDED)

Item Page -1998 (Comm. 8E-19)

3. **COUNTY EXECUTIVE:**

WHEREAS, the Erie County Legislature had awarded the Overflow Retention Facility, Contract "C" to MKS Plumbing Corporation; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of the Overflow Retention Facility, Contract "C" in the amount of \$68,222.92 which includes Change Order No. 2 (final) a decrease of \$4,602.08 and Final Payment No. 8 in the amount of \$3,918.37 which is comprised of a payment of \$533.92 and retention in the amount of \$3,384.45.

NOW, THEREFORE, BE IT

RESOLVED, that the Overflow Retention Facility, Contract "C" between the County of Erie and MKS Plumbing Corp., 19 Ransier Drive, West Seneca, New York 14224 be accepted in the amount of \$68,222.92, which includes Change Order No. 2 (final) a decrease of \$4,602.08, and Payment No. 8 (final) in the amount of \$3,918.37; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Overflow Retention Facility, Contract "C", in the amount of \$68,222.92 and make final payment from Sewer Capital Account SD#1, Fund No. 430, Project No. 694, Department No. 810, Object No. 973, Sewer Construction Expenditures, Subobject No. 200, between the County of Erie and MKS Plumbing Corp., and return the unused portion of \$4,602.08 to Unallocated Object 891; and be it further

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

(4-0)

(AS AMENDED)

(Comm. 8E-20)

- Item Page -1998  
4. **COUNTY EXECUTIVE:**

WHEREAS, the Erie County Legislature had awarded the Borden Road/Clinton Street Pumping Station, Contract "A" to Butler Construction Company of WNY, Inc.; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Borden Road/Clinton Street Pumping Station, Contract "A" in the amount of \$721,594.27 which includes Change Order No. 3 (final), a decrease of \$14,805.07 and final Payment No. 8 in the amount of \$88,468.27.

NOW, THEREFORE, BE IT

RESOLVED, that the Borden Road/Clinton Street Pumping Station, Contract "A" between the County of Erie and Butler Construction Company of WNY, Inc., 63 Zoar Valley Road, P.O. Box 500, Springville, New York 14141 be accepted in the amount of \$721,594.27 which includes Change order No. 3 (final), a decrease of \$14,805.07 and Payment No. 8 (final) in the amount of \$88,468.27, which is comprised of \$55,145.85 and release of retention in the amount of \$33,322.42, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Border Road/Clinton Street Pumping Station, Contract "A", in the amount of \$721,594.27 and make final payment from Sewer Capital Account SD #1 , Fund No. 430, Project No. 694, Department No. 810, Account No. 973, Sewer Construction Expenditures, Subaccount No. 200 between the County of Erie and Butler Construction Company of WNY, Inc. and return the unused portion \$14,805.07 to Unallocated Account 891, and be it further

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

(4-0)

AS AMENDED

(Comm. 9E-30)

- Item Page -1998  
5. **COUNTY EXECUTIVE:**

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Contract 29A, Railroad/Mesi Road Collector Sewer Project on May 21, 1998

Contract

Low Bidder

Amount Bid

Contract 29A	Millherst Construction Inc.	\$254,566.04
Railroad/Mesi Road	2601 Millersport Highway	
Collector Sewer Contract	Getzville, NY 14068-0631	

WHEREAS, the aforementioned bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Railroad/Mesi Road Collector Sewer Contract No. 29A be awarded to the low bidder as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 29A	Millherst Construction Inc.	\$254,566.04
Railroad/Mesi Road	2601 Millersport Highway	
Collector Sewer Contract	Getzville, NY 14068-0631	

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned low bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$254,566.04 from Sewer Capital, Erie County Sewer District No. 2, Fund No. 430, Project No. 913, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and

Planning and one certified copy to the Erie County Comptroller's Office and to Richard J. Schechter, Assistant County Attorney.

(4-0)

Item	Page	-1998	(Comm. 10E-15)
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6. **COUNTY EXECUTIVE:**

WHEREAS, Contract EC-6A involves the General Construction work associated with the Depew Pumping Station in Erie County Sewer District No. 4 which requires extensive excavation to construct the substructure for the pumping station, and

WHEREAS, the Contractor during the course of excavation, uncovered existing soils that contained the heavy odor of petroleum products that were not generally known at the time the contract was bid, and

WHEREAS, testing of the soil revealed heavy concentration of lead and volatile organic compounds which required the material to be hauled off site and disposed of at a licensed landfill, and

WHEREAS, the Department of Environment and Planning, Division of Sewerage Management recommends the approval of Change Order No. 2 to Contract EC-6A with Granville Constructors, Inc. in an amount not to exceed \$52,270.90.

NOW, THEREFORE, BE IT

RESOLVED, that the Change Order No. 2 to Contract EC-6A be approved in the amount of

\$52,270.90, and be it further

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

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to allocate \$52,270.90 from Sewer Capital, ECSD No. 4, Fund No. 430, Project No. 535, for payment of this Change Order, and be it further

RESOLVED, that the Clerk of the Legislature be resolution directed to send two (2) certified copies of this to Charles J. Alessi, P.E., Department of Environment and

Planning and one certified copy to the Erie County Comptrollers Office and Richard J. Schechter, Assistant County Attorney.

(4-0)

Item	Page	-1998	(Comm. 10E-17)
7.	<b>COUNTY EXECUTIVE:</b>		

WHEREAS, the Erie County Legislature had awarded the Big Sister Creek Bank Erosion Project - Contract 40 to Eastwood Industries, Inc., P.O. Box 305, North Boston, New York 14110, and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended that final acceptance of the Big Sister Creek Bank Erosion Project - Contract 40 in the amount of \$25,742.10

NOW, THEREFORE, BE IT

RESOLVED, that the Big Sister Creek Bank Erosion Project - Contract 40 between the County of Erie and Eastwood Industries, Inc., P.O. Box 305, North Boston, New York 14110, be accepted in the amount of \$25,742.10, which includes Change Order No. 3 (final) a decrease of \$457.90, and Payment No. 2 (final) in the amount of \$4,496.30, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Big Sister Creek Bank Erosion Project - Contract 40 in the amount of \$25,642.10 and make final payment from Erie County Sewer District No. 2, 1980 Increase Bond Account No. 430-517-820 for Sewer District No. 2 between the County of Erie and Eastwood Industries, Inc., and be it further

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

(4-0)

Item	Page	-1998	(Comm. 10E-18)
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8. **COUNTY EXECUTIVE:**

RESOLVED, that Dennis T. Gorski, as County Executive of the County of Erie, is authorized to enter into and execute a project agreement with the New York State Office of Parks, Recreation and Historic Preservation, in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, for grant funds in the amount of \$88,000 awarded to Erie County as a result of Erie County's submission of a 1995 Historic Preservation Grant Application, authorized by this Act, which will be used for the superstructure redevelopment at the Buffalo and Erie County Botanical Gardens, and be it further

RESOLVED, that Dennis T. Gorski, as County Executive of the County of Erie, is authorized to file an application for additional funds from the New York State Office of Parks, Recreation and Historic Preservation under the 1998 Historic Preservation Grant Program, enacted in accordance with the provisions of Title 9 of the Environmental Protection Act, for an amount not to exceed \$350,000 to address the superstructure rehabilitation needs at the historic Buffalo and Erie County Botanical Gardens, and upon approval of such request is authorized to enter into and execute a project agreement with the State for this financial assistance to Erie County for the Botanical Gardens Superstructure Rehabilitation Project, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of Public Works, the Commissioner of Parks Recreation and Forestry, the Commissioner of Environment and Planning, and the Director of the Erie County Division of Budget, Management and Finance.

(4-0)

Item                      Page                      -1998                      (Comm. 10E-20)  
9.      **COUNTY EXECUTIVE:**

WHEREAS, the Erie County Sewer District Nos. 1, 4 & 5 are required to establish a new Capital Project for the purpose of a New Building Construction and its Design; and

WHEREAS, Erie County Sewer District Nos, 1, 4 & 5 desire to prepare plans and specifications for a new Administration Building addition, for which engineering consultant services are necessary; and

WHEREAS, the engineering firm of Duchscherer Oberst Design, P.C. is recommended by the Department of Environment and Planning based on their proposal to perform the work at a cost not to exceed \$135,149.20; and

WHEREAS, the recommendation is in conformance with Section 19.08 of the Administrative Code,

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Sewer District No. 1 establish a new capital project for the purpose of New Building Construction and Design, and be it further

RESOLVED, that Erie County Sewer District No. 1 to contribute \$52,708.19 from Fund Balance No. Fund 220, Project 851 Erie County Sewer District No. 4 to contribute \$71,629.07 from Capital Reserve

No. Fund 430, Project 771, and Erie County Sewer District No. 5 to contribute \$10,811.94 from Fund Balance No. Fund 220, Project 851 for the purpose of new building design and be it further

RESOLVED, that an agreement for engineering services with Duchsherer Oberst Design, P.C., not to exceed \$135,149.20 is hereby approved, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an agreement with the firm of Duchscherer Oberst Design, P.C., 737 Delaware Avenue, Buffalo, New York, subject to provide the needed engineering services subject to approval as to form by the County Attorney's Office, and certification of availability of funds from the project Fund Balance and Capital Reserve, and be it further



RESOLVED, that payment for these engineering services shall be made from the established New Capital Project, and be it further

RESOLVED, that a certified copy of this resolution be sent to Richard J. Schechter, Assistant County Attorney and Charles J. Alessi, P.E., Department of Environment and Planning and the Erie County Comptroller's Office.

(4-0)

**GREGORY B. OLMA**  
Chairman

Mr. Olma moved the adoption. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS:**

ITEM 10 – Ms. Peoples presented the following resolution and moved for immediate consideration. Ms. Marinelli seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 208      Re: Support for Community Initiatives (Int. 12 – 1)

Ms. Peoples offered an amendment as follows

ADD the following co-sponsor: Fisher

Before the first WHEREAS clause ADD the following:

WHEREAS, the Legislature has identified the need for additional funding for Libraries in the City of Buffalo, and

DELETE the first, second and third RESOLVED clauses in their entirety and REPLACE with the following:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$15,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

**NAME**

**LINE**

**AMOUNT**

<b>Grand Island Chamber Of Commerce</b>	<b>n/a</b>	<b>\$8,000</b>
<b>Aids Family Services</b>	<b>830/0505</b>	<b>\$5,000</b>
<b>Meals on Wheels</b>	<b>830/0141</b>	<b>\$1,000</b>
<b>West Side Business &amp; Taxpayers Association</b>	<b>n/a</b>	<b>\$1,000</b>
<b>TOTAL</b>		<b>\$15,000</b>

and be it further

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

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$6,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 820, Project 973, Department 420 - Buffalo and Erie County Public Library, as follows:

**Transfer \$2,000 to Lib. Books & Media (DAC: 820973420938) - Fairfield Branch**  
**Transfer \$2,000 to Lib. Books & Media (DAC: 820973420938) - Crane Branch**  
**Transfer \$2,000 to Lib. Books & Media (DAC: 820973420938) - Niagara Branch**

**Total: \$6,000**

and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, and the Director of the Buffalo & Erie County Public Library are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C.

Kruly, First Assistant County Attorney Alan Gerstman, Library Director Daniel Walters and to Christine A. Learman, President, Grand Island Chamber of Commerce, 1980 Whitehaven Rd., Grand Island, NY 14072, Kevin McLaughlin, Aids Family Services, 320 Porter Ave., Buffalo, NY 14201, Dick Gehring, Meals on Wheels, 775 Main St., Suite 500, Buffalo, NY 14203, and RonCarnivale, West Side Business and Taxpayers Association, P.O. Box 526, Buffalo, NY 14213.

Ms. Peoples moved the adoption of the amendment. Ms. Marinelli seconded.

CARRIED UNANIMOUSLY.

Ms. Peoples moved the adoption of the resolution as amended. Ms. Marinelli seconded.

CARRIED UNANIMOUSLY.

ITEM 11 – Mr. Dusza presented the following resolution and moved for immediate consideration. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 209 Re: Support for Community Fire Prevention and Education Services. (Int.12 – 2).

WHEREAS, the Legislature set aside funds in the 1998 Erie County Budget for use by worthy community organizations and governmental agencies, and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Doyle Vol. Hose Co. No. 2, Inc.	n/a	\$1,000
<b>TOTAL</b>		<b>\$1,000</b>

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Bennie Miller, Chairman, Doyle Volunteer Hose Co. No. 2, Inc., 100 Willowlawn Parkway, Cheektowaga, NY 14206.

**Fiscal Impact:** Appropriation of 1998-budgeted funds.

Mr. Dusza moved the adoption of the resolution. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

ITEM 12 – Ms. Peoples presented the following resolution and moved for immediate consideration. Mr. Kuwik seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 210 Re: Support for an Education Program in the City of Buffalo. (Int.12 – 3)

WHEREAS, the Legislature has identified a need for additional funding for an artistic education program within the Buffalo Public School System, and

WHEREAS, the Legislature set aside funds in the 1998 Erie County Budget for use by worthy community organizations and governmental agencies, and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
<b>Masten Neighborhood Advisory Council</b>	<b>830/0264</b>	<b>\$1,000</b>
<b>TOTAL</b>		<b>\$1,000</b>

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Nettie Anderson, Masten Neighborhood Advisory Council, 735 Humboldt Parkway, Buffalo, NY 14208.

**Fiscal Impact:** Appropriation of 1998-budgeted funds.

Ms. Peoples moved the adoption of the resolution. Mr. Kuwik seconded.

CARRIED UNANIMOUSLY.

ITEM 13 – Mr. Pauly presented the following resolution and requested that it be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Int. 12 – 4 From : Legs. Pauly, Weinstein, and Ranzenhofer Re: In Support of Transferring Ownership and Control of NYS Canal Corporation Properties.

ITEM 14 – Mr. Weinstein presented the following resolution and moved for immediate consideration. Mr. Marshall seconded.

Chairman Swanick directed that Int. 12 – 5 be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Mr. Marshall moved to challenge the Chair. Mr. Greenan seconded.

Chairman Swanick directed that a Roll Call be taken.

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

DEFEATED.

Subsequently, Int. 12 – 5 was referred to the Economic Development Committee.

ITEM 15 – Ms. Peoples presented the following resolution and moved for immediate consideration. Ms. Marinelli seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 211 Re: Funding for Erie County Family Farm Tour  
(Int.12 – 6)

WHEREAS, the Erie County Department of Environment and Planning will once again hold its annual Food and Family Farm Tour at the Erie County Fairgrounds on September 26, 1998, and

WHEREAS, this event has always proven informational for many local residents wishing to learn more about Erie County's agricultural community, and

WHEREAS, the Department has identified a shortfall in funding for the Tour within its budgetary codes, and will require additional funds, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 945, Department 620 – Department of Environment and Planning – Contractual Agencies (DAC: 110945620830), for the purposes of providing these funds to the Food and Family Farm Tour, and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, and the Commissioner of the Department of Environment and Planning be and hereby are authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman, Environment and Planning

Commissioner Richard M. Tobe, and to David Meltzer and Chet Jandzinski of the Erie County Environment and Planning.

\_\_\_\_\_  
CHARLES M. SWANICK

\_\_\_\_\_  
EDWARD J. KUWIK

\_\_\_\_\_  
MICHAEL A. FITZPATRICK

\_\_\_\_\_  
GEORGE A. HOLT, JR.

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JUDITH P. FISHER

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GREGORY B. OLMA

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ALBERT DEBENEDETTI

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CRYSTAL D. PEOPLES

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RAYMOND K. DUSZA

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LYNN M. MARINELLI

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JOHN W. GREENAN

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JEANNE Z. CHASE

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FREDERICK J. MARSHALL

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WILLIAM A. PAULY

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BARRY A. WEINSTEIN

\_\_\_\_\_  
MICHAEL H. RANZENHOFER

\_\_\_\_\_  
DALE LARSON

Fiscal Impact: Appropriation of 1998-budgeted funds.

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



Ms. Peoples moved the adoption of the resolution as amended. Ms. Marinelli seconded.

CARRIED UNANIMOUSLY.

ITEM 16 – Ms. Chase presented the following resolution and moved for immediate consideration. Mr. Marshall seconded.

Chairman Swanick directed that Int. 12 – 7 be referred to the PUBLIC SAFETY COMMITTEE.

Mr. Marshall moved to challenge the Chair. Mr. Greenan seconded.

Chairman Swanick directed that a Roll Call be taken.

Ayes – Chase, Greenan, Larson, Marshall, Pauly, Ranzenhofer, Weinstein – 7.  
Noes – Debenedetti, Dusza, Fisher, Fitzpatrick, Holt, Kuwik, Marinelli, Olma, Peoples, Swanick – 10.

DEFEATED.

Subsequently, Int. 12 – 7 was referred to the Public Safety Committee.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE:**

ITEM 17 – Mrs. Fisher moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 11E-3. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

Re. # 212

WHEREAS, the Erie County Department of Health currently operates a Lead Poisoning Prevention Program, and

WHEREAS, the purpose of this grant is to support and enhance local efforts to reduce the prevalence of elevated blood lead levels in children under six years of age through the implementation of a comprehensive program of primary and secondary prevention which includes: public and professional outreach and education; and medical and environmental case management and follow up, and

WHEREAS, the Erie County Department of Health has received a continuing grant award in the amount of \$552,084.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract with the New York State Health Department to continue to provide services which are budgeted as follows:

LEAD POISONING PREVENTION PROGRAM  
01/1/98 - 12/31/98  
PROJECT # 779

<u>FG</u>	<u>SUB</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>REVISED CHANGES</u>	<u>BUDGET</u>
573		STATE AID	\$552,084		\$ <u>552,084</u>
		<b>TOTAL</b>	<u>\$552,084</u>		<u>\$ 552,084</u>
		<b><u>EXPENSES</u></b>			
800		PERSONNEL SERV ICES	\$412,797	-10,668	\$402,129
801		OVERTIME	0	+1,500	1,500
805		FRINGES	113,148	-4,030	109,118
811		CLOTHING	0	+150	150
823		REPAIRS & MAINTENANCE	18,875	0	18,875
824		TRAVEL & MILEAGE	1,279	+8,248	9,527
825		OUT OF AREA TRAVEL	0	+1,000	1,000
826		OTHER EXPENSES	0	+3,300	3,300
890		CONTINGENCIES	5,985	0	5,985
933		LAB & TECHNICAL EQUIP.	\$	+500	\$ 500
		<b>TOTAL</b>	<u>\$552,084</u>	<u>\$0-</u>	<u>\$552,084</u>

and be it further

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

Mrs. Fisher moved the adoption of the resolution. Ms. Peoples seconded.

CARRIED UANIMOUSLY.

ITEM 18 – Mrs. Fisher moved to discharge the HEALTH COMMITTEE from further consideration of Comm 11E-8 . Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

Re. # 213

WHEREAS, for many years a variable hiring rate existed for nursing positions in the Erie County Health Department.

WHEREAS, the Health Department did minimal hiring of nurses after the variable hiring rate was discontinued, and

WHEREAS, the resolution listing the variable hiring minimums in effect on January 1, 1998 was not received by the Health Department until March 13, 1998, and

WHEREAS, in early 1998, the Health Department recruited a Registered Nurse (Part-Time) and a Public Health Nurse (Regular Part-Time) and erroneously offered a salary that included the variable hiring minimum, and

WHEREAS, the Health Department does not wish to penalize the two employees who accepted their positions in good faith, and

WHEREAS, the Health Department recognizes that your Honorable Body has the sole authority to authorize a variable hiring minimum, and

WHEREAS, funds to effect this change are available in the Health Department budget.

NOW, THEREFORE, BE IT

RESOLVED, that a variable hiring rate at Step 3 will be authorized for Registered Nurse (Part-Time) (Position #146378), effective February 17, 1998 and Public Health Nurse (Regular Part-Time)(Position #128983) effective March 30, 1998. This variable hiring rate will be applicable only to the present incumbents, and be it further

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

Mrs. Fisher moved to approve Comm. 11E-8. Mr. Marshall seconded.

CARRIED UNANIMOUSLY.

ITEM 19 – Mrs. Fisher moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 11E-10. Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the Erie County Department of Health has been awarded a continuation of its Healthy Heart Grant totaling \$55,000 for the purpose of promoting physical activity in our community, and

WHEREAS, the Erie County Department of Health has joined with the Wellness Institute of Greater Buffalo and Western New York, Inc. to implement this program.

NOW, THEREFORE, BE IT

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

HEALTHY HEART PROGRAM  
7/1/98 - 6/30/99

REVENUE

SFG	DESCRIPTION	AMOUNT
553	State Aid	<u>\$55,000</u>
	TOTAL	<u>\$55,000</u>

EXPENSE

830	Contractual Services	<u>\$55,000</u>
	TOTAL	<u>\$55,000</u>

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with the Wellness Institute of Greater Buffalo and Western New York, Inc., for a sum not to exceed \$55,000 to fulfill the workplan of the project, and be it further

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

Mrs. Fisher moved to approve Comm. 11 – E 10. Mr. Marshall seconded.

CARRIED UNANIMOUSLY.

ITEM 20 – Mr. Dusza moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Int. 11- 2 . Ms. Peoples seconded.

CARRIED UNANIMOUSLY.

Re: 215

WHEREAS, Sue Ellen Galazka entered Erie County service in July, 1975 as an Erie County Board of Elections Canvas Clerk, and

WHEREAS, at that time, Mrs. Galazka was not offered an opportunity to join the New York State Employee's Retirement System, and

WHEREAS, Mrs. Galazka should have been enrolled as a Tier II member at that time, but due to an oversight was not, and

WHEREAS, Mrs. Galazka was not covered under Chapter 437, Laws of 1993, Section 803 of the Retirement and Social Security Law, and

WHEREAS, Mrs. Galazka, Reg. #3422545-8 has been a member in Tier III since April 1, 1980,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby request legislation from the New York State Legislature authorizing local support of Mrs. Galazka's claim, and be it further

RESOLVED, that certified copies of this resolution be sent to the members of the Western New York Delegation to the State Assembly and State Senate, and to the Erie County Commissioner or Personnel.

Fiscal Impact: None for Resolution.

Mr. Dusza moved to approve Int. 11 – 2. Ms. Marinelli seconded.

CARRIED UNANIMOUSLY.

ITEM 21 – Mr. Marshall moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Int. 7 – 5. Mr. Greenan seconded.

CARRIED UNANIMOUSLY.

Re: #216

**WHEREAS**, the General Accounting Office (GAO) issued a report, March 10, 1998, regarding the disbursement of food stamps to ineligible persons, and

**WHEREAS**, GAO's report found that nearly 26,000 deceased people were issued food stamps in four major states: California, Texas, New York and Florida, and

**WHEREAS**, this report found that deceased individuals were being counted in food stamp households for an average of four months, and in some instances two years, and

**WHEREAS**, this report identified twenty instances of individuals who were counted in more than one state, and

**WHEREAS**, current law requires that households notify the local welfare office of **any** change in the makeup of the household within ten days, and

**WHEREAS**, GAO's report estimates that \$8.6 million dollars were lost to these disbursements in the aforementioned states, which account for one-third of food stamp recipients, and

**WHEREAS**, in a similar GAO study issued last year, these four states were found to be issuing food stamps to more than 12,000 prison inmates which led to legislation to end this practice, and

**WHEREAS**, as a result of the recent GAO's findings, the United States Senate has introduced bill S.1733, which will allow the Social Security Administration to share its Death Master List, considered the most comprehensive list of its kind, with each state agency which administers the food stamp program to verify that no deceased person is counted as part of a food stamp household.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the food stamp program is designed to assist those in need, and should be administered to individuals who meet the criteria, and be it further

**RESOLVED**, that the failure to report a change in the makeup of the household, in this case; death, is costing taxpayers **\$8.6 million** in the four surveyed states alone, and be it further

**RESOLVED**, that this Honorable Body does hereby memorialize the United States Senate to pass S.1733, the United States House of Representatives to introduce and pass similar legislation, and President William Clinton to sign said legislation into law, and be it further

**RESOLVED**, that this Honorable Body does hereby request Deborah Merrifield, Commissioner of the Department of Social Services, to appear at the next scheduled Social Services Committee meeting to discuss the County's practices of issuing food stamps and how the County addresses the issue of identifying and removing ineligible persons from the food stamp program, and be it further

**RESOLVED**, that certified copies of this resolution to be sent to the local delegation of the united States Congress, President William Clinton, and Erie County Department of Social Services Commissioner Deborah Merrifield.

Fiscal impact: potential savings to taxpayers

Ms. Peoples moved to ammend Int. 7 – 5. Mr. Holt seconded.

Ms. Peoples moved to amend Int. 7-5. Mr. Holt seconded.

**WHEREAS**, the General Accounting Office (GAO) issued a report, March 10, 1998, regarding the disbursement of food stamps to ineligible persons, and

**WHEREAS**, GAO's report found that nearly 26,000 deceased people were issued food stamps in four major states: California, Texas, New York and Florida, and

**WHEREAS**, this report found that deceased individuals were being counted in food stamp households for an average of four months, and in some instances two years, and

**WHEREAS**, this report identified twenty instances of individuals who were counted in more than one state, and

**WHEREAS**, current law requires that households notify the local welfare office of **any** change in the makeup of the household within ten days, and

**WHEREAS**, GAO's report estimates that \$8.6 million dollars were lost to these disbursements in the aforementioned states, which account for one-third of food stamp recipients, and

**WHEREAS**, in a similar GAO study issued last year, these four states were found to be issuing food stamps to more than 12,000 prison inmates which led to legislation to end this practice, and

**WHEREAS**, as a result of the recent GAO's findings, the United States Senate has introduced bill S.1733, which will allow the Social Security Administration to share its Death Master List, considered the most comprehensive list of its kind, with each state agency which administers the food stamp program to verify that no deceased person is counted as part of a food stamp household.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the food stamp program is designed to assist those in need, and should be administered to individuals who meet the criteria, and be it further

**RESOLVED**, that the failure to report a change in the makeup of the household, in this case; death, is costing taxpayers **\$8.6 million** in the four surveyed states alone, and be it further

**RESOLVED**, that this Honorable Body does hereby memorialize the United States Senate to pass S.1733, the United States House of Representatives to introduce and pass similar legislation, and President William Clinton to sign said legislation into law, and be it further

**RESOLVED**, that this Honorable Body does hereby request Deborah Merrifield, Commissioner of the Department of Social Services, to appear at the next scheduled Social Services Committee meeting to discuss the County's practices of issuing food stamps and how the County addresses the issue of identifying and removing ineligible persons from the food stamp program, and be it further

**RESOLVED**, that certified copies of this resolution to be sent to the local delegation of the United States Congress, President William Clinton, and Erie County Department of Social Services Commissioner Deborah Merrifield.

Fiscal impact: potential savings to taxpayers

REF. Int. 7-5

AS AMENDED: 6/4/98

Mr. Marshall moved to approved Int. 7 – 5 as amended. Ms. Peoples seconded.

### **SUSPENSION OF THE RULES**

ITEM NO. 22 – Ms. Peoples moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 12E-12 Re:

Chairman SWANICK directed that Comm. 12E-12 be referred to the Economic Development Committee.

ITEM NO. 23 – Mr. Marshall moved for a suspension of the rules to include an item not on the agenda..



(receive file and print)

ITEM NO. 24 - Mr. Marshall moved for a suspension of the rules to include an item not on the agenda and send to the Social Services Committee. . Int. 12 – 8.

ITEM NO. 25 - Mr. Marshall moved for a suspension of the rules to include an item not on the agenda and send to Public Safety Committee. . Int. 12 – 9.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR SWANICK**

ITEM NO. 26 – (Comm. 12E-1) Appointment to County Executive’s Task Force.

RECEIVED, FILED, & PRINTED.

ITEM NO. 27 – (Comm. 12E-2) Memo to County Municipal Regionalism Committee Re: Referral of Gorski Proposal.

RECEIVED & FILED.

**FROM THE COMPTROLLER**

ITEM NO. 28 – (Comm. 12E-3) Resolution Requesting Authorization for Issuance of Revenue Anticipation Notes.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR SWANICK**

ITEM NO. 29 – (Comm. 12E-4) Appointment to Board of Directors of the County Stadium Corporation.

RECEIVED, FILED AND PRINTED.

**FROM THE COMPTROLLER**

ITEM NO. 30 – (Comm. 12E-5)

Ms. Peoples moved for immediate consideration. Ms. Marinelli seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO 217      Re:    Resolution Requesting the County of Erie to  
Enter Into Contract with O'Melveny &  
Myers Re: Buffalo Bills Lease

WHEREAS, the Erie County Comptroller has proposed an economically defeased lease/leaseback transaction of Rich Stadium as a possible alternative to raise funds to partially offset the County's new lease obligations pursuant to the proposed lease of the stadium to the Buffalo Bills, and

WHEREAS, in a letter dated February 9, 1998 Chairman Charles M. Swanick and Majority Leader Crystal D. Peoples requested a complete delineation of the lease/leaseback proposal in writing, and

WHEREAS, Hodgson Russ Andrews Woods & Goodyear requested assistance in incorporating lease/leaseback language in the stadium lease and master lease of the County's football stadium, and

WHEREAS, a complete delineation of the lease/leaseback proposal requires extensive legal analysis, and

WHEREAS, the Legislature is committed to ensure that the Buffalo Bills stay in Western New York, and

WHEREAS, there is sufficient funds in the Comptroller's Office dues and fees account to fund a contract for legal services, and

WHEREAS, due to the urgency of finalizing the lease negotiations, the Legislature and Comptroller are of the opinion that a release of an RFP to retain legal counsel would significantly delay the lease negotiations,

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature does hereby waive the request for proposal process required by Administrative Code Section 19.08, and does authorize the County of Erie to enter into a contract with the law firm of O'Melveny & Meyers at a cost not to exceed \$50,000 for the purpose of conducting legal analysis necessary to prepare a written report outlining the proposed lease/leaseback transaction and to provide assistance to Hodgson Russ Andrews Woods & Goodyear in the drafting of various stadium leases, and be it further

RESOLVED, that the source of funds for the contract for legal services is the Comptroller's Office Dues and Fees appropriations for 1998, SFG Account #110-914/120/821.

Chairman Swanick directed that a Roll Call be taken.

Ayes – Chase, Greenan, Larson, Marshall, Ranzenhofer, Weinstein, Pauly, Debenedetti, Dusza, Fisher, Fitzpatrick, Holt, Kuwik, , Olma, Peoples, Swanick – 16. Noes - Marinelli – 1.

Ms. Peoples moved the approval. Mr. Kuwik seconded.

CARRIED.

FROM THE COUNTY EXECUTIVE

ITEM 31 – (Comm. 12E-6) Social Services – Medicaid Managed Care Grant.

Received and referred to the Social Services Committee.

ITEM 32 – (Comm. 12E-7)

Ms. Peoples moved for immediate consideration. Mr. Kuwik seconded

CARRIED UNANIMOUSLY

RESOLUTION NO. 218      Re:    Personnel Adjustments

WHEREAS, the Sheriff would like to continue the restructuring of his office to provide necessary services in the most cost-efficient manner without sacrificing public safety, and

WHEREAS, the County Executive's Office would like to adjust administrative and secretarial positions in order to improve the office operations, and

WHEREAS, funding for all personnel additions are offset by similar deletions,

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to delete, in the Sheriff's Division, one Captain, Job Group XI, one Detective Deputy, Job Group IX, one Deputy Sheriff Criminal Job Group VIII and one Clerk-Typist, Job Group I and to create one (1) Lieutenant, Job Group X, one (1) Senior Detective Narcotics, Job Group X, one (1) Sergeant, Job Group IX and one (1) Receptionist Sheriff, Job Group III, and be it further

RESOLVED, that authorization is provided to delete one Captain - Officer Sheriff, Job Group XI and to create one position of Assistant Superintendent, Job Group XII within the budget of the Holding Center, and be it further

RESOLVED, that authorization is provided to delete two (2) positions of Secretarial Assistant, Job Group VIII, and to add one (1) position of Junior

Administrative Consultant-CE, Job Group X and one (1) position of Junior Secretary-CE, Job Group VI; within the budget of the County Executive's Office, and be it further

RESOLVED, that a variable minimum at step 5 is hereby approved for the position of Junior Secretary-CE, Job Group VI within the County Executive's Office, and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and Finance, Erie County Personnel Department, the County Executive's Office and the Office of the Sheriff for implementation.

Ms. Peoples moved the adoption. Mr. Kuwik seconded.

CARRIED UNANIMOUSLY.

ITEM NO. 33 – (Comm. 12E-8) Re: Social Services – 290 Main St- Sublease Extention

Received and referred to the Social Services Committee.

ITEM NO. 34 – (Comm. 12E-9) Re: Youth Services Authorization to Accept State Funds & Purchase Computer Equipment.

Received and referred to the Social Services Committee.

ITEM NO. 35 – (Comm. 12E-10) Re: Erie County Southtowns Sewage Treatment Agency Wastepaper Pulp Facility Bid Opening.

Received and referred to the Energy and Environment Committee.

ITEM NO. 36 – (Comm. 12E-11) Re: Contract- Dispute Resolution Contract Better Business Bureau, Buffalo & Erie County.

Received and referred to the Energy and Environment Committee.

### COMMUNICATIONS FROM THE DEPARTMENTS

#### FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

ITEM NO. 37 – (Comm. 12D-1) Re: Minutes of Meeting Held 4/16/98 & Notice of Meeting Held 5/28/98.

#### FROM THE FACULTY FEDERATION OF ECC

ITEM NO. 38 – (Comm. 12D-2) Re: Open Letter on the Fiscal Difficulties at ECC.

FROM ECC

ITEM NO. 39 – (Comm. 12D-3) Re: Notice of Meeting Held 5/29/98

ITEM NO. 40 – (Comm. 12D-4) Re: Minutes of Meeting held 3/25/98 & Notice of Meeting Held 5/27/98.

THE ABOVE FOUR ITEMS WERE RECEIVED AND FILED

FROM ECMC

ITEM NO. 41 – (Comm. 12D-5) Re: Notice of Meeting to be Held 6/5/98

Received and referred to the Health Committee.

FROM COUNTY ATTORNEY

ITEM NO. 42 – (Comm. 12D-6) Re: Notice of County Executive's Public Hearing – Resolutions Nos Comm 7E-31, 10-9, 10-10, 10-11, 10-12, & 10-13.

RECEIVED FILED AND PRINTED.

FROM ECC

ITEM NO. 43 – (Comm. 12D-7) Re: Minutes of Meeting Held 3/25/98 & Notice of Meeting Held 5/27/98 Duplicate of 12D-4

RECEIVED AND FILED.

FROM PARKS, RECREATION & FORESTRY

ITEM NO. 44 – (Comm. 12D-8) Re: Letter in Support of Grant Application Submitted by the Town of Evans.

Received and referred to the Energy and Environment Committee

FROM ECMC

ITEM NO. 45 – (Comm. 12D-9) Re: Board of Managers Finance Committee Financial Statements for 4/30/98

Received and referred to the Health Committee.

FROM DEP

ITEM NO. 46 – (Comm. 12D-10) Re: SEQR Project Referral Notice & Solicitation for Lead Agency Erie County Courts Master Plan Implementation Project.

Received and referred to Energy and Environment Committee.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM PAT DOHERTY

ITEM NO. 47 – (Comm. 12M-1) Re: Letter to Legislator Fisher Re: Chestnut Ridge Workers Memorial

FROM CONGRESSMAN QUINN

ITEM NO. 48 – (Comm. 2M-2) Re: Copy of Letter to Governor Pataki Re: In Support of the NYS Thruway Authority Shifting the Southtowns Toll Barriers.

THE ABOVE TWO ITEMS WERE RECEIVED AND FILED.

FROM NFTA

ITEM NO. 49 – (Comm 12M-3) Re: 17A Report & Capital Expenditure Reports for Fiscal Year Ending 3/31/98.

Received and referred to the Economic Development Committee.

FROM ECIDA

ITEM NO. 50 – (Comm.12M-4) Re: Letter to Chairman Swanick Re: Extending “Thanks” for Award & Commendation.

RECEIVED AND FILED.

FROM MELINDA HOLLAND CLEAN SITES

ITEM NO. 51 – (Comm. 2M-5) Re: Summary of Meeting Held 5/19/98 & Notice of Meeting Held 6/3/98

Received and referred to the Energy and Environment Committee.

FROM GREATER BUFFALO COMMUNITY WELLNESS COUNCIL

ITEM NO. 52 – (Comm. 12M-6) Re: Wellness Calendar & Directory 6/98

Received and referred to the Health Committee.

FROM SENECA COUNTY BOARD OF SUPERVISORS

ITEM NO. 53 – (Comm.12M-7) Re: Certified Copy of Resolution Re:  
Requesting State Legislation for Relief from Unnecessary Legal Costs Resulting from  
Misplaced Lawsuits

Received and referred to the Government Affairs Committee.

FROM NYSDEC

ITEM NO. 54 – (Comm. 12M-8) Re: Fact Sheet: Former Gastown  
Manufactured Gas Plant Site

Received and referred to the Energy and Environment Committee.

FROM ECIDA

ITEM NO. 55 – (Comm 12M-9) Re: Notice of Meeting to be Held 6/10/98.

Received and referred to Economic Development Committee.

MEMORIAL RESOLUTIONS

ITEM NO. 56 – Mr. Larson moved then when this Legislature adjourns, it do so  
out of respect to the memory of Doug Dellamore deceased, son of William Dellamore.  
Mr. Greenan seconded

CARRIED UNANIMOUSLY

ITEM NO. 57 – Mr. Larson moved then when this Legislature adjourns, it do so  
out of respect to the memory Mrs. Mansell deceased, mother of Bishop Mansell. Mr.  
Greenan seconded

CARRIED UNANIMOUSLY

ADJOURNMENT

ITEM NO. 58 – 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,  
June 18, 1998.** Mr. Marshall seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature **adjourned until Thursday June 18, 1998 at 2 p.m. Eastern Standard Time.**

**Laurie Manzella**  
**Clerk**