

MEETING NO. 8
April 2, 1998

ERIE COUNTY LEGISLATURE

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ERIE COUNTY LEGISLATURE

MEETING NO. 8
April 2, 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. Marinelli.

The Minutes of the previous meeting were APPROVED.

ITEMS ON THE TABLE:

ITEM 1 - Ms. PEOPLES moved to take the Minutes of Meetings Nos. 5 & 6, 1998 from the table for immediate consideration. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

Ms. PEOPLES moved the adoption of the Minutes of Meetings Nos. 5 & 6, 1998. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS:

ITEM 2 - MESDAMES PEOPLES, FISHER, Mr. OLMA & Et Al presented a resolution Recognizing April 22, 1998 as Earth Day. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 3 - Ms. PEOPLES, MESSRS. SWANICK, MARSHALL & Et Al presented a resolution of congratulations to Housing Opportunities Made Equal, Inc. on the Occasion of ~~their~~^{its} 35th Anniversary. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 4 - Mr. SWANICK & ET Al presented a resolution Recognizing National Prisoner of War Day, April 9, 1998. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 5 - Mr. DUSZA presented a resolution of congratulations to the Winers & Runner-Ups in the Depew-Lancaster Sertoma Club Poster & Essay Contest. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 6 - Mr. DUSZA presented a resolution of congratulations to the Students of Mr. Daniel Mackowiak's 7th Grade Social Studies Class Upon their Participation in "Erie County Government Day". Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 7 - Mr. RANZENHOFER presented a resolution of congratulations to Robert Sescil as the Akron Chamber of Commerce's 1998 Citizen of the Year. Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

ITEM 8 - Mr. KUWIK presented a resolution of congratulations to Richard Petko, Past Junior Commander of the Matthew Glad Post #1477. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS:

ITEM 9 - Chairman SWANICK directed that Local Law Intro. No. 10 (Print #1) - 1997 remain on the table.

ITEM 10 - Chairman SWANICK directed that Local Law Intro. No. 11 (Print #1) - 1997 remain on the table and in the FINANCE AND MANAGEMENT COMMITTEE.

ITEM 11 - Chairman SWANICK directed that Local Law Intro. No. 1 (Print #1) - 1998 remain on the table and in the HEALTH COMMITTEE.

COMMITTEE REPORTS:

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 119

MARCH 24, 1998

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 4

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

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

Item Page -1997 (Int. 19-17)
a. **GREENAN:** Madison Wire Site in Town of West Seneca.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 3E-16)
b. **FITZPATRICK & WEINSTEIN:** Letter to Governor Pataki Re: The Possibility of Locating a Municipally Owned Casino Gambling Enterprise in Downtown Buffalo.
(5-0) Chairman Swanick present as ex-officio member.

AS AMENDED
Item Page -1998 (Int. 6-15)
2. **DEBENEDETTI, FITZPATRICK, KUWIK, GREENAN, RANZENHOFER, PEOPLES, FISHER, MARINELLI & PAULY:**

WHEREAS, Erie County's job growth rate is significantly lower than other regions of the United States, and

WHEREAS, the City of Buffalo has recently pledged to market the Niagara section of the Thruway (I-190) as an international business development tool, and

WHEREAS, the Executive Director of the Erie County Industrial Development Agency (ECIDA) believes that the Tonawanda Street corridor between the Scajaquada Expressway and Amherst Street, along the I-190 in the City of Buffalo, is prime real estate for light industrial development, given its proximity to transportation routes and Canada, and

WHEREAS, the area is currently under-utilized and could be redeveloped as an office park similar to successful projects in Amherst and the Southtowns, and

WHEREAS, a light industrial office park could attract new business and allow existing local businesses the opportunity to expand, and

WHEREAS, the residents of Black Rock-Riverside are desperately in need of jobs which pay a livable wage, and

WHEREAS, the Executive Director of the ECIDA believes that a land-use study must be completed before the land can be properly marketed and redeveloped, and

WHEREAS, the ECIDA believes that once said study is completed that the land can be marketed for light industrial development,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the need to create economic development incentives, and be it further

RESOLVED, that this Body allocates \$25,000 from the 1998 County Contingency fund (DAC 110923310893) to the Erie County Industrial Development Agency to pursue a land-use study of the Tonawanda Street corridor, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Ronald Coan, Executive Director of the Erie County Industrial Development Agency, Dennis Gorski, Erie County Executive, Kenneth Kruly, Erie County Director of Budget, Finance and Management and Anthony Masiello, Mayor of Buffalo.

Fiscal Impact: \$25,000 of budgeted 1998 County funds.

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

Item Page -1998 (Comm. 7D-17)
3. DPW:

WHEREAS, the 1998 capital budget contains \$150,000.00 for Convention Center Renovations and Improvements, and

WHEREAS, the firm of Hamilton, Houston & Lownie, Architects is already engaged by the Department of Public Works under an Architect/Engineer contract for Phases I thru IV work at the Convention Center, and

WHEREAS, it is now also desired to start design of Phase V of this project so it can be bid in 1998,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a supplemental agreement to Hamilton, Houston & Lownie, Architects to prepare contract documents and provide inspection services for the Buffalo Convention Center Phase V Renovations, and be it further

RESOLVED, that the total amount paid for consulting services shall be in an amount, not to exceed, \$17,000.00, including reimbursables, and be it further

RESOLVED, that the fee allocation be taken from Convention Center Renovations & Improvements Bond Account, SFG No. 807, Fund 410, and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner.
(5-0) Chairman Swanick present as ex-officio member.

Item	Page	-1998	(Comm. 7D-18)
4. DPW:			
WHEREAS, the Department of Public Works received bids on February 26, 1998 for the Erie County Central Storage Facility at Existing Service Building, and			

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into the following contracts for the Erie County Central Storage Facility at Existing Service Building:

GENERAL CONSTRUCTION WORK

MGR Constructors, Inc.

\$56,900.00

ELECTRICAL WORK

Warrens Electric	<u>\$ 5,146.00</u>
Total for all contracts:	\$62,046.00

and be it further

RESOLVED, that the sum of \$6,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further

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

RESOLVED, that the sum of \$1,000.00 be allocated for testing, inspection, and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further

RESOLVED, that the sum of \$4,000.00 be allocated for Project Engineer and Department of Public Works salary expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above from the Department of Information & Support Services' 1997 Bond Account - Expansion of EC Record Center, SFG No. 791, Fund 410, Dept. 510, in the total amount of \$73,046.00, and be it further

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

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

MICHAEL A. FITZPATRICK
Chairman

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120

MARCH 24, 1998

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 4

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

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

Item Page -1997 (Int. 7-9)
a. **DEMOCRATIC MAJORITY**: Support of the Creation of a New York State
Appreciation Day Holiday.
(4-0)

Item Page -1997 (Comm. 12M-19)
b. **PAUL MACCLENNAN**: Copy of Letter to Legislator Fisher Re: Labeling
of Products at Supermarkets.
(4-0)

Item Page -1997 (Comm. 27M-2)
c. **VALU HOME CENTERS**: Letter to Legislator Fisher Re: The New "1998
Erie County Item Pricing Law".
(4-0)

Item Page -1997 (Comm. 27M-6)
d. **VALU HOME CENTERS**: Letter to Legislature Re: 1998 Erie County Item
Pricing Law.
(4-0)

Item Page -1998 (Comm. 5D-10)
e. **INFORMATION & SUPPORT**: Copy of Letter to Legislator Marinelli Re:
Easy Access Directory.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 5M-3)
f. **NYS STATE ATTORNEY GENERAL**: Copy of Letter to Chairman Swanick Re:
the Elimination of Coupons in Upstate New York.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 6D-7)
g. **COUNTY ATTORNEY**: Notices of Claim.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 6E-1)
h. **MARINELLI**: Copy of Letter to Personnel Re: Correspondence From
Executive Director State Office for the Prevention of Domestic Violence.
(5-0) Chairman Swanick present as ex-officio member.

- i. Item Page -1998 (Comm. 6E-2)
COUNTY EXECUTIVE: Position Change Report.
(5-0) Chairman Swanick present as ex-officio member.
- j. Item Page -1998 (Comm. 6E-8)
COUNTY CLERK: Erie County Clerk's 1997 Annual Report.
(5-0) Chairman Swanick present as ex-officio member.
- k. Item Page -1998 (Comm. 6E-10)
COUNTY EXECUTIVE: Annual Report of Erie County Administrative
Agencies for 1997.
(5-0) Chairman Swanick present as ex-officio member.
- l. Item Page -1998 (Comm. 7D-4)
COUNTY ATTORNEY: Notices of Claim.
(5-0) Chairman Swanick present as ex-officio member.
- m. Item Page -1998 (Comm. 7E-2)
COUNTY EXECUTIVE: Position Change Report.
(5-0) Chairman Swanick present as ex-officio member.
- n. Item Page -1998 (Comm. 7E-17)
COUNTY EXECUTIVE: Filling Vacant Positions.
(5-0) Chairman Swanick present as ex-officio member.

AS AMENDED

2. Item Page -1998 (Int. 3-24)
PAULY, DUSZA, MARINELLI, GREENAN, MARSHALL, KUWIK, DEBENEDETTI,
FISHER, PEOPLES & SWANICK:

WHEREAS, Puerto Rico has been a territory of the United States for 100 years as a result of the Treaty of Paris which ended the Spanish American War in 1898, and

WHEREAS, the United States Congress has a responsibility to grant Puerto Rico the right to decide its future political status, and

WHEREAS, two bills, H.R. 856 "United States/Puerto Rico Status Act", and S.472 "Puerto Rico Self-Determination Act" have been introduced to the House of Representatives and the United States Senate, and

WHEREAS, these bills will allow Puerto Rican citizens to determine their own political status in a referendum, and

WHEREAS, Puerto Rico will be given the opportunity to chose if they want to become either an independent nation, state within the United States of America, or remain what they are today, as a commonwealth, and

WHEREAS, a referendum will take place in Puerto Rico, if congress passes bill H.R. 856 and bill S.472, before the end of 1998, and

WHEREAS, citizens of Puerto Rico have been citizens of the United States since 1917, with 3.8 million United States citizens living in Puerto Rico today, and

WHEREAS, United States citizens in Puerto Rico have defended our country by serving in the U.S. Military in times of war, and

WHEREAS, United States Citizens in Puerto Rico do not have proportional representation in congress and are not granted the right to vote in Presidential Elections,

NOW, THEREFORE, BE IT RESOLVED, that we ask members of the United States Senate and the House of Representatives to vote in support of bills S.472 and H.R. 856, which will provide for a process which will allow Puerto Rican citizens to self-determine the future of their political status with the United States, and be it further

RESOLVED, that certified copies of this resolution be sent to the entire Western New York delegation of the United States Congress.

Fiscal Impact: None for resolution.

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

Item Page -1998 (Comm. 7E-12)
3. COUNTY EXECUTIVE:

WHEREAS, in the 1998 Erie County Budget, Department of Personnel, under Account Number 1430.00 there is a vacant position of Clerk Typist, job group I, position number 047525, and

WHEREAS, this position is assigned to the County Health and Dental Benefit Section and will assist in maintaining a variety of medical and dental insurance enrollment and billing accounts, and

WHEREAS, a review of the specific duties and responsibilities of this position indicate the title Clerk Typist is not appropriate to perform such duties, and

WHEREAS, in order to more appropriately classify this position, the Commissioner of Personnel is recommending this Clerk Typist position be reclassified to Account Clerk, job group IV, and

WHEREAS, sufficient funds are available in the Department of Personnel's salary accounts to fund this reclassification,

NOW, THEREFORE, BE IT

RESOLVED, that a position of Clerk Typist, job group I, position number 047525 be reclassified to Account Clerk, job group IV, and be it further

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

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

RAYMOND K. DUSZA
Chairman

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 121

MARCH 25, 1998

ENERGY AND ENVIRONMENT
COMMITTEE
REPORT NO. 5

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

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

- | | | | | |
|----|--------------------------------|--|-------|---------------|
| a. | Item | Page | -1997 | (Int. 26-9) |
| | CHASE: | Sturgeon Point Marina. | | |
| | | (5-0) | | |
| b. | Item | Page | -1998 | (Comm. 6M-2) |
| | NYSDEC: | Fact Sheet - Former GM Saginaw Division Hazardous Waste Site. | | |
| | | (5-0) | | |
| c. | Item | Page | -1998 | (Comm. 6M-14) |
| | MELINDA HOLLAND - CLEAN SITES: | Summary of Meeting Held 2/4/98 - Revised & Notice of Meeting Held 2/17/98. | | |
| | | (5-0) | | |

d. Item Page -1998 (Comm. 6M-18)
NYSDEC: Fact Sheet - CMS Assoc. Environmental Clean-Up Project.
(5-0)

e. Item Page -1998 (Comm. 7M-4)
NYSDEC: 1996 Clean Water - Clean Air Bond Act Project Bulletin 1
Liberty Ave. Proposed Remedial Action Plan.
(5-0)

f. Item Page -1998 (Comm. 7M-5)
NYSDEC: Notice of Meeting to be Held 3/30/98.
(5-0)

g. Item Page -1998 (Comm. 7M-7)
ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL: Notice of Meeting
Held 3/17/98 & Minutes of Meeting Held 2/17/98.
(5-0)

h. Item Page -1998 (Comm. 7M-8)
MELINDA HOLLAND CLEAN SITES: Summary of Meeting Held 2/17/98 -
Revised & Notice of Meeting Held 3/4/98.
(5-0)

i. Item Page -1998 (Comm. 7M-20)
NEW YORK STATE FISH & WILDLIFE MANAGEMENT BOARD: Minutes of
Meeting Held 3/5/98.
(5-0)

2. **COUNTY EXECUTIVE:** **AS AMENDED**
Item Page -1998 (Comm. 5E-8)
WHEREAS, the Erie County Department of Environment and Planning has
received the following low bid for Erie County Sewer District No. 1,
Felber Lane Pumping Station Elimination, Contract 15, on March 11, 1998.

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
15	Visone Construction, Inc. 79 Sheldon Avenue Depew, New York 14043	\$140,654.75

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

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Sewer District No. 1 Felber Lane Pumping
Station Elimination - Contract 15 be awarded as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
15	Visone Construction, Inc.	\$140,654.75

and be it further

RESOLVED, that the County Executive be, and hereby is authorized, to execute the Contract with the respective low bidder subject to approval as to form by the County Attorney and 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 funds for this contract be paid from Erie County Sewer District No. 1's Sewer Capital Account, Fund No. 430, Project No. 694, in the amount of \$140,654.75, and be it further

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

(5-0)

Item Page -1998 (Comm. 5E-15)
3. COUNTY EXECUTIVE:
WHEREAS, the County of Erie (County) presently owns approximately 52+/-acres of land near Sturgeon Point Marina in the Town of Evans (Town), and

WHEREAS, this County property was acquired in the 1920s through foreclosure and is divided into two large parcels, and

WHEREAS, the Sturgeon Point Marina was developed with support from the State, County and Federal governments as a Town Park and Marina, and

WHEREAS, the Sturgeon Point Marina is a focal point for fishing and boating and related tourism in Erie County's Southern Lake Erie Shoreline, and

WHEREAS, the Sturgeon Point Advisory Board has recommended that the County transfer a 25+/-acre lakefront portion of land north of Sturgeon Point Road (Site) to the Town, and

WHEREAS, on November 19, 1997, the Evans Town Board passed a Resolution requesting that the County transfer to the Town the Site for \$1.00, and

WHEREAS, the acquisition of the Site by the Towns is consistent with the Town's Local Waterfront Revitalization Plan, and

WHEREAS, the Town will make the Site available to all County residents and will develop it in accordance with an agreed upon development plan and timetable, and

WHEREAS, the Site will revert back to the County if it is no longer used by the Town as a park for recreational purposes,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute with the Town all necessary Agreements including, but not limited to, a contract of Sale and Real Property Deed with reverter in order to transfer the Site to the Town for \$1.00, and be it further

RESOLVED, that the transfer of the Site to the Town is conditioned upon the Town adhering to the following requirements:

1. The Site will be available to all County residents upon the same terms and conditions;
2. The Site will revert back to the County if it is no longer used by the Town as a park for recreational purposes;
3. The Town agrees to develop the Site in accordance with an agreed upon development plan and timetable acceptable to the Commissioner of the Department of Environment & Planning (DEP), and
4. If any of the above requirements are not met, the Site will immediately revert back to the County, and be it further

RESOLVED, that the transfer of the Site to the Town is conditioned upon the Town adhering to the aforementioned requirements, which if not met, will result in the Site immediately reverting back to the County, and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of the Division of Budget, Management and Finance, the Commissioner of DEP and the Erie County Attorney.

(5-0)

Item Page -1998 (Comm. 7D-15)
4. DEP:

RESOLVED, that the Erie County Executive is hereby authorized to execute an amendatory agreement with Rural Transit Services, Inc. (RTS) increasing the authorized contract amount from \$146,760 to \$290,033 for the purpose of operating the Rural Transit Service Van Program through March 31, 1999, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Budget Director and the Commissioner of Environment and Planning.
(5-0)

Item Page -1998 (Comm. 7E-16)
5. COUNTY EXECUTIVE:

WHEREAS, the United States Environmental Protection Agency (USEPA) has determined that radon and other indoor air contaminants are significant to public health, and

WHEREAS, Western New York has been designated by the USEPA as a Zone 1 Radon Potential Area (highest risk), and

WHEREAS, Erie County has established and operated a very successful Radon Awareness and Indoor Air Quality Program for several years and has acquired valuable experience and expertise, and

WHEREAS, the New York State Department of Health (NYSDOH) has solicited Erie County to establish a partnership of Western New York Counties and Tribal Lands for cooperative and coordinated Radon/Indoor Air Qualities Programs, and

WHEREAS, the objective of this partnership is to reduce the health and safety risks associated with exposure to radon, carbon monoxide and other residential indoor air contaminants, and

WHEREAS, under environmental equity the program will identify low-income minority populations that may be disproportionately at risk, and

WHEREAS, Erie County will implement this initiative and provide technical assistance, in-kind services, and logistical support for affiliate members,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute the agreement necessary to accept a grant of \$44,750 from NYSDOH to implement the Radon/Indoor Air Quality Partnership, and be it further

RESOLVED, that the following position be created to implement this program,

Environmental Education Specialist (JG IX)

RESOLVED, that the grant be appropriated into a budget as follows:

Account	800	Personal Services	\$35,000
	805	Fringe Benefits	8,750
	824	Local Travel & Mileage	1,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget and Management, the County Attorney, the Commissioner of Environment and Planning and the Commissioner of Personnel.

(5-0)

AS AMENDED
(Comm. 7E-25)

Item Page -1998
6. COUNTY EXECUTIVE:

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for Erie County Sewer District No. 1, French Road Area Sewer Rehabilitation, Contract 19, on March 3, 1998.

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
19	Visone Construction, Inc. 79 Sheldon Avenue Depew, New York 14043	\$465,075.00

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

WHEREAS, the Erie County Sewer District No. 1 Board of Managers has moved to recommend the award of the French Road Sewer Rehabilitation - Contract 19 to the low bidder.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Sewer District No. 1 French Road Area Sewer Rehabilitation - Contract 19 be awarded as follows:

<u>Contract No.</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
19	Visone Construction, Inc.	\$465,075.00

and be it further

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

RESOLVED, that the funds for this contract be paid from Erie County Sewer District No. 1's Sewer Capital Account SD #1, Fund No. 430, Project No. 694, Department No. 810, Object No. 973, Sewer Construction Expenditures, Subobject No. 200, in the amount of \$465,075.00, and be it further

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

(5-0)

Item Page -1998 (Comm. 7E-28)
7. COUNTY EXECUTIVE:
WHEREAS, it has been determined that property acquisition is needed on a site identified as SBL No. 777.00-49-1 in the City of Lackawanna as part of the south Street Property Purchase Project; and

WHEREAS, negotiations with the owner, South Buffalo Railway, has resulted in a tentative agreement to obtain a 0.27 ± acre site in Fee for the total sum of \$5,000.00; and

WHEREAS, the owner of the property, South Buffalo Railway has requested an expeditious approval of an agreement to purchase the property.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Environment and Planning be authorized to obtain the 0.27 ± acre property in Fee for Parcel SBL No. 777.00-49-1 in the City of Lackawanna for the sum of \$5,000.00, subject to the review and approval of the County Attorney; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute any and all documents necessary to effectuate the obtainment of the property, subject to Approval as to Form by the County Attorney, and be it further

RESOLVED, that the sum of \$5,000.00 be taken from Sewer Operating Account ECSD No. 6, SFG Fund 220, Project 854 - Department 840, Account 935; and be it further

RESOLVED, that certified copies of this resolution be sent to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, and Richard J. Schechter, Assistant County Attorney.

(5-0)

GREGORY B. OLMA
Chairman

Mr. MARSHALL requested that Resolve No. 3 be separated.

GRANTED.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 122

MARCH 24, 1998

PUBLIC SAFETY
COMMITTEE
REPORT NO. 3

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

1. RESOLVED, that the following item is hereby received and filed:

Item Page -1998 (Int. 3-2)
a. GREENAN, CHASE, LARSON, WEINSTEIN, RANZENHOFER & MARSHALL: Update by Central Police Services on Progress with Countywide Mobile Computer Terminal Project.

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

Item Page -1998 (Comm. 6E-16)
2. COUNTY EXECUTIVE:

RESOLVED, that the Fire Safety Division, Department of Emergency Services, is hereby authorized to accept the donation of 14 Scott Self-Contained Breathing Apparatus from Scott Safety and Health and does authorize the County Executive to enter into agreement with said company to effectuate this donation, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County Executive Dennis T. Gorski, the County Attorney, Division of Budget, Management and Finance and the Department of Emergency Services.

(5-0)

Item Page -1998 (Comm. 6E-17)
3. COUNTY EXECUTIVE:

RESOLVED, that authorization is hereby provided for the modification of a legislative resolution which established the following budget in order to establish a new Hazardous Materials Response Team Grant which provides protective suits, communications and computer equipment and other supplies for the volunteers who are responding to hazardous materials incidents:

Department of Emergency Services
Hazardous Materials Response Team Grant IV
Modification - SFG Grant #637

Revenue

SFG Acct. #361 - Miscellaneous Receipts	Present Legislation	Amount of Change	Proposed Modification
	\$8,803.00	0	\$8,803.00
Total	<u>\$8,803.00</u>	0	<u>\$8,803.00</u>

Appropriations

SFG Acct. #811 - Protective Clothing	\$2,000.00	0	\$2,000.00
SFG Acct. #826 - Other Expenses or Charges - Misc.	\$3,000.00	+1800	\$3,800.00
SFG Acct. #933 - Laboratory and Technical Equipment	<u>\$3,803.00</u>	<u>-1800</u>	<u>\$2,003.00</u>
Total	<u>\$8,803.00</u>	<u>0</u>	<u>\$8,803.00</u>

and be it further

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

(5-0)

Item Page -1998 (Comm. 6E-20)
4. COUNTY EXECUTIVE:

RESOLVED, that authorization is hereby provided for the County Executive to enter into contract and accept Aid to Localities funding in the amount of \$325,500 with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that authorization is hereby provided to extend the current Aid to Crime Labs Grant, Project #663, to March 31, 1999 and to amend the budget for this grant by increasing state aid in the amount of \$15,000 and by increasing overtime expense in a like amount, and be it further

RESOLVED, that authorization is hereby provided to establish a new grant in the Department of Central Police Services as follows:

GRANT FUND - DEPARTMENT 650
Central Police Services Forensic Lab
"Aid to Localities - Laboratory Funding" Grant
4/1/98 to 3/31/99

<u>Revenue</u>	<u>Increase</u>
Acct. 627 State Aid Criminal Justice Program	<u>\$310,500</u>
Total Revenue	<u>\$310,500</u>

<u>Appropriation</u>	<u>Increase</u>
Acct. 800 - Personal Services	\$140,982
Acct. 805 - Fringe Benefits	31,016
Acct. 814 - Medical Supplies	21,500
Acct. 825 - Out of Area Travel	12,500
Acct. 826 - Other Expenses	8,000
Acct. 933 - Lab Equipment	<u>96,502</u>
Total Appropriations	<u>\$310,500</u>

and be it further

RESOLVED, that authorization is hereby provided to establish the following positions in the new "Aid to Localities-Laboratory Funding" grant budget:

- One (1) Evidence Clerk, J.G. 6
- One (1) Assistant Forensic Chemist, J.G. 10
- Two (2) Forensic Serologist, J.G. 12

and be it further

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

(5-0)

AS AMENDED

Item Page -1998 (Int. 6-16)
5. CHASE, GREENAN, LARSON, RANZENHOFER, MARSHALL, WEINSTEIN, SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, OLMA, DEBENEDETTI, DUSZA & MARINELLI:

WHEREAS, state legislation (S.00289) has been introduced which asks that bail be denied to any person who is awaiting sentencing upon being convicted of a felony sex offense committed against a person under 18 years of age, and

WHEREAS, currently, bail is denied to a person who is convicted and is awaiting sentencing for a Class A felony, and

WHEREAS, a recent case in Genesee County involving an individual who was convicted of first degree sexual abuse points out the need for this legislation, and

WHEREAS, the convicted individual was originally charged with first degree rape of an eleven year old child and subsequently entered a plea of guilty to first degree sexual abuse. After entering a guilty plea, the defendant was released to await sentencing. While awaiting sentencing, the defendant was again arrested and charged with first degree sexual abuse for acts committed against a six year old girl, and

WHEREAS, had the defendant remained in jail while awaiting sentencing, the second incident would not have occurred, and

WHEREAS, this legislation only pertains to those who have been convicted and are awaiting sentencing and would not apply to someone who has been accused, but not convicted of a felony sex offense against a child under the age of 18,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize and express concern for the safety of all children from dangerous sex offenders, and be it further

RESOLVED, that the Erie County Legislature does hereby memorialize the New York State Legislature to pass and Governor George E. Pataki sign into law Senate Bill S.00289 as a means to further protect children from sexual predators, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to Governor George E. Pataki and members of the Western New York State Delegation and Erie County District Attorney Domestic Violence/Sexual Assault Bureau Chief Lisa Bloch Rodwin.

FISCAL IMPACT: To be determined.

(4-0) Legislator Dusza absent.

AS AMENDED

Item Page -1998 (Int. 6-17)
6. CHASE, GREENAN, WEINSTEIN, LARSON, RANZENHOFER, MARSHALL, SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, OLMA, DEBENEDETTI, DUSZA & MARINELLI:

WHEREAS, the State's existing penal law defining sexual assault and its penalties was adopted into law more than twenty-two years ago, and

WHEREAS, new legislation, S.5691, will create new crimes for sexual assault, modify existing criminal law and strengthen "Megan's Law" by increasing penalties against sexual predators and enacting major procedural reforms, and

WHEREAS, this legislation will increase the age thresholds in all categories of sexual offenses against children including, but not limited to: rape, sodomy, and sexual assault in all classifications of felonies, and

WHEREAS, those who are convicted of rape and sodomy offenses relating to "Date Rape" drugs and "Date Rape" (or "Acquaintance Rape") will face new and even stronger punishments under this new legislation, and

WHEREAS, the use and sale of "Date Rape" drugs has reached near epidemic levels throughout the state. This bill will strongly punish anyone who possess these drugs with the intent to: administer to a victim, sell the drugs to someone who intends to administer the drug(s) for the purpose of, or in the act of a sexual offense, and

WHEREAS, those individuals convicted of "Employing a controlled substance to facilitate a sex offense," will have their sentence run consecutively to any sentence imposed for a conviction of a sexual offense defined in Article 130, and

WHEREAS, in New York State only defendants have the ability to challenge bail decisions while prosecutors lack the same ability, Bill S.5691 will reform the prosecutor's ability to obtain a judicial review of orders fixing unduly low bail in aforementioned crimes, much like their federal counterparts, and

WHEREAS, this legislation will allow prosecutors to appeal excessively lenient sentences in a sexual offense conviction, again, like their federal counterparts, and

WHEREAS, this legislation will mandate that criminals register under "Megan's Law" if any other felony is committed within five years of a sex offense resulting in Youthful Offender status, and

WHEREAS, the standard periods of probation for sexual assault crimes in a felony conviction will increase from five to ten years and from three to five in the case of misdemeanor convictions, and

WHEREAS, repeat sexual predators will receive twenty-five years to life for sex crimes against children less than fifteen years old, and

WHEREAS, these reforms will parallel the state's statutes with the Federal Crime Control Act of 1994, as amended.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County legislature memorializes the State Legislature to pass S.5691 and for Governor Pataki to sign this legislation into law, and be it further

RESOLVED, that this legislation, when signed into law, will enhance the prosecutors ability to rid our streets and our neighborhoods of these sexual predators, and to increase the penalties criminals will face when convicted of these horrible crimes, and be it further

RESOLVED, that certified copies of this resolution be sent to the members of the Western New York State Legislature delegation and Governor George E. Pataki and Erie County District Attorney Domestic Violence/Sexual Assault Bureau Chief Lisa Bloch Rodwin.

Fiscal impact: none for this resolution.
(4-0) Legislator Dusza absemt.

Item Page -1998 (Comm. 7E-13)
7. COUNTY EXECUTIVE:
WHEREAS, Erie County has been awarded a block grant from the New York State's Governor's Traffic Safety Committee for traffic safety awareness and enforcement, and

WHEREAS, the County budget must be amended to agree with the State grant budget which increased State funding.

NOW, THEREFORE, BE IT

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

Office of Traffic Safety
Project #764
10/1/97-9/30/98

<u>APPROPRIATIONS</u>	<u>FROM</u>	<u>CHANGE</u>	<u>TO</u>
Acct. 800 Personal Services	\$38,633	\$ 0	\$38,633
805 Fringe Benefits	10,590	0	10,590
810 Office Supplies	150	150	300
824 Travel & Mileage	500	150	650
825 Out of Area Travel	850	750	1,600
826 Other Expense	1,000	2,893	3,893
830 Contractual Agencies	65,500	(8,800)	56,700
0175 Town of Tonawanda	11,000	(300)	10,700
0307 City of Buffalo	8,000	1,390	9,390
0367 Mercy Flight	18,000	2,000	20,000
0446 Village of E. Aurora	8,000	(200)	7,800
0447 Town of Eden	8,000	800	8,800
0449 Town of Evans	8,000	800	8,800
0453 Town of Hamburg	8,000	800	8,800
0456 City of Lackawanna	10,000	2,800	12,800
0463 Town of Orchard Park	4,000	1,000	5,000
0469 Town of West Seneca	8,000	800	8,800
0652 Millard Fillmore Hosp.	30,000	5,000	35,000
0653 Town of Amherst	4,000	1,000	5,000
880 Interfund			
1100 Dept. of Co. Exec.	1,932	387	2,319
1109 Co. Executive Grants	2,000	0	2,000
1500 Sheriff's Ofc.	11,110	(700)	10,410
5100 D.I.S.S.	<u>2,015</u>	<u>0</u>	<u>2,015</u>
TOTAL APPROPRIATIONS	<u>\$259,280</u>	<u>\$10,720</u>	<u>\$270,000</u>

REVENUES

Acct. 592 State Aid Dept. of Transportation	<u>\$259,280</u>	<u>\$10,720</u>	<u>\$270,000</u>
TOTAL REVENUE	<u>\$259,280</u>	<u>\$10,720</u>	<u>\$270,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive Office, the Erie County STOP-DWI Office, the Sheriff's Office and the Office of Traffic Safety.

(5-0)

EDWARD J. KUWIK
Chairman

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 123

MARCH 26, 1998

FINANCE AND MANAGEMENT
COMMITTEE
REPORT NO. 4

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

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

- | | | | | |
|----|--|---|-------|----------------|
| | Item | Page | -1997 | (Int. 5-1) |
| a. | GREENAN & MARSHALL: | Audit of ECMC Research & Study Trust. | | |
| | (3-2) | Legislators Larson and Ranzenhofer in the negative. | | |
| | Chairman Swanick present as ex-officio member. | | | |
| | Item | Page | -1997 | (Int. 6-17) |
| b. | OLMA: | Excessive Expenditures at the Erie County Medical Center. | | |
| | (5-0) | Chairman Swanick present as ex-officio member. | | |
| | Item | Page | -1997 | (Comm. 18D-27) |
| c. | COUNTY ATTORNEY: | Erie County Courthouse Project: Site Acquisition. | | |
| | (5-0) | Chairman Swanick present as ex-officio member. | | |
| | Item | Page | -1998 | (Comm. 1D-2) |
| d. | BUDGET, MANAGEMENT & FINANCE: | Budget Monitoring Report for the | | |
| | Period Ending 10/31/97. | | | |
| | (5-0) | Chairman Swanick present as ex-officio member. | | |
| | Item | Page | -1998 | (Comm. 3D-10) |
| e. | SENIOR SERVICES: | Response to Legislator Marinelli Re: Older | | |
| | Americans Act. | | | |
| | (5-0) | Chairman Swanick present as ex-officio member. | | |
| | Item | Page | -1998 | (Comm. 3D-16) |
| f. | SOCIAL SERVICES: | Final Audit Report of Parents Anonymous of | | |
| | Buffalo & Erie County for the 12 Month Period Ending 12/31/96. | | | |
| | (5-0) | Chairman Swanick present as ex-officio member. | | |

Item Page -1998 (Comm. 3M-2)
g. CITY OF BUFFALO ADMINISTRATION & FINANCE: Letter to Budget
Director Re: Release of \$600,000 for Demolition in the City of Buffalo.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm 5D-11)
h. BUDGET, MANAGEMENT & FINANCE: Budget Transfers for Year Ended
12/31/97.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 5M-1)
i. THE LEGAL AID BUREAU OF BUFFALO, INC.: Unaudited Financial
Statements for the Nine Months Ending 9/30/97.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 6D-13)
j. BUDGET, MANAGEMENT & FINANCE: 1996 Transactions.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 6E-4)
k. COMPTROLLER: Child & Adolescent Treatment Services - Contract
Compliance With DSS for 12 Month Period Ended 12/31/96.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 6M-5)
l. COMMUNITY GRIEF CENTER OF WNY INC.: 1997 Public Benefit Funding
Final Report.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 6M-7)
m. GREATER BUFFALO CONVENTION & VISITORS BUREAU: Copy of 12/31/97
Financial Statements.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 6M-9)
n. NYS BOARD OF REAL PROPERTY SERVICES: List of Certified 1997 Class
Equalization Rates.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 6M-10)
o. MERCY FLIGHT INC.: 1997 Annual Report.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 7D-13)
p. BUDGET, MANAGEMENT & FINANCE: 1997 Budget Balancing.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 7E-4)
q. **COMPTRROLLER:** Investment Earnings 1997.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 7M-13)
r. **BUFFALO CITY CLERK'S OFFICE:** Certified Copy of Resolution Re:
Accept Funds From Erie County.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 7M-15)
s. **BUFFALO & ERIE COUNTY PRIVATE INDUSTRY COUNCIL, INC.:** Financial
Statements & Federal Awards for the Year Ended 6/30/97 & Independent
Auditors' Report.
(5-0) Chairman Swanick present as ex-officio member.

Item Page -1997 (Comm. 1D-19A) **OPEN ITEM**
2. **BUDGET, MANAGEMENT & FINANCE:**
(A) WHEREAS, the Erie County Director of Real Property Tax Services has
received applications for corrected tax billings and/or refunds for
taxes previously paid in accordance with New York State Real Property
Tax Law section 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 105 through 155 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. 105/1998 - ASSESSOR - Cancel - \$322.32

SBL No. 89.74-1-33 - CITY OF BUFFALO

Acct. No. 112 - 322.32 - County

Acct. No. 132 - 0.00 - Town/Special Dist/School

Charge to:

CANCEL - CLERICAL ERROR, THIS PARCEL WAS CHARGED FOR AN RPTL 520 THAT
BELONGS ON 89.75-1-33. THIS CHARGE WILL GO ON THE 1999 TAX AS AN
OMITTED TAX. RPTL 550(2)A.

Petition No. 106/1998 - ASSESSOR - Cancel - \$1,627.74

SBL No. 16.00-5-24 - TOWN OF AMHERST

Acct. No. 112 - 461.63 - County

Acct. No. 132 - 1,166.11 - Town/Special Dist/School

Charge to: TOWN OF AMHERST 273.12

WILLIAMSVILLE CENT 892.99

CANCEL - CLERICAL ERROR, PARCEL WAS CHARGED IN ERROR FOR A RPTL 520 WHEN THIS PARCEL IS ENTITLED TO A SENIOR EXEMPTION. RPTL 550(A).

Petition No. 107/1998 - ASSESSOR - Cancel - \$4,274.47

SBL No. 26.03-1-5.11 - TOWN OF AMHERST

Acct. No. 112 - 2,355.44 - County

Acct. No. 132 - 1,919.03 - Town/Special Dist/School

Charge to: TOWN OF AMHERST 1,643.84

AMHERST #9 FIRE PROTECTION 275.19

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTITLED INCORRECTLY ON THIS PARCEL. THE ASSESSMENT WAS 390,700 AND WAS CORRECTED TO 152,000. RPTL 550(2)A.

Petition No. 108/1998 - ASSESSOR - Cancel - \$64.48

SBL No. 26.07-1-1.2 - TOWN OF AMHERST

Acct. No. 112 - 35.51 - County

Acct. No. 132 - 28.97 - Town/Special Dist/School

Charge to: TOWN OF AMHERST 24.81

AMHERST #9 FIRE PROTECTION 4.16

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTITLED INCORRECTLY ON THIS PARCEL. THE ASSESSMENT WAS 61,600 AND CORRECTED TO 58,000. RPTL 550(2)A.

Petition No. 155/1998 - ASSESSOR - Cancel - \$2,640.78
SBL No. 152.12-1-9 - TOWN OF WEST SENECA
Acct. No. 112 - 1,099.04 - County
Acct. No. 132 - 1,541.74 - Town/Special Dist/School
Charge to: TOWN OF WEST SENECA 1,386.02
W SENECA FIRE D#3 155.72

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 281,100 AND IS CORRECTED TO 181,100. RPTL 550(2)A.

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

(B) WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and/or refunds for taxes previously paid in accordance with New York State Real Property Tax Law section 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 156 through 161 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. 156/9596 - ASSESSOR - Refund - \$401.31
SBL No. 38.11-1-74 - TOWN OF GRAND ISLAND
Acct. No. 112 - -0- COUNTY
Acct. No. 132 - 401.31 TOWN/SPECIAL DISTRICT/SCHOOL
Check in Favor of: Beverly Bates

This petition is requesting we Refund an overpayment of taxes. This is based on the fact that square footage on this parcel was entered incorrectly. The assessed value used based on this square footage is 114,700 the Assessor of Grand Island lowered this assessment to 93,600. In accordance with New York State Real Property Tax Law 550 it is the opinion of Counsel SBEA No. 23 is not administratively correctable by the procedures prescribed in Article 5, title 3 of the RPTL. This type of valuation error is subject to review upon the timely filing of an administrative complaint with the board of assessment review in accordance with title 1-A of Article 5 of the Real Property Tax Law. (October 27, 1987).

Petition No. 157/1996 - ASSESSOR - Refund - \$310.42
SBL No. 38.11-1-74 - TOWN OF GRAND ISLAND
Acct. No. 112 - 225.06 COUNTY
Acct. No. 132 - 105.36 TOWN/SPECIAL DISTRICT/SCHOOL
Check in Favor of: Beverly Bates

This petition is requesting we Refund an overpayment of taxes. This is based on the fact that square footage on this parcel was entered incorrectly. The assessed value used based on this square footage is 114,700 the Assessor of Grand Island lowered this assessment to 93,600. In accordance with New York State Real Property Tax Law 550 it is the opinion of Counsel SBEA No. 23 is not administratively correctable by the procedures prescribed in Article 5, title 3 of the RPTL. This type of valuation error is subject to review upon the timely filing of an administrative complaint with the board of assessment review in accordance with title 1-A of Article 5 of the Real Property Tax Law. (October 27, 1987).

Petition No. 158/9697 - TOWN OF GRAND ISLAND
SBL No. 38.11-1-74 - TOWN OF GRAND ISLAND
Acct. No. 112 - -0- COUNTY
Acct. No. 132 - 498.60 TOWN/SPECIAL DISTRICT/SCHOOL
Check in Favor of: Beverly Bates

This petition is requesting we Refund an overpayment of taxes. This is based on the fact that square footage on this parcel was entered incorrectly. The assessed value used based on this square footage is 114,700 the Assessor of Grand Island lowered this assessment to 93,600. In accordance with New York State Real Property Tax Law 550 it is the opinion of Counsel SBEA No. 23 is not administratively correctable by the procedures prescribed in Article 5, title 3 of the RPTL. This type of valuation error is subject to review upon the timely filing of an administrative complaint with the board of assessment review in accordance with title 1-A of Article 5 of the Real Property Tax Law. (October 27, 1987).

Petition No. 159/1997 - TOWN OF GRAND ISLAND
SBL No. 38.11-1-74 - TOWN OF GRAND ISLAND
Acct. No. 112 - 217.49 COUNTY
Acct. No. 132 - 116.39 TOWN/SPECIAL DISTRICT/SCHOOL
Check in Favor of: Beverly Bates

This petition is requesting we Refund an overpayment of taxes. This is based on the fact that square footage on this parcel was entered incorrectly. The assessed value used based on this square footage is 114,700 the Assessor of Grand Island lowered this assessment to 93,600. In accordance with New York State Real Property Tax Law 550 it is the opinion of Counsel SBEA No. 23 is not administratively correctable by the procedures prescribed in Article 5, title 3 of the RPTL. This type of valuation error is subject to review upon the timely filing of an administrative complaint with the board of assessment review in accordance with title 1-A of Article 5 of the Real Property Tax Law. (October 27, 1987).

Petition No. 160/9798 - TOWN OF GRAND ISLAND
SBL No. 38.11-1-74 - TOWN OF GRAND ISLAND
Acct. No. 112 - -0- COUNTY
Acct. No. 132 - 527.94 TOWN/SPECIAL DISTRICT/SCHOOL
Check in Favor of: Beverly Bates

This petition is requesting we Refund an overpayment of taxes. This is based on the fact that square footage on this parcel was entered incorrectly. The assessed value used based on this square footage is 114,700 the Assessor of Grand Island lowered this assessment to 93,600. In accordance with New York State Real Property Tax Law 550 it is the opinion of Counsel SBEA No. 23 is not administratively correctable by the procedures prescribed in Article 5, title 3 of the RPTL. This type of valuation error is subject to review upon the timely filing of an administrative complaint with the board of assessment review in accordance with title 1-A of Article 5 of the Real Property Tax Law. (October 27, 1987).

Petition No. 161/1998 - Assessor - Refund \$354.36
SBL No. 38.11-1-74 - TOWN OF GRAND ISLAND
Acct. No. 112 - 238.34 COUNTY
Acct. No. 132 - 116.02 TOWN/SPECIAL DISTRICT/SCHOOL
Check in Favor of: Beverly Bates

This petition is requesting we Refund an overpayment of taxes. This is based on the fact that square footage on this parcel was entered incorrectly. The assessed value used based on this square footage is 114,700 the Assessor of Grand Island lowered this assessment to 93,600. In accordance with New York State Real Property Tax Law 550 it is the opinion of Counsel SBEA No. 23 is not administratively correctable by the procedures prescribed in Article 5, title 3 of the RPTL. This type of valuation error is subject to review upon the timely filing of an administrative complaint with the board of assessment review in accordance with title 1-A of Article 5 of the Real Property Tax Law. (October 27, 1987).

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

Item Page -1998 (Comm. 7E-14)
3. COUNTY EXECUTIVE:

WHEREAS, the Town of Hamburg has requested reimbursement from the County for a proportional share of the defense costs related to the Ford Motor Company's challenge of its property assessment, which was successful, and

WHEREAS, the payment requested by the Town is \$20,832.59, and

WHEREAS, precedents in the past for similar reimbursements have occurred in Tonawanda and Clarence,

NOW, THEREFORE, BE IT

RESOLVED, that upon receipt of evidence of defense expenses incurred by the Town of Hamburg concerning the Ford Motor Company's challenge to its assessment of property located in the Town of Hamburg, the County Attorney is authorized to make payment to the Town of Hamburg for the County's proportional share of defense and related costs, up to a total not to exceed \$20,833, and be it further

RESOLVED, that said sum of \$20,833 is hereby transferred from the County Contingency Account (DAC Code 110923310893) to Dues & Fees in the Division of Budget, Management and Finance (DAC Code 110908210821), and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Attorney, the Budget Director and the Supervisor of the Town of Hamburg.

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

CRYSTAL D. PEOPLES
Chairperson

Mr. MARSHALL requested that Resolve No. 1a be separated.

GRANTED.

Ms. PEOPLES moved the adoption of the balance of the report. Ms. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Mr. KUWIK moved to RECEIVE & FILE Resolve No. 1a. Ms. PEOPLES seconded.

CARRIED.

Legislators Chase, Greenan, Larson, Marshall and Ranzenhofer in the negative.

ITEM 17 - Ms. MARINELLI presented the following and moved for immediate consideration. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 124

MARCH 26, 1998

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 4

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. 3E-9)
a. **MARINELLI**: Letter to Cultural Advisory Board - SUNYAB Re:
Invitation to Attend Community Enrichment Committee Meeting.
(5-0)

Item Page -1998 (Comm. 3E-10)
b. **MARINELLI**: Letter to Buffalo & Erie County Public Library Re:
Invitation to Attend Community Enrichment Community Meeting.
(5-0)

Item Page -1998 (Comm. 6D-15)
c. **BUFFALO & ERIE COUNTY PUBLIC LIBRARY**: Collins Public Library's
Intent to Construct a New Library.
(5-0)

Item Page -1998 (Comm. 6E-5)
d. **MARINELLI**: Copy of Letter to Franciscan Center Re: Invitation to
Attend Community Enrichment Committee Meeting.
(5-0)

Item Page -1998 (Comm. 6M-19)
e. **SUNY AT BUFFALO**: Copy of Letter to Legislator Marinelli Re:
Responding to Legislator Peoples' Resolution.
(5-0)

AS AMENDED

Item Page -1997 (Int. 26-8)
2. **PEOPLES, MARINELLI, FISHER, HOLT, KUWIK, DEBENEDETTI, LARSON & PAULY**:

WHEREAS, the Western New York region has an abundance of cultural riches, including jewels such as the Buffalo Zoological Gardens, the science and history museums, the Buffalo Philharmonic Orchestra, Shea's Performing Arts Center, and the Albright-Knox Art Gallery, and

WHEREAS, furthermore, Buffalo can proudly say that it is home to more theaters than any other comparably sized city in the United States, resulting in a vibrant and diverse offering of work in venues of all sizes, and

WHEREAS, our many art galleries, architectural treasures, theaters, museums, and concert venues make the Western New York region one of the top cultural areas anywhere, and

WHEREAS, for these cultural facilities to thrive they need not only strong local support, but also patronage from those outside the area, and

WHEREAS, the Greater Buffalo Partnership has identified tourism as one of the area's emerging industries, and

WHEREAS, the Greater Buffalo Convention and Visitors Bureau has recorded a banner year in terms of conventions booked and resulting economic impact to the area, further strengthening the tourism industry in Western New York, and

WHEREAS, there is currently very little in the way of a formal or organized flow of information about cultural events to conventioners and tourists, and

WHEREAS, it is a wise and natural step to attempt to more fully link these two industries for the betterment of all involved, providing the cultural facilities with an additional base of customers and providing conventioners and tourists with access to and information about the many cultural opportunities in the region,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its strong commitment to the strengthening of the cultural and tourism industries as cornerstones of the Western New York region, and be it further

RESOLVED, that this Honorable Body does hereby request that the Arts Council in Buffalo and Erie County and the Greater Buffalo Convention and Visitors Bureau begin formation of a plan to link their two industries, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Cultural Resource Advisory Board Chair Kerry Grant (810 Clemens Hall SUNY Buffalo, Buffalo, NY 14260), Arts Council in Buffalo & Erie County Executive Director Celeste Lawson (700 Main St., Buffalo, NY 14202) and Greater Buffalo Convention and Visitors Bureau President and CEO Richard Geiger (107 Delaware Avenue, Buffalo, NY 14202).

Fiscal Impact: None for resolution.

(5-0)

LYNN M. MARINELLI
Chairperson

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 125

MARCH 26, 1998

HEALTH COMMITTEE
REPORT No. 4

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

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

Item	Page	-1998	(Comm. 6D-10)
a. ERIE COUNTY MEDICAL CENTER:			
Notice of Meeting to be Held 3/12/98 & 1998 Meeting Schedule.			
	(4-0)		

Item	Page	-1998	(Comm. 6D-11)
b. ERIE COUNTY MEDICAL CENTER:			
Notice of Meeting to be Held 3/9/98 & 1998 Meeting Schedule.			
	(4-0)		

Item	Page	-1998	(Comm. 6D-12)
c. ERIE COUNTY MEDICAL CENTER:			
Notice of Meeting to be Held 3/6/98 & 1998 Meeting Schedule.			
	(4-0)		

Item	Page	-1998	(Comm. 7D-1)
d. ERIE COUNTY MORGUE:			
Monies & Other Property Found on Deceased Persons.			
	(4-0)		

Item	Page	-1998	(Comm. 7D-2)
e. ERIE COUNTY MEDICAL CENTER:			
Finance Committee Financial Statements For Year Ending 12/31/97.			
	(4-0)		

Item	Page	-1998	(Comm. 7D-5)
f. ERIE COUNTY MEDICAL CENTER:			
Notice of Meeting to be Held 3/12/98 & Minutes of Meeting Held 2/12/98.			
	(4-0)		

Item Page -1998 (Comm. 7M-2)
 g. **THE WELLNESS INSTITUTE:** Minutes of Meeting Held 2/26/98 & Notice of Meeting to be Held 3/26/98.
 (5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 7M-6)
 h. **MENTAL HYGIENE COMMUNITY SERVICES BOARD:** Notice of Meeting Held 3/19/98 & Minutes of Meeting Held 2/19/98.
 (5-0) Chairman Swanick present as ex-officio member.

Item Page -1998 (Comm. 6E-19)
 2. **COUNTY EXECUTIVE:**
 WHEREAS, the Erie County Department of Health administers programs for immunizations, and

WHEREAS, polio, diphtheria, tetanus, pertussis, measles, mumps, rubella, Haemophilus influenzae type B and hepatitis B all can cause significant morbidity among children. However, they all are preventable with appropriate vaccination.

NOW, THEREFORE, BE IT

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

IMMUNIZATION ACTION PLAN
 11/1/97-10/31/98
 PROJECT #684

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
584	STATE AID	\$163,240	0	\$163,240
	TOTAL	163,240	0	163,240

EXPENSES

800	PERS. SERVICES	125,854	-3,000	122,854
805	FRINGES	34,497	0	34,497
810	OFFICE SUPPLIES	50	0	50
814	MEDICAL SUPPLIES	50	0	50
821	DUES & FEES	0	0	0
823	REPAIRS & MAINT.	0	0	0
824	TRAVEL - LOCAL	2,000	0	2,000

ERIE COUNTY LEGISLATURE

825 TRAVEL - CONF.	500	3,000	3,000
826 OTHER EXPENSES	50	0	50
830 CONTRACTUAL	0	0	0
932 OFFICE FURNITURE	50	0	50
933 LAB & TECH EQUIP.	50	0	50
880-5100 DISS	<u>139</u>	<u>0</u>	<u>139</u>
TOTAL	<u>\$163,240</u>	<u>\$ 0</u>	<u>\$163,240</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.

(4-0)

AS AMENDED
(Comm. 6E-21)

Item Page -1998

3. COUNTY EXECUTIVE:

WHEREAS, on January 22, 1996, the County of Erie ("County") on behalf of the Erie County Medical Center ("ECMC") entered into a ten year Lease Agreement with S&V Associates ("Real Property Lease") relating to the lease of approximately 20,000 square feet of real property located at the Cleve-Hill Plaza ("Leased Premises"), and

WHEREAS, approximately 57 percent of the Leased Premises (11,498 square feet), are devoted to dialysis operations ("Dialysis Leased Premises"), and

WHEREAS, on July 3, 1996, the County on behalf of ECMC entered into a Dialysis Management System Installment Sale Agreement with COBE Renal Care, Inc. ("Capital Equipment Lease"), and

WHEREAS, on July 3, 1996, the County on behalf of ECMC entered into a Dialysis Management System Software License Agreement with COBE Renal Care, Inc. ("Software License Agreement"), and

WHEREAS, the County on behalf of ECMC entered into an updated Assignment Consent and Assumption Agreement with COBE Laboratories, Inc. and Clinical Computing, Inc. ("Consent and Assignment Agreement"), and

WHEREAS, throughout the nation and in Western New York national dialysis companies are rapidly acquiring independent dialysis centers which are owned by hospitals or physicians, and

WHEREAS, in October of 1997, the ECMC issued a Request for Proposal ("RFP") requesting companies with expertise in the dialysis business to submit their proposals with respect to the purchase, joint venture or management of the ECMC's dialysis programs, and

WHEREAS, two companies, including the Renal Research Institute, based in New York City, and Total Renal Care, Inc. ("TRC") located in Torrance, California, responded to the RFP on December 12, 1997, and

WHEREAS, a RFP Evaluation Committee ("Committee") consisting of three members of the Executive Management team, the Medical Director and two physicians from the Department of Nephrology met with company representatives and formally evaluated and scored each proposal, and

WHEREAS, the Committee, by an overwhelming margin, ranked TRC's plan for the acquisition of the Cleve-Hill Dialysis Center and the Peritoneal (home care dialysis) program, as the proposal with the highest score, and

WHEREAS, TRC's proposal consists of the following elements:

- * A purchase offer of \$4,950,000 for the acquisition of the Cleve-Hill Dialysis Center. The purchase price assumes that TRC will purchase selected assets including, inventory, physical assets, intangibles, prepaids, deposits and other operating assets. ECMC will be financially responsible for all accounts payable, accrued salaries, loans, equipment leases and long-term debt incurred before the closing date of the transaction;
- * Another \$1,000,000 for the acquisition of the Peritoneal program. Upon approval of the proposed sales, Peritoneal operations will be moved from Grider Street to the Cleve-Hill Plaza at 1461 Kensington Avenue;
- * In addition to offering ECMC sale proceeds totaling \$5,950,000 for TRC's acquisition of the aforementioned dialysis programs, TRC will establish a separate \$550,000 Research Fund for the exclusive use of physicians affiliated with the SUNY at Buffalo Medical School's Department of Nephrology, and

* TRC will enter into a 10-year Medical Director agreement with the Nephrology Department at \$110,000 per year for the first two years at Cleve-Hill and an additional \$15,000 per year for the first two years for the Peritoneal program. Thereafter, for the remaining eight years, TRC will negotiate professional fees based upon the duties and responsibilities of the Medical Director,
and

WHEREAS, since TRC, as a publicly traded corporation, cannot directly own a dialysis facility in New York State, its related corporation, namely Liberty TRC, Inc. ("Liberty"), will own and hold the Operating Licenses related to the proposed transaction,
and

WHEREAS, the purchase transaction would be accomplished in a two-step process:

Step One: TRC will purchase certain assets from ECMC. On the closing date. TRC will establish a fund dedicated to Nephrology related research. TRC will pay \$3,575,000, or 72.2 percent of the Cleve-Hill total acquisition price to ECMC. TRC will also pay ECMC \$750,000 or 75 percent of the Peritoneal program's sale price. TRC will simultaneously sign a consulting agreement with ECMC, which will still own the Operating Licenses. The Dialysis Leased Premises will be assigned to TRC and simultaneously be sublet back to the County on behalf of ECMC.

Step Two: Subsequently, TRC will submit a change of ownership application to the New York State Department of Health ("NYSDOH") to reissue the Operating License from ECMC to Liberty. Upon approval by the NYSDOH the remaining compensation totaling \$1,625,000 will be paid to ECMC and the transaction will be completed,
and

WHEREAS, at the close of this transaction, the Dialysis Leased Promises will be assigned to the new owners and, simultaneously, the landlord of the Cleve-Hill Leased Premises will release the County on behalf of ECMC from its obligations to the landlord with respect to the Dialysis Leased Premises, and

WHEREAS, pursuant to the terms of the transaction, the ECMC will be financially responsible for all outstanding payments with respect to the Capital Equipment Lease (at 4/1/98...approximately \$222,000 is owed) and for terminating and/or assigning the Capital Equipment Lease with COBE, and

WHEREAS, ECMC would also be obliged to honor all outstanding financial obligations and/or terminate its relationship with Clinical Computing, Inc., the company which holds various operating agreements with respect to ECMC's usage of dialysis management software and related modules, and

WHEREAS, based upon legal opinions obtained from the County Attorney's Office, the ECMC's Board of Managers must obtain approval from the Erie County Legislature to assign the Dialysis Leased Premises and to terminate and/or assign the Capital Equipment Lease, the Software License Agreement and dialysis related operating and maintenance agreements, and

WHEREAS, upon completion of this transaction, ECMC will be completely out of the Cleve-Hill Peritoneal dialysis businesses and TRC and/or Liberty will have financial and operational control over these programs, and

WHEREAS, the proposed sale of Peritoneal Dialysis Program and the Cleve-Hill Dialysis Facility was approved by the Joint Conference Committee/Planning Committee on March 9, 1998 and by the ECMC Board of Managers on March 12, 1998.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support the sale of the Peritoneal Dialysis Program and the Cleve-Hill Dialysis Center including inventory, physical assets, intangibles, prepaids, deposits and other operating assets, to TRC at a purchase price totaling \$5,950,000, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the termination of the Real Property Lease for the Dialysis Leased Premises or the assignment of the Dialysis Leased Premises to TRC, the simultaneous sublet of the Dialysis Leased Premises by the County on behalf of ECMC from TRC and the subsequent assignment of the Dialysis Leased Premises to Liberty once the NYSDOH approves the transfer of the operating license, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the termination, sale and/or assignment of the Capital Equipment Lease, the Software License Agreement, the Dialysis Maintenance Agreement and all other related agreements with COBE and /or Clinical Computing, Inc., and be it further

RESOLVED, that the Erie County Legislature authorizes the Board, the ECMC Chief Executive Officer and the Erie County Executive to take all other actions necessary to effect and implement the provisions of this resolution, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, County Comptroller, ECMC's Chief Financial Officer and ECMC's Chief Operating Officer.

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

Item Page -1998 (Comm. 7E-18)
4. COUNTY EXECUTIVE:

WHEREAS, the Erie County Public Health Lab is currently licensed under New York State Department of Health Division of Laboratories to conduct clinical laboratory analyses for the diagnosis of infectious diseases, and

WHEREAS, Merck Vaccine Division and Becton Dickinson Microbiology Systems, and from time to time, other laboratory agencies, work with the Public Health Laboratory in conducting clinical studies of new laboratory analyses systems, and

WHEREAS, these agencies will fully reimburse the County for costs of travel to national conferences to present data and for costs associated with the continuing education expenses related to their systems.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept reimbursement for these expenses which are budgeted as follows:

PUBLIC HEALTH LAB RESEARCH INITIATIVE GRANT
4/1/98-6/30/99

SFG	SUB OBJ	REVENUE	NEW BUDGET
517		OTHER UNCLASSIFIED REV.	<u>\$1,950</u>
		TOTAL	<u>\$1,950</u>
EXPENSES			
825		Out of Area Travel	\$ 950
826		Other Expenses	<u>\$1,000</u>
		TOTAL	<u>\$1,950</u>

and be it further

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

(4-0)

Item Page -1998 (Comm. 7E-19)
5. COUNTY EXECUTIVE:
WHEREAS, the Erie County Health Department operates community health centers which include dental clinics , and

WHEREAS, the Department requires the services of a dental hygienist in order to provide preventive dental health services to the citizens of Erie County, and

WHEREAS, the Department has experienced recruitment and retention difficulties in staffing its Dental Clinics with Regular Part-Time Dental Hygienists.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the deletion of two Regular Part-Time Dental Hygienist positions, JG V, and the creation of one Full-Time Dental Hygienist position, JG V,

The following personnel detail is hereby submitted:

TITLE: Dental Hygienist CIVIL SERVICE: Yes
JG: V
STEP: 0
ANNUAL SALARY: \$21,788
ANNUAL BENEFITS: \$5,447

and be it further

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

(4-0)

Item Page -1998 (Comm. 7E-20)
6. COUNTY EXECUTIVE:
WHEREAS, the Erie County Health Department operates community health centers, and

WHEREAS, the New York State Department of Health has awarded the Erie County Health Department a revised grant in the amount of \$428,811, which authorizes budgetary and staff adjustments.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an agreement with the New York State Department of Health for the purpose of continuing the Women's Health Services Program to be budgeted as follows:

WOMEN'S HEALTH SERVICES
1/1/98-3/31/99
PROJECT #777

SFG CODE	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
387	LOCAL SOURCE	\$ 435,707	+26,847	\$ 462,554
575	STATE AID	252,166	+176,645	428,811
685-2700	INTERFUND-NON SUBSIDY	88,266	0	88,266
	TOTAL REVENUE	\$ 776,139	\$ +203,492	\$ 979,631
	APPROPRIATIONS			
800	PERSONAL SERVICES	\$ 418,330	\$ +114,583	\$ 532,913
805	FRINGE BENEFITS	114,664	+27,666	142,330
810	OFFICE SUPPLIES	5,500	+1,375	6,875
814	MEDICAL SUPPLIES	55,000	+13,750	68,750
816	MAINT SUPPLIES	100	+25	125
821	DUES & FEES	70,020	+17,505	87,525
822	RENTAL CHARGES	500	+125	625
823	REPAIRS & MAINT	4,000	+1,000	5,000
824	LOCAL MILEAGE	6,500	+1,625	8,125
825	TRAVEL-OUT OF AREA	2,500	+625	3,125
826	OTHER EXPENSES	28,000	+7,000	35,000
890	CONTRACTUAL SALARY RESERVES	17,118	- 17,118	0
880-2700	INTERFUND-HEALTH DEPT.	12,969	+3,242	16,211
880-2720	INTERFUND-PUBLIC HEALTH LAB	9,383	+2,346	11,729
880-4000	INTERFUND-ECMC	14,000	+11,820	25,820
880-5100	INTERFUND-DISS	11,555	+2,889	14,444
932	OFFICE EQUIPMENT	1,000	+250	1,250
933	LAB & TECHNICAL EQUIPMENT	5,000	+14,784	19,784
	TOTAL APPROPRIATIONS	\$ 776,139	\$ +203,492	\$ 979,631

and be it further

RESOLVED, that one full-time position of Senior Caseworker, JG IX, is hereby deleted and one full-time position of Pregnancy Prevention Specialist, JG IX, is hereby created.

The following personnel detail is hereby submitted:

TITLE: Pregnancy Prevention Specialist FUNDING: 100% State
Reimbursement
JG: IX CIVIL SERVICE: Yes
STEP: 0
ANNUAL SALARY: \$28,976
ANNUAL BENEFITS: \$7,942

and be it further

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

(4-0)

Item Page -1998 (Comm. 7E-22)
7. COUNTY EXECUTIVE:

WHEREAS, the Public Health Campaign grant helps fund the Tuberculosis and the Sexually Transmitted Disease (STD) Programs in Erie County to reduce the incidence of Tuberculosis and STD, and

WHEREAS, the Erie County Department of Health has received approval from the New York State Department of Health to bill Medicaid for Tuberculosis Directly Observed Therapy (TB/DOT), and

WHEREAS, TB/DOT Medicaid will be an additional source of revenue for the Public Health Campaign for 4/1/98 - 3/31/99, and

WHEREAS, this additional revenue will enable the continuation of a Senior Clerk Typist position which was to be deleted effective April 1, 1998.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the County Executive to accept a revised budget for this program to be budgeted as follows:

PUBLIC HEALTH CAMPAIGN
4/1/98-3/31/99
PROJECT #787

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
553	STATE AID	\$453,815	0	\$453,815
360	LOCAL SOURCE	0	35,035	35,035
	TOTAL	\$453,815	\$35,035	\$488,850

EXPENSES				
800	PERS. SERVICES	\$334,457	27,543	\$362,000
805	FRINGES	91,675	7,492	99,167
821	DUES & FEES	1,000	0	1,000
823	REPAIRS & MAINT.	200	0	200
824	TRAVEL-LOCAL	10,522	0	10,522
825	TRAVEL-CONF.	250	0	250
826	OTHER EXPENSES	2,785	0	2,785
880-5100	DISS	500	0	500
890	CONTR. RESERVES	<u>12,426</u>	<u>0</u>	<u>12,426</u>
	TOTAL	<u>\$453,815</u>	<u>35,035</u>	<u>\$488,859</u>

and be it further

RESOLVED, that the position of Senior Clerk Typist, JG 4, is hereby restored effective April 1, 1998, 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.

(4-0)

JUDITH P. FISHER
Chairperson

Mrs. FISHER requested that Resolve No. 3 be separated.

GRANTED.

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

CARRIED UNANIMOUSLY.

Mr. FISHER moved the adoption of Resolve No. 3. Ms. PEOPLES seconded.

CARRIED.

Legislator Olma in the negative.

LEGISLATORS RESOLUTIONS:

ITEM 19 - Mr. PAULY presented the following resolution and requested that it be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Int. 8-1 From: Leg. Pauly Re: A Resolution in Support of Amending the State Family Court Act

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126 Re: Federal Community Development Funds Grants (Int. 8-2)

WHEREAS, the Community Development Block Grant Program (CDBG) is a Federally funded program with the purpose of developing viable communities through the provision of decent housing, suitable living environments, and the expansion of economic opportunities for persons of low and moderate income, and

WHEREAS, the HOME Investment Partnerships Program provides counties with the flexibility to design and implement strategies for expanding the supply of affordable home ownership and rental housing through acquisition, rehabilitation, new construction and tenant-based rental assistance, and

WHEREAS, in 1998 the County of Erie will receive a combined \$4,567,000 in Federal dollars to be used through the CDBG and HOME Programs, and

WHEREAS, in 1998 approximately 293,000 residents of Erie County will benefit from the Community Development Grant and 70 housing units will be assisted under the HOME program, and

WHEREAS, Nationwide these programs represent a vital development tool for neighborhood stabilization, revitalization and economic development, and

WHEREAS, according to a HUD report, CDBG resulted in the creation or retention of 1.4 million jobs between Fiscal Years 1993 and 1996, and overall, between 14-17 million households benefited from CDBG during those years, and

WHEREAS, CDBG was funded at \$4.6 billion from Fiscal Year 1995 through 1997 and increased to \$4.675 billion in Fiscal Year 1998, and although appropriations have been essentially frozen, allocations to counties have decreased an average of 10% due to a proliferation of funds set-aside for special purpose grants, and

WHEREAS, the HOME Program was funded at \$1.4 billion for Fiscal Year 1995 through 1997 and increased to \$1.5 billion in Fiscal Year 1998, and

WHEREAS, the President proposed an additional \$50 million increase in HOME, to \$1.550 billion in Fiscal Year 1999,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize the importance of the Community Development Block Grant and the HOME Investment Partnership Program locally and in counties across the nation as a vital resource for neighborhood stabilization, revitalization and economic development projects, and be it further

RESOLVED, that this Honorable Body does further call upon the United States Senate and Congress and the President of the United States to maintain funding for the CDBG and HOME Programs at least at their current levels or increase funding for 1999, and be it further

RESOLVED, that allocations to counties, cities and states should not be cut as a result of special purpose grants, and be it further

RESOLVED, that certified copies of this resolution be forwarded to President Bill Clinton, the Western New York Delegation of U.S. Senators and Congressmembers, the National Association of Counties, and Erie County Department of Environment and Planning Commissioner, Richard M. Tobe.

Fiscal Impact: To Be Determined.

CRYSTAL D. PEOPLES

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127 Re: Support for Raising the Maximum
TAP Grant (Int. 8-3)

WHEREAS, the Tuition Assistance Program (TAP) is a grant program which provides help to students attending New York State colleges and universities, public and private, based on a student's financial need, and

WHEREAS, in 1997 approximately 270,000 New York State students benefited from a TAP grant, and

WHEREAS, the maximum award under TAP for those eligible who attend SUNY and CUNY schools is 90 percent of their tuition, and

WHEREAS, however for a student who chooses to attend one of the 110 independent campuses in New York, TAP is capped at a \$3,900 dollar limitation, not a percentage of tuition, and

WHEREAS, local examples of private tuition costs include Canisius at \$13,500 and Medaille at \$10,200 with a State wide tuition average of \$15,500 for independent colleges, and

WHEREAS, the maximum TAP grant, which assists the lowest-income students attending private colleges, has not been increased in this decade, in fact a higher limit was scaled back in the early 1990's, and

WHEREAS, private colleges are no longer only for the affluent, nearly 80 percent of Canisius and Medaille students receive TAP aid, and

WHEREAS, when TAP was established in 1974, the most generous award equaled 60 percent of the average tuition of private colleges, today the most lucrative TAP award covers only 25 percent of tuition, and

WHEREAS, private institutions lighten the burden of the public campuses, and offer New Yorkers a valuable and varied asset both educationally and economically, and

WHEREAS, a recent estimate indicated that Canisius alone contributes nearly \$90 million a year to the local economy,

WHEREAS, allocating State surplus dollars for the purpose of increasing TAP's maximum grant to private colleges would be an investment in the future and offer individuals the opportunity to obtain a more affordable education, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby believe that higher education should be available to everyone, regardless of financial capability, and be it further

RESOLVED, that this Honorable Body understands education is essential to the future growth of our County, State and Nation, and be it further

RESOLVED, that the Erie County Legislature calls upon Governor Pataki and State lawmakers to invest in our future and raise the maximum TAP grant for students who attend private colleges, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George E. Pataki and the entire Western New York Delegation of State Senators and Assemblymembers.

Fiscal Impact: To be determined.

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AL
CRYST D. PEOPLES

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

CARRIED UNANIMOUSLY.

ITEM 22 - Ms. PEOPLES presented the following resolution and requested that it be referred to the FINANCE AND MANAGEMENT COMMITTEE.

GRANTED.

Int. 8-4 From: Legs. Swanick, Peoples & Marshall Re: State Authorization to Amend County's Portion of Real Estate Transfer Tax

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128 Re: Confidentiality Under Managed Care (Int. 8-5)

WHEREAS, effective January 1, 1999, electronic transmission will be required for claims processing for medical managed care using a standard format defined by the U.S. Department of Health and Human Services Secretary, and

WHEREAS, Federal legislation would require states to create streamlined automated data systems using claims processing and information retrieval systems that have a uniform identification coding system for providers, payees, and beneficiaries, and

WHEREAS, although uniform data reporting may facilitate better coordination of care for patients, it also creates a platform for violating individual privacy, and

WHEREAS, Federal lawmakers have introduced *The Medical Information Privacy and Security Act* (S.1368) which would provide individuals with access to health information of which they are subject, ensure personal privacy with respect to personal medical records and health-care related information, impose criminal and civil penalties for unauthorized use of personal health information, and provide strong enforcement of these rights, and

WHEREAS, State Legislators have introduced bill S.1690-A which would require written authorization and consent by the patient or their designee, identifying with whom the medical record would be shared, a description of why information is being shared, and a list of the type and extend of information to be released or transferred,

WHEREAS, the legislation mentioned above is especially critical to protecting the privacy of mental health patients whose records may be particularly sensitive, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support Federal and State Legislation such as bills S.1368 and S.1690-A which protect the confidentiality of medical records, and be it further

RESOLVED, that this Honorable Body does further call upon State and Federal lawmakers to adopt such legislation and Governor George Pataki and President William Clinton to sign these bills into law, and be it further

RESOLVED, that certified copies of this resolution be forwarded to President William Clinton, the entire Western New York Delegation of United States Senators and Congressmen, Governor George Pataki, and to the entire Western New York Delegation of New York State Senators and Assemblymembers.

Fiscal Impact: To be determined.

JUDITH P. FISHER

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129 Re: Support for Mental Health Parity
in New York State (Int. 8-6)

WHEREAS, all across New York State patients are being discriminated against simply because the ailments they suffer from stem from the biochemistry of the brain, rather than some other organ, and

WHEREAS, currently in New York most insurance plans limit mental health coverage to 30 inpatient and 20 outpatient days and place caps on the amount of mental health coverage allowed - none of these limitations currently exist for physical illness, and

WHEREAS, in addition, insurers routinely require persons with mental disorders to pay higher deductibles and co-payments than those with physical conditions in order to access necessary treatment, and

WHEREAS, the reality is over 50 million American adults, 20 percent of the population, and 13.7 million children suffer from a mental disorder, however these problems can be treated and today's treatments are successful and cost effective, and

WHEREAS, during the past seven years 14 states have enacted some form of Parity legislation, which gives patients the same right to treatment for mental health problems as they now receive for other health problems, and similar bills have been introduced in 20 other states, and

WHEREAS, the New York State Assembly has passed Parity legislation, and

WHEREAS, a recent study published in the Journal of the American Medical Association looked at 24 managed-care plans that provide comprehensive mental health Coverage and concluded that removing caps, such as a \$25,000 limit on coverage, would only add one dollar per year per person to the cost of providing care, and

WHEREAS, this study also found that removing restrictions that limit inpatient care to 30 days per year and outpatient care to 20 sessions would add only seven dollars, or less than 60 cents per month, to the cost of care, and this is for a plan with no deductibles or co-pays, plans with such features would incur less additional cost, and

WHEREAS, ultimately mental health Parity for children and adults could lead to tremendous social and economic benefits, a California study found that for every dollar spent on chemical dependency disorders, taxpayers were saved \$7 in future costs due to reductions in health care costs and crime, and

WHEREAS, lack of treatment of mental health disorders in children can lead to school failure, substance abuse, family discord, violence or suicide and lack of coverage for adults can leave them unemployed, dependent on social services, homeless and with their families destroyed, and

WHEREAS, it is not uncommon for parents who have exhausted all their financial resources paying for treatment of a child with a mental health problem to reluctantly relinquish custody of their child to state authorities in order to access public funds for necessary services, and

WHEREAS, it is time for equal rights for medical treatment, heart patients are not told halfway through their treatment that their insurance coverage will end, diabetics do not lose insurance coverage for insulin because of an arbitrary time frame and Alzheimer's patients are not limited to a certain number of doctor visits, Parity would give these same benefits and rights to those affected with mental health and chemical dependency disorders,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support mental health Parity legislation in New York State which would put an end to insurance coverage discrimination against adults and children affected with a mental and/or chemical dependency disorders, and be it further

RESOLVED, that this Honorable Body does hereby believe removing the financial, logistical and social barriers to necessary mental health care and treatment for chemical dependency will produce both humane and economic benefits to the State of New York, and be it further

RESOLVED, that this Honorable Body does hereby commend the Assembly for passing Parity Legislation and further calls upon the New York Senate to adopt similar legislation and Governor Pataki to sign such legislation into law, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George E. Pataki, the Western New York Delegation of State Senators and Assemblymembers, and Joseph A. Glazer, President, The Mental Health Association of New York State.

Fiscal Impact: To be determined.

JUDITH P. FISHER

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

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

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 130 Re: Mental Health Reinvestment
(Int. 8-7)

WHEREAS, Reinvestment has become the single greatest funding source for new community-based mental health programs in New York State, and

WHEREAS, Reinvestment expires this year and many State Legislators will seek to extend this plan for another five years, however some would like to extend Reinvestment for only one year, and

WHEREAS, the five years sought is the same time frame as in the original legislation, and

WHEREAS, full enrollment in Special Needs Plans is estimated to be at least four years away, therefore a decision to do Reinvestment extenders in one-year increments will only result in Legislators spending a substantial amount of time reinstating this successful program over the next four sessions, and

WHEREAS, Reinvestment funding is the lifeblood for many community-based mental health programs,

NOW, THEREFORE, BE IT

RESOLVED, that The Erie County Legislature does hereby support New York State Bills A06786/S04270 calling for a five year extender of Community Mental Health Reinvestment, and be it further

RESOLVED, that This Honorable Body does further call upon members of the New York State Senate and Assembly to pass such legislation and Governor Pataki to sign these bills into law, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George E. Pataki, Senator Spano, Senator Libous, and the Western New York Delegation of New York State Senators and Assemblymembers.

Fiscal Impact: None for resolution.

JUDITH P. FISHER

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

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

CARRIED UNANIMOUSLY.

ITEM 26 - Ms. MARINELLI presented the following resolution and requested that it be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Int. 8-8 From: Leg. Marinelli Re: Support for Strengthening Criminal Penalties Against Persons Convicted of Animal Abuse

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131 Re: Support for Community Initiatives in the City of Buffalo (Int. 8-9)

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 \$16,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Days Park School Com. Playground	n/a	\$5,000
Augustine Olivencia Center	830/0568	\$2,000
Parkside Community Association	830/0643	\$9,000
TOTAL		\$16,000

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$8,000 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 939, Department 630 Senior Services - Administration - (DAC 110939630830220), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>BUDGET</u> <u>AMOUNT</u>	<u>+/-</u>	<u>NEW</u> <u>AMOUNT</u>
Hispanics United Of Buffalo	830/0220	\$5,000	\$8,000	\$13,000
TOTAL			\$8,000	

and be it further

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

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, and the Commissioner of Senior Services, 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 and to Gregg Borland, Days Park School, Community Playground Committee, 10 Days Park, Buffalo, NY 14201, Shirley Millan, Augustine Olivencia Center, 261 Swan Street, Buffalo, NY 14204, Mary Simpson, Parkside Community Association, 2318 Main Street, Buffalo, New York 14214, Hispanics United of Buffalo, 254 Virginia St., Buffalo, NY 14201.

Fiscal Impact: Appropriation of 1998-budgeted funds.

JUDITH P. FISHER

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 132 Re: Using Local Workers for Events at
the Buffalo Convention Center
(Int. 8-10)

WHEREAS, the Buffalo Convention Center is under the operation of the County of Erie, and

WHEREAS, officials of the International Alliance of Theatrical Stage Employees, Local 10 have informed county officials that employees residing out of the area are often retained by Convention center officials to perform various tasks relating to the trade show, exhibits, and other activities taking place at the Convention Center, and

WHEREAS, officials of Local 10 have indicated that this has been a recurring problem with Convention Center officials and, in seeking relief from those officials, Convention Center Executive Director Melvin Florczak has indicated that, should county officials become directly involved, some corrective action could be taken, and

WHEREAS, Mr. Florczak has indicated that a directive from the County Executive with regard to this matter would assist in setting appropriate policy, and

WHEREAS, Local 10 officials have indicated a desire to meet with all parties involved with respect to Convention Center operations in an effort to reach an agreement, and

WHEREAS, it is clearly in the interests of this Legislature to foster cooperation between various levels of government and organize labor toward ensuring to the highest degree possible that local residents that live and pay taxes in Erie County are offered the opportunity to work at these events,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize the need for government officials to work cooperatively amongst various levels of government and its related entities to ensure that local residents, rather than workers residing in areas outside Erie County, have an optimal ability to work at the Buffalo Convention Center at the various trade shows, exhibits, and other special events held at the Convention Center, and be it further

RESOLVED, that this Honorable Body does hereby pledge its support to the membership of the International Alliance of Theatrical Stage Employees, Local 10, in their efforts to ensure that local employment opportunities at Convention Center events be offered to local employees, and be it further

RESOLVED, that this Honorable Body does hereby call for a meeting between members of the Legislature, the Gorski Administration, officials of the Convention Center and officials of Local 10 to discuss this matter in full, and to come to an agreement as to the resolution of this matter, and be it further

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Frank Szeffler, Airlines Jr. Football, c/o 162 Castlewood Drive, Cheektowaga, NY 14227.

Fiscal Impact: Appropriation of 1998-budgeted funds.

RAYMOND K. DUSZA

Mr. GREENAN offered an amendment as follows:

Add the following the 2nd WHEREAS clause to read as follows:

WHEREAS, the Department of Emergency Services is in need of additional clothing supplies and related equipment, namely firefighter "smart coats," used in various emergency situations, and

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

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,558 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 935, Department 670 - Department of Emergency Services - Clothing Supplies (DAC: 110935670811), for the purchase of firefighter "smart coats," and be it further

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

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

Commissioner of Emergency Services Arthur Domino, and Deputy Commissioner of Emergency Services for Fire Safety Robert Schultz.

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

CARRIED UNANIMOUSLY.

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134 Re: Funding for Services in Kenmore and Tonawanda (Int. 8-12)

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 \$17,800 from the legislative contingency (Countywide Contingency DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Ken-Ton Musical Theatre Workshop	830/0261	\$2,500
Kenmore Fire Department	n/a	\$15,300
TOTAL		\$17,800

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman and to Carol L. Brunger, Ken-Ton Musical Theatre Workshop, P.O. Box 353, Buffalo, NY 14223, and Mayor John W. Beaumont, Village of Kenmore, 2919 Delaware Ave., Kenmore, NY 14217.

Fiscal Impact: Appropriation of 1998-budgeted funds.

CHARLES M. SWANICK LYNN M. MARINELLI

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

CARRIED UNANIMOUSLY.

ITEM 31 - Mr. MARSHALL presented the following resolution and moved to RECEIVE & FILE. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

✓ Int. 8-13 From: Legs. Greenan, Larson, Chase, Ranzenhofer & Marshall Re: Budget Reform Act of 1998

RECEIVED & FILED.

ITEM 32 - Ms. CHASE presented the following resolution and requested that it be referred to the HEALTH COMMITTEE.

GRANTED.

Int. 8-14 From: Legs. Chase, Greenan, Larson & Marshall Re: New York's Current Organ Transplant Donation System

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135 Re: Recertification of Clarence-Newstead (#14) and Alden-Newstead (#1) Agricultural Districts (Int. 8-15)

WHEREAS, the Erie County Legislature held a public hearing on March 6, 1997, regarding the 8-year review of the Clarence-Newstead Agricultural District (#14) which was created in 1980 and recertified every 8 years thereafter, and the Alden-Newstead Agricultural District (#1) which was created in 1972 and recertified every 8 years thereafter, and

WHEREAS, the existing Clarence-Newstead and Alden-Newstead Agricultural District boundaries were approved with modifications and adopted by the Erie County Legislature by resolution on July 17, 1997; and

WHEREAS, the necessary documentation on the Clarence-Newstead and the Alden-Newstead Agricultural Districts was forwarded to the New York State Department of Agriculture and Markets for State review and recertification as required by law; and

WHEREAS, the New York State Department of Agriculture and Markets has notified Erie County of the State recertification in a communication dated March 20, 1998.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the recertified Clarence-Newstead (#14) and Alden-Newstead (#1) Agricultural Districts with modifications with its anniversary dates of April 9, 1996 and November 19, 1996 respectively, and be it further

RESOLVED, that upon adoption of this resolution, the Clerk of the Legislature be directed to forward certified copies of this resolution to the Erie County Clerk, the Erie County Department of Environment and Planning, the Commissioner of the New York State Department of Agriculture and Markets, and New York State Department of Transportation (Buffalo Office), and the Towns of Alden, Clarence, Newstead and the Village of Akron.

CHARLES M. SWANICK	CRYSTAL D. PEOPLES	EDWARD J. KUWIK
MICHAEL A. FITZPATRICK	GEORGE A. HOLT, Jr.	JUDITH P. FISHER
GREGORY B. OLMA	ALBERT DEBENEDETTI	RAYMOND K. DUSZA
LYNN M. MARINELLI	FREDERICK J. MARSHALL	JOHN W. GREENAN
JEANNE Z. CHASE	WILLIAM A. PAULY	BARRY WEINSTEIN, M.D.
MICHAEL H. RANZENHOFER		DALE W. LARSON

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

CARRIED UNANIMOUSLY.

ITEM 34 - Mr. GREENAN presented the following resolution and moved for immediate consideration. Mr. MARSHALL seconded.

Int. 8-16 From: Legs. Greenan, Larson, Chase, Ranzenhofer, Marshall & DeBenedetti Re: Budget Reform Act of 1998

Chairman SWANICK directed that Int. 8-16 be referred to the FINANCE AND MANAGEMENT COMMITTEE.

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

Chairman SWANICK directed that a Roll Call be taken.

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

DEFEATED.

Subsequently, Int. 8-16 was referred to the FINANCE AND MANAGEMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136 Re: Development of an Erie County Energy Action Plan to Commemorate Earth Day 1998 (Int. 8-17)

WHEREAS, Buildings use more than one-third of the energy consumed in the United States, with heating and cooling systems accounting for 60 percent and lights and appliances the remaining 40 percent of buildings' energy use, and

WHEREAS, Erie County owns numerous buildings and facilities, is involved in several major construction projects including the renovation of the Botanical Gardens and the construction of a new courthouse, and is responsible for numerous housing rehabilitation projects; all of which should be models of energy efficiency and use of renewable technologies, and

WHEREAS, The Erie County Environmental Management Council has identified the development and implementation of sustainable energy practices and policies as a priority for Erie County, and

WHEREAS, The United States Department of Energy recently announced a new initiative to marshal federal and community resources to safeguard the environment and energy security and to promote sustainable energy, and

WHEREAS, The New York State Energy Research and Development Authority initiated the Renewables Research and Development Program, which provides financial assistance for renewable technologies, and

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature, in commemoration of Earth Day, does hereby reaffirm its commitment to environmental conservation, and be it further

RESOLVED, That this Honorable Body does hereby direct Erie County Department of Environment and Planning Commissioner Rich Tobe to begin development of a five-year Energy Action Plan for Erie County in order to realize a goal of reducing energy consumption in county facilities by 20 percent, and be it further

RESOLVED, That said plan should include:

- 1) Compiling and updating basic data on energy use and cost in each County facility,
- 2) Reviewing major County projects in all stages of development to encourage energy efficiency to ensure that they become models of sustainable energy designs such as daylighting and passive solar,
- 3) Working with municipalities to promote energy efficiency policies,
- 4) Implementing local programs that reduce the level of greenhouse gases to help meet national goals to reduce emissions,
- 5) Reviewing and updating the County's Energy Action Plan within two years,
- 6) Promoting cost effective energy savings (simple paybacks of ten years or less) in County owned buildings and facilities,

- 7) Taking advantage of state and federal technical and financial assistance programs,
- 8) Purchasing electricity in a deregulated marketplace using an approach which maintains incentives for energy conservation and efficiency and gives due consideration to non-polluting "green power" sources,
- 9) Reviewing and updating the County's Energy Action Plan within five years so that this initiative can be evaluated and continued if successful, and be it further

RESOLVED, That Commissioner Tobe is further instructed to report back to this Honorable Body on how to: promote conservation as the energy resource of first choice in Erie County, including district heating and cooling; support environmentally acceptable, sustainable energy sources including solar and wind; create, in conjunction with the Erie County Environmental Management Council, a Citizens' Energy Commission to provide oversight and guidance to the aforementioned efforts, and be it further

RESOLVED, That certified copies of this resolution be sent to Erie County Executive Dennis Gorski, Erie County Department of Energy and Environment Commissioner Rich Tobe, and Peter Warm, Walter Simpson and Joan Bozer of the Erie County Environmental Management Council.

Fiscal Impact: Potential savings for Erie County taxpayers.

GREGORY B. OLMA

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137 Re: Organ Donation (Int. 8-18)

WHEREAS, In 1996 3,926 patient's died waiting for some type of organ transplant, and

WHEREAS, The number of people waiting for transplants has grown from 16,000 in 1988 to nearly 54,000 in 1996, including 159 in the Buffalo area, and

WHEREAS, Medical technology has made organ transplants more successful, however too few individuals sign the back of their driver's license or tell their family they would like to donate their organs, and

WHEREAS, The process for choosing a organ recipient's name from a waiting list differs from state to state and is dependent upon many conditions, including a patient's current health and location,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County legislature would like to learn more about the organ donation and transplant process, and be it further

RESOLVED, That this Honorable Body does hereby request the presence of Myron Bennett, Director of Recovery Operations, Upstate New York Transplant Services, and Erie County Health Commissioner, Arnold N. Lubin, M.D. to attend a future Health/Mental Health Committee meeting to discuss organ donation and the organ transplant process, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Erie County Health Commissioner, Arnold N. Lubin, M.D., and Myron Bennett, Director of Recovery Operations, Upstate New York Transplant, 165 Genesee, Buffalo, NY 14203.

Fiscal Impact: None for resolution.

JUDITH P. FISHER CRYSTAL D. PEOPLES

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138 Re: Funding the County's 1998 Buffalo Bills Lease Obligation Without New Revenue Sources (Int. 8-19)

WHEREAS, County government's basic responsibility is to provide service delivery in the most cost effective and efficient way possible, and

WHEREAS, for the past six consecutive years, Erie County has been a leader in this regard as evidenced by having ranked first in cost containment among the six big counties in New York State (excluding New York City), according a cost containment study conducted by Suffolk County, and

WHEREAS, after a careful and comprehensive review of the County's major budget accounts and stable fiscal outlook, the County Legislature has determined that a new revenue source is not needed to support the County's first year obligation under the Buffalo Bills lease extension, and

WHEREAS, the aforementioned determination is based on several factors, including recurring budgetary savings from reduced payroll and pension expenses (including approximately 130 positions reductions in 1998 and 17.7% position reduction over ten years) departmental consolidations, reduction of the county's outstanding indebtedness, welfare reform, Medicaid managed care, as well as sustained strength in the financial markets and consistent levels of state assistance and cost savings opportunities in the recommended 1998-99 state budget, and

WHEREAS, considering the several factors that influence County finances and spending trends, both internal and external, the assumption that a new revenue source is not needed will require annual review and be considered on a year to year basis,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record in support of addressing Erie County's 1998 Buffalo Bills lease obligations without a new County revenue or funding source, and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Dennis T. Gorski, County Budget Director Kenneth Kruly, County Comptroller Nancy A. Naples, and to the Erie County Legislature's Regional Asset Fund Committee Chairman John Bis.

Fiscal Impact: Approximately \$\$3 million in 1998.

CHARLES M. SWANICK CRYSTAL D. PEOPLES
GEORGE A. HOLT, Jr. LYNN M. MARINELLI JUDITH P. FISHER

Mr. MARSHALL offered an amendment as follows:

Delete the 5th WHEREAS clause.

Mr. MARSHALL moved the adoption of the amendment. 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.

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

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

Chairman SWANICK directed that a Roll Call be taken.

Ayes - Chase, Greenan, Larson, Marshall, Pauly, Ranzenhofer,
Weinstein, DeBenedetti, Dusza, Fisher, Holt, Kuwik, Marinelli,
Peoples, Swanick - 15. Noes - Fitzpatrick, Olma - 2.

CARRIED.

COMMUNICATIONS DISCHAGED FROM COMMITTEE:

ITEM 38 - Mr. MARSHALL moved to discharge the FINANCE AND MANAGEMENT COMMITTEE from further consideration of Int. 7-7. MR. LARSON seconded.

Int. 7-7 From: Legs. Greenan, Chase, Larson, Ranzenhofer & Marshall Re: Creating a Climate for Enduring Economic Prosperity in Western New York

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.

ITEM 39 - Mr. MARSHALL moved to discharge the FINANCE AND MANAGEMENT COMMITTEE from further consideration of Int. 27-22 (1997). Mr. GREENAN seconded.

Int. 27-22 From: Legs. Marshall, Chase, Greenan, Larson & Ranzenhofer Re: Funding for Buffalo Bills Lease Without Need for \$78 Million "Sin Tax"

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.

SUSPENSION OF THE RULES:

ITEM 40 - Mrs. FISHER moved for a suspension of the rules to include an item not on the agenda. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 139 Re: Expanded Mental Health Benefits
Under Child Health Plus (Int. 8-20)

WHEREAS, Child Health Plus (CHP) is a program that was launched in 1991 which would provide easy access to affordable health care for all of the estimated 680,000 children across New York State who currently do not have health insurance, and

WHEREAS, Governor Pataki has proposed vast expansion of Child Health Plus, however the plan lacks adequate coverage for mental health treatment and services, and

WHEREAS, The current plan allows for a total of 60 outpatient visits which are broken down into categories, 20 mental health, 20 family support and 20 substance abuse, this plan does not provide inpatient mental health benefits, and

WHEREAS, The Governor's expanded plan includes inpatient benefits however, it is unclear how many inpatient mental health or substance abuse visits are allowed, and

WHEREAS, A report by the U.S. Department of Health and Human Services found that 1 in 5 children under the age of 18 have a diagnosable mental or emotional disorder, most of which go undiagnosed and untreated, and

WHEREAS, Mental health benefits are especially important for a child, when diagnosis, checkups and treatment can spot developing problems and remedy them before they become more serious and more expensive,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature recognizes the importance available and affordable mental health treatment for children and all people, and be it further

RESOLVED, That this Honorable Body does hereby call upon Governor Pataki, the State Assembly and the State Senate to expand Child Health Plus to include equal coverage for health and mental health services or at least expand the current plan to include additional coverage for mental health inpatient and outpatient treatment, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Governor George E. Pataki, the Western New York Delegation of State Senators and Assemblymembers, Erie County Health Commissioner Arnold N. Lubin, M.D., and Joseph A. Glazer, President, Mental Health Association of New York State.

Fiscal Impact: To be determined.

JUDITH P. FISHER ALBERT DEBENEDETTI

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

CARRIED UNANIMOUSLY.

ITEM 41 - Mr. MARSHALL moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 8E-37 From: Leg. Marshall Re: Minority's Appointment to the Erie Community College Presidential Search Committee

Chairman SWANICK directed that Comm. 8E-37 be RECEIVED, FILED & PRINTED.

Richard Quinn, Chairman
Board of Directors ECC
121 Ellicott Street
Buffalo, NY 14203

Dear Mr. Quinn:

Please be advised that Legislator **Dale W. Larson** will serve as the Minority's appointment to the Erie Community College Presidential Search Committee.

Sincerely,
FREDERICK J. MARSHALL
Minority Leader
Erie County Legislature

RECEIVED, FILED & PRINTED.

ITEM 42 - Ms. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 8D-17 From: Probation Re: Letter to Chairman Swanick Re: PINS Legislation

Chairman SWANICK directed that Comm. 8D-17 be referred to the PUBLIC SAFETY COMMITTEE.

ITEM 43 - Ms. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 8D-18 From: Commission on the Status of Women Re: The Status of Women in Erie County 1997: An Agenda for Progress Report

Chairman SWANICK directed that Comm. 8D-18 be referred to the COMMUNITY ENRICHMENT COMMITTEE.

ITEM 44 - Ms. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

Comm. 8M-18 From: NYS Assemblyman Sam Hoyt Re: Assembly Bill A.120 & Senate Bill S.255

Chairman SWANICK directed that Comm. 8M-18 be referred to the PUBLIC SAFETY COMMITTEE.

ITEM 45 - Ms. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

✓ ✓ ✓
Comm. 8M-19 From: Erie County Council for the Prevention of Alcohol & Substance Abuse Re: Letter to Leg. Marinelli Regarding Assembly Bill A120

COMMUNICATIONS FROM ELECTED OFFICIALS:

FROM THE COMPTOLLER

ITEM 46 - (Comm. 8E-1) ECMC's Proposal to Sell Cleve-Hill Dialysis Center & Peritoneal Program to Total Renal Care, Inc.

Received and referred to the HEALTH COMMITTEE.

FROM CHAIRMAN SWANICK

ITEM 47 - (Comm. 8E-2) Copy of Letter to ECC Re: Legislator Marinelli to Serve as the Majority's Appointment to ECC Presidential Search Committee

RECEIVE, FILE & PRINT.

William Mariani, Interm President
ECC-City Campus
Buffalo, NY 14203

Dear Mr. Mariani:

✓ Please be advised that Legislator Lynn M. ^MMarinelli will serve as the Majority's appointment to the Erie Community College Presidential Search Committee.

Very truly yours,
CHARLES M. SWANICK
Chairman
Erie County Legislature

RECEIVED, FILED & PRINTED.

ITEM 48 - (Comm. 8E-3) Copy of Letter to Clerk of Legislature Re: Appointment of Legislator Chase to Serve on Board of Directors of Cornell Cooperative Extension

RECEIVE, FILE & PRINT.

Dear Madame Clerk:

Please be advised that pursuant to the authority vested in me as Chairman of the Erie County Legislature, I hereby appoint Legislator **Jeanne Z. Chase** to serve on the Board of Directors of the Cornell Cooperative Extension.

Very truly yours,
CHARLES M. SWANICK
Chairman
Erie County Legislature

RECEIVED, FILED & PRINTED.

FROM THE COUNTY EXECUTIVE

ITEM 49 - (Comm. 8E-4) Position Change Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR OLMA

ITEM 50 - (Comm. 8E-5) Copy of Letter to Chairman Swanick Re: Public Hearing to Interview for Erie County Water Authority Commissioner Position

FROM CHAIRMAN SWANICK

ITEM 51 - (Comm. 8E-6) Copy of Letter to Energy & Environment Committee Re: Tim Clark as Candidate for Appointment to Water Authority Board

FROM THE COMPTROLLER

ITEM 52 - (Comm. 8E-7) Erie County Water Authority Borrowing Activity for Period 1/91 - 7/96

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

FROM THE COUNTY EXECUTIVE

ITEM 53 - (Comm. 8E-8) Appointments to Erie County Youth Services Board

RECEIVE, FILE & PRINT.

Honorable Members:

Pursuant to the power vested in me by Section 11-F-03 of Article XI of the Erie County Charter, I, Dennis T. Gorski, Erie County Executive, am pleased to inform you that I am appointing the following persons to the Erie County Youth Services Board:

APPOINTMENTS

TERM EXPIRES:

Mark F. Klyczek
21 Mona Court
Depew, NY 14043

12/31/2000

Richard Pinkowski
4357 Twilight Lane
Hamburg, NY 14075

12/31/2000

Very truly yours,
DENNIS T. GORSKI

RECEIVED, FILED & PRINTED.

ITEM 54 - (Comm. 8E-9) First Amendatory Agreement to Two Mile Creek Design Contract - Wendel Engineers

ITEM 55 - (Comm. 8E-10) ECSD No. 4 URS Consultants Change Order No. 4

ITEM 56 - (Comm. 8E-11) ECSD No. 1 Borden Clinton Pump Station - Contract "D" Contract Close-Out Ferguson Electric Construction Company

ITEM 57 - (Comm. 8E-12) ECSD No. 1 Overflow Retention Facility Contract No. 1B Contract Close-Out Quackenbush Company

ITEM 58 - (Comm. 8E-13) Engineering Service Agreements Legislative Comm. 20E-13 Work Project - TVG^{A-4} ECSD No. 6 Excess Flow Management Facility

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

ITEM 59 - (Comm. 8E-14) Central Police Services Contract with Harold R. Miller

Received and referred to the PUBLIC SAFETY COMMITTEE.

ITEM 60 - (Comm. 8E-15) Appointments & Re-Appointments to the ECSD No. 4 Board of Managers

Received and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

ITEM 61 - (Comm. 8E-16) Appointmen^T to Buffalo & Erie County Board of Trustees

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ITEM 62 - (Comm. 8E-17) Reappointment to Board of Managers of ECMC

ITEM 63 - (Comm. 8E-18) Health - Grant Case Management Services for Children with Special Health Needs 10/1/97-9/30/98

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

ITEM 64 - (Comm. 8E-19) ECSD No. 1 Overflow Retention Facility Contract No. 1C Contract Close-Out - MKS Plumbing

ITEM 65 - (Comm. 8E-20) ECSD No. 1 - Borden Clinton Pump Station - Contract "A" Contract Close-Out - Butler Construction Company

ITEM 66 - (Comm. 8E-21) ECSD No. 4 - Bowmansville/Warner Road Pump Station Contract "D" Contract Close-Out - CIR Electrical Construction Corporation

ITEM 67 - (Comm. 8E-22) ECSD No. 4 - Bowmansville/Warner Road Pump Station Contract "A" Contract Close-Out Kenaidan Construction Corporation

ITEM 68 - (Comm. 8E-23) ECSD No. 1 Overflow Retention Facility - Contract ID Contract Close-Out - Frey Electric Construction Corporation

ITEM 69 - (Comm. 8E-24) ECSD No. 1 - Overflow Retention Facility - Contract No. 1A Contract Close-Out - Kenaidan Construction Corporation

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

ITEM 70 - (Comm. 8E-25) Request for Legislative Action that will Authorize Erie County to accept a Grant from U.S. Dept. of HUD to Develop Transitional Housing

ITEM 71 - (Comm. 8E-26) Request for Legislative Action that will Authorize Erie County to Accept a HUD Grant to Provide Rental Assistance for Homeless Persons

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

8E-31 ECSD No. 3 Milestrip Road Pumping Station Contract "A" Contract
Close-Out Aquatech Associates Corporation

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ITEM 72 - (Comm. 8E-27) Senior Services - Authorization to Revise Protective Services for Adults Grant

ITEM 73 - (Comm. 8E-28) Senior Services - Authorization to Revise Nutrition Grants

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

ITEM 74 - (Comm. 8E-29) Grant Programs - Authorization to Contract Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

ITEM 75 - (Comm. 8E-30) ECSD No. 1 - Clinton Street & Borden Road Pumping Station Contract "C" Kipphut & Neumann Company Contract Close-Out

ITEM 76 - (Comm. 8E-31) ECSD No. 2 - Evangola State Park Proposed Amended Service Agreement

ITEM 77 - (Comm. 8E-32) ECSD No. 3 - Pumping Station Elimination Contract BL-5 John R. Schuler Contract Close-Out

ITEM 78 - (Comm. 8E-33) ECSD No. 3 - Pumping Station Elimination Contract BL-5 John R. Schuler Contract Close-Out

ITEM 79 - (Comm. 8E-34) Appointments to Region 9 Fish & Wildlife Management Board

ITEM 80 - (Comm. 8E-35) Housing Demonstration Project - Erie County Consortium

ITEM 81 - (Comm. 8E-36) ECSD No. 4 - Depew Pumping Station Contract EC-6D, Change Order No. 1 CIR Electrical Construction

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

CLARENCE LIBRARIES-LIBRARY BOOKS/MEDIA	\$ 700.00
CLARENCE LIBRARIES-OTHER EXPENSE	\$ 1,000.00
CLARENCE LIBRARIES-OFFICE EQUIPMENT	\$ 1,800.00
CLARENCE LIBRARIES-LAB & TECH EQUIPMENT	\$ 3,500.00
SOUTH CHEEKTOWAGA BASEBALL ASSN.	\$ 1,000.00
CHEEKTOWAGA SOUTHSIDE, INC.	\$ 1,000.00
CHEEKTOWAGA HOCKEY BOOSTER CLUB	\$ 1,000.00
MASTEN NEIGHBORHOOD-ADVISORY COUNCIL	\$40,000.00
ARTSPACE	\$ 7,000.00
ERIE COMMUNITY COLLEGE-SME MANUFACTURING EDUCATION GRANT	\$ 5,000.00
HAMBURG NATURAL HISTORY SOCIETY	\$10,000.00
VILLAGE OF BLASDELL-POLICE DEPT.	\$ 1,500.00
OLIVENCIA COMMUNITY CENTER	\$ 2,000.00

The hearing will be held in the Erie County Executive's Library Room on the 16th floor of the Rath Building, 95 Franklin Street, in the City of Buffalo.

On March 19, 1998 the Erie County Legislature adopted Resolutions Reference Int. 7-10, Int. 7-11, Int. 7-12, Int. 7-13 and Int. 7-18. Copies of Resolutions are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

DENNIS T. GORSKI
Erie County Executive

RECEIVED, FILED & PRINTED.

FROM ERIE COMMUNITY COLLEGE

ITEM 85 - (Comm. 8D-4) Duplicate of 8D-2

RECEIVED & FILED.

FROM SOCIAL SERVICES

ITEM 86 - (Comm. 8D-5) Update to Procedure for Stove/Refrigerator Payments

Received and referred to the SOCIAL SERVICES COMMITTEE.

ITEM 87 - (Comm. 8D-6) Fidelis/Family Planning

Received and referred to the HEALTH COMMITTEE.

FROM COMMISSION ON THE STATUS OF WOMEN

ITEM 88 - (Comm. 8D-7) Minutes of Meeting Held 3/11/98

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LAW

Comm. ITEM 89 - (Comm. 8D-8) Copy of Letter to Chairman Swanick Re: ~~Ent.~~ 7E-9 Comptroller Naples Resolution Lease/Leaseback

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

FROM ERIE COUNTY MEDICAL CENTER

ITEM 90 - (Comm. 8D-9) Notice of Meeting to be Held 4/16/98

ITEM 91 - (Comm. 8D-10) Notice of Meeting to be Held 4/3/98

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

FROM CLERK OF THE LEGISLATURE

ITEM 92 - (Comm. 8D-11)

Ms. PEOPLES moved for immediate consideration. Mr. HOLT seconded.
CARRIED UNANIMOUSLY.

RESOLUTION NO. 140 Re: Copy of Letter to Chairman Swanick
Re: Notification that Vacancy in Office
of Water Authority Commissioner will
Occur on April 27, 1998

Dear Chairman Swanick:

This letter will advise that, pursuant to Public Authorities Law Section 1053, a vacancy in the Office of Water Authority Commissioner will occur on April 17, 1998.

The appointment shall be made by the Chairman of the Legislature, pursuant to nominations(s) in writing by the amjority, respectively, of the legislators of each political party represented on the Erie County Legislature. Your appointment, from the written nominations(s), is subject to confirmation by a majority vote of the entire legislative body.

Sincerely,
LAURIE M. MANZELLA
Clerk

Ms. PEOPLES offered an amendment as follows:

The following petition was offered:

We, the undersigned, representing a majority of the members of the Democratic Party in the Erie County Legislature, do hereby nominate for re-appointment as a member of the Erie County Water Authority MARK PATTON, 7 Fox Chapel Drive, Orchard Park, NY 14127, to fill a three-year term expiring April 27, 2001.

MICHAEL A. FITZPATRICK	GEORGE A. HOLT, Jr.
JUDITH P. FISHER	CRYSTAL D. PEOPLES
RAYMOND K. DUSZA	CHARLES M. SWANICK
LYNN M. MARINELLI	

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

CARRIED.

Legislator Olma in the negative.

Ms. PEOPLES moved the confirmation. Ms. MARINELLI seconded.

Chairman SWANICK directed that a Roll Call be taken.

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

CONFIRMED.

FROM SOCIAL SERVICES

ITEM 93 - (Comm. 8D-12)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141 Re: Regional Cooperation Agreement
with Chautauqua County for Joint
Purchase of Natural Gas

WHEREAS, the Erie County Department of Social Services, together with the Department of Public Works and the Division of Purchase, have established a natural gas aggregation plan with National Fuel Gas pursuant to newly adopted Public Service Commission tariffs, for the purchase of natural gas for social services recipients, and

WHEREAS, the Chautauqua County Executive and Legislature have requested by Resolution 44-98 that Chautauqua County participate in Erie County's natural gas purchases in order to take advantage of the low natural gas prices available to Erie County, and

WHEREAS, such a municipal cooperation agreement is authorized by General Municipal Law Article 5-G,

NOW, THEREFORE, BE IT RESOLVED, that the County Executive is hereby authorized to enter into a municipal cooperation agreement with the County of Chautauqua for the joint purchase, at competitively bid market rates, of natural gas for social services recipients, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Chautauqua County Executive, the Commissioner of Public Works, the Commissioner of Social Services, the Director of Purchase and the County Attorney.

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

CARRIED UNANIMOUSLY.

FROM SOCIAL SERVICES

ITEM 94 - (Comm. 8D-13) Final Audit Report of Baker Victory Services, Inc. Contract Compliance with Social Services for 12 Month Period Ended 1/31/96

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

FROM DPW

ITEM 95 - (Comm. 8D-14) Erie County Correctional Facility, Jail Expansion

ITEM 96 - (Comm. 8D-15) Various County Buildings Improvements & Renovation

ITEM 97 - (Comm. 8D-16) Resolution 27-6 Adopted 12/18/97 Funding Allocation for Electric Avenue (CR 512) Cost Sharing with City of Lackawanna Initial Report

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

FROM CAYUGA COUNTY LEGISLATURE

ITEM 98 - (Comm. 8M-1) Copy of Resolution Requesting State Legislature for Relief from Unnecessary Legal Costs Resulting from Misplaced Lawsuits

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM NYS DEPARTMENT OF AGRICULTURE & MARKETS

ITEM 99 - (Comm. 8M-2) Letter of Recertification - Agricultural District No. 1

ITEM 100 - (Comm. 8M-3) Letter of Recertification - Agricultural District No. 14

The above two items were RECEIVED & FILED.

FROM TIM CLARK

ITEM 101 - (Comm. 8M-4) Copy of Letter to Chairman SWANICK Re:
Notification of Candidacy for the Position of Commissioner of the ECWA

FROM LOIS WILSON

ITEM 102 - (Comm. 8M-5) Copy of Letter to Legislator Fisher Re:
Sales Tax on Home Heating Bills

ITEM 103 - (Comm. 8M-6) Copy of Letter to Legislator Fisher Re:
Tax Charges on Utility Bills

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

FROM YOUR FAMILY RESTUARANT

ITEM 104 - (Comm. 8M-7) Copy of Letter to Legislator Olma Re:
Smoking Ban

Received and referred to the HEALTH COMMITTEE.

FROM WEST FALLS VOLUNTEER FIRE COMPANY

ITEM 105 - (Comm. 8M-8) Copy of Letter to County Executive Re: In
Support of the 800Mhz Trunked Radio System

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM BUFFALO ZOO

ITEM 106 - (Comm. 8M-9) Copy of Letter to Legislator Marinelli Re:
Concerns Regarding the Funding Process for Cultural Organizations

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM MELINDA HOLLAND, CLEAN SITES

ITEM 107 - (Comm. 8M-10) Summary of Meeting Held 3/17/98 & Notice of Meeting to be Held 4/21/98

Received and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

FROM AFFORDABLE GREAT LOCATIONS INC.

ITEM 108 - (Comm. 8M-11) Copy of Letter to Chairman Swanick Re Individual Taxation

Received and referred to the FINANCE AND MANAGEMENT COMMITTEE.

FROM CLINTON COUNTY LEGISLATURE

ITEM 109 - (Comm. 8M-12) Certified Copy of Resolution #213 Re: Negative Impact of "Exit Control" on Northern Border Communities

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM MAYOR, CITY OF BUFFALO

ITEM 110 - (Comm. 8M-13) Copy of Letter to Chairman Swanick Re: Three Nominations for Appointment to the Board of Trustees of Buffalo & Erie County Public Library

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM UNITED STATES GENERAL ACCOUNTING OFFICE

ITEM 111 - (Comm. 8M-14) Report on Fraud, Waste & Abuse of the Food Stamp Program

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM NORTH COLLINS VOLUNTEER FIRE COMPANY

ITEM 112 - (Comm. 8M-15) Letter to Chairman Swnaick Re: Support for Proposed Upgrade of the Emergency Service Radio System

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM TOWN OF COLLINS PUBLIC LIBRARY

ITEM 113 - (Comm. 8M-16) Copy of Letter to Library Director
Re: Proposal to Build a New Library

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM ALDEN TOWN CLERK

ITEM 114 - (Comm. 8M-17) Copy of Resolution Re: Fire Hydrants
Maintenance Fees

Received and referred to the ENERGY AND ENVIRONMENT COMMITTEE.

MEMORIAL RESOLUTIONS:

ITEM 115 - Mr. KUWIK moved that when this Legislature
adjourns, it do so out of respect to the memory of **Clinton (Bud)
Coughig**, deceased. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

ITEM 116 - Mrs. FISHER moved that when this Legislature
adjourns, it do so out of respect to the memory of **Bella Asburz**,
deceased. Ms. PEOPLES seconded.

CARRIED UNANIMOUSLY.

✓ ITEM 117 - Chairman SWANICK directed that when this
Legislature adjourns, it do so out of respect to the memory of **The
Victims of the Jonestown, ~~Arkansas~~ Tragedy**. Ms. PEOPLES seconded.
gedy

CARRIED UNANIMOUSLY.

ADJOURNMENT:

ITEM 118 - 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, Mr. MARSHALL seconded.

CARRIED UNANIMOUSLY.

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

LAURIE A. MANZELLA
Clerk

April 30, 1998