

ERIE COUNTY LEGISLATURE
MEETING NO. 4
February 18, 1999



The Legislature was called to order by Chairman Swanick.

Legislators Fisher and Greenan were absent. All other members were present .

A moment of silence was held.

The Pledge of Allegiance was led by Ms. Peoples

Minutes of the previous meeting were tabled.

The Chairman directed that the session enter into recess at 2:05 p.m and public hearing called to order for Local Law Intro No. 2 – 1999.

LEGAL NOTICE
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, the Erie County Legislature will hold a Public Hearing on Thursday, February 18, 1999 at 2:00 p.m. concerning Erie County LOCAL LAW INTRO. NO. 2 –1999, entitled:

A LOCAL LAW in relation to granting a partial exemption from real property taxation, pursuant to section four hundred fifty-nine-c of the real property tax law, to persons with disabilities who have limited incomes.

The hearing will be held in the Chambers of Erie County Legislature located on the 7th floor of 25 Delaware Avenue, in the City of Buffalo, New York.

Copies of the proposed local law are available for public inspection Monday Through Friday from 9:00 a.m. to 5:00 p.m. in the office of the clerk of the Legislature on the 7th floor of 25 Delaware Avenue, in the City of Buffalo, New York.

LAURIE A. MANZELLA
Clerk
Erie County Legislature

CHAIRMAN SWANICK declared the public hearing closed and the session reconvened at 2:06 p.m.

MISCELLANEOUS RESOLUTIONS

Item 1 – MR. DUSZA & MR. OLMA presented a resolution Honoring 1999 Am-Pol Eagle Citizens of the Year.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 2 - CHAIRMAN SWANICK directed that Local Law Intro No. 1 (Print #1) 1998 remain on the table and in the HEALTH COMMITTEE.

Item 3 – MS. PEOPLES moved to take Local Law Intro No. 2 – (Print 1) from the table for immediate consideration. MS. MARINELLI seconded.

COUNTY OF ERIE

**LOCAL LAW INTRODUCTION NO. 2 - 1999
LOCAL LAW NUMBER - 1999**

A LOCAL LAW in relation to granting a partial exemption from real property taxation, pursuant to section four hundred fifty-nine-c of the real property tax law, to persons with disabilities who have limited incomes.

The Erie County Legislature enacts as follows:

Section 1. Persons with disabilities and limited incomes. a. Real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereinafter defined, is limited by reason of such disability, shall be exempt from taxation by the county of Erie, as authorized by section four hundred fifty-nine-c of the real property tax law, to the extent of fifty per centum of the assessed valuation thereof as hereinafter provided.

b. To be eligible for the exemption provided by subdivision one of this local law, the maximum income of such person shall not exceed eighteen thousand five hundred dollars. Real property owned by one or more persons with disabilities, or real property owned by a husband and wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation by the county of Erie to the extent provided in the following table:

Annual Income	Percentage of Assessed Valuation Exempt from Taxation
More than \$18,500 but less than \$19,500	45 per centum
\$19,500 or more, but less than \$20,500	40 per centum
\$20,500 or more, but less than \$21,500	35 per centum
\$21,500 or more, but less than \$22,400	30 per centum
\$22,400 or more, but less than \$23,300	25 per centum
\$23,300 or more, but less than \$24,200	20 per centum
\$24,200 or more, but less than \$25,100	15 per centum
\$25,100 or more, but less than \$26,000	10 per centum
\$26,000 or more, but less than \$26,900	5 per centum

§2. Definitions. As used in this local law, the following words shall have the following meanings: a. "Sibling" shall mean a brother or a sister, whether related through whole blood, half blood or adoption;

b. A person with a disability is one who has a physical or mental impairment, not due to current use of alcohol or illegal drug use, which substantially limits such person's ability to engage in one or more major life activities, such as caring for one's self, performing manual

tasks, walking, seeing, hearing, speaking, breathing, learning and working; and, who (i) is certified to receive social security disability insurance (SSDI) or supplemental security income (SSI) under the federal social security act; or, (ii) is certified to receive railroad retirement disability benefits under the federal railroad retirement act; or, (iii) has received a certificate from the New York state commission for the blind and visually handicapped stating that such person is legally blind. An award letter from the social security administration or the railroad retirement board or the New York state commission for the blind and visually handicapped shall be submitted as proof of disability.

§3. Computation of exemption. Any exemption provided by this local law shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed; provided, however, that no parcel may receive an exemption for the same municipal tax purpose pursuant to both this local law and section four hundred sixty-seven of the real property tax law.

§4. Limitation on exemption. No exemption shall be granted: a. if the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the limits provided in sections one and two of this local law. Income tax year shall mean the twelve month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum, except where the husband or wife or ex-husband or ex-wife, is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse or ex-spouse residing on the property shall be considered, and may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total

gain or loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances, or monies earned through employment in the federal foster grandparent program. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of personal property held for the production of income;

b. unless the property is used exclusively for residential purposes, provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion shall be entitled to the exemption provided by this local law;

c. unless the real property is the legal residence of and is occupied in whole or in part by the disabled person; except where the disabled person is absent from the residence while receiving health-related care as an in patient of a residential health care facility, as defined in section twenty-eight hundred of the public health law, provided that any income accruing to that person shall be considered income for purposes of this local law only to the extent that it exceeds the amount paid by such person or spouse or sibling of such person for care in the facility.

§5. Shares in co-operative apartment corporations. a. Title to that portion of real property owned by a co-operative apartment corporation in which a tenant-stockholder of such corporation resides, and which is represented by his share or shares in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.

b. That proportion of the assessment of such real property owned by a co-operative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such entire parcel and the buildings thereon owned by such co-operative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation pursuant to this local law and exemption so granted shall be credited against the assessed valuation of such real property; the reduction in real property taxes realized thereby shall be credited by the co-operative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

§6. Annual application for exemption. Application for such exemption shall be made annually by the owner, or all of the owners of the property, on forms prescribed by the state board, and shall be filed in the appropriate assessor's office on or before the appropriate taxable status date; provided, however, that proof of a permanent disability need be submitted only in the year exemption pursuant to this local law is first sought or the disability is first determined to be permanent.

§7. At least sixty days prior to the appropriate taxable status date, the assessor shall mail to each person who was granted exemption pursuant to this local law on the latest completed assessment roll an application form and a notice that such application must be filed on or before the taxable status date and be approved in order for the exemption to continue to be granted. Failure to mail such application form or the failure of such person to receive the same shall not prevent the levy, collection and enforcement of the payment of the taxes owed by such person.

§8. Notwithstanding any other provision of law to the contrary, the provisions of this local law shall apply to real property held in trust solely for the benefit of a person or persons

who would otherwise be eligible for a real property tax exemption pursuant to section one of this local law, were such person or persons the owner or owners of such real property.

§9. This local law shall be effective immediately.

BARRY A. WEINSTEIN, MD
CRYSTAL D. PEOPLES
MICHAEL A. FITZPATRICK
JUDITH P. FISHER
ALBERT DEBENEDETTI
LYNN M. MARINELLI
JEANNE Z. CHASE
WILLIAM A. PAULY
DALE W. LARSON

CHARLES M. SWANICK
EDWARD J. KUWIK
GEORGE A. HOLT, JR.
GREGORY B. OLMA
RAYMOND K. DUSZA
JOHN W. GREENAN
FREDERICK J. MARSHALL
MICHAEL H. RANZENHOFER

CARRIED UNANIMOUSLY.

Item 4 – CHAIRMAN SWANICK directed that Local Law Intro. No. 3 (Print#1) 1999 remain on the table and in the PUBLIC SAFETY COMMITTEE.

COMMITTEE REPORTS

Item 5 - MR. KUWIK presented the following and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 49

February 9, 1999

PUBLIC SAFETY
COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT.

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

- a. Item Page -1998 (Int. 12-7)
 CHASE: Support for Jenna's Law.
 (5-0)

2. Item Page - 1999 (Comm. 3E-11)
 COUNTY EXECUTIVE

RESOLVED, that authorization is hereby provided for the County Executive to enter into contract with and accept additional CODIS program funding in the amount of \$7,889 from the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that the grant entitlement period is hereby extended to February 28, 1999, and be it further

RESOLVED, that authorization is hereby provided to establish the following grant budget amendment:

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 Central Police Services.
(5-0)

3. Item Page - 1999 (Comm. 3E-28)
 COUNTY EXECUTIVE

WHEREAS, the Erie County Sheriffs Office is requesting the deletion of one Sergeant-Civil, Job Group IX and one Senior Clerk Stenographer, Job Group IV, and

WHEREAS, the Erie County Sheriffs Office is requesting the creation of one Lieutenant, Job Group X and one Confidential Aide, Job Group VI, and

WHEREAS, funding for these positions is available in the 1999 Personal Services budget of the Erie County Sheriffs Office.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriffs Office is authorized to delete one Sergeant-Civil, Job Group IX, one Senior Clerk Stenographer, Job Group IV and to create one Lieutenant, Job group X and one Confidential Aide, Job Group VI, and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget,

Management, and Finance, the Erie County Personnel Office, and the Office of the Sheriff for implementation.
(5-0)

CHAIRMAN
EDWARD J. KUWIK

MR. KUWIK moved the adoption. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 6 - MR. DUSZA presented the following and moved for immediate consideration.
MS. PEOPLES seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 50

February 9, 1999

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

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

Item Page -1999 (Comm. 2E-12)
a. **COUNTY EXECUTIVE:** Filling Vacant Positions 10/98
(4-0) Legislator Holt absent.

Item Page -1999 (Comm. 2E-13)
b. **COUNTY EXECUTIVE:** Filling Vacant Positions 11/98
(4-0) Legislator Holt absent.

Item Page -1999 (Comm. 2E-14)
c. **COUNTY EXECUTIVE:** Filling Vacant Positions 12/98
(4-0) Legislator Holt absent.

2. Item Page - 1999 (Comm. 2E-26)
COUNTY EXECUTIVE

Whereas, General Municipal Law Section 104-b, subdivision 4 requires the governing board of the County to annually review County policies and procedures with respect to

procurement of goods and services where such goods and services are not required by law to be procured pursuant to competitive bidding, and

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

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

NOW, THEREFORE, BE IT

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

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

(4-0) Legislator Holt absent.

RAYMOND K. DUSZA
CHAIRMAN

MR. DUSZA moved the adoption. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. OLMA presented the following and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 51

February 9, 1999

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 2

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

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

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|----|--|------|-------|---------------|
| | Item | Page | -1999 | (Comm. 3E-14) |
| a. | COUNTY EXECUTIVE: ECSD No. 4 Contract No. 26L Communication 24E-25
(6-0) Chairman Swanick Present as Ex-Officio Member | | | |
| | Item | Page | -1999 | (Comm. 3E-15) |
| b. | COUNTY EXECUTIVE: Semi-Annual Attendance Records Board of Managers ECSDs
(6-0) Chairman Swanick Present as Ex-Officio Member | | | |
| | Item | Page | -1999 | (Comm. 3E-16) |
| c. | COUNTY EXECUTIVE: Engineering Service Agreements Comm. 20E-13 Work
Projects SW-5 EC/Southtowns Sewage Treatment Agency Flow Monitoring & Data
Collection
(6-0) Chairman Swanick Present as Ex-Officio Member | | | |
| | Item | Page | -1999 | (Comm. 3E-20) |
| d. | COUNTY EXECUTIVE: ECSD No. 4 - Depew Pumping Station Contract EC-6D-
Change Order No. 3 CIR Electrical Construction
(6-0) Chairman Swanick Present as Ex-Officio Member | | | |
| | Item | Page | -1999 | (Comm. 3E-23) |
| e. | COUNTY EXECUTIVE: ECSD No. 4 - Modification of Plans (1999) EC Sewer
Agency Report
(6-0) Chairman Swanick Present as Ex-Officio Member | | | |
| | Item | Page | -1999 | (Comm. 3E-24) |
| f. | COUNTY EXECUTIVE: Erie County Sport Fishery Promotion Program
(6-0) Chairman Swanick Present as Ex-Officio Member. | | | |
| | Item | Page | -1999 | (Comm. 3M-2) |
| g. | NYSDEC: Hazardous Waste Disposal 204 Bristol Street, City of Buffalo
(6-0) Chairman Swanick Present as Ex-Officio Member. | | | |

2. Item Page - 1999 (Comm. 1E-14)
COUNTY EXECUTIVE

WHEREAS, many Erie County businesses depend on the availability of rail service for their transportation needs; and

WHEREAS, the least expensive rail services will only be available if competition exists for the provision of such services; and

WHEREAS, the federal Surface Transportation Board (STB) has thus far failed to inject competition in local rail services as it acts on the CSX/NS acquisition of Conrail; and

WHEREAS, as the Erie/Niagara/Chautauqua Rail Steering Committee is an organization comprised of public and private sector representatives from throughout the three counties; and

WHEREAS, the Rail Steering Committee is challenging STB actions, and is seeking a decision which will produce competition in rail service in Western New York; and

WHEREAS, Erie County has previously provided financial assistance to the Committee in its legal action concerning the STB's decision; and

WHEREAS, Erie County's participation with the Erie/Niagara/Chautauqua Rail Steering Committee is facilitated through the Erie County Industrial Development Agency (ECIDA); and

WHEREAS, it is in the best interest of local businesses and the estimated 26,000 men and women whom they employ, for Erie County to continue to support the work of the Rail Steering Committee.

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$20,000 is hereby appropriated to the Erie County Industrial Development Agency for the Erie/Niagara/ Chautauqua Rail Steering Committee in Agency Payments, Public Benefit Agencies, monitored by Environment and Planning, Contractual Expenses (DAC 110922302830139), for the purpose of assisting the Committee in seeking action by the federal Surface Transportation Board to inject competition into Western New York rail service following the **CSX/NS acquisition** of Conrail; the source of said funds being the appropriation of \$20,000 in 1998 unanticipated revenues in DAC 11092310304, Payments in Lieu of Taxes in County-Wide Accounts Monitored by Budget, the annual budget for this account having been realized; and be it further

RESOLVED, that the County Executive is hereby authorized to execute an amendment to the ECIDA/County of Erie agreement to effectuate this purpose; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Attorney, the Budget Director, the Commissioner of Environment & Planning and the Executive Director of the Erie County Industrial Development Agency.

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

3.	Item	Page	-1999	AS AMENDED (Comm. 1E-23)
	COUNTY EXECUTIVE			RESOLUTION NO.

RESOLUTION DATED _____, 1999.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF
CONSIDERING A PROPOSED MODIFICATION OF PLANS FOR THE INCREASE AND
IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 4
IN THE COUNTY OF ERIE, NEW YORK.

(Introduced)_____ 1999.

(Adopted)_____ 1999

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 4 of the County of Erie, New York, has heretofore been established and the most recent increase and improvement of facilities for such District has been authorized by the County Legislature of the County of Erie, New York on April 25, 1996; and

WHEREAS, such County Legislature has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for such increase and improvement of the facilities of said District No. 4 which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of said District No. 4 in said County, consisting of the design, engineering, and construction of an addition to the Administration Building for Northern Region, i.e., Sewer District Nos. 1, 4 and 5, Garage A reconstruction, loading dock improvements, and related improvements to the site of such building located at 3789 Walden Avenue in Lancaster, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District No. 4 is \$2,000,000, to be apportioned against a benefited area which consists of the entire areas of Erie County Sewer District Nos. 1, 4, and 5, as well as the contracting communities associated with said districts, each in accordance with their respective proportionate shares of equivalent dwelling units in their respective service areas; and

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

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at the LEGISLATIVE CHAMBERS 25 DELAWARE AVE., in BUFFALO, NEW YORK, in said County, on the 18th day of MARCH, 1999 AT 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal for modification of plans for such increase and improvement of the facilities of Erie County Sewer District No. 4 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at Legislative Chambers, 25 DELAWARE AVE. in BUFFALO, NEW YORK, in said County, on the 18th day of MARCH, 1999, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed modification of plans for increase and improvement of the facilities of Erie County Sewer District No. 4 in said County.

The modification of plans for increase and the improvement of the facilities consists of the design, engineering, and construction of an addition to the Administration Building for Northern Region, i.e., Sewer District Nos. 1, 4 and 5, Garage A reconstruction, loading dock improvements, and related improvements to the site of such building located at 3789 Walden Avenue in Lancaster, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Sewer Agency, pursuant to a written report dated January 15, 1999, which also has been filed with said County Legislature on January 25, 1999.

The maximum estimated cost of the aforesaid design, engineering and construction of facilities is \$2,000,000 to be apportioned against a benefited area which consists of the entire areas of Erie County Sewer District Nos. 1, 4, and 5, as well as the contracting communities associated with said districts, each in accordance with their respective proportionate shares of equivalent dwelling units in their respective service areas.

Dated: Buffalo, New York,

_____ 1999.

BY ORDER OF THE COUNTY
LEGISLATURE OF THE COUNTY OF
ERIE, NEW YORK

BY

Clerk, County Legislature

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

Section 4. This resolution shall take effect immediately.
(6-0) Chairman Swanick present as ex-officio member.

4. Item Page -1999 (Comm. 3E-18)

COUNTY EXECUTIVE

WHEREAS, the County of Erie, Erie County Department of Environment and Planning - Division of Sewerage Management was notified that funds were available through the New York State Department of Labor - New York Occupational Safety Hazard Abatement Board that could assist Erie County in conforming to Federal and State health and safety laws; and

WHEREAS, the Division of Sewerage Management estimates that they could qualify for a \$115,000.00 grant through the New York State Department of Labor, and

WHEREAS, the Division of Sewerage Management has been very successful in obtaining similar grants in prior years.

NOW, THEREFORE, BE IT

RESOLVED, that the application made to the New York State Department of Labor - New York Occupational Safety Hazard Abatement Board is hereby approved and ratified and the proposed agreement for receipt of the funds is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an agreement with the New York State Department of Labor Occupational Safety Hazard Abatement Board for \$115,000.00, or an amount as may be adjusted by the DOL, subject to approval as to form by the County Attorney; and be it further

RESOLVED, that a certified copy of this resolution be sent to Stephen F. Gawlik, Assistant County Attorney, Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, the Erie County Comptroller's Office and the Division of Budget, Management and Finance.

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

5. Item Page -1999 (Comm. 3E-21)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Malcolm Pirnie, Inc. to complete the French Road Area Wet Weather Relief Project engineering study for Erie County Sewer District No. 1; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services are complete; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the A/E Agreement dated September 27, 1990 with Malcolm Pirnie, Inc. the final contract amount of \$116,273.00,

NOW, THEREFORE, BE IT

RESOLVED, that the A/E Agreement dated September 27, 1990 between the County of-Erie and Malcolm Pirnie, Inc. be formally closed out in the final amount of \$116,273.00; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close-out the related contract encumbrance in Erie County Sewer District No. 1, Fund #430, Project #515, Department #810, Account #821, dues and fees; and be it further

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

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

**GREGORY OLMA
CHAIRMAN**

MR. OLMA moved the adoption. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 8 - MS. MARINELLI presented the following and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 52

February 11, 1999

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT WITH EXCEPTION OF LEGISLATOR HOLT. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

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

Item	Page	-1998	(Comm. 8D-18)
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- a. **COMMISSION ON THE STATUS OF WOMEN:** The Status of Women in Erie County 1997: An Agenda for Progress.
(4-0) Legislator Holt absent.
- Item Page -1998 (Comm. 29D-4)
- b. **COMMISSION ON THE STATUS OF WOMEN:** Gender Distribution on Municipal Boards in Erie County 1998.
(4-0) Legislator Holt absent.
- Item Page -1998 (Comm. 29M-7)
- c. **MAYOR MASIELLO:** Appointment to Buffalo & Erie County Public Library.
(4-0) Legislator Holt absent.

**LYNN MARINELLI
CHAIRPERSON**

MR. MARINELLI moved the adoption. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 9 - MS. PEOPLES presented the following and moved for immediate consideration.
MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 53

February 11, 1999

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 2

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. 14M-5)
- a. **TOWN OF WALES:** Certified Copy of Resolution Re: Changing Taxable Status Date in Erie County
(6-0) Chairman Swanick Present as Ex-Officio Member
- Item Page -1998 (Comm. 17E-71)
- b. **SWANICK:** Copy of Letter Re: Legislature's Plans to Consider Another Sales Tax Holiday in January, 1999

(5-0)

- Item Page -1998 (Comm. 18M-12)
c. **TOWN OF AURORA:** Copy of Letter to Budget, Management & Finance Re: Senior
Citizen Exemption/Purchase of Home After Taxable Status Date
(6-0) Chairman Swanick Present as Ex-Officio Member

- Item Page -1998 (Comm. 22E-2)
d. **COMPTROLLER:** Review of Unfilled Vacant Positions
(5-0)

- Item Page -1998 (Comm. 22M-3)
e. **TOWN OF LANCASTER:** Copy of Letter to Chairman Swanick Re: Town of
Lancaster is Against the Removal of 4% Sales Tax on Clothing
(5-0)

- Item Page -1998 (Comm. 22M-5)
f. **EC CULTURAL RESOURCES ADVISORY BOARD:** 1999 Cultural Funding
Recommendations for Erie County
(5-0)

- Item Page -1998 (Comm. 24E-2)
g. **COMPTROLLER:** Certificate of Determination by Comptroller Relative to Term, Form
& Details of Sale & Issuance of \$29, 000, 000 General Obligation Bonds
(5-0)

- Item Page -1998 (Comm. 24E-3)
h. **MARSHALL:** Copy of Letter to Budget Director Re: County Executive's 1999 Budget
Proposal
(5-0)

- Item Page -1998 (Comm. 29E-1)
i. **COMPTROLLER:** Cost of Borrowing Report
(5-0)

- Item Page -1999 (Comm. 1E-2)
j. **COMPTROLLER:** Quarterly Investment Report 7/1/98 - 9/30/98
(5-0)

- Item Page -1999 (Comm. 1E-6)
k. **COMPTROLLER:** Management Letter From Audit of EC Financial Statements for
Year Ended 12/31/97
(5-0)

Item Page -1999 (Comm. 1 E-8)

- l. **COMPTROLLER:** Interim Financial Report for the Nine Months Ended 9/30/98
(5-0)
- Item Page -1999 (Comm. 2 E-3)
- m. **COMPTROLLER:** County of Erie Federal Financial Assistance Audit Report for Year Ended 12/31/97
(5-0)
- Item Page -1999 (Comm. 2M-3)
- n. **CITY OF BUFFALO DEPARTMENT OF COMMUNITY DEVELOPMENT:**
Letter Requesting \$800,000 from Erie County to Assist with Demolitions in the City of Buffalo
(5-0)
- Item Page -1999 (Comm. 2M-5)
- o. **LOCUST STREET NEIGHBORHOOD ART CLASSES:** Locust Street
Neighborhood Art Classes' 1998 Final Report for Use of EC Cultural Funds
(5-0)
- Item Page -1999 (Comm. 2M-7)
- p. **TOWN OF TONAWANDA:** Certified Copy of Resolution Re: Requesting Direct
Payment of Erie County Sales Tax to Town
(5-0)
- Item Page -1999 (Comm. 2M-12)
- q. **CITY OF BUFFALO DEPARTMENT OF COMMUNITY DEVELOPMENT:**
Letter to Chairman Swanick Re: Demolition Funding for City of Buffalo
(5-0)
- Item Page -1999 (Comm. 3M-4)
- r. **BUFFALO ZOO:** Financial Reports 11/98 & 11/97 & Minutes From Board Meetings
Held 6/98, 9/98/, 10/98, & 11/98
(5-0)
- Item Page -1999 (Comm. 3M-8)
- s. **VILLAGE OF KENMORE:** Certified Copy of Resolution Re: Sales Compensation Use
Tax - 1999
(5-0)
- Item Page -1999 (Comm. 3M-14)
- t. **LEGAL AID BUREAU OF BUFFALO:** Unaudited Financial Statements for the Nine
Months Ending 9/30/98.
(5-0)

AS AMENDED

2. Item Page - 1998 (Int. 16-2)
**LARSON, MARSHALL, PEOPLES, KUWIK, FITZPATRICK, RANZENHOFER,
LARSON, SWANICK, MARINELLI, & FISHER**

WHEREAS, resolutions have been adopted by several municipal governments requesting a change in the taxable status date in the County of Erie, and

WHEREAS, the resolutions state that the Erie County Tax Act (Tax Act) provides that the taxable status date of all real property in the County of Erie shall be fixed on the first day in June of each year for the state, county, town and school district tax purposes of the ensuing county, town and school district fiscal year, and

WHEREAS, the Tax Act requires the Board of Assessors to complete the assessment roll for the ensuing fiscal year on or before the 24th day of June of each year, and

WHEREAS, the Tax Act requires that the first Tuesday of July of each year is established as the day of grievance for proceedings before the Board of Assessors Review, and

WHEREAS, the Tax Act requires the assessment roll to be finally completed on or before the first day of August of each year, and

WHEREAS, the date of grievance of real property assessments in the County of Erie is at a time in July when many property owners are unavailable or on vacation, and

WHEREAS, if the Tax Act were to be amended to provide for a taxable status date of the first day of May of each year, the time of grievance hearing would therefore be in the month of June,

WHEREAS, at present, the Erie County Department of Taxation and Finance must receive a certified final assessment roll from each town by August 1 of each year,

and

WHEREAS, a change in the taxable status date in Erie County should be accompanied by a corresponding movement in the date at which towns are required to file a certified final assessment roll with the county,

NOW, THEREFORE, BE IT

RESOLVED, The Erie County Legislature does hereby recognize the problems related to the current taxable status date and grievance proceedings in the month of July, and be it further

RESOLVED, that this Honorable Body does hereby support a change in the Erie County Tax Act such that the taxable status date be changed to the first day in May, and be it further

RESOLVED, that this Honorable Body does hereby support a change in the Erie County Tax Act such that the date by which towns must file a certified final assessment roll with the county be changed to the first day in July, and be it further

RESOLVED, that this Honorable Body hereby directs the Office of the County Attorney to draft a local law for consideration and adoption by the Legislature that would effectuate this change, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to County Executive Dennis Gorski, Comptroller Nancy Naples, Budget Director Kenneth Kruly, Deputy Commissioner Joseph Maciejewski, County Attorney Kenneth Schoetz, and the Executive

Director or President of the Erie County Assessors Association and Association of Erie County Governments.

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

3. Item Page - 1999 (Comm. 3D-13)
 DPW

WHEREAS, Pursuant to New York State Highway Law, Article 6, Section 118A, the Deputy Commissioner of Public Works, Division of **Highways**, recommends to abandon to the adjacent property owner a portion of existing right-of-way on the Sweet Home Road, CR 301, in the Town of Amherst, that is no longer required for highway purposes in exchange of equal value parcels of land required for highway improvement in the Town of Amherst; and

WHEREAS, the landowner has agreed to accept the abandoned highway right-of-way which requires the owner to deed over to the County land of equal value; and

WHEREAS, there is no monetary exchange of funds and the project is beneficial to the County of Erie as well as to the land owner.

NOW, THEREFORE BE IT

RESOLVED, that upon the recommendation of the Commissioner of Public Works, documents will be prepared, deeding the sections of real estate to the County and abandoning right-of-way to the adjacent owner; and be it further

RESOLVED, that the County Executive be authorized to execute and acknowledge in the name of the County and affix the seal of the County to a quit claim deed of the aforementioned land so to be abandoned; and be it further

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

(5-0)

**CRYSTAL D. PEOPLES
CHAIRPERSON**

MS. PEOPLES moved to separate item #2 and approve the balance of the report. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

MS. PEOPLES moved to amend item #2 to include et al sponsorship. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

MS. PEOPLES moved to approve the resolution as amended. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.,

Item 10 - MR. FITZPATRICK presented the following and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 54

February 11, 1999

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT WITH THE EXCEPTION OF LEGISLATOR HOLT.
CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

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

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|----|---|------|-------|---------------|
| | Item | Page | -1998 | (Comm.27D-18) |
| d. | DPW: Repair of Parapet Walls Erie County Home | | | |
| | (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member | | | |
| | | | | |
| | Item | Page | -1999 | (Comm.3D-12) |
| e. | DPW: Resolution 16-2 Adopted 8/13/97 Funding Allcoation for Kenmore Avenue | | | |
| | (CR307) Cost Sharing with City of Buffalo Final Report | | | |
| | (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member | | | |
| | | | | |
| | Item | Page | -1999 | (Comm.3M-11) |
| f. | BUFFALO NIAGARA INTERNATIONAL AIRPORT: Draft – Interim Report No. 1 | | | |
| | Inventory, Forecast & Facility Requirements 1/13/99. | | | |
| | (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member | | | |
| | | | | |
| | Item | Page | -1999 | (Comm.3M-15) |
| g. | ECIDA: Notice of Board of Directors Meeting to be Held 2/10/99 | | | |
| | (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member | | | |
| | | | | |
| | Item | Page | -1999 | (Comm.3M-16) |
| h. | NFTA: Minutes of Board Meeting Held 12/21/98. | | | |
| | (5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member | | | |

AS AMENDED

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|----|-------------------------|------|--------|---------------|
| 2. | Item | Page | - 1999 | (Comm. 1E-24) |
| | COUNTY EXECUTIVE | | | |

WHEREAS, The County of Erie, owns and subsidizes the operation of the Buffalo Convention Center; and

WHEREAS, The Convention and Tourism Industry has been recognized as a significant economic generator for the County and region; and

WHEREAS, The County of Erie has allocated funds in its 1998 budget for convention center studies and engineering; and

WHEREAS, Studies have been completed by C.H. Johnson and ERA Associates that have determined the need for a new, larger, state of the art convention center in downtown Buffalo; and

WHEREAS, The County Executive has established a Task Force of public and private sector partners which includes two members of the Erie County Legislature; and

WHEREAS, A consultant, Cannon Design, was selected, the site selection process was completed and the Mohawk Site was recommended as the preferred site,

NOW, THEREFORE BE IT

RESOLVED, That the County Legislature accepts the Final Report by Cannon Design and endorses the results of the study by Cannon which calls for the Mohawk site to be the preferred site for a new downtown convention center, and be it further

RESOLVED, That the Mohawk site is bounded by Huron Street, Blossom Alley, Broadway and Washington Street and also includes the parcel bounded by Huron Street, Main Street, Mohawk Street and Washington Street, and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the Budget Director and the Commissioner of Environment and Planning.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member

AS AMENDED
(Comm. 3D-9)

3. Item Page - 1999
DPW

WHEREAS, the Department of Public Works received bids on February 4, 1999 for the Erie County Correctional Facility Expansion, and

WHEREAS, the Architect/Engineer and the Department of Public Works are 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 Correctional Facility Expansion:

GENERAL CONSTRUCTION WORK

Burgio & Campofelice, Inc

Base Bid		\$2,796,807.00
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HVAC WORK

J.W. Danforth Co.		
Base Bid		\$617,000.00

ELECTRIC WORK

O'Connell Electric Co.		
Base Bid	\$499,000.00	
Alt. Bid E-1	<u>\$ 14,300.00</u>	\$ 513,300.00

PLUMBING WORK

Numarco, Inc.		
Base Bid	\$246,000.00	
Alt. Bid P-1	<u>\$ 19,000.00</u>	<u>\$265,000.00</u>

Total for all contracts:		\$4,192,107.00
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and be it further,

RESOLVED, that the amount of \$36,000.00 be allocated to cover the maximum amount of bonus/liquidated damages to the contractor permitted by the contract, and be it further,

RESOLVED, that the sum of \$350,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed 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 \$10,000.00 be allocated for testing and miscellaneous expenses with authorization for the Commissioner of Public Works to expend said funds, and be it further,

RESOLVED, that the sum of \$70,000.00 be allocated for DPW overhead and Project Engineer salaries, and be it further,

RESOLVED, that the sum of \$40,000.00 be allocated for Architectural/Engineering Services necessary to complete the project, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments for all of the above in the total amount of \$4,698,107.00 from the following:

1998 ECCF & ECHC Expansion, SFG Project 824, Fund 410	\$ 30,000.00
1998 ECCF Expansion - Interfund, DPW Capital Account 886-2208, Fund 410	\$3,075,000.00
1999 ECCF Expansion - SFG Project No. to be determined	\$ 1,593,107.00

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy to the Office of Budget, Management and Finance.

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

4. Item Page - 1999 (Comm. 3D-10)
DPW

WHEREAS, a project for the Reconstruction of North Forest Road, CR 294, from NY Rte.263, Millersport Highway to Dodge Road, CR 45, Town of Amherst, PIN 5753.74, Erie County, is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the Project by making commitment of loot of the non-Federal share of the costs of Preliminary Engineering (Design I-VI), Right-of-Way Incidentals Phases of the Project PIN 5753.74.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the Project; and be it further

RESOLVED that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of Preliminary Engineering (Design I-VI), Right-of-Way Incidentals Phases of the project or portions thereof; and be it further

RESOLVED, that the sum of \$74,400.00 is hereby appropriated from the 1994 Road Design and Construction Federal Aid Program and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED that in the event that the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals Phases exceeds the amount appropriated above, \$74,400.00 and or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Right-of-Way Phases exceeds \$372,000.00, the County of Erie shall convene

its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation."

(5-0) Legislator Holt absent. Chairman Swanick present as Ex-Officio Member.

MICHAEL FITZPATRICK
CHAIRMAN

MR. FITZPATRICK moved the adoption. MR.KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 11 – MS. PEOPLES presented the following and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY

RESOLUTION NO. 55

February 11, 1999

HEALTH/MENTAL HEALTH
COMMITTEE
REPORT NO. 2

ALL MEMBERS PRESENT WITH THE EXCEPTION OF LEGISLATORS DEBENEDETTI AND PAULY. CHAIRMAN SWANICK PRESENT AS EX-OFFICIO MEMBER.

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

Item	Page	-1998	(Int. 9-4)
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- d. **CHASE, MARSHALL, RANZENHOFER & WEINSTEIN:** Current Understaffing in the County Medical Examiner's Office
(4-0) Legislators DeBenedetti and Pauly absent. Chairman Swanick Present as Ex-Officio Member

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|----|--|------|-------|---------------|
| | Item | Page | -1998 | (Comm. 24E-4) |
| b. | COUNTY EXECUTIVE: Negotiations Between County of Erie & NYS Nurses Association
(5-0) Legislators DeBenedetti and Pauly absent. Chairman Swanick Present as Ex-Officio Member | | | |

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|----|---|------|-------|---------------|
| | Item | Page | -1998 | (Comm. 24E-5) |
| c. | SWANICK, PEOPLES & FISHER: Consideration of Fact Finder's Report - NYS Nurses Association Contract.
(4-0) Legislators DeBenedetti and Pauly absent. Chairman Swanick Present as Ex-Officio Member | | | |

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|----|--|------|-------|---------------|
| | Item | Page | -1998 | (Comm. 29E-9) |
| d. | COUNTY EXECUTIVE: Letter to Chairman Swanick Re: NYSNA Negotiations.
(4-0) Legislators DeBenedetti and Pauly absent. Chairman Swanick Present as Ex-Officio Member | | | |

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|----|--|------|-------|-------------|
| | Item | Page | -1999 | (Comm.1M-6) |
| e. | NYS NURSES ASSOCIATION: Letter to Chairman Swanick Re: NYS Nurses Association & Erie County.
(4-0) Legislators DeBenedetti and Pauly absent. Chairman Swanick Present as Ex-Officio Member | | | |

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|----|---|------|-------|-------------|
| | Item | Page | -1999 | (Comm.3D-7) |
| f. | HEALTH: Notice of Board of Health Meeting to be Held 2/23/99.
(4-0) Legislators DeBenedetti and Pauly absent. Chairman Swanick Present as Ex-Officio Member | | | |

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|----|---|------|-------|--------------|
| | Item | Page | -1999 | (Comm.3D-14) |
| g. | EC MORGUE: Monies & Other Property Found on Deceased Persons.
(4-0) Legislators DeBenedetti and Pauly absent. Chairman Swanick Present as Ex-Officio Member | | | |

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|----|---|------|-------|-------------|
| | Item | Page | -1999 | (Comm.3E-6) |
| h. | COUNTY EXECUTIVE: Negotiations Between County of Erie & NYS Nurses Association.
(4-0) Legislators DeBenedetti and Pauly absent. Chairman Swanick Present as Ex-Officio Member | | | |

	Item	Page	-1999	(Comm.3M-12)
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- i. **GREATER BUFFALO COMMUNITY WELLNESS COUNCIL:** Community Wellness Calendar – 2/99.
(4-0) Legislators DeBenedetti and Pauly absent. Chairman Swanick Present as Ex-Officio Member

AS AMENDED

2. Item Page - 1999 (Comm. 3E-19)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has been awarded \$617,066 over three years by the United States Department of Housing and Urban Development to provide rental assistance and supportive services for homeless persons disabled by serious mental illness under the McKinney Homeless Supportive Housing Program, and

WHEREAS, no County funds will be required for Erie County to accept these Federal funds to serve homeless persons disabled by serious mental illness.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to contract with the United States Department of Housing and Urban Development in the amount of \$617,066 over a three year period to provide rental assistance for homeless persons disabled by serious mental illness, and be it further

RESOLVED, that the following grant project and budget is hereby established in the Erie County Department of Mental Health to provide rental assistance and supportive services for homeless persons disabled by serious mental illness for the period January 1, 1999 through December 31, 1999, which represents year one of the three year period:

Department of Mental Health Grant Funds
Project Title: Mental Health HUD Supportive Transitional Housing Program

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
830	Contract Agencies & Service Charges	205,700
640	Federal Aid	205,700

and be it further

RESOLVED, that the Erie County Department of Mental Health is hereby authorized to recommend the transfer of funds in order to execute contracts with specific provider agencies on the basis of proposals received in response to a Request for Proposals (RFP) pursuant to the requirements of Section 19.08 of the Erie County Administrative Code. Such recommendations to transfer funds and to execute specific contracts shall be submitted for Legislative approval, and be it further

RESOLVED, that the contract shall include a full review of the standards set forth concerning housing to ensure for safe, appropriate housing for clients in this program, and be it further

RESOLVED, that certified copies of this resolution shall be furnished to the Department of Mental Health and the Division of Budget, Management and Finance.

(4-0) Legislators DeBenedetti and Pauly absent. Chairman Swanick present as ex-officio member.

3. Item Page - 1999 (Comm. 3E-22)
 COUNTY EXECUTIVE

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the Compass House, for an amount not to exceed \$31,500 for the purpose of offsetting renovation cost associated with the Compass House transitional housing facility for homeless teens at 370 Linwood Avenue, Buffalo, NY, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Child and Family Services, Inc., for an amount not to exceed \$28,475 for the purpose of implementing a safe home network program within the Erie County Community Development Block Grant Consortium serving women and children who are victims of domestic violence, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the Cazenovia Recovery Systems, Inc., for an amount not to exceed \$33,075 for the purpose of rehabilitating the agency's transitional home for homeless individuals recovering from alcoholism or other addictions at their facility in the Town of Eden, New York, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Interfaith Hospitality Network of Greater Buffalo, Inc. for an amount not to exceed \$20,000 for essential services for homeless families, and be it further

RESOLVED, that said contract authorizations are contingent on the receipt of 1999 federal Emergency Shelter Grant funding assistance through the Department of Housing and Urban Development, and be it further

RESOLVED, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with for the use of federal homeless monies and a summary of the request for proposal process is attached to this resolution, and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Division of Budget, Management and Finance and the Department of Environment and Planning.
(4-0) Legislators DeBenedetti and Pauly absent. Chairman Swanick present as ex-officio member.

JUDITH P. FISHER
CHAIR

MS. PEOPLES moved the adoption. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 12 - MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

RE: Waiver of Fees for Rural transit Service
Annual Picnic (Int. 4-1)

**A RESOLUTION SUBMITTED BY LEGISLATORS
MARSHALL, CHASE, GREENAN & LARSON**

WHEREAS, the Rural Transit Service is funded through HUD Community Development Block Grants through participating southtown municipalities, and

WHEREAS, this program provides a vital means of transportation for elderly, handicapped and low income persons in the rural areas of the county, and

WHEREAS, the Rural Transit Service provides more than 20,000 client trips per year to seek medical services, shop for groceries and necessities and attend senior services programs, and

WHEREAS, the vehicles in this program are manned by a corps of 150 volunteers who give unselfishly of their time without any monetary reimbursement, and

WHEREAS, on June 25, 1999, these volunteers will be honored at a recognition picnic at the Edward J. Martin Lodge at Chestnut Ridge Park, and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry has notified the Rural Transit Service that the fee for rental of this county facility is \$90.00, and

WHEREAS, the Legislature must approve a resolution to effect this waiver,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby direct the commissioner of the Department of Parks, Recreation and Forestry to waive the fees for the Rural Transit Service's annual recognition picnic for its volunteers, to be held on Friday, June 25, 1999, and be it further,

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, Budget Director Kenneth Kruly, Commissioner of Parks, Recreation and Forestry James Jankowiak, Executive Director of Community Concern, the agency that oversees the program, Jerry Bartone and Betsy Fadale, coordinator of the Rural Transit Service.

Fiscal Impact: Minimal

Reference: Intro. 4-1
As Amended 2/18/99

MS. PEOPLES moved to amend the resolution to include et al sponsorship. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

MS. PEOPLES moved the adoption of the resolution as amended. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

Item 13 - MR. LARSON presented the following resolution and requested that it be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro 4-2 From LEGS. LARSON, GREENAN, CHASE, RANZENHOFER, WEINSTEIN, & MARSHALL Re: the Establishment of a Coordinated Response Plan in the Event of Public Exposure to Anthrax and Other Airborne Biological Hazards.

Item 14 – MR. OLMA presented the following resolution and requested that it be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro 4-3 From Leg. OLMA Re: Drafting of Local Law to Prohibit Those Owing Back Taxes to do Business with Erie County.

Item 15 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57

RE: Alden and Lancaster- Alden Agricultural Districts – Notice of 8 – Year Review. (Int. 4-4)

A RESOLUTION SUBMITTED BY
LEGISLATORS SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER,
OLMA, DeBENEDETTI, DUSZA, MARINELLI, GREENAN, CHASE, MARSHALL,

PAULY, WEINSTEIN, RANZENHOFER & LARSON

WHEREAS, the Erie County Legislature has received notification of the eight-year review requirement of the Alden and the Lancaster-Alden Agricultural Districts which were created in 1975 and 1983 respectively, and recertified every 8 years thereafter, and

WHEREAS, a copy of the Agricultural District maps are on file in the County Clerk's office and the Alden and Lancaster Town Halls,

NOW, THEREFORE, BE IT

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

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

RESOLVED, that a certified copy of this resolution be sent to Chet C. Jandzinski of the Erie County Department of Environment & Planning [Rath – Room 1063] and to the Towns of Alden and Lancaster.

FISCAL IMPACT: None for resolution.

MS. PEOPLES moved the adoption of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 16 – MS. CHASE presented the following and requested that it be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro 4–5 From Legs CHASE, RANZENHOFER, GREENAN, LARSON, WEINSTEIN, & MARSHALL Re: Support for Enacting the Sexual Assault Reform Act of 1999.

Item 17 – MR. KUWIK presented the following and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 58

RE: Opposition to Governor Pataki's Proposed \$26
Million Cut to the Consolidated Highway
Improvement Program- Capital (CHIPS) (Int. 4-6)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS SWANICK & DUSZA

WHEREAS, the Consolidated Highway Improvement Program – Capital (CHIPS) has been a useful method of funding road improvement projects for counties for many years, and

WHEREAS, maintenance of an adequate complement of funds for CHIPS throughout that time has been a common priority for state and county officials, and

WHEREAS, Governor Pataki's 1999-2000 proposed New York State budget includes a cut in CHIPS funding of approximately \$26 million statewide, with a cut of \$9 million to be felt by counties alone, and

WHEREAS, this reduction in funding will necessarily be borne most severely by those counties with the largest county road system, and

WHEREAS, Erie County owns and maintains the largest county road system in the state of New York, and

WHEREAS, said road system includes nearly 1,100 miles of road, and is twice as large as the next largest county road system in the state, and

WHEREAS, this Legislature, in cooperation with the Gorski administration, have consistently made the repair and maintenance of county roads and bridges a priority through each fiscal year, and

WHEREAS, the 1999 Erie County capital budget contains more than \$6 million in local capital improvement funds for road and bridge repair, and

WHEREAS, Erie County's 1999 Road Fund budget anticipated nearly an additional \$6 million in CHIPS funding to be put toward further highway repairs, and

WHEREAS, in that 1999 budgets for county governments throughout the state have been in place for several weeks, if not months, the Erie County Legislature is understandably concerned about the ability to secure budgeted revenues, in consideration of the Governor's proposed cut to CHIPS,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the continued repair and maintenance of roads and bridges titled to the county and located throughout Erie County's 25 towns, and be it further

RESOLVED, that this Honorable Body does hereby oppose Governor Pataki's proposed cut to the Consolidated Highway Improvement Program – Capital (CHIPs), which will result in a cut in CHIPs funding of approximately \$26 million statewide, and a cut of \$9 million to county governments, and be it further

RESOLVED, that this Honorable Body does hereby call upon legislative leaders and members of legislative conference committees to make full restoration of CHIPs funding a priority when suggesting and adopting amendments to the Governor's budget proposal, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George E. Pataki, State Assembly Speaker Sheldon Silver, State Senate Majority Leader Joseph L. Bruno, Assembly Ways and Means Committee Chairman Herman D. Farrell, Senate Finance Committee Chairman Ronald Stafford, and to the Western New York Delegation to the State Assembly and State Senate.

Fiscal Impact: Impact of Proposed Cut is \$26 Million Statewide

MR. KUWIK moved to amend the resolution to include Mr. Kuwik, Fitzpatrick, Holt, Olma, DeBenedetti, Ms. Peoples, Mrs. Fisher and Ms. Marinelli as sponsors. MR. FITZPATRICK seconded.

MR. KUWIK moved the adoption of the resolution as amended. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 18 – MR. KUWIK presented the following and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 59

RE: Support for Increasing the Penalty to that of
Class A-1 Felony for Multiple Child Sex Offenders.
(Int. 4-7)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS KUWIK, DUSZA, SWANICK, FISHER,
FITZPATRICK, HOLT, DEBENEDETTI & OLMA

WHEREAS, sexual assault is a monstrous crime, leaving victims scared for life while many perpetrators receive relatively light punishment for their crime, and

WHEREAS, according to New York State Division of Criminal Justice Services statistics in 1996 sixty-one percent of individuals convicted in New York State of Raping a victim sixteen years old and under received a sentence of no jail time, and

WHEREAS, convicted rape and sexual assault offenders serving time in State prisons reported that two-thirds of their victims were under the age of 18, and fifty-eight percent of those, or nearly four in ten imprisoned violent sex offenders said their victims were ages twelve or younger, and

WHEREAS, the New York Assembly has introduced a bill (A1392) which would require that certain multiple sex offenders of children be sentenced as if the offender was convicted of a class A-1 felony, and

WHEREAS, such legislation would mandate sentences of fifteen years to life to twenty-five years to life for repeat child sexual predators,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support Assembly bill A1392, instituting a class A-1 felony sentence for a person convicted of an enumerated sex offense against a child after having been previously convicted of such offense, and be it further

RESOLVED, that this Honorable Body does hereby call upon the State Assembly to approve Bill No. A1392, the State Senate to adopt identical legislation and Governor Pataki to sign said legislation into law thereby sending a strong message that sexual assault of our children is intolerable and individuals convicted of such crimes may be subject to life in prison, now therefore be it

RESOLVED, that certified copies of this resolution be forwarded to Governor George E. Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, Assembly Codes Committee Chairman Joseph Lentol, Senate Codes Committee Chairman Dale Volker and to the Western New York Delegation to the State Assembly and State Senate.

Fiscal Impact: To be determined.

MR. KUWIK moved to amend the resolution to include et al sponsorship. MR. FITZPATRICK seconded.

MR. KUWIK moved the adoption of the resolution as amended. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 19 – MR. DEBENEDETTI presented the following and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 60

RE: Future Plans for the Niagara Falls International Airport (Int. 4-8)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR DEBENEDETTI

WHEREAS, the Niagara Frontier Transportation Authority (NFTA) maintains and operates two (2) major airports, one located in the town of Cheektowaga, Erie County, and another along Niagara Falls Boulevard in Niagara County, and

WHEREAS, for several years, the Niagara Falls airport has, by all accounts, been underutilized, and

WHEREAS, in recent years, local officials have attempted to better utilize the Niagara Falls airport through incentives aimed at luring low-cost air carriers to the Niagara Frontier, including Kiwi Airlines in 1998, and

WHEREAS, at present, officials of the Niagara County Industrial Development Agency have requested permission to operate the Niagara Falls airport with an eye toward initiatives that seek to meet three (3) objectives:

1. Utilize Niagara Falls' larger runways to accommodate larger aircraft for charter, business, cargo and freight flight purposes;
2. Operate as an alternative airport for overflow business from Toronto's Pearson International Airport;
3. Offer large commercial carriers an avenue for fleet maintenance at the Niagara Falls airport location; and

WHEREAS, it would be in the best interests of future positive economic development efforts for officials of the NFTA to appear at a meeting of the Legislature's Economic Development committee to discuss future plans for the Niagara Falls International Airport,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature remains committed to initiatives and proposals that seek to enhance and improve economic and business development and job creation efforts in Erie County and Western New York, and be it further

RESOLVED, that this Honorable Body does hereby support initiatives that seek to better utilize public resources, such as the Niagara Falls International Airport, toward this end, and be it further

RESOLVED, that the Chairman of the Board of Commissioners and the Executive Director of the NFTA are hereby invited to appear at a future meeting of the Legislature's Economic Development committee to discuss the NFTA's future plans for the Niagara Falls International Airport, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis T. Gorski, NFTA Board of Commissioners Chairman Luiz F. Kahl and to NFTA Executive Director Lawrence Meckler.

Fiscal Impact: To be Determined.

MR. DEBENEDETTI moved the adoption of the resolution. MS. PEOPLES seconded

CARRIED UNANIMOUSLY.

Item 20 – MS. PEOPLES presented the following and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 61

RE: Opposition to Governor Pataki's Proposed Cuts to the Tuition Assistance Program (TAP) (Int. 4-9)

A RESOLUTION SUBMITTED BY
LEGISLATORS PEOPLES, SWANICK, FISHER, KUWIK, OLMA,
HOLT, DUSZA & FITZPATRICK

WHEREAS, in today's marketplace, a college degree is necessary for candidates to compete for employment opportunities in virtually any field, and

WHEREAS, Erie County, through its sponsorship of Erie Community College (ECC), has taken an active role in providing the highest quality opportunities for higher education at a cost affordable to working lower and middle income families, and

WHEREAS, despite the fact that public college and university tuition in New York State is substantially lower than that of many private institutions, paying for tuition, books, room and board at a SUNY and/or a community college still forces many students to struggle in their ability to financially make ends meet, and

WHEREAS, one program that has consistently assisted students in their ability to afford higher education is the Tuition Assistance Program (TAP), which has provided financial assistance to qualifying students, and

WHEREAS, in his proposed 1999-2000 budget plan, Governor George Pataki has proposed a cut in TAP to the tune of \$133 million, and

WHEREAS, the Governor's proposal also changes several operational guidelines concerning TAP that will adversely affect ECC students and the institution as a whole, including:

- Limiting the number of semesters that students may receive TAP to 4 for two-year colleges;
- Increasing the number of credit hours that students must maintain in order to qualify from 12 per semester to 15;
- Increased from 10% to 25% the required percentage of tuition costs that students must bear on their own;
- Changes the guidelines for qualification for TAP to a calculation using a family's gross income, rather than net income, thereby eliminating thousands of students from eligibility who were on or near the marginal limit; and

WHEREAS, the Governor's proposal is harmful to persons who need TAP most: older students continuing their education and training, persons who may have families, jobs and other encroachments upon their time that require them to take fewer credit hours per semester and, thus, a longer time to complete college, and

WHEREAS, in a local collegiate atmosphere where an institution's financial success is driven by enrollment levels, the Governor's proposal only serves to weaken ECC as an educational choice in Western New York, and

WHEREAS, local policymakers must make local opinions concerning this TAP proposal known to the Governor and to legislative leaders in advance of consideration of the state budget passage deadline of April 1, 1999,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby put itself on record in opposition to Governor Pataki's proposed cuts to the Tuition Assistance Program, particularly in consideration of the deleterious effect said cuts will have upon students seeking higher education throughout New York State, and be it further

RESOLVED, that this Honorable Body does hereby further oppose changes in TAP operational guidelines as described in the sixth WHEREAS clause above, and does hereby call upon members of the state legislature to restore cuts and rescind changes in operational guidelines in the adoption of the state's final budget for 1999-2000, and be it further

RESOLVED, that certified copies of this resolution be sent to Governor George Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, Assembly Higher Education Committee Chairman Edward Sullivan, Senate Higher Education Committee Chair Kenneth P. LaValle, and to the members of the Western New York Delegation to the New York State Assembly and Senate.

Fiscal Impact: Proposed Cuts to TAP Have Negative Impact Upon Residents, Taxpayers and ECC.

MR. HOLT moved to amend the resolution to include Legislators Debenedetti, Marinelli, and Larson as additional sponsors. MS. PEOPLES seconded.

MS. PEOPLES moved the adoption of the resolution as amended. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 21 - MR. OLMA presented the following and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 62

RE: Support for Examination of Alternatives Prior to Building "Twin" to Peace Bridge. (Int. 4-10)

A RESOLUTION SUBMITTED BY

LEGISLATOR OLMA & FISHER

WHEREAS, the Peace Bridge Authority has submitted a proposal to build a second "twin" bridge beside the Peace Bridge to better accommodate traffic flow between the United States and Canada, and

WHEREAS, new information has raised questions concerning actual construction and maintenance costs and environmental impact of the "twin" project, and

WHEREAS, environmental concerns include the potential impact to Niagara River water levels and currents that would result from the construction of the proposed "twin" bridge and its five piers, and

WHEREAS, economically, bids submitted to the Bridge Authority are coming between \$25 million and \$45 million over the anticipated cost of \$65 million, and

WHEREAS, furthermore, construction and future maintenance costs of the proposed painted-frame bridge may exceed the original cost of building a more modern relatively maintenance-free concrete span, and

WHEREAS, Senators Daniel Patrick Moynihan and Charles E. Schumer have sent a letter to the U.S. Coast Guard, the authority with the final say on this project, asking for a full environmental review of this project and a study of all possible alternatives to ensure appropriate construction of this landmark bridge,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body does hereby invite representatives from the Peace Bridge Authority, the offices of Senators Daniel P. Moynihan and Charles E. Schumer, the Peace Bridge Authority and the Columbus Park Association to a future meeting of the Legislature's Energy & Environment Committee to discuss the various aspects of this debate in greater detail, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Senator Daniel Patrick Moynihan, Senator Charles E. Schumer, Admiral James M. Loy, Commandant, United States Coast Guard, (2100 Second Street, SW, Washington D.C., 20593-0001), Brian Lipke, Chairman, Buffalo & Erie County Public Bridge Authority, (Peace Bridge Plaza, Buffalo, N-Y 14213) and to Betsy Murphy, Peace Bridge/Columbus Park Association, 144 Columbus Pkwy. W, Buffalo, NY 14213

Fiscal Impact: None for resolution.

Reference: Intro. 4-10

MR. OLMA moved the adoption of the resolution. MS. PEOPLES seconded

CARRIED UNANIMOUSLY.

Item 22 – MR. HOLT presented the following and requested that it be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Intro 4-11 From Legislator Holt Re: Support for Improving educational Opportunities and Exploring the Concept of Charter Schools.

Item 23 - MS. PEOPLES presented the following and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 63

RE: Supporting Community Beautification Efforts
in the City of Buffalo (Int. 4-12)

A RESOLUTION
SUBMITTED LEGISLATOR FISHER

WHEREAS, the Legislature set aside funds in the 1999 Erie County Bud 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 this transfer of funds,

NOW, THEREFORE, BE IT

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

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Waterfront School Playground Committee	n/a	\$ 5,000

Parkside Community Association	830/0643	\$ 5,000
Buffalo Olmsted Parks Conservancy	n/a	\$ 5,000
TOTAL		\$15,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, Jackie Mullen -Administrative Assistant Department of Budget, Management and Finance, Patricia Dunne -Administrative Assistant Erie County Legislature, and three (3) copies to First Assistant County Attorney Alan Gerstman and one (1) copy each to Judith McClelland, Waterfront School Playground Committee (95 Fourth Street, Buffalo, NY 14202), Kathleen Peterson - Executive Director, Parkside Community Association (2138 Main Street, Buffalo, NY 14214) and Gretchen Toles, Buffalo Olmsted Parks Conservancy (84 Parkside Avenue, Buffalo, NY 14214).

JUDITH P. FISHER

Fiscal Impact: Appropriation of 1999-budgeted funds.

MS. PEOPLES moved to amend the resolution. MR. KUWIK seconded.

A RESOLUTION SUBMITTED BY
LEGISLATORS FISHER, SWANICK, PEOPLES, KUWIK, FITZPATRICK,
HOLT, OLMA, DEBENEDETTI, DUSZA, & MARINELLI

WHEREAS, the Legislature set aside funds in the 1999 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 \$ 35,000 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>
Waterfront School Playground Committee	n/a	\$ 5,000
Parkside Community Association	830/0643	\$ 5,000
Buffalo Olmsted Parks Conservancy	n/a	\$ 5,000
STAR Swimming	830/0683	\$20,000
TOTAL		\$35,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, Jackie Mullen -Administrative Assistant Department of Budget, Management and Finance, Patricia Dunne -Administrative Assistant Erie County Legislature, and three (3) copies to First Assistant County Attorney Alan Gerstman and one (1) copy each to Judith McClelland, Waterfront School Playground Committee (95 Fourth Street, Buffalo, NY 14202), Kathleen Peterson - Executive Director, Parkside Community Association (2138 Main Street, Buffalo, NY 14214), Gretchen Toles, Buffalo Olmsted Parks Conservancy (84 Parkside Avenue, Buffalo, NY 14214), and to Rick Willats, President, STAR Swimming, 105 Countryside Lane, Orchard Park, NY 14127.

FISCAL IMPACT: Appropriation of 1999 – budgeted funds.

Reference: Intro. 4-12
As Amended: 2/18/99

MS. PEOPLES moved the adoption of the resolution as amended. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 24 – MR. WEINSTEIN presented the following and requested that it be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro 4-13 From Legislator Weinstein Re: Fulfillment of Tax and Liability Obligations by Vendors Doing Business with Erie County.

Item 25 – MS. PEOPLES presented the following and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64

RE: Transfer of Funds. (Int. 4-14)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS DUSZA, SWANICK, PEOPLES, KUWIK, FITZPATRICK,
HOLT, FISHER, OLMA, DEBENEDETTI & MARINELLI

WHEREAS, in the 1999 Erie County budget process, the Legislature earmarked \$7,000 for use at the AFL-CIO Workers Memorial located in Chestnut Ridge Park in the town of Orchard Park, and

WHEREAS, these funds were allocated to the Erie County Parks Department, and

WHEREAS, said funds should have been made available through a contractual agreement with an agency authorized to accept the funds on behalf of the AFL-CIO, and

WHEREAS, a resolution is necessary to effectuate such a transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$7,000 from the Parks Department – Highway Supplies (DAC: 110942640817) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency for the purposes of entering into a contract for the provision of services associated with the memorial:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Union Occupational Health Center	830/0970	\$7,000
TOTAL		\$7,000

And be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, and the Commissioner of the Department of Parks, Recreation and Forestry are

hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman, John Kaczorowski, President, Buffalo AFL-CIO Council, 295 Main St., 5th Floor, Buffalo, NY 14203, and to Raymond Struzik, Union Occupational Health Center, 450 Grider St., Buffalo, NY 14215.

Fiscal Impact: Transfer of 1999-appropriated funds.

MS. PEOPLES moved the adoption of the resolution. MR. DUSZA seconded

CARRIED UNANIMOUSLY.

Item 26 – MR. KUWIK presented the following and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

RE: Support for Community Crime Prevention
Program.. (Int. 4-15)

A RESOLUTION SUBMITTED BY
LEGISLATOR KUWIK

WHEREAS, the Legislature set aside funds in the 1999 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 this transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$ 2,000 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>
National Night Out 1999 - Village of Blasdell	830/0742	\$2,000
TOTAL		\$2,000

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, Jackie Mullen -Administrative Assistant Department of Budget, Management and Finance, Patricia Dunne -Administrative Assistant Erie County Legislature, and three (3) copies to First Assistant County Attorney Alan Gerstman and one (1) copy to George Lee, Village of Blasdell Trustee (Village of Blasdell, P.O. Box 2180, Blasdell, NY 14219).

Fiscal Impact: Appropriation of 1999-budgeted funds.

Reference: Intro. 4-15

MR. KUWIK moved the adoption of the resolution. MR. DEBENEDETTI seconded

CARRIED UNANIMOUSLY.

Item 27 - MS. PEOPLES presented the following and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

RE: Transfer of Funds (Int. 4-16)

A RESOLUTION SUBMITTED BY
LEGISLATORS SWANICK, PEOPLES, KUWIK, FITZPATRICK,
HOLT, FISHER, OLMA, DEBENEDETTI, DUSZA & MARINELLI

WHEREAS, in the 1999 Erie County budget process, the Legislature earmarked \$20,000 for use for the International Institute of Buffalo, Inc., and

WHEREAS, these funds were incorrectly allocated to the Erie Department of Social Services, and

WHEREAS, said funds should have been made available through a contractual agreement with an agency authorized to accept the funds on behalf of the International Institute of Buffalo, Inc., and

WHEREAS, a resolution is necessary to effectuate such a transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer \$20,000 from the Department of Social Services - contractual agencies, International Institute (DAC: 1202008300209) to the International Institute (DAC: 110921301830) for paying the following agency for the purposes of entering into a contract for the provision of services:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
International Institute of Buffalo, Inc.	830/0209	\$20,000
TOTAL		\$20,000

And be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Dennis Gorski, County Comptroller Nancy A. Naples, Budget Director Kenneth C. Kruly, First Assistant County Attorney Alan Gerstman, Commissioner of Social Services Deborah Merrifield and to Hinke Boot, Executive Director - International Institute of Buffalo, Inc. (864 Delaware Avenue, Buffalo, NY 14209).

Fiscal Impact: Appropriation of 1999-budgeted funds.

Reference: Intro. 4-16

MS. PEOPLES moved the adoption of the resolution. MR. DUSZA seconded

CARRIED UNANIMOUSLY.

Item 28 – MS. CHASE presented the following and requested that it be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro 4-17 From Legs. Chase, Ranzenhofer, Greenan, & Larson Re: Support for Extending the Confinement of Mentally Abnormal Sex Offenders.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 29 – MS. PEOPLES moved to discharge the FINANCE & MANGEMENT COMMITTEE from further consideration of Comm. 3 E-12. MS. MARINELLI seconded.

WHEREAS, the Division of Budget. Management and Finance must maintain tax maps and tax billing systems, and

WHEREAS, the State implemented a Taxpayer Bill of Rights system for tax bills, and

WHEREAS, implementing the changes in 1998 required a redirection of staff from the tax mapping project to the tax billing project, and

WHEREAS, the County has completed the tax billing adjustments in the 1998-99 School Tax bills and the 1999 County/Town tax bills, and

WHEREAS, additional overtime and equipment are needed to meet the June, 1999 deadline for digitized tax maps and unanticipated State Aid was received in 1998, and deferred by the County to 1999 to assist Counties in implementing the tax billing changes needed by the new law.

NOW THEREFORE. BE IT

RESOLVED, that the Director of Budget & Management is hereby authorized to increase the Division of Budget, Management & Finance's, Account 933)-Technical Equipment by \$32,500, and Account 801-Overtime by \$ 17,500, the source of these increases will be the appropriation of Deferred Revenue-1998 State Aid in the amount of \$50,000, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Director of Budget & Management, the Director of Information & Support Services and the Director of Purchasing.

Reference: Comm. 3E-12

MS. PEOPLES moved the adoption of the resolution. MR. OLMA seconded.

Item 30 – MR. DUSZA moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Comm. 3E-9. MS. PEOPLES seconded.

WHEREAS, after extensive recruitment, the department has identified a highly qualified candidate capable of assuming the responsibilities of Assistant Director in this office, and

WHEREAS, in order to secure the services of this individual, it is necessary to increase that starting salary to an appropriate level considering this candidate's qualifications and current salary, and

WHEREAS, the Erie County Personnel Department has reviewed and approved this resolution, and

WHEREAS, sufficient funds are available in the Department's 1999 Adopted Budget, and no additional funds are needed.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes a variable minimum for the position of Assistant Director, Job Group 15, Step 3, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of the Center for Cooperative Economic Growth, the Commissioner of Personnel and the Director of Budget and Management.

Reference: Comm. 3E-9

MR. DUSZA moved the adoption of the resolution. MS. PEOPLES seconded. LEGS. MARSHALL, CHASE, RANZENHOFER and LARSON voted in the negative.

SUSPENSION OF THE RULES

Item 31 – MS. PEOPLES moved for a suspension of the rules to include an item not on the agenda. MR. MARSHALL seconded.

GRANTED.

Resolution No. 69

Re: Appointments to the Erie County Soil and water
Conservation District Board of Directors (Intro. 4-18)

A RESOLUTION BY SWANICK, GREENAN, PEOPLES, & MARSHALL

WHEREAS, the Erie County Legislature can make appointments to the Erie County Soil and Water Conservation District Board of Directors, and

WHEREAS, this Honorable Body recently created two additional positions on the Board of Directors of the Erie County Soil and Water Conservation District, and

WHEREAS, these two positions are, as yet, unfilled,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint Francis Gernatt, 13384 Oswald Road, Collins, NY, 14034 and Darlene Vogel, 43 Errington Terrace, Orchard Park, NY, 14127, to fill the newly created positions on the Board of Directors of the Erie County Soil and Water Conservation District, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Mr. Francis Gernatt, Ms. Darlene Vogel and to Mr. Edwin Merriman, Chairman of the Erie County Soil and Water Conservation District, 50 Commerce Way, East Aurora, NY 14052.

Fiscal Impact: none

MS. PEOPLES moved the adoption of the resolution. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

Item 32 – MS. PEOPLES moved for a suspension of the rules to include an item not on the agenda.

GRANTED

Resolution No. 70	Re: Support for Repeal of an Amendment to the Federal Medicaid Act That would Force Erie County to Pay a Share of the County's Tobacco Settlement Revenues to the Federal Government (Intro. 4-19)
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A RESOLUTION SUBMITTED BY
LEGISLATORS SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT
FISHER, OLMA, DEBENEDETTI, DUSZA, MARINELLI & PAULY

WHEREAS, since the mid-1960's Erie County's property taxpayers have borne the burden of a portion of the costs of the federal Medicaid program, and

WHEREAS, New York State forces county governments like Erie County to contribute half of the state's cost of the program, with that cost being derived from the county's property tax revenues, and

WHEREAS, in recognition of the fact that county taxpayers have financially supported this program, and that the program itself has borne the financial burden of caring for thousands

of Erie County residents who have over the years contracted tobacco-related illnesses directly attributable to smoking, Erie County filed suit against our nation's tobacco manufacturers several years ago, and

WHEREAS, Erie County's lawsuit, in fact, predates the suit filed by the state of New York, and

WHEREAS, recently, a settlement of the various lawsuits brought against the tobacco companies was announced, with Erie County expected to reap revenues over the life of the settlement that would exceed \$500 million, and

WHEREAS, this Legislature and the Gorski administration have gone on record stating that the first priority for use of any revenues obtained by the county from the settlement of this lawsuit should be applied toward property tax relief, and

WHEREAS, such a position is logical, in that it was the property taxpayers who bore the burden of support for the Medicaid program, and

WHEREAS, recent reports indicate that the federal government may attempt to use a little-known amendment to the federal Medicaid act that requires states to pay back to the federal government a share of any Medicaid expenditures "recovered from third parties," such as the tobacco companies, and

WHEREAS, indications are that the Clinton administration intends to seek roughly one-half of the more than \$500 million Erie County is expected to reap from the settlement, and

WHEREAS, such a requirement flies in the face of logic and reasonableness, and would force property taxpayers to continue to suffer as a result of the state's onerous Medicaid requirement for counties, and

WHEREAS, the federal government's argument centers around the fact that states have consistently paid back to the federal government portions of funds received from third parties, including proceeds from malpractice suits and other legal actions, and sources indicate that some of the states involved in a separate tobacco lawsuit have already remitted funds to the federal government in accordance with this provision of the Medicaid act, and

WHEREAS, the tobacco settlement expected by Erie County and other localities and states, however, is intended as a repayment to those governments for costs incurred as a result of smoking-related illnesses addressed by Medicaid, and are wholly and entirely different from settlements received as a result of malpractice or other lawsuits where consumer fraud, malfeasance, or other conspiracies may be involved, and

WHEREAS, County Executive Gorski has asked United States Senators Daniel Patrick Moynihan and Charles E. Schumer to co-sponsor legislation that would repeal that amendment to the Medicaid act, and

WHEREAS, the Legislature must express its concern about this plan by the Clinton administration to claim a portion of the funds rightly belonging to Erie County taxpayers,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm its recognition of the fact that funds expected to be delivered to Erie County as a result of the settlement of lawsuits with the nation's tobacco companies should be returned to Erie County in full, as it is the case the county property taxpayers have carried the financial burden for the Medicaid program which paid the medical costs of thousands of residents suffering from illnesses directly attributable to the use of tobacco, and be it further

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to property tax relief as the first priority for the use of funds from the tobacco settlement, and be it further

RESOLVED, that this Honorable Body does hereby oppose plans by the federal government to reclaim any portion of the tobacco settlement funds through provisions of the federal Medicaid act, and be it further

RESOLVED, that this Honorable Body does hereby call upon United States Senators Daniel Patrick Moynihan and Charles E. Schumer to co-sponsor legislation to repeal those provisions of the Medicaid act that may require states to return a portion of funds received as a result of the settlement of these lawsuits, and be it further

RESOLVED, that this Honorable Body does hereby call upon the Western New York delegation to the United States House of Representatives to draft and support similar legislation in the House of Representatives, and be it further

RESOLVED, that certified copies of this resolution be sent to President Bill Clinton, Health and Human Services Secretary Donna Shalala, United States Senators Daniel Patrick Moynihan and Charles E. Schumer, and United States Representatives Thomas M. Reynolds, John LaFalce and Jack Quinn.

Fiscal Impact: Change in Medicaid Act Will Save County Taxpayers Over \$250 million.

MS. PEOPLES moved to amend the resolution to include et al sponsorship. MR. KUWIK seconded

MS. PEOPLES moved the adoption of the resolution as amended. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 33 – MR. MARSHALL moved for a suspension of the rules to include an item not on the agenda. MS. PEOPLES seconded

GRANTED.

Comm. 4E-26 From: Leg. GREENAN Re: Letter Informing Legislative Body of His Absence from the 2/18/99 Session.

Chairman SWANICK directed that Comm. 4E-26 be RECEIVED and FILED.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR FISHER

Item 34 - (Comm. 4E-1) Notice of Absence from Legislative Session 2/18/99.

Received and filed.

FROM LEGISLATOR MARINELLI

Item 35 – (Comm. 4E-2) Copy of Letter to Buffalo & Erie County Public Library Re: Comments & Inquires About the Future of the Libraries.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 36 – MS. PEOPLES presented the following and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71

RE: DISS – Correction of Adopted SFG Resolution
(29E-10) (Comm. 4E-3)

WHEREAS, the County is in need of software to facilitate accurate job costing, and

WHEREAS, Information and Support Services has been looking for a solution to the labor distribution question posed by Erie Community College with regards to the County Payroll System, and

WHEREAS, SFG has software known as "Costuser" which fulfills the requirements of both of the aforementioned, and

WHEREAS, the SFG software will fully integrate with the current SFG systems which drive the County financial systems, and

WHEREAS, the Division of Information and Support Services has money available within its 1998 operating budget to pay for the purchase of the software, and

WHEREAS, SFG software, the County's financial software system, is used for County payroll, accounting, general ledger, purchasing and financial reporting, and

WHEREAS, the tax system portion of the financial system is now supported by a separate corporation, Govern Software, Inc., and

WHEREAS, the SFG and Govern software have proven to be effective products aiding staff in the efficient operation of county government, and

WHEREAS, the original five year support service agreements expire on February 9, 1999, and

WHEREAS, the cost of the five-year service renewal agreement is fixed by the original contract as the original first-year support cost plus an escalator for annual inflation, and

WHEREAS funding has been provided for this purpose in the 1999 Adopted budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Information and Support Services shall be authorized to purchase the Costuser software and the accompanying training from SFG in the amount of \$140,000, and be it further,

RESOLVED, that the source of funding shall be

Reduce Office Supplies	(DAC 110 927510810)	\$100,000
Reduce Auto Supplies	(DAC 110 927510813)	\$ 40,000
Increase Contractual	(DAC 110 927510830)	\$140,000

and be it further

RESOLVED, that the County Executive is authorized to enter into five year software service support agreements with SFG Technologies, Inc. at a cost of \$252,432.66, and Govern Software, Inc. at a cost of \$60,375, and be it further

RESOLVED, that the County Executive is authorized to enter into a service agreement for up to five years for the SFG Costuser module at a cost not to exceed \$13,300 annually and for other SFG related software services and system changes as may be separately funded, and be it further

RESOLVED, that the source of funding for five year software service support agreements with SFG Technologies, Inc. including Costuser module; Govern Software, Inc.; and other SFG and Govern software services and system changes as may be required; shall be the 1999 Adopted Budget, Division of Information and Support Services (DAC 110 927510823) Repairs and Maintenance, and be it further

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

Reference: Comm. 4E-3

MS. PEOPLES moved the adoption of the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 37– (Comm. 4E-4) Senior Services – Authorization to Enter into Nutrition Contract.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 38 – (Comm. 4E-5) ECMC – School 84 Physician Contract.

Received and referred to the HEALTH COMMITTEE.

Item 39 – (Comm. 4E-6) Emergency Services – Hazardous Materials response Team.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 40 – MS. PEOPLES presented the following and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

Re: Senior Services – Authorization to Amend
Congregate Dining Grant Budget.(Comm. 4E-7)

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining Nutrition Program (III-C-1) grant for the period January 1, 1999 to December 31, 1999, and

WHEREAS, the Department of Senior Services intends to enter into a contract with Maryvale East Management to operate a congregate dining site at the Walden Park Senior Housing Complex effective February 22, 1999, and

WHEREAS, the County budget for this grant is in need of revision, and

WHEREAS, no additional County funds are required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Maryvale East Management to provide congregate dining at 101 Bakos Boulevard, Buffalo, New York in an amount not to exceed \$1,250 for the period February 22, 1999 to December 31, 1999, and be it further

RESOLVED, that the budget for the III-C- I grant for the period January 1, 1999 to December 31, 1999, Project 149, be revised as follows:

<u>APPROPRIATIONS</u>		<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED BUDGET</u>
<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Changes</u>	<u>Amended Budget</u>
830/	Maryvale East Management	-0-	\$+1,250	\$1,250
830/385	other Projected Agencies	\$ 2,468	<u>\$-1,250</u>	\$1,218
TOTAL CHANGE TO APPROPRIATIONS			<u>\$ -0-</u>	

and be it further

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

Reference: Comm. 4E-7

MS. PEOPLES moved the adoption of the resolution. MR. HOLT seconded

CARRIED UNANIMOUSLY.

Item 41 – (Comm. 4E-8) Senior Services – Authorization to Amend the Weatherization Referral & Packaging Program (WRAP-SOFA) Grant Budget.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 42 – (Comm. 4E-9) Senior Services – Authorization to Accept Grant Funds & Enter into Sub-Contract.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 43 – (Comm. 4E-10) Health – Childhood Lead Poising Prevention Program 1/1/99 – 12/31/99.

Item 44 – (Comm. 4E-11) Health – HIV/STD Support Services Grant 4/1/99-3/31/00.

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

Item 45 – (Comm. 4E-12) Youth Services – Authorization to Contract – Delinquency Prevention Programs.

Item 46 – (Comm. 4E-13) Social Services – Office of Child Support Enforcement Review & Adjustment Funding.

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

Item 47 – (Comm. 4E-14) ECSD No. 5 – Eminent Domain Proceedings Approval of Resolution.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 48 – (Comm. 4E-15) Social Services – Integrated County Planning Initiative

Item 49 – (Comm. 4E-16) Social Services – Family Court Foster Care Improvement Project Grant.

Item 50 – (Comm. 4E-17) Social Services – Enhanced Drug & Alcohol Services to Victims of Domestic Violence.

Item 51 – (Comm. 4E-18) Social Services – Family Loan Program.

Item 52 – (Comm. 4E-19) Senior Services – Authorization to Amend CSE & EISEP Grant Budgets.

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

Item 53 – (Comm. 4E-20) Request for Legislative Action that Will Allow EC to Accept a Grant from HUD to Provide Rental Assistance & Supportive Services for Homeless.

Received and referred to the HEALTH COMMITTEE.

Item 54 – (Comm. 4E-21) Contract with ECIDA for Demolition of Abandoned Grain Elevators in Town of Tonawanda.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 55 – (Comm. 4E-22) Senior Services – Authorization to Amend NYS Retired Senior Volunteer Program Grant Budget.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 56- (Comm. 4E-23) Health – Rodent Control Staff.

Received and referred to the HEALTH COMMITTEE.

FROM THE COMPTROLLER

Item 57 – (Comm. 4E-24) Bond Resolution - \$1,000,000 County Court Facilities.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 58 – (Comm. 4E-25) Personnel Adjustment.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 59 – (Comm. 4D-1) Notices of Claim

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECC

Item 60 – (Comm. 4D-2) Notices of Committee Meetings Held 2/16/99

Item 61 – (Comm. 4D-3) Notice of Board of Trustees Meeting to be Held 2/24/99.

The above two items were received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 62 – (Comm. 4D-4) Budget Monitoring Report for the Period Ending 11/30/99.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECMC

Item 63 – (Comm. 4D-5) Notice of Board of Managers Meeting Held 2/11/99 & Minutes of Board of Mangers Meeting Held 1/21/99.

Received and referred to the HEALTH COMMITTEE.

FROM ECMC

Item 64 – (Comm. 4D-6) Letter to County Comptroller Re: Summary of Findings from the Review Performed on ECMC's Cash Disbursement Procedures.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM DPW

Item 65 – (Comm. 4D-7) Utility Billing Auditing Service

Item 66 – (Comm. 4D-8) Elma Meadows Clubhouse Renovations, Phase III, Contingency Fund Increase.

Item 67 – (Comm. 4D-9) ECC – Dental Hygiene Lab Renovation.

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

Item 68 – MS. PEOPLES presented the following and moved for immediate consideration. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73

Re: Conveyance of a Portion of Highway Right-of-Way Trevett Road Cr420 Town of Concord, Parcel No. 414 Map SK 139-414C (Comm. 4D-10)

WHEREAS, Pursuant to New York State Highway Law, Section 118A, the Deputy Commissioner of Public Works, Division of Highways, recommends to abandon to the Town of Concord a portion of existing right-of-way on Trevett Road, CR 420, in the Town of Concord that is no longer needed for highway purposes, and

NOW, THEREFORE BE IT

RESOLVED, that upon the recommendation of the Deputy Commissioner of Public Works, Division of Highways, a portion of the existing right-of-way as shown on the attached map be conveyed to the Town of Concord for consideration of \$1.00 as determined by the Division of Budget, Management and Finance, payable to the County of Erie. The area of the conveyance being 0.136 acres, more or less, and be it further

RESOLVED, that the County Executive be authorized to execute and acknowledge in the name of the County and affix the seal of the County to a quit claim deed of the aforementioned land so to be conveyed, and be it further

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

1/29/99

Reference: Comm. 4D-10

MS. PEOPLES moved the adoption of the resolution. MR. LARSON seconded

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE HARNESS HORSE BREEDERS OF NYS, INC.

Item 69 – (Comm. 4M-1) Opposing OTB's Effort to Purchase & Operate Batavia Downs

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE HOPEVALE UNION FREE SCHOOL DISTRICT

Item 70 – (Comm. 4M-2) Letter Endorsing the Adopted Resolution of Association of Erie County Governments.

Received and filed.

FROM THE TOWN OF WALES

Item 71 – (Comm. 4M-3) Certified Copy of Resolution Re: Opposing All Proposals to Eliminate the Sales Tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE VILLAGE OF EAST AURORA

Item 72 – (Comm. 4M-4) Certified Copy of Resolution Re: Opposing the Permanent Exemption of Sales Tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF BOSTON

Item 73 – (Comm. 4M-5) Copy of Resolution Re: Opposing the Permanent Exemption of Sales Tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYSDEC

Item 74 – (Comm. 4M-6) Notice of Public Meeting to be Held 2/24/99.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN OF GRAND ISLAND

Item 75 – (Comm. 4M-7) Certified Copy of Letter Re: Opposing Proposal for Permanent County Sales Tax Exemption on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE FIDELIS CARE NEW YORK

Item 76 – (Comm. 4M-8) Comments on HIV/AIDS Forum.

Received and referred to the HEALTH COMMITTEE.

FROM THE ERIE COUNTY COMMUNITY SERVICE BOARD

Item 77 – (Comm. 4M-9) Report on Involuntary Outpatient Treatment.

Received and referred to the HEALTH COMMITTEE.

FROM THE THE COMMUNITY HEALTH CENTER OF BUFFALO, INC.

Item 78 – (Comm. 4M-10) Community Health Center of Buffalo Initiative.

Received and referred to the HEALTH COMMITTEE.

FROM THE ERIE COUNTY MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 79 – (Comm. 4M-11) Notice of Meeting to be Hled 2/18/99 & Minutes of Meeting Held 1/21/99.

Received and referred to the HEALTH COMMITTEE.

FROM THE TOWN OF COLLINS

Item 80 – (Comm. 4M-12) Letter in Favor of Reducing Taxes on Sale of Clothing & Footwear.

Received and referred to the FINANCE & COMMITTEE.

FROM THE FRONTIER CENTRAL SCHOOL DISTRICT

Item 81 – (Comm. 4M-13) Opposing Permanent Elimination of sales tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE GREATER BUFFALO CONVENTION & VISITORS BUREAU

Item 82 – (Comm. 4M-14) 1999 Marketing Plan.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE OTB

Item 83 – (Comm. 4M-15) Minutes of Board of Directors Meeting Held 12/3/98.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ASSEMBLYMAN BURLING

Item 84 – (Comm. 4M-16) Acknowledgement of Receipt of Resolution.

Received and filed.

FROM ADMINISTRATORS ASSOCIATION OF ECC

Item 85 – (Comm. 4M-17) Letter to Legislator Fisher Re: Effects of NYS's Budget on Community Colleges.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ALLIANCE FOR THE MENTALLY ILL OF BUFFALO & ERIE COUNTY

Item 86 – (Comm. 4M-18) Letter to Legislator Fisher Re: EC Mental Health's Subcommittee on Mental Health.

Received and referred to the HEALTH COMMITTEE.

FROM THE CITY OF BATAVIA

Item 87 – (Comm. 4M-19) Copy of Resolution Re: Encouraging Efforts of OTB to Save Batavia Downs.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE SPRINGVILLE-GRIFFITH INSTITUTE CENTRAL SCHOOL DISTRICT

Item 88 – (Comm. 4M-20) Opposing Permanent Exemption of Sales Tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CLARENCE CENTRAL SCHOOL DISTRICT

Item 89 – (Comm. 4M-21) Opposing Permanent Exemption of Sales Tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF CONCORD

Item 90 – (Comm. 4M-22) In Favor of Permanently Exempting sales tax on Clothing & Footwear.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ADJOURNMENT

Item 91 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

Ms. Peoples moved that the Legislature adjourn until **2:00 p.m., Thursday, March 4, 1999**. Mr. Marshall seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature **adjourned until Thursday, March 4, 1999 at 2 P.M. Eastern Standard Time.**

LAURIE MANZELLA
CLERK

