

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 14**  
**June 21, 2001**

The Legislature was called to order by Chairman Swanick.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. McCarville.

Item 1 – CHAIRMAN SWANICK directed that Intro 6-6 remain on the table.

Item 2 - CHAIRMAN SWANICK directed that Intro 6-7 remain on the table.

Item 3 – CHAIRMAN SWANICK directed that Comm. 13E-45 remain on the table.

Minutes of the previous meeting were tabled.

**LOCAL LAWS**

Item 4 - CHAIRMAN SWANICK directed that Local Law No. 2 (Print #3) 2000 remain on the table.

Item 5 - CHAIRMAN SWANICK directed that Local Law No. 4 (Print #1) 2001 remain on the table.

Item 6 - CHAIRMAN SWANICK directed that Local Law No. 4 (Print #2) 2001 remain on the table.

Item 7 - CHAIRMAN SWANICK directed that Local Law No. 5 (Print #1) 2001 remain on the table.

Item 8 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE  
LOCAL LAW NO. \_\_\_\_\_  
LOCAL LAW INTRO. NO. 6 – 2001

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

A LOCAL LAW relating to the leasing of Surplus Space in an area located adjacent to the lobby of the Erie County Medical Center, 462 Grider Street, Buffalo, New York.

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ERIE, AS FOLLOWS:

Section 1. The Erie County Legislature hereby finds and determines that certain vacant ground floor space comprising approximately 4,200 square feet in an area adjacent to the lobby of the Erie County Medical Center at 462 Grider Street, Buffalo, New York is not presently needed for County governmental purposes, and that such space can best be utilized to the County's and the Erie County Medical Center's benefit by permitting the Erie County Medical Center to lease said property for a fair and reasonable consideration to the Benderson Development Company, Inc. at 570 Delaware Avenue, Buffalo, New York 14202. Said property would be used as a retail center for the benefit of the Erie County Medical Center's patients, families, visitors and employees.

Section 2. The County of Erie, on behalf of the Erie County Medical Center, may enter into a Lease Agreement for such surplus space with the Benderson Development Company, Inc. upon such terms and conditions as may be set forth in a resolution enacted by the Erie County Legislature, including, however, but not limited to the conditions set forth in Section 3 hereafter.

Section 3. The County of Erie, on behalf of the Erie County Medical Center, shall enter into a Lease Agreement which shall provide for the lease of said premises for an initial term of ten years with one successive ten-year renewal term. In determining the fair consideration to be charged for said surplus space, among the factors to be considered shall be the cost to the Benderson Development Company, Inc. of renovating such space for retail use, the fair rental value of similar property, and the benefit to be derived by the County from the retail services and conveniences that will be provided to the Erie County Medical Center's patients, families, visitors and employees.

Section 4. Effective date. This Local Law shall be effective immediately upon filing with the Secretary of State pursuant with Section 27 of the New York Municipal Home Rule Law.

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

CARRIED UNANIMOUSLY.

Item 9 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE  
 LOCAL LAW NO. \_\_\_\_\_  
 LOCAL LAW INTRO. NO. 7 – 2001

**A LOCAL LAW relating to the leasing of 3.5 acres of vacant land at 663 Kensington Avenue, Buffalo, New York to the Living Opportunities of DePaul, Inc.**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ERIE, AS FOLLOWS:

Section 1. The Erie County Legislature hereby finds and determines that certain vacant land comprising approximately 3.5 acres at 663 Kensington Avenue, Buffalo, New York on the Erie County Medical Center campus is not presently needed for County government purposes and that such land shall be best utilized to the County's and the Erie County Medical Center's benefit by permitting the County to lease the property for a fair and reasonable consideration to the Living Opportunities of DePaul, a not-for-profit organization, whose principal offices are located at 2240 Union Road, Cheektowaga, New York 14227. Said property would be used as the site for construction and operation of a 75-bed residential facility that will provide transitional as well as permanent housing in a service-enriched setting to adults with psychiatric disabilities.

Section 2. The County of Erie, on behalf of the Erie County Medical Center, may enter into a Lease Agreement for such surplus vacant land with the Living Opportunities of DePaul, Inc. upon such terms and conditions as may be set forth in a resolution enacted by the Erie County Legislature, including, however, but not limited to the conditions set forth in Section 3 hereafter.

Section 3. The County of Erie, on behalf of the Erie County Medical Center, shall enter into a Lease Agreement that shall provide for the lease of said premises for the term of twenty-five years with one successive twenty-five year renewal term. In determining the fair consideration to be charged for such surplus vacant land, among the factors to be considered shall be the independent appraisal of the parcel and the benefit to be derived by the County from the service-enriched programs that will be provided to individuals with psychiatric disabilities at this residential housing complex.

Section 4. Effective date. This Local Law shall be effective immediately upon filing with the Secretary of State pursuant with Section 27 of the New York Municipal Home Rule Law.

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

CARRIED UNANIMOUSLY.

### **COMMITTEE REPORTS**

Item 10 – CHAIRMAN SWANICK directed that Local Law No. 8 (Print #1) 2001 remain on the table.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 276

June 11, 2001

COMMUNITY ENRICHMENT  
 COMMITTEE  
 REPORT NO. 10

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

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

- |    |  |      |       |                |
|----|--|------|-------|----------------|
|    | Item   | Page | -2000 | (Comm. 20D-10) |
| a. | <b>BUFFALO &amp; ERIE COUNTY PUBLIC LIBRARY:</b> Copy of Letter to Mayor Masiello<br>Re: Architectural Plan for North Jefferson Branch.<br>(5-0)         |      |       |                |
|    | Item   | Page | -2000 | (Comm. 22M-4)  |
| b. | <b>GRAYCLIFF CONSERVANCY:</b> Letter to Chairman Swanick Re: Graycliff Estate.<br>(5-0)  |      |       |                |
|    | Item   | Page | -2000 | (Comm. 26M-12) |
| c. | <b>GRAYCLIFF CONSERVANCY:</b> Update on Project at Graycliff Estate in Derby.<br>(5-0)   |      |       |                |
|    | Item   | Page | -2001 | (Int. 5 -13)   |
| d. | <b>LARSON:</b> Requesting a Thorough Review & Explanation of County Charge-Backs to Erie<br>Community College.<br>(5-0)                                  |      |       |                |
|    | Item   | Page | -2001 | (Comm. 9 E-16) |
| e. | <b>MARINELLI:</b> Copy of Letter to County Executive Re: Methods for Public Benefit Funding.<br>(5-0)  |      |       |                |
|    | Item   | Page | -2001 | (Comm. 13M-12) |
| f. | <b>ARTS COUNCIL IN BUFFALO &amp; ERIE COUNTY:</b> Letter to Legislator Marinelli Re:<br>Support for Proposed Office of Arts, Culture & Tourism.<br>(5-0) |      |       |                |

**LYNN M. MARINELLI**  
**CHAIRPERSON**

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

CARRIED UNANIMOUSLY.

Item 12 –MR. DUSZA presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 277

June 12, 2001

ENERGY & ENVIRONMENT  
 COMMITTEE  
 REPORT NO. 9

ALL MEMBERS PRESENT EXCEPT LEGISLATORS FITZPATRICK AND GREENAN.

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

- |    |  |      |       |                |
|----|--|------|-------|----------------|
|    | Item   | Page | -2000 | (Comm. 9 M-30) |
| a. | <b>NATIONAL FEDERATION OF FEDERAL EMPLOYEES</b> : Copy of Letter to Citizens for Safe Drinking Water Re: Fluoridated Water.<br>(3-0) Legislators Fitzpatrick and Greenan absent.   |      |       |                |
|    | Item   | Page | -2000 | (Comm. 9 M-31) |
| b. | <b>NYS COALITION OPPOSED TO FLOURIDATION INC</b> : Copy of News Release Re: State Department of Health Fluoride Study: More Fluorosis! No Fewer Cavities.<br>(3-0) Legislators Fitzpatrick and Greenan absent.           |      |       |                |
|    | Item   | Page | -2000 | (Comm. 9 M-32) |
| c. | <b>NYS COALITION OPPOSED TO FLOURIDATION INC</b> : Copy of News Release Re: Fluoridated Water Does Increase Risk of Hip Fractures in Women.<br>(3-0) Legislators Fitzpatrick and Greenan absent.                         |      |       |                |
|    | Item   | Page | -2000 | (Int. 9 -11)   |
| d. | <b>DUSZA</b> : Examining the Pros & Cons of Fluoridating Drinking Water.<br>(3-0) Legislators Fitzpatrick and Greenan absent.  |      |       |                |
|    | Item   | Page | -2000 | (Comm. 14M-3)  |
| e. | <b>ALICIA MCDEVITT RN</b> : Copy of Letter to Legislator Dusza Re: Fluoride in Drinking Water.<br>(3-0) Legislators Fitzpatrick and Greenan absent.  |      |       |                |
|    | Item   | Page | -2000 | (Comm. 14M-7)  |
| f. | <b>NYS COALITION OPPOSED TO FLOURIDATION INC</b> : News Release Titled "Safety Concerns Leads Prominent Fluoridation Spokesperson to Call for End to Fluoridation."<br>(3-0) Legislators Fitzpatrick and Greenan absent. |      |       |                |
|    | Item   | Page | -2000 | (Comm. 14M-8)  |
| g. | <b>CITIZENS FOR SAFE DRINKING WATER</b> : News Release Titled "Research Links Low Level of Fluoride & Aluminum to Alzheimer's & Kidney Damage."<br>(3-0) Legislators Fitzpatrick and Greenan absent.                     |      |       |                |

- Item Page -2000 (Comm. 16M-7)  
h. **WNY CITIZENS FOR SAFE DRINKING WATER:** Information on Fluoridated Water.  
(3-0) Legislators Fitzpatrick and Greenan absent.
- Item Page -2000 (Comm. 26M-2)  
i. **EIGHTH DISTRICT DENTAL SOCIETY:** Copy of Letter to Legislator Dusza Re:  
Fluoridated Water.  
(3-0) Legislators Fitzpatrick and Greenan absent.
- Item Page -2001 (Comm. 7 M-2)  
j. **WNY CITIZENS FOR SAFE DRINKING WATER:** Unfavorable Articles Re:  
Fluoridated Water.  
(3-0) Legislators Fitzpatrick and Greenan absent.
- Item Page -2001 (Comm. 8 M-7)  
k. **WNY CITIZENS FOR SAFE DRINKING WATER:** Fluoridation in European Water.  
(3-0) Legislators Fitzpatrick and Greenan absent.
- Item Page -2001 (Comm. 11D-19)  
l. **DEP:** Fishery Promotion Campaign Information Requested by Chair of Energy &  
Environment Committee.  
(3-0) Legislators Fitzpatrick and Greenan absent.
- Item Page -2001 (Comm. 11M-4)  
m. **WNY CITIZENS FOR SAFE DRINKING WATER:** Dartmouth Researcher Warns of  
Chemicals Added to Drinking Water.  
(3-0) Legislators Fitzpatrick and Greenan absent.
- Item Page -2001 (Comm. 12E-22)  
n. **COUNTY EXECUTIVE:** ECSD No. 2 - Big Sister Treatment Plant Improvements Contract  
No. 35A - Change Order No. 1 New Era Construction.  
(3-0) Legislators Fitzpatrick and Greenan absent.
- Item Page -2001 (Comm. 12M-4)  
o. **NIAGARA MOHAWK:** Invitation to Share Holders Meeting Held 5/15/01.  
(3-0) Legislators Fitzpatrick and Greenan absent.
- Item Page -2001 (Comm. 12M-9)  
p. **WEST VALLEY CITIZEN TASK FORCE:** Revised Strategy for Splitting Environmental  
Impact Statement & Scoping of First Environmental Impact Statement.  
(3-0) Legislators Fitzpatrick and Greenan absent.
- Item Page -2001 (Comm. 12M-12)  
q. **ASSEMBLYMAN TOKASZ:** Letter to Chairman Swanick Re: Increased Funding for  
Agriculture.

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

(3-0) Legislators Fitzpatrick and Greenan absent.

- r. Item Page -2001 (Comm. 12M-15)  
**ASSEMBLYMAN HOYT**: Letter to Chairman Swanick Re: Response to Correspondence Concerning Agricultural Programs.  
 (3-0) Legislators Fitzpatrick and Greenan absent.

- s. Item Page -2001 (Comm. 13D-6)  
**DEP**: Negative Declaration - Notice of Determination of Non-Significance Re: Saint Johns Place & Lemon Street, City of Lackawanna.  
 (3-0) Legislators Fitzpatrick and Greenan absent.

- t. Item Page -2001 (Comm. 13D-13)  
**ERIE COUNTY WATER AUTHORITY**: Year 2000 Annual Report.  
 (3-0) Legislators Fitzpatrick and Greenan absent.

- u. Item Page -2001 (Comm. 13E-37)  
**COUNTY EXECUTIVE**: ECSD No.2 - Engineering Services Agreements.  
 (3-0) Legislators Fitzpatrick and Greenan absent.

- v. Item Page -2001 (Comm. 13E-38)  
**COUNTY EXECUTIVE**: ECSD No. 6 - "A" Street ORF Improvement Project – General Construction Change Order No. 1.  
 (3-0) Legislators Fitzpatrick and Greenan absent.

- w. Item Page -2001 (Comm. 13E-39)  
**COUNTY EXECUTIVE**: ECSD No. 6 - "A" Street ORF Improvement Project - Electrical Change Order No. 1.  
 (3-0) Legislators Fitzpatrick and Greenan absent.

- x. Item Page -2001 (Comm. 13M-14)  
**WNY CITIZENS FOR SAFE DRINKING WATER**: Copy of Article "Fluoridation Folly."  
 (3-0) Legislators Fitzpatrick and Greenan absent.

- 2. Item Page -2001 **AS AMENDED**  
 (Comm. 1E-27)  
**COUNTY EXECUTIVE**

RESOLUTION NO. \_\_\_\_\_ -2001  
 BOND RESOLUTION DATED \_\_\_\_\_, 2001

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

SEWER DISTRICT NO. 5; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$200,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$200,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 5 TO SAID COUNTY.

(Introduced) JUNE 12, 2001

(Adopted) \_\_\_\_\_, 2001

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated January 18, 2001, and the order of the State Comptroller dated May 15, 2001, an increase and improvement of facilities for Sewer District No. 5 has been approved at a estimated maximum cost of \$200,000, and

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

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$200,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of an increase and improvement of facilities for Erie County Sewer District No. 5, all as more fully described in the report and estimate of cost accepted and adopted by the Board of Managers of said District on November 1, 2000, and filed with the County Legislature pursuant to Section 268 of the County Law. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$200,000. The plan of financing includes the issuance of \$200,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by assessment against a benefitted area which consists of the Sisters of St. Joseph Extension to Erie County Sewer District No. 5.

Section 2. The period of probable usefulness for the specific object or purpose for which said \$200,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$200,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.



Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

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

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

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

(3-0) Legislators Fitzpatrick and Greenan absent.

				<b>AS AMENDED</b>
3.	Item	Page	-2001	(Comm. 11E-24)
	<b>COUNTY EXECUTIVE</b>			

WHEREAS, the Erie County Legislature did award Contract No. 35 "B" to Quackenbush Company, Inc.; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 35 "B" in the amount of \$161,635.09 which includes Change Order No. 1 (final), a decrease of (\$3,764.91) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 35 "B" between the County of Erie and Quackenbush Company, Inc., 495 Kennedy Road, Buffalo, New York 14207, be accepted in the amount of \$161,635.09 which includes Change Order No. 1 (final), a decrease of (\$3,764.91): and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 35 "B" between the County of Erie and Quackenbush Company, Inc. in the amount of \$161,635.09 and make final payment from Sewer Capital Account SD No. 2, Fund No. 430, Project No. 533, and return the unused portion to Unallocated Account; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget and Management.

(3-0) Legislators Fitzpatrick and Greenan absent.

				<b>AS AMENDED</b>
4.	Item	Page	-2001	(Comm. 11E-25)
	<b>COUNTY EXECUTIVE</b>			

WHEREAS, the Erie County Legislature did award Contract No. 35 "C" to MKS Plumbing Corporation; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 35 "C" in the amount of

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

\$29,827.00 which includes Change Order No. 1 (final), a decrease of (\$10,000.00) and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 35 "C" between the County of Erie and MKS Plumbing Corporation, 19 Ransier Drive, West Seneca, New York, 14224, be accepted in the amount of \$29,827.00 which includes Change Order No. 1 (final), a decrease of (\$10,000.00); and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 35 "C" between the County of Erie and MKS Plumbing Corporation, in the amount of \$29,827.00 and make final payment from Sewer Capital Account SD No. 2, Fund No. 430, Project No. 533, and return the unused portion to Unallocated Account; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget and Management.

(3-0) Legislators Fitzpatrick and Greenan absent.

**AS AMENDED**  
**(Comm. 12E-20)**

5. Item Page -2001

**COUNTY EXECUTIVE**

WHEREAS, in an earlier resolution dated April 29, 1999, Comm. No. 7D-29, the Erie County Legislature authorized the County Executive to enter into energy aggregation agreements with specific towns and villages in the County of Erie, Niagara County and the City of Niagara Falls for the joint purchase of natural gas and fuel oil, and

WHEREAS, in an earlier resolution dated February 1, 2001, Comm. No. 14E-13, the Erie County Legislature amended the above resolution to authorize the County Executive to enter into contracts with municipal corporations in the County of Erie for the purpose of joint purchase of natural gas, fuel oil, electricity, as well as other commodities and services, and

WHEREAS, that earlier resolution, dated February 1, 2001, Comm. No. 14E-13, the Erie County Legislature also amended the above resolution to authorize the County Executive to enter into contracts with Niagara County and the City of Niagara Falls for the purpose of joint purchase of natural gas, fuel oil, electricity, as well as other commodities and services, and

WHEREAS, in recognition of the benefits derived as a result of the economies of scale achieved when public entities jointly purchase commodities and services, it is in the best interest of the County to expand the aggregation to include other municipal corporations outside of Erie County, especially other counties who so desire to enjoy the benefits of reduced utility bills, and

WHEREAS, various municipal corporations, including other counties, are now requesting that the energy aggregation be allowed to include the purchase of natural gas, fuel oil, and electricity in its scope of service, as well as other

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

commodities and services offering economies of scale that are in the best interest of the aggregation members,

NOW, THEREFORE, BE IT,

RESOLVED, that the Energy Aggregation resolution passed by your Honorable Body on February 1, 2001, Comm. No. 14E-13, is hereby amended such that the County Executive is also authorized to enter into contracts with municipal corporations, counties, cities, towns and villages, districts and public authorities outside of Erie County pursuant to Article 5-G of the General Municipal Law for the purpose of joint purchase of natural gas, fuel oil, electricity, as well as other commodities and services, and be it further,

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

(3-0) Legislators Fitzpatrick and Greenan absent.

6. Item Page -2001 (Comm. 12E-24)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie, on behalf of Erie County Sewer District No. 2, and the State of New York, Niagara Frontier State Park Commission, on behalf of the Evangola State Park, entered into a sanitary sewer service agreement on September 9, 1970 and as amended on January 20, 1971; and

WHEREAS, both parties now recognize that the original agreement is outdated and in need of revision to more accurately reflect the level of service being provided as well as compensation for the costs involved with providing sanitary sewer service to Evangola State Park; and

WHEREAS, both parties have agreed that approximately \$7,000.00 is outstanding in unpaid sewer charges and taxes and is due the County.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed service agreement amendment with the New York State Office of Parks, Recreation and Historic Preservation, formerly the Niagara Frontier State Park Commission, on behalf of the Evangola State Park and Erie County on behalf of Erie County Sewer District No. 2 is hereby authorized; and be it further

RESOLVED, that the County agrees to accept the payment of late sewer charges and taxes without interest and to waive all interest fees owed by the State Park Commission on past unpaid sewer charges and taxes; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute a service agreement amendment subject to approval as to form by

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, Gregory J. Dudek, Assistant County Attorney, Nancy Naples, Erie County Comptroller, and Joseph Passafiume, Director, Budget, Management & Finance.

(3-0) Legislators Fitzpatrick and Greenan absent.

7. Item Page -2001 (Comm. 13E-25)

**COUNTY EXECUTIVE**

WHEREAS, Erie County is interested in fostering business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the environmentally sound reuse of urban brownfields for productive use, be it industrial, commercial or recreational; and

WHEREAS, The City of Buffalo owns an approximately 120 acre site known as the Union Ship Canal site which is an industrial brownfield and desires to test, remediate any environmental problems and redevelop the parcel into productive reuse; and

WHEREAS, Erie County desires to work with the City of Buffalo to remediate and redevelop this brownfield and assist by funding the costs of testing and remediation through various state and federal programs and direct contracting for these services where appropriate; and

WHEREAS, Erie County has an interest in seeing the area immediately adjacent to the Union Ship Canal be maintained in public open space as part of the waterfront development of public access; and

WHEREAS, Erie County desires to assist in grant writing and project applications for state or federal programs which may be beneficial to the redevelopment of the Union Ship Canal project area; and

WHEREAS, Erie County recognizes the need for local financial participation in order to receive state and federal funding assistance in brownfield redevelopment programs,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts not to exceed three hundred thousand dollars (\$300,000.00), with the City of Buffalo, Development Downtown Inc., the Buffalo Urban Renewal Agency, New York State Department of

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

Environmental Conservation, the U. S. Environmental Protection Agency and the U. S. Army Corp of Engineers for the purpose of funding projects which will move the Union Ship Canal forward; and be it further

RESOLVED, that the County Executive is authorized to submit grant applications on behalf of the County or as co-applicants with the City and its agencies, to State or federal funding agencies; and be it further

RESOLVED, that nothing in this resolution authorizes the County to take title to any property within the Union Ship Canal project area; and be it further

RESOLVED, that the source of the funds will be \$300,000 available in the approved 2001 Erie County Capital Budget, subject to approval of a bond resolution for this purpose; and be it further

RESOLVED, that any revenues received by the City of Buffalo or any of its development agencies as reimbursements from grant sources, which were originally funded by this appropriation, be retained in a separate account, for future Union Ship Canal projects and that reuse of these funds be contingent upon approval of the Commissioner of the Erie County Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Commissioner of the Department of Environment and Planning and the County Attorney.

(3-0) Legislators Fitzpatrick and Greenan absent.

8. Item Page -2001 (Comm. 13E-26)

**COUNTY EXECUTIVE**

WHEREAS, The New York State Energy Research and Development Authority (NYSERDA) has solicited for proposals in accordance with its Program Opportunity Notice (PON) No. 565-00 offering to fund projects for the development of web-enabled advanced monitoring systems and for the development of comprehensive energy audits to monitor energy consumption and identify and encourage the implementation of cost effective and energy efficient practices and equipment; and

WHEREAS, the Department of Environment and Planning has advised the County Legislature that there are benefits to applying for a grant under this NYSERDA Program and has recommended application be made for funding these opportunities under NYSERDA's PON No. 565-00; and

WHEREAS, it is anticipated that NYSERDA will contribute up to \$70,000 for project approval with the balance of the project costs to be paid by the County Sewer Districts and/or the Southtowns Sewage Treatment Agency.

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

NOW, THEREFORE, BE IT

RESOLVED, that the County's Department of Environment and Planning be authorized and directed to make applications to NYSERDA for funding under PON No. 565-00 in the estimated amount of \$115,000 to implement a web-enabled advanced monitoring system and complete a comprehensive energy audit for the purposes of enhancing energy efficiency; and be it further

RESOLVED, that an agreement with NYSERDA to implement the web-enabled advanced monitoring and comprehensive energy audit is hereby approved subject to a grant offer being made by NYSERDA; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, one copy to Nancy Naples, County Comptroller, one copy to Gregory Dudek, Assistant County Attorney, and one copy to Joseph Passafiume, Director, Budget, Management and Finance.

(3-0) Legislators Fitzpatrick and Greenan absent.

**RAYMOND K. DUSZA**  
**CHAIRMAN**

MR. DUSZA moved to separate Item No. 2 and moved the approval of the balance of the report. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved for approval of Item. No. 2. MS. PEOPLES seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, McCARVILLE, PAULY, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES & SWANICK.

CARRIED UNANIMOUSLY.

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

Item 13 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

RESOLUTION NO. 278

June 12, 2001

GOVERNMENT AFFAIRS  
 COMMITTEE  
 REPORT NO. 6

ALL MEMBERS PRESENT.

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

- |    |   |               |                |
|----|---|---------------|----------------|
| a. | Item<br><b>OTB: WNY Harness Racing Initiative.</b><br>(5-0) | Page<br>-2001 | (Comm. 6 M-16) |
| b. | Item<br><b>COUNTY CLERK: 2000 Annual Report.</b><br>(5-0)   | Page<br>-2001 | (Comm. 9 E-6)  |
| c. | Item<br><b>COUNTY ATTORNEY: Notice of Claims.</b><br>(5-0)  | Page<br>-2001 | (Comm. 13D-2)  |

**ALBERT DeBENEDETTI**  
**CHAIRMAN**

MS. PEOPLES moved the approval of the resolution. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 14 – MR. PAULY presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 279

June 12, 2001

REGIONALISM AD HOC  
 COMMITTEE  
 REPORT NO. 7

ALL MEMBERS PRESENT.



**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

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

Item	Page	-2001	(Comm. 9E-25)
------	------	-------	---------------

a. **COUNTY EXECUTIVE:** Municipal Solid Waste Transfer Service for City of Buffalo & Erie County – Bid Opening.  
 (5-0)

Item	Page	-2001	(Comm. 13E-33)
------	------	-------	----------------

**COUNTY EXECUTIVE**

WHEREAS, the County Law Section 408-A specifically authorizes the County Legislature to allow municipalities to make purchases through the County bidding procedure; and

WHEREAS, the Williamsville Central Schools has requested that the Director of Purchase be authorized to permit the school district to utilize County contracts for making purchases; and

WHEREAS, in most instances the provision of such services by the Erie County Purchasing Department will not create any additional cost or burdens upon said department but will serve to reduce the school district's operating costs.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to the provisions of the Erie County Administrative Code Section 3.06 (c) (9) the following are hereby established as the conditions upon which the Purchasing Director may make purchasing services available to the Williamsville Central Schools.

1. When in the opinion of the Director of Purchase it will not create any burden or hardship upon the County and the anticipated prices will not be adversely affected thereby, the Director is authorized when he deems appropriate and as may be requested by the Williamsville Central Schools to provide in any particular County bid specification that the participating municipalities in Erie County shall have the right to make purchases based upon the bids received by the County.
2. The County Purchasing Director within the limits of his time and manpower, shall disseminate relevant contact information to the Williamsville Central Schools.
3. The Williamsville Central Schools participating in County contracts will issue purchase orders directly to vendors within the specified contract period referencing the County contract involved and be liable for any payments due on such purchase orders.

AND BE IT FUTHER

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Purchase, the County Comptroller, and the Board of Education of the Williamsville Central Schools.

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

(5-0)

**WILLIAM A. PAULY**  
**CHAIRMAN**

MR. PAULY moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 280

June 14, 2001

FINANCE & MANAGEMENT  
 COMMITTEE  
 REPORT NO. 9

ALL MEMBERS PRESENT.

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

- |    |   |      |       |                |
|----|---|------|-------|----------------|
| a. | Item  | Page | -2000 | (Comm. 26M-16) |
|    | <b>MR &amp; MRS SALVATORE FRISICARO:</b> Letter to Legislator Peoples Re: Landlord/<br>Tenant Housing Regulations.<br>(5-0)       |      |       |                |
| b. | Item  | Page | -2001 | (Comm. 13D-3)  |
|    | <b>ECMC:</b> Board of Managers Financial Statements for 4/01.<br>(5-0)  |      |       |                |
| c. | Item  | Page | -2001 | (Comm. 13E-8)  |
|    | <b>COMPTROLLER:</b> Apportionment & Distribution of 4% Sales Tax Revenue for May.<br>(5-0)  |      |       |                |
| d. | Item  | Page | -2001 | (Comm. 13E-9)  |
|    | <b>COUNTY CLERK:</b> Mortgage Tax Receipts & Disbursements for 10/00 – 1/01.<br>(5-0)   |      |       |                |
| e. | Item  | Page | -2001 | (Comm. 13M-19) |
|    | <b>TOSKI SCHAEFFER &amp; COMPANY:</b> Independent Auditors Report Re: Deferred<br>Compensation Plan for Employees of Erie County. |      |       |                |

(5-0)

2.	Item	Page	-2001	<b>AS AMENDED</b> (Comm. 1D-9A)
	<b>BUDGET, MANAGEMENT &amp; FINANCE</b>			

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

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

RESOLVED, that petitions numbered 201267 through 201273 inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Services and be charged back to the applicable Towns and / or Cities.

Petition No. 201267 / 2002 - ASSESSOR - Cancel - \$185.81

SBL No. 80.08-3-69 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 185.81 - Town/SpecialDist/School

Charge to :	TOWN OF AMHERST	\$ 27.60
	VILLAGE OF WILLIAMSVILLE	158.21

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 190,000 AND SHOULD BE 150,000. RPTL 550(2)A.

Petition No. 201268 / 2002 - ASSESSOR - Cancel - \$164.74

SBL No. 81.06-3-44 - TOWN OF AMHERST

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 164.74 - Town/SpecialDist/School

Charge to : VILLAGE OF WILLIAMSVILLE 164.74

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 41,650 (50%) THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C.

Petition No. 201269 / 2002 - ASSESSOR - Cancel - \$19.78

SBL No. 81.14-1-10 - TOWN OF AMHERST

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 19.78 - Town/SpecialDist/School

Charge to : VILLAGE OF WILLIAMSVILLE 19.78

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 75,000 AND SHOULD BE 70,000. RPTL 550(2)A.

Petition No. 201270 / 2001 - ASSESSOR - Refund - \$294.00

SBL No. 238.12-1-2.1 - TOWN OF EDEN

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 294.00 - Town/SpecialDist/School

Charge to : TOWN OF EDEN 294.00

REFUND - CLERICAL ERROR, THIS PARCEL IS A SINGLE FAMILY HOME AND SHOULD ONLY BE CHARGED FOR 1 UNIT OF GARBAGE NOT 3 UNITS. RPTL 550(2)E CHECK IN FAVOR OF: ROGER W & BARBARA BRANDT

Petition No. 201271 / 2001 - ASSESSOR - Cancel - \$440.30

SBL No. 47.48-1-57 - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 440.30 - Town/SpecialDist/School

Charge to : VILLAGE OF AKRON 440.30

CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY THE TOWN OF NEWSTEAD MAKING IT EXEMPT FROM TAXES. THE EXEMPTION THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR. RPTL 550(2)C.

Petition No. 201272 / 2002 - ASSESSOR - Cancel - \$471.38

SBL No. 47.48-1-58 - TOWN OF NEWSTEAD

Acct. No. 112 - \$ 0.00 - County

Acct. No. 132 - \$ 471.38 - Town/SpecialDist/School

Charge to : VILLAGE OF AKRON 471.38

CANCEL - CLERICAL ERROR, THIS PARCEL IS OWNED BY THE TOWN OF NEWSTEAD MAKING IT EXEMPT FROM VILLAGE TAXES. THE EXEMPTION THAT THIS PARCEL IS ENTITLED TO WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

Petition No. 201273 / 2001 - ASSESSOR - Cancel - \$96.50

SBL No. 280.00-1-4 - TOWN OF SARDINIA

Acct. No. 112 - \$ 57.42 - County

Acct. No. 132 - \$ 39.08 - Town/SpecialDist/School

Charge to : TOWN OF SARDINIA	29.18
SARDINIA FIRE PROTECT	9.90

CANCEL - CLERICAL ERROR, THE ASSESSMENT WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 29,000 AND SHOULD BE 19,400.  
 RPTL 550(2)A.

(5-0)

3. Item Page -2001 (Comm. 11E-32)

**COUNTY EXECUTIVE**

**WHEREAS**, the County Law Section 408-A specifically authorizes the County Legislature to allow municipalities to make purchases through the County bidding procedure; and

**WHEREAS**, the Cheektowaga-Maryvale Union Free School District has requested that the Director of Purchase be authorized to permit the school district to utilize County contracts for making purchases; and

**WHEREAS**, in most instances the provision of such services by the Erie County Purchasing Department will not create any additional cost or burdens upon said department but will serve to reduce the school district's operating costs.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to the provisions of the Erie County Administrative Code Section 3.06 (c) (9) the following are hereby established as the conditions upon which the Purchasing Director may make purchasing services available to the Cheektowaga-Maryvale Union Free School District.

1. When in the opinion of the Director of Purchase it will not create any burden or hardship upon the County and the anticipated prices will not be adversely affected thereby, the Director is authorized when he deems appropriate and as may be requested by the Cheektowaga-Maryvale Union Free School District to provide in any particular County bid specification that the participating municipalities in Erie County shall have the right to make purchases based upon the bids received by the County.
2. The County Purchasing Director within the limits of his time and manpower, shall disseminate relevant contract information to the Cheektowaga-Maryvale Union Free School District.

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

3. The Cheektowaga-Maryvale Union Free School District participating in County contracts will issue purchase orders directly to vendors within the specified contract period referencing the County contract involved and be liable for any payments due on such purchase orders.

**AND BE IT FURTHER**

**RESOLVED**, that certified copies of this resolution be forwarded to the County Executive, the Division of Purchase, the County Comptroller, and the Board of Education of the Cheektowaga-Maryvale Union Free School District.

(5-0)

4. Item Page -2001 (Comm. 13E-12)

**COMPTROLLER**

RESOLUTION NO. \_\_\_\_\_ OF 2001

BOND RESOLUTION DATED \_\_\_\_\_, 2001

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE PARTIAL RECONSTRUCTION OF EXISTING COURTHOUSE BUILDINGS; STATING THE ESTIMATED TOTAL COST THEREOF IS \$44,623,000, APPROPRIATING \$20,188,000 THEREFOR IN ADDITION TO \$24,435,000 PREVIOUSLY APPROPRIATED THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$20,188,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF, IN ADDITION TO \$24,435,000 BONDS PREVIOUSLY AUTHORIZED THEREFOR, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST THEREOF, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS..

(Introduced) JUNE 4, 2001

(Adopted) \_\_\_\_\_, 2001

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

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to continue existing capital project No. 410-164, consisting of the partial reconstruction of existing County Courthouse Buildings. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$44,623,000, and \$20,188,000 is hereby appropriated therefor, in addition to the \$24,435,000 previously appropriated therefor. The plan of financing includes the issuance of \$20,188,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, in addition to the \$24,435,000 bonds previously authorized therefor pursuant to Resolution No. 135-2000 adopted on April 13, 2000, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes. Any amounts received by the County from the United States of America

and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the principal amount of \$20,188,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 3. The buildings to be reconstructed are of Class "A" construction as defined by Section 11.00 a. 11.(a) of the Law. Consequently, the period of probable usefulness of the specific object or purpose for which said \$20,188,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a.12 (a)(1) of the Law, is twenty (20) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

(5-0)

5. Item Page -2001 (Comm. 13E-13)

**COUNTY COMPTROLLER**

RESOLUTION NO. \_\_\_\_\_ OF 2001

BOND RESOLUTION DATED \_\_\_\_\_, 2001

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE CONSTRUCTION OF THE ERIE COUNTY SECURE YOUTH DETENTION FACILITY; STATING THE ESTIMATED MAXIMUM COST IS \$8,000,000; APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$1,000,000 COUNTY FUNDS CURRENTLY AVAILABLE THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$7,000,000 SERIAL BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST THEREOF, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) June 4, 2001

(Adopted) \_\_\_\_\_, 2001

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

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to construct the Erie County Secure Youth Detention Facility (Project No. 410-806), on East Ferry Street in the city of Buffalo, and all of the original equipment, furnishings, machinery, apparatus and ancillary or related site, demolition and other work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental



thereto and the financing thereof, is \$8,000,000, and said amount is hereby appropriated therefor, including the expenditure of \$1,000,000 in County funds currently available therefor (the "County Funds"). The plan of financing includes the expenditure of the County Funds, hereby authorized, and the issuance of \$7,000,000 bonds of the County herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds to finance the balance of said appropriation, the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the principal amount of \$7,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance the balance of said appropriation.

Section 3. The building to be constructed will be of Class "A" construction as defined by Section 11.00 a. 11.(a) of the Law. Consequently, the period of probable usefulness of the specific object or purpose for which said \$7,000,000 bonds herein authorized are to be issued is thirty (30) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged

to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

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

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

(5-0)

6. Item Page -2001 (Comm. 13E-14)

**COUNTY COMPTROLLER**

RESOLUTION NO. \_\_\_\_\_ OF 2001

BOND RESOLUTION DATED \_\_\_\_\_, 2001

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE SITE INVESTIGATION AND DESIGN PHASE OF THE 2001 URBAN BROWNFIELD DEVELOPMENT PROJECT; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$300,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OF THE COUNTY TO FINANCE SAID APPROPRIATION, AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST THEREOF, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) June 4, 2001

(Adopted) \_\_\_\_\_, 2001

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

Section 1. The County of Erie, New York (herein called "County") is hereby authorized to implement the site investigation and design phase of the 2001 Urban Brownfield Development Project in preparation for remediation and redevelopment of the 110 acre Bethlehem Steel site in the city of Lackawanna, the 120 acre Union Ship Canal site in the city of Buffalo and the 45 acre Spaulding Fiber site. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$300,000, said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$300,000 bonds of the County and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended, towards the cost of the applicable specific objects or purposes or classes of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the principal amount of \$300,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of the specific object or purpose for which said \$300,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a.62 of the Law, is five (5) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

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

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

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

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

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

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

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.  
 (5-0)

**CRYSTAL D. PEOPLES**  
**CHAIRPERSON**

MS. PEOPLES moved to separate Item Nos. 4, 5, & 6 and moved the approval of the balance of the report. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MS. PEOPLES moved the approval of Item No. 4. MR. HOLT seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, McCARVILLE, PAULY, RANZENHOFER, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES & SWANICK. NOES: WEINSTEIN. AYES – 16, NOES – 1.

CARRIED.

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

MS. PEOPLES moved the approval of Item No. 5. MR. HOLT seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, McCARVILLE, PAULY, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES & SWANICK. AYES – 17, NOES – 0.

CARRIED UNANIMOUSLY.

MS. PEOPLES moved the approval of Item No. 6. MR. HOLT seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, McCARVILLE, PAULY, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES & SWANICK. AYES – 17, NOES – 0.

CARRIED UNANIMOUSLY.

Item 16 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 283

June 14, 2001

PERSONNEL AD HOC  
 COMMITTEE  
 REPORT NO. 8

ALL MEMBERS PRESENT.

1. Item Page -2001 (Comm. 11E-17)

**COUNTY EXECUTIVE**

**WHEREAS**, the Erie County Legislature has already appropriated funds for the Weatherization and Referral And Packaging Progam (WRAP-SOFA), the HEAP Weatherization Referral and Packaging (WRAP-DSS) program and the Heating and Energy Assistance Program (HEAP) for the period October 1, 2000 to September 30, 2001, and

**WHEREAS**, the New York State Office of Temporary Assistance and Disability Assistance has decreased the WRAP-DSS allocation by \$45,054, and

**WHEREAS**, Senior Services desires to transfer a Case Manager position and a part time Community Service Aide position from WRAP-DSS to the WRAP-SOFA and HEAP grants to enable vital weatherization services to continue, and

**WHEREAS**, Senior Services desires to increase the hours for the WRAP-SOFA and WRAP-DSS part time staff who are experiencing the same increased volume of applicants due to the increased outreach efforts and the higher price of home energy, and

**WHEREAS**, Senior Services desires to revise the WRAP-SOFA, WRAP- DSS and HEAP grant budgets to reflect actual needs and to maximize use of all funds, and

**WHEREAS**, no additional County funds are required,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the WRAP-DSS Case Manager position (Job Group 7, Step A) and the WRAP-DSS part time Community Service Aide position (Job Group 1, \$9.91 hourly) be retroactively transferred to the WRAP-SOFA and HEAP grants, respectively, effective January 1, 2000,) and be it further

**RESOLVED**, that the WRAP-DSS grant, Project 288, be revised as follows:

<u>APPROPRIATIONS</u>		<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>AMENDED</u> <u>BUDGET</u>
<u>Account</u>	<u>Description</u>			
800	Personal Services	\$74,261	\$-30,825	\$43,436
805	Fringe Benefits	15,419	-7,785	7,634
810	Office Supplies	1,000	-500	500
824	Local Travel	2,500	-1,000	1,500
826	Other Expenses	19,220	-4,984	14,236
883	I/d Billings	<113,000>	<u>+45,094</u>	<67,906>
	<b>TOTAL CHANGE</b>		<b>\$ --0--</b>	

**RESOLVED**, that the WRAP-SOFA grant, Project 289, be revised as follows:

<u>APPROPRIATIONS</u>		<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>AMENDED</u> <u>BUDGET</u>
<u>Account</u>	<u>Description</u>			
800	Personal Services	\$126,781	\$+ 7,646	\$134,427
805	Fringe Benefits	31,426	+ 2,948	34,374
826	Other Expenses	65,701	<u>-10,594</u>	55,107
	<b>TOTAL CHANGE</b>		<b>\$ --0 --</b>	

and be it further

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

**RESOLVED**, that the HEAP grant, Project 285, be revised as follows:

<u>APPROPRIATIONS</u>		<u>CURRENT</u>	<u>CHANGES</u>	<u>AMENDED</u>
<u>Account</u>	<u>Description</u>	<u>BUDGET</u>		<u>BUDGET</u>
805	Fringe Benefits	\$65,277	\$-1,200	\$64,077
810	Office Supplies	2,400	+ 400	2,800
880/5100	Interfund Expense	18,000	+ 800	18,800
	<b>TOTAL CHANGE</b>		<b>\$ --0--</b>	

and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office and the Department of Senior Services.

(4-0) Legislator DeBenedetti absent for vote.

2. Item Page -2001 **AS AMENDED**  
 (Comm. 11E-18)  
**COUNTY EXECUTIVE**

WHEREAS, the 2001 Adopted Erie County Budget Resolutions stipulate that authorization to recruit at a higher increment level must be approved by both the Legislature and the County Executive, and

WHEREAS, the authorization of a variable minimum for the position of Sr. Executive Assistant, in step 4 of job group 16 is essential for the effective operation of the Office of the County Executive, and

WHEREAS, the variable minimum has been approved by the Commissioner of Personnel, and

WHEREAS, funds are available in the 2001 adopted personal services and fringe benefit appropriations of the Office of the County Executive.

NOW, THEREFORE, BE IT

**RESOLVED**, that a variable minimum is hereby approved for the following title in the Office of the County Executive:

<u>Title</u>	<u>JG/STEP</u>
Sr. Executive Assistant (County Executive)	16-4

and be it further

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

**RESOLVED**, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Personnel, the County Comptroller, and the Director of Budget, Management and Finance.

**WHEREAS**, it is essential that the County Executive's Office insure open and ongoing communication with the general public and the media, and

**WHEREAS**, the position of Executive Assistant CE (public Relations) will organize and direct all public relations efforts between the County Executive's Office and the community,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature hereby authorizes the creation of the position of Executive Assistant CE (Public Relations), job group 14, in the budget of the County Executive, and be it further

**RESOLVED**, that funding for this request shall be made available from the deletion of a Jr. Administrative Consultant CE, job group 10, and the transfer of \$9,950 from the Law-Risk Retention Fund, Department 601, Account 832, Insurance Charges, to Account 800, Personal Services, in the budget of the County Executive, and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to the Erie County Executive's Office, the Commissioner of Personnel, the Erie County Comptroller and the Director of Budget, Management and Finance.

(4-0) Legislator DeBenedetti absent for vote.

				<b>AS AMENDED</b>
3.	Item	Page	-2001	(Comm. 12E-16)
	<b>COUNTY EXECUTIVE</b>			

**WHEREAS**, the District Attorney needs to retain and encourage individuals to investigate, research and prosecute the high volume of complicated prosecutions including homicides occurring in Erie County, and

**WHEREAS**, the relevant individuals are extremely knowledgeable in the areas of New York State Penal Law, New York State Criminal Procedure Law, grand jury and trial techniques, organ harvesting determination and other significant prosecutorial skills,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the position of Deputy District Attorney – Special Counsel to the DA, Job Group 18, be added and one Assistant District Attorney I, Job Group 11, be deleted, there being funds available in the personal services and fringe benefit appropriations in the District Attorney's Office, and be it further



**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that concomitant promotions through a pay grade 14 position ensue, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County Comptroller, the Commissioner of Personnel and the Director of Budget, Management and Finance. (4-0) Legislator DeBenedetti absent for vote.

4. Item Page -2001 (Comm. 12E-19)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Environment and Planning Community Development Block Grant budget includes a part-time Contracts Monitor position, Job Grade 11; and

WHEREAS, the duties of said position have escalated due to increased federal grant reporting requirements, municipal contracts, and environmental reviews,

NOW, THEREFORE, BE IT

RESOLVED, that the following personnel changes are hereby approved in the Community Development Block Grant Program Budget within the Department of Environment and Planning:

Add - Full -Time Contract Monitor (Community Development), J.G. 11

Delete - Part-Time Contract Monitor (Community Development), J.G. 11

and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of Personnel, the Commissioner of the Department of Environment and Planning, the County Comptroller and the Director of the Office of Budget, Management, and Finance. (5-0)

5. Item Page -2001 (Comm. 13E-30)

**COUNTY EXECUTIVE**

WHEREAS, morbidity and mortality rates for cardiovascular disease, coronary diseases and certain cancers in Erie County are significantly higher than the national average, and

WHEREAS, preventative employee health services in the workplace promote worksite safety, encourage positive health practices and reduce health risk behaviors, and

WHEREAS, wellness promotion in the worksite encourages persons to make healthy choices with regard to nutrition, not smoking and getting more exercise, and

WHEREAS, worksite wellness programs have been shown to measurably improve employee productivity, reduce health insurance utilization, and create safe and healthier work environments, and

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, health risk assessment profiles utilized by worksite wellness initiatives are able to measure employee health while benchmarking progress toward wellness, and

WHEREAS, the Erie County Department of Health has received a grant award from the New York State Health Department in the amount of \$200,000 for the period May 1, 2001 through April 30, 2002 to pilot a mobile employee wellness program available to all Erie County employees that will promote employee health, support worksite safety and reduce absenteeism due to illness and injury, and

WHEREAS, the grant authorized the creation of one full-time position of Occupational Health Specialist, JG IX and one position of Audiometer Technician, JG IV to implement program components.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County government is committed to measurably improving and maintaining the health and wellness of its workforce, and be it further

RESOLVED, that Erie County government strongly supports the creation of a safe and healthy work environment in which employees are empowered to make educated health decisions, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to accept the grant award to be budgeted as follows:

**Erie County Department of Health**  
**WORKING WITH WELLNESS PROGRAM GRANT**  
**05/01/01 – 04/30/02**

SFG	SUB-ACCT	REVENUE	BUDGET
553		STATE AID	\$ 200,000
		<b>TOTAL</b>	<b><u>\$ 200,000</u></b>
		<b>EXPENSES</b>	
800		Personal Services	\$ 51,373
805		Fringe Benefits	11,302
810		Office Supplies	2,000
814		Medical supplies	20,000
824		Local Travel	2,000
825		Out of Area Travel	3,000
826		Other Expenses	25,056
880	2700	Inter-Fund – Health Dept.	13,769
880	5100	DISS	6,500

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

930		Motor Vehicle Equipment	40,000
933		Lab & Tech Equipment	<u>25,000</u>
		<b>TOTAL</b>	<b><u>\$ 200,000</u></b>
		<b>HEALTH DEPT</b>	
932		Office Equipment	\$ 1,400
933		Lab & Tech Equipment	\$ 12,369
685	2709	Interfund – Health Grants	\$ 13,769

and be it further

RESOLVED, that one full-time position of Occupational Health Specialist, JG IX and one regular part-time position of Audiometer Technician, JG IV, are hereby created.

The following personnel detail is hereby submitted:

TITLE: Occupational Health Specialist	FUNDING: 100% State Funded
JG: IX	CIVIL SERVICE: Pending job classification
STEP: 1	CIVIL SERVICE LIST: No
ANNUAL SALARY: \$39,363	
ANNUAL BENEFITS: \$8,660	

TITLE: Audiometer Technician – Regular Part Time	FUNDING: 100% State Funded
JG: IV	CIVIL SERVICE: Non-competitive
STEP: 0	CIVIL SERVICE LIST: No
ANNUAL SALARY: \$12,010	
ANNUAL BENEFITS: \$2,642	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.  
 (4-0) Legislator DeBenedetti absent for vote.

**CHARLES M. SWANICK**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 284

June 14, 2001

SOCIAL SERVICES  
 COMMITTEE  
 REPORT NO. 9

ALL MEMBERS PRESENT.

1. Item Page -2001 (Comm. 13E-40)  
**COUNTY EXECUTIVE**

**WHEREAS**, the Rural Van Transportation Program serves low-income households as well as the elderly and disabled in 22 municipalities in southern and northeastern Erie County; and

**WHEREAS**, the Rural Van Program has been operated under an Erie County contract with Rural Transit Service, Inc., a not-for-profit corporation, for the past four (4) years; and

**WHEREAS**, Rural Transit Service, Inc. desires to replace a high-mileage, high-maintenance van with a new van utilizing \$22,000 of federal Community Development funds available in prior years' Erie County Community Development grants; and

**WHEREAS**, the project selection committee of the Community Development Block Grant (CDBG) Consortium has approved the one-year continuation of service using \$123,873 of federal Community Development funds available in the 2001-2002 and prior years' Erie County Development Grants;

**NOW THEREFORE, BE IT**

**RESOLVED**, that the County Executive is hereby authorized to execute an amendatory agreement with Rural Transit Service, Inc. (RTS) increasing the authorized 1997-2000 contract amount from \$658,250 to \$804,123, for the purposes of purchasing a replacement van for Orchard Park and Aurora, and operation the Southtowns/Northeast Towns Rural Transit Service Van Program for an additional year (2001) through May 31, 2002; and be it further

**RESOLVED**, that said contract authorization is contingent on the Erie County Community Development Block Grant Consortium receiving federal funds for the 2001-02 Community Development Program year or the availability of unexpended funds allocated for the service from prior CDBG program years; and be it further

**RESOLVED**, that the provisions of Section 19.08 of the Administrative Code requiring requests for proposal were complied with for the use of federal CDBG monies and a summary of the request for proposal process is attached to this resolution; and be it further

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

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

2. Item Page -2001 (Comm. 13E-41)

**COUNTY EXECUTIVE**

**WHEREAS**, the Department, as member of the Elder Abuse Committee of the Erie County multi-Disciplinary Council, was awarded the 2001 Elder Abuse Prevention Award by the National Committee to Preserve Social Security and Medicare, which included a \$500 cash award, and

**WHEREAS**, The Department desires to use the cash award to purchase Elder Abuse Prevention training materials as part of training provided by the Protective Services for Adults Unit, and

**WHEREAS**, the Department contract with Central Adult Day Services to provide adult day care services to frail and elderly under the Title III-D Respite and Expanded In-Home Services for the Elderly Program grants, and

**WHEREAS**, the Department has received official notice that ownership of Central Adult Day Services has been transferred to Episcopal Church Home & Affiliates, Inc. and will be know as Episcopal Church Home & Affiliates, Inc.-Central Adult Day Services.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the County Executive is hereby authorized to accept the \$500 cash award form the previously mentioned organization, and be it further

**RESOLVED**, that the budget for the Protective Services for Adults grant, project no. 420, be revised as follows:

		<b>CURRENT BUDGET</b>	<b>CHANGES</b>	<b>AMENDED BUDGET</b>
<b>REVENUES</b>				
	<b>Account</b>		<b>Description</b>	
<b>518</b>	<b>Local Revenue</b>	<b>\$0</b>	<b><u>\$500</u></b>	<b>\$500</b>
	<b>TOTAL CHANGE</b>		<b><u>\$500</u></b>	
<b>APPROPRIATIONS</b>				
<b>826</b>	<b>Other Expenses</b>	<b>\$2,000</b>	<b><u>\$500</u></b>	<b>\$2,500</b>
	<b>TOTAL CHANGE</b>		<b><u>\$500</u></b>	

and be it further

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the County Executive is authorized to amend the contracts with Episcopal Church Home & Affiliates, Inc.-Central Adult Day Services, formerly Central Adult Day Services, for the periods January 1, 2001 to December 31, 2001 and April 1, 2001 to March 31, 2002 to provide adult care services, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office, the Department of Law and the Department of Senior Services.

(5-0)

3. Item Page -2001 (Comm. 13E-42)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Area Agency on Aging (AAA), the Title III-D Respite (III-D), the Disease Prevention and Health Promotion (III-F) and the Elder Abuse (VII) grants for the period January 1, 2001 to December 31, 2001, and

WHEREAS, the New York State Office for the Aging (SOFA) has notified the Department and of Senior Services of additional federal allocations for the Title III and Title VII grants, and

WHEREAS, the titles of the Older Americans Act were restructured upon reauthorization and the Department of Senior Services desires to refer to our grant programs accordingly, and

WHEREAS, this will necessitate merging the existing Title III-D grant into the AAA grant and referring g to the existing Title III-F grant as Title III-D, and

WHEREAS, the County budgets for these grants are in need of revision, and

WHEREAS, the Department desires to use the additional Federal funds to expand adult day care, health promotion and other supportive services already provided under these grants, and

WHEREAS, the Department desires to use the AAA funds to purchase the necessary digital identification and registration system equipment for our Mobile Assistance Program; the remainder of the remote access equipment and software to complete automation of case management services at the various community agencies; and other technical equipment and software to maintain efficient services to seniors, and

WHEREAS, the Department contracts with the American Red Cross to provide Elder Abuse services as SOFA's designated ombudsman, and desires to increase the existing contract, and

WHEREAS, no additional County funds are needed, and,

NOW, THEREFORE, BE IT

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the County Executive be and is hereby authorized to increase the Elder Abuse contract with the American Red Cross for the period January 1, 2001 to December 31, 2001 by \$16,661,

and be it further

RESOLVED, that the budget for the AAA grant, Project 424, include the revenues and appropriations from the existing III-D grant and be revised as follows:

		<b>CURRENT BUDGET</b>	<b>CHANGES</b>	<b>AMENDED BUDGET</b>
<b>REVENUES</b>				
Account	Description			
664	Federal Aid	\$1,457,033	\$106,995	\$1,564,028
686	Interfund Revenue	258,088	<u>5,363</u>	263,451
<b>TOTAL CHANGE</b>		<b>\$112,358</b>	<u>=====</u>	
<b>APPROPRIATIONS</b>				
830/385	Adult Day Care Services	\$ 0	\$56,515	\$56,515
933	Lab &Tech Equipment	19,675	<u>55,843</u>	75,518
<b>TOTAL CHANGE</b>			<u>\$112,358</u>	<u>=====</u>

and be it further

RESOLVED, that the III-D grant, Project 425, be merged with AAA grant and revised as follows:

		<b>CURRENT BUDGET</b>	<b>CHANGES</b>	<b>AMENDED BUDGET</b>
<b>REVENUES</b>				
Account	Description			
664	Federal Aid	\$37,279	-\$37,279	\$0
686	Interfund Revenue	5,363	<u>-5,363</u>	0
<b>TOTAL CHANGE</b>			<u>-\$42,642</u>	<u>=====</u>
<b>APPROPRIATIONS</b>				
830/385	Adult Day Care Services	\$42,642	<u>-\$42,642</u>	\$0
<b>TOTAL CHANGE</b>			<u>-\$42,642</u>	<u>=====</u>

and be it further

RESOLVED, that the budget for the Disease Prevention and Health Promotion grant, Project 427, be referred to as III-D and be revised as follows:

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

	<b>CURRENT BUDGET</b>	<b>CHANGES</b>	<b>AMENDED BUDGET</b>
<b>REVENUES</b>			
Account Description			
664 Federal Aid	\$61,098	<u>\$19,829</u>	\$80,927
<b>TOTAL CHANGE</b>		<b><u>\$19,829</u></b>	
=====			
<b>APPROPRIATIONS</b>			
830/385 Other Projected Agencies	\$ 9,008	<u>\$19,829</u>	\$28,837
<b>TOTAL CHANGE</b>		<b><u>\$19,829</u></b>	
=====			

and be it further

RESOLVED, that the Elder Abuse grant, Project 426, be revised as follows:

	<b>CURRENT BUDGET</b>	<b>CHANGES</b>	<b>AMENDED BUDGET</b>
<b>REVENUES</b>			
Account Description			
664 Federal Aid	\$20,683	<u>\$16,661</u>	\$37,344
<b>TOTAL CHANGE</b>		<b><u>\$16,661</u></b>	
=====			
<b>APPROPRIATIONS</b>			
830/418 American Red Cross	\$20,683	<u>\$16,661</u>	\$37,344
<b>TOTAL CHANGE</b>		<b><u>\$16,661</u></b>	
=====			

and be it further

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

(5-0)

**GEORGE A. HOLT, JR.**  
**CHAIRMAN**

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

CARRIED UNANIMOUSLY.

Item 18 – MRS. FISHER presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.



RESOLUTION NO. 285

June 14, 2001

HEALTH COMMITTEE  
 REPORT NO. 9

ALL MEMBERS PRESENT EXCEPT LEGISLATOR HOLT.

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

a. 

Item	Page	-2001	(Comm. 8 D-6)
<b>HEALTH:</b> Copy of Letter to County Clerk Re: Inspection of 25 Delaware Avenue & 92 Franklin Street for Evidence of Legionella Bacteria.			
(4-0) Legislator Holt absent.			

b. 

Item	Page	-2001	(Comm. 8 E-10)
<b>COUNTY EXECUTIVE:</b> Community Cardiac Wellness Demonstration Project.			
(4-0) Legislator Holt absent.			

c. 

Item	Page	-2001	(Comm. 8 M-10)
<b>NYSDEC:</b> Copy of Letter to EC Environmental Management Council Re: Response to Minimize Impact of West Nile Virus.			
(4-0) Legislator Holt absent.			

d. 

Item	Page	-2001	(Comm. 12M-5)
<b>VITA KUCZMA:</b> Request for Support of Cancer Wellness Center.			
(4-0) Legislator Holt absent.			

e. 

Item	Page	-2001	(Comm. 13D-7)
<b>ECMC:</b> Notice of Board of Managers Regular Meeting to be Held 6/14/01.			
(4-0) Legislator Holt absent.			

f. 

Item	Page	-2001	(Comm. 13D-8)
<b>ECMC:</b> Notice of Finance Committee Meeting to be Held 6/22/01.			
(4-0) Legislator Holt absent.			

2. 

Item	Page	-2001	(Comm. 13E-23)
<b>COUNTY EXECUTIVE</b>			

WHEREAS, the Jesse Nash Center, which is located at 608 William Street, Buffalo currently houses several Health Department sponsored programs, including the administrative offices of the School Health program, the Dental program and an Obstetrics-Gynecology clinic; and

WHEREAS, the site also houses a pediatric clinic that is operated by Children's Hospital;  
 and

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Erie County Medical Center has been working with the County Health Department on a plan to expand the primary care services that can be accessed at Jesse Nash through the implementation of an adult medicine program; and

WHEREAS, the provision of adult medicine services at the Center by one or more ECMC affiliated physicians will complement the services already provided at the site, allow persons of all ages to receive primary care services at this County facility and permit the adult members of families living in the vicinity of the Center to access primary care at the same site as where their children receive care; and

WHEREAS, an added benefit of the program would be the linkage of Jesse Nash patients to ECMC's inpatient and specialty outpatient programs; and

WHEREAS, moreover, the adult medicine project will promote Jesse Nash's usage as a multi-purpose health and human services center; and

WHEREAS, the adult medicine project would share space in the Obstetrics-Gynecology clinic on the second floor of the Jesse Nash Center; and

WHEREAS, to provide for the efficient administration of the project, authorization is being sought to allow ECMC, the Health Department and the Public Work Department to enter into a three-way cooperative Interfund Agreement; and

WHEREAS, ECMC's role in the project would be to recruit one or more physicians to practice at the site on a part-time basis and manage the practitioner's shared usage of space through the administration of a license fee agreement; and

WHEREAS, the participating physician would be required to pay a fair market charge for the utilization of clinical space; and

WHEREAS, the license fee charges would be based upon the amount of square feet utilized and the frequency in which the space is used for adult medicine purposes; and

WHEREAS, based upon current estimates of space requirements for the adult medicine project, it is estimated that approximately 520 square feet of clinical space would be used by the participating physician during six sessions each week and that the physician would share usage of another 360 square feet of common space with the Health Department during these clinical sessions; and

WHEREAS, the license fee charges would be paid by the physician to ECMC, and then be turned over to the County Public Works Department through an Interfund revenue transfer; and

WHEREAS, the recruited physician would be responsible for maintaining patient records, scheduling patients, and billing for services rendered; and

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Health Department's role in this project would be that of facilitating the linkage of adult patients to other programs offered at the Jesse Nash Center, including the Obstetrics-Gynecology program and the dental program; and

WHEREAS, the Adult Medicine program will not be an Article 28 Diagnostic and Treatment clinic; and

WHEREAS, hence, the start-up of this project will not be impacted by the New York State Health Department's existing moratorium on the issuance of operating certificates for new Article 28 clinics.

NOW, THEREFORE, BE IT,

RESOLVED, that effective August 1, 2001, the Erie County Medical Center, the Public Works Department and the County Health Department are hereby authorized to enter into a three-way Interfund Agreement to permit ECMC to organize and oversee an adult medicine project at the Jesse Nash Center, 608 William Street, Buffalo, New York; and be it further

RESOLVED, that as the organizer of adult medicine services at Jesse Nash, the Interfund Agreement shall give ECMC's Board of Managers the right to enter into a license fee agreement with one or more physicians who are recruited to provide adult medicine services at the 608 William Street site through the shared usage of designated clinical space; and be it further

RESOLVED, that the terms of the license fee agreement shall specify that the shared use and occupancy of the space will be for the provision of adult medicine services, that the license agreement may not be assigned and can be revoked at will, that the license charge shall be based upon a fair market charge of \$8.25 per square foot adjusted for the actual amount of time the space is used for adult medicine services, that all license fee revenue shall be paid by the practicing physician(s) to ECMC, and that ECMC shall be responsible for transferring such license charge revenue to the County's General Fund through an Interfund revenue transfer from ECMC to the Public Works Department; and be it further

RESOLVED, that within three months of the inception of the adult medicine program, the Chief Executive Officer of ECMC shall submit a progress report to the County Executive and the County Legislature on the status of the project; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, County Comptroller, County Attorney, Chief Executive Officer of ECMC, Commissioner of Health, and Public Works Commissioner.

(4-0) Legislator Holt absent.

3.	Item	Page	-2001	(Intro. 13-10)
	<b>HOLT</b>			

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, Buffalo's Jesse Nash Center, which is located at 608 William Street, currently houses several Erie County Health Department sponsored programs, including the administrative offices of the School Health program, the Dental program and an Obstetrics-Gynecology clinic, and

WHEREAS, the site also houses a pediatric clinic that is operated by Children's Hospital, and

WHEREAS, the Erie County Medical Center has been working with the County Health Department on a plan to expand the primary care services that can be accessed at Jesse Nash through the implementation of an adult medicine program, and

WHEREAS, the provision of adult medicine services at the Center by one or more ECMC affiliated physicians will complement the services already provided at the site, allow persons of all ages to receive primary care services at this County facility and permit the adult members of families living in the vicinity of the Center to access primary care at the same site as where their children receive care, and

WHEREAS, an added benefit of the program would be the linkage of Jesse Nash patients to ECMC's inpatient and specialty outpatient programs, and

WHEREAS, moreover, the adult medicine project will promote Jesse Nash's use as a multi-purpose health and human services center, and

WHEREAS, the adult medicine project would share space in the Obstetrics-Gynecology clinic on the second floor of the Center, and

WHEREAS, to provide for the efficient administration of the project, it would be appropriate for ECMC, the Health Department and the Public Works Department to enter into a three-way cooperative Interfund Agreement, and

WHEREAS, ECMC's role in the project would be to recruit one or more physicians to practice at the site on a part-time basis and manage the practitioner's shared usage of space through the administration of a license fee agreement, and

WHEREAS, the participating physician would be required to pay a fair market charge for the utilization of clinical space, and

WHEREAS, the license fee charges would be based upon the amount of square feet utilized and the frequency in which the space is used for adult medicine purposes, and

WHEREAS, based upon current estimates of space requirements for the adult medicine project, it is estimated that approximately 520 square feet of clinical space would be used by the participating physician during six sessions each week and that the physician would share usage of another 360 square feet of common space with the Health Department during these clinical sessions, and

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

---

WHEREAS, the license fee charges would be paid by the physician to ECMC, and then be turned over to the County Public Works Department through an Interfund revenue transfer, and

WHEREAS, the recruited physician would be responsible for maintaining patient records, scheduling patients, and billing for services rendered, and

WHEREAS, the Health Department's role in this project would be that of facilitating the linkage of adult patients to other programs offered at the Jesse Nash Center, including the Obstetrics-Gynecology program and the dental program, and

WHEREAS, the Adult Medicine program will not be an Article 28 Diagnostic and Treatment clinic, and

WHEREAS, hence, the start-up of this project will not be impacted by the New York State Health Department's existing moratorium on the issuance of operating certificates for new Article 28 clinics,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby reaffirm its unwavering commitment to providing accessible health care to all county residents through the Erie County Medical Center and other county health programs, and be it further

RESOLVED, that effective August 1, 2001, the Erie County Medical Center, the Erie County Department of Public Works and the Erie County Health Department are hereby authorized to enter into a three-way Interfund Agreement to permit ECMC to organize and oversee an adult medicine project at the Jesse Nash Center, 608 William Street, Buffalo, New York, and be it further

RESOLVED, that as the organizer of adult medicine services at Jesse Nash, the Interfund Agreement shall give ECMC's Board of Managers the right to enter into a license fee agreement with one or more physicians who are recruited to provide adult medicine services at the 608 William Street site through the shared usage of designated clinical space, and be it further

RESOLVED, that the terms of the license fee agreement shall specify that the shared use and occupancy of the space will be for the provision of adult medicine services, that the license agreement may not be assigned and can be revoked at will, that the license charge shall be based upon a fair market charge of \$8.25 per square foot adjusted for the actual amount of time the space is used for adult medicine services, that all license fee revenue shall be paid by the practicing physician(s) to ECMC, and that ECMC shall be responsible for transferring such license charge revenue to the County's General Fund through an Interfund revenue transfer from ECMC to the Department of Public Works, and be it further

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that within three months of the inception of the adult medicine program, the Chief Executive Officer of ECMC shall submit a progress report to this Honorable Body on the status of the project, and be it further

RESOLVED, that certified copies of this resolution be sent to Erie County Executive Joel Giambra, County Comptroller Nancy Naples, County Attorney Frederick Wolf, Assistant County Attorney Brian White, ECMC Chief Executive Officer Sheila Kee, Health Commissioner Anthony Billitier, and Public Works Commissioner Maria Lehman.

**Fiscal Impact:** To be determined.  
 (4-0) Legislator Holt absent.

**JUDITH P. FISHER**  
**CHAIRPERSON**

MRS. FISHER moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 286

June 15, 2001

ECONOMIC DEVELOPMENT  
 COMMITTEE  
 REPORT NO. 6

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

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

a. Item Page -2001 (Comm. 9 E-33)  
**COUNTY EXECUTIVE:** DPW – New Maintenance Facility.  
 (5-0) Legislator Ranzenhofer absent. Chairman Swanick present as Ex-Officio Member.

b. Item Page -2001 (Comm. 12E-4)  
**COUNTY EXECUTIVE:** ECC North Campus – Renovations to Existing Erie Dining Room, Phase II – Spring Student Center.  
 (5-0) Legislator Ranzenhofer absent. Chairman Swanick present as Ex-Officio Member.

Item Page -2001 (Comm. 13E-34)

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

- c. **COUNTY EXECUTIVE:** A/E Services for Miscellaneous Projects at ECMC & Erie County Home.  
 (5-0) Legislator Ranzenhofer absent. Chairman Swanick present as Ex-Officio Member.

- |  |      |      |       |                |
|--|------|------|-------|----------------|
|  | Item | Page | -2001 | (Comm. 13M-23) |
|--|------|------|-------|----------------|
- d. **NFTA:** Metro Actual Cash Flow for 4/1/00 – 3/31/01 & Projected Cash Flow for 4/1/01 – 3/31/02.  
 (5-0) Legislator Ranzenhofer absent. Chairman Swanick present as Ex-Officio Member.

- |    |      |      |       |                |
|----|------|------|-------|----------------|
| 2. | Item | Page | -2001 | (Comm. 12E-18) |
|----|------|------|-------|----------------|

**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids for the Upgrade of Petroleum Underground Storage Tanks at Various Erie County Facilities on December 4, 1998, and

WHEREAS, your Honorable Body has previously awarded a contract to the lowest responsible bidder, Kimmins construction Co., in the amount of \$501,500.00, and

WHEREAS, during excavation for the petroleum underground storage tanks, contaminated soil from an abandoned fuel tank was discovered, and

WHEREAS, the contaminated soil removal has been requested by NYSDEC,

NOW, THEREFORE, BE IT

RESOLVED, that the construction contingency fund be increase by \$125,000.00 to a new total amount of \$260,000.00 with authorization for the Commissioner of Public works to approve change orders, 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 Comptroller's Office be authorized to make payments for all the above from Code Compliance 1999 funds, Project 912, Fund 110, Account 823, in the amount of \$125,000.00, and be it further,

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

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

- |    |      |      |       |                |
|----|------|------|-------|----------------|
| 3. | Item | Page | -2001 | (Comm. 13E-18) |
|----|------|------|-------|----------------|

**COUNTY EXECUTIVE**

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,

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the cost 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 100% 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 the full non-Federal share of the cost of Preliminary Engineering (Scoping) and in the first instance 100% of the Federal and non-Federal shares of the cost of Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals Phases of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$10,000 is hereby appropriated from the 1999 Road and Bridge Design Federal Aid Program (SFG 134) (In addition to \$10,000 previously appropriated for the Project's Preliminary Engineering (Scoping) Phase via Erie County Resolution No. 10D-16 adopted on the 6<sup>th</sup> day of May, 1993 and \$74,400 previously appropriated for the project's Preliminary Engineering (Design I-VI) and ROW Incidentals Phases via County Resolution No. 3D-10 adopted on the 18<sup>th</sup> day of February, 1999) 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 the full non-Federal share of the cost of the Preliminary Engineering (Scoping) phase and 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, \$94,400 and/or 100% of the full Federal and non-Federal shares of the cost of Preliminary Engineering (Scoping and Design I-VI) and Right-of-Way Incidental Phases exceeds \$468,000, 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 by attaching it to any necessary agreement in connection with the Project; and be if further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Deputy Commissioner, Highways, and one certified copy to the Erie County Comptroller.

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

4. Item Page -2001 **AS AMENDED**  
 (Comm. 13E-21)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids on June 8, 2001, for the Ralph Wilson Stadium – 2001 Improvements – Suite & Office Renovations, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder for the Ralph Wilson Stadium – 2001 Improvements – Suite & Office Renovations, and

WHEREAS, the County of Erie is required to provide Capital Lease Improvements to the Stadium facilities pursuant to the new Lease Agreement, and

WHEREAS, the Department of Public Works has a General A/E Agreement with the firm of DiDonato Associates for providing Architectural and Engineering Services,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph Wilson Stadium – 2001 Improvements – Suite & Office Renovations, as follows:

**GENERAL CONSTRUCTION WORK**

Dommer Construction Corp.

Base Bid \$293,600.00

**PLUMBING WORK**

H.B. Plumbing, Inc.

Base Bid \$ 8,920.00

Total award of contracts: \$302,520.00

and be it further,

RESOLVED, that the Commissioner of Public Works be authorized to issue a change order to DiDonato Associates’s General Architectural/Engineering Agreement for Architectural/Engineering Services for \$42,200.00, and be it further

RESOLVED, that the sum of \$40,280.00 be allocated for a construction contingency fund for change orders, additional Architectural/Engineering services, Department of Public Works personnel expenses, advertising costs and miscellaneous expenses, with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the 2001 Stadium Renovations Capital Budget, Fund 441, SFG 234 in the amount of \$257,545.00; 2000 Stadium Renovations Capital Budget, Fund 410, SFG 150 in the amount of \$67,687.00; and 1999 Stadium Renovations Capital Budget, Fund 410, SFG 128, in the amount of \$59,768.00, in the total amount of \$385,000.00, and be it further

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

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

5. Item Page -2001 (Comm. 13E-27)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works received bids on May 1, 2001 for the Erie County Hall, Elevator Modernization project, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder, and

WHEREAS, the County received a commitment from the New York State Office of Court Administration to fund the project in the amount of \$687,000.00,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract with DCB Elevator Co., Inc. for the Erie County Hall, Elevator Modernization project as follows:

**ELEVATOR CONSTRUCTION**

DCB Elevator Co., Inc.	
Base Bid	\$625,643.00

and be it further,

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the sum of \$61,357.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payments indicated above and be charged to Fund 410, Project 604, and be it further

RESOLVED, that the estimated revenues and appropriations for Fund 410, Project 604, be increased by \$687,000.00, the source of funds being unanticipated State revenue from the New York State Office of Court Administration, and be it further

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

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

6. Item Page -2001 (Comm. 13E-35)

**COUNTY EXECUTIVE**

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 Dick Road, CR 317, in the Village of Depew, Town of Cheektowaga 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 SK 362-1C and description of Parcel No. 1 be abandoned to the adjacent land owner known to be the Randall Benderson 1993-1 Trust for consideration of \$3,500.00 as determined by the Division of Budget, Management and Finance, payable to the County of Erie. The area of the abandonment being 0.859 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 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, Department of Public Works and one certified copy to the Erie County Comptroller.

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

7. Item Page -2001 (Comm. 13E-36)

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

**COUNTY EXECUTIVE**

WHEREAS, the 1997 and 2001 budgets include funding to replace the medium voltage switches at the Erie Community College, North and South Campuses, and

WHEREAS, the firm of M/E Engineering, P.C. has completed a Project Initiation Report for the project, and

WHEREAS, it is now desired to proceed with design services,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a contract to M/E Engineering, P.C. to prepare contract documents and provide construction administration services for the Erie Community College, Medium Voltage Switch Replacement project, and be it further,

RESOLVED, that the total amount paid for consulting services be a fee not to exceed \$23,000.00, including reimbursables, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments indicated above and be charged to Fund 480, Project 227, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to Erie Community College; one copy to the Division of Budget Management & Finance; and one copy to the Comptroller's Office.  
 (5-0) Legislator Ranzenhofer absent. Chairman Swanick present as Ex-Officio.

**MICHAEL A. FITZPATRICK**  
**CHAIRMAN**

MR. FITZPATRICK moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

Item 20 – MS. CHASE presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 287

Re: Support for State Legislation  
 Permitting Live Harness Racing  
 at Batavia Downs. (Intro. 14-1)

**A RESOLUTION BY LEGISLATORS CHASE AND KUWIK**

WHEREAS, Batavia Downs, the oldest nighttime-lighted harness track in America, became dark and out of operation in 1998, and

WHEREAS, the closure of Batavia Downs and the loss of live harness racing negatively impacted the racing industry, agriculture, breeding farms, horse owners, trainers and other related-industries and employers in the Western New York area, and

WHEREAS, in recognizing the significance of the loss of live harness racing at Batavia Downs, the Western Regional Off-Track Betting Corporation (WROTB) purchased the Batavia Downs track and grounds to prevent the demolition of this historic racing site and then applied for racing dates with the New York State Racing and Wagering Board, and

WHEREAS, the Racing and Wagering Board deferred action on WROTB's request until it received a determination from the state Attorney General as to the legality of WROTB operating Batavia Downs, and

WHEREAS, the state Attorney General issued an opinion that the language of current law does not permit WROTB to conduct such races, and

WHEREAS, state legislation has been introduced (A.2164/S.1582) that would clarify the law and allow WROTB to apply for a license to conduct harness racing for a limited number of race dates, thereby helping to guarantee the vitality of the sport, local employment and state and local revenues, and

WHEREAS, the State Assembly has approved this legislation and its companion bill was referred to the Senate Rules Committee for consideration, and

WHEREAS, the approval of this legislation and the operation of Batavia Downs would have a positive impact upon Buffalo Raceway in the Town of Hamburg which has struggled financially under the burden of being the sole site of harness racing in Western New York, and

WHEREAS, this legislation is also strongly supported by the Western New York Harness Horsemen's Association,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature reaffirms its support for continued live harness racing in Western New York, and be it further

RESOLVED, that the Erie County Legislature supports the proposed operation of Batavia Downs by WROTB, and be it further

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Legislature does hereby call upon the State Senate to approve and the Governor to sign into law A.2164/S.1582, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George Pataki, the members of the Western New York State Legislative Delegation, Mr. Martin C. Basinait, President and Chief Executive Officer, Western Regional Off-Track Betting Corporation, 700 Ellicott Street, Batavia, New York, 14020, and to Mr. Bruce Tubin, President and Administrative Director, Western New York Harness Horsemen's Association, PO Box 730, Batavia, NY 14021.

**Fiscal Impact: Positive for County of Erie/State of New York**

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

CARRIED UNANIMOUSLY.

MS. CHASE moved the approval of the resolution as amended. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 21 – MR. GREENAN presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 288

Re: Appointment to Fisheries  
 Advisory Board. (Intro. 14-2)

**A RESOLUTION BY LEGISLATOR JOHN GREENAN**

**WHEREAS**, Erie County Local Law Number 2-19997 stipulates that the two political parties holding the most of the seats of the Erie County Legislature has the authority to appoint one member to the Erie County Fisheries Advisory Board, subject to the full confirmation of the Legislature, and

**WHEREAS**, on February 4, 1999, the Republican members of the Erie County Legislature appointed Mr. Donald Gerow of Lakeview, New York as the Republican appointee to said Board for a term to expire on December 31, 2001, and

**WHEREAS**, On June 1, 2001, Mr. Gerow tendered his resignation to said Board, and

**WHEREAS**, a vacancy now exists on the Erie County Fisheries Advisory Board, and

**WHEREAS**, a majority of the Republican members of the Erie County Legislature do hereby appoint Mr. George Wagner of West Seneca to the Erie County Fisheries Advisory Board to fill the term expiring on December 31, 2001,

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual is hereby confirmed as a member of the Erie County Fisheries Advisory Board:

Mr. George Wagner  
 323 Fawn Trail  
 West Seneca, New York

And be it further

**RESOLVED**, that the aforementioned appointment shall expire on December 31, 2001, and be it further

**RESOLVED**, that certified copies of this resolution be forwarded to Laurence K. Rubin, Commissioner, Department of Environment and Planning, Spencer Schofield of the Department of Environment and Planning, and to Mr. George Wagner.

Fiscal Impact: none.

MR. GREENAN moved the approval of the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 22 – MR. HOLT presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 289

Re: Calling Public Hearing on  
 Expansion of Buffalo Place  
 Special District. (Intro. 14-3)

**A RESOLUTION SUBMITTED BY  
 LEGISLATOR HOLT**

WHEREAS, by special act of the New York State Legislature, the County of Erie is empowered to establish by local law a special district for providing increased and additional public services for the Downtown Buffalo Pedestrian/Transit Mall and the surrounding neighborhoods; and

WHEREAS, the County of Erie established such a special district by passage of Local Law 8 of 1984, as amended by Local Law 3 of 1996; and

WHEREAS, Buffalo Place, the organization that manages said special district under contract with the County of Erie and the City of Buffalo, has proposed to further amend Local Law 8 of 1984 to include additional properties adjacent to the current special district; and

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the State legislation requires the County to hold a public hearing to discuss any proposals for establishing or modifying such a district prior to the introduction of any local law to amend the boundaries of this special district,

NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Erie County Legislature is hereby authorized to conduct a Public Hearing, in conjunction with the Buffalo Common Council, at the Market Arcade Film & Arts Centre, 639 Main Street, Buffalo, New York 14203 at 3:00 p.m. on July 23, 2001, and that said Public Hearing shall be scheduled with no fewer than 10 days notice, on a proposal to amend Local Law 8 of 1984, which established the downtown pedestrian/transit mall special district as permitted by Chapter 673 of the Laws of 1983 of the State of New York, and be it further

RESOLVED, that copies of said proposal are available at the office of the Clerk of the Erie County Legislature, located on the 7th floor of 25 Delaware Avenue, Buffalo, New York 14202 during the hours of 9:00 a.m. to 5:00 p.m. on Monday through Friday from June 25, 2001, to July 23, 2001, for the purpose of inspection or procurement by interested persons, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Clerk of the City of Buffalo, the Commissioner of the Erie County Department of Environment and Planning, the Erie County Comptroller, and the Director of the Division of Budget, Management and Finance.

Fiscal Impact: To Be Determined.

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

CARRIED UNANIMOUSLY.

Item 23 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 290

Re: Support for Ken-Ton  
YMCA. (Intro. 14-4)

A RESOLUTION SUBMITTED BY  
LEGISLATORS MARINELLI & SWANICK

WHEREAS, the Legislature set aside funds in the 2001 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



**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$12,541 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 1109043038301299) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Ken-Ton YMCA	830/0289	\$12,541
<b>TOTAL</b>		<b>\$12,541</b>

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, and to Matthew Shriver, Vice President - Finance, Ken-Ton YMCA, (535 Belmont Avenue, Kenmore, NY 14223.)

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

MS. MARINELLI moved to amend the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

**REPLACE the first RESOLVE with the following:**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$13,541 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 1109043038301299) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>OLD</u> <u>AMOUNT</u>	<u>+/-</u>	<u>NEW</u> <u>AMOUNT</u>
-------------	-------------	-----------------------------	------------	-----------------------------

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

<b>Ken-Ton YMCA</b>	<b>830/0289</b>	<b>-0-</b>	<b>\$12,541</b>	<b>\$12,541</b>
<b>Seneca/South Park Hockey Club</b>	<b>830/1404</b>	<b>\$1,000</b>	<b>(\$1,000)</b>	<b>-0-</b>
<b>Gloria J. Parks Community Center</b>	<b>830/1327</b>	<b>-0-</b>	<b>\$2,000</b>	<b>\$2,000</b>
<b>TOTAL</b>			<b>\$13,541</b>	

and be it further

**DELETE** the final **RESOLVE** and **REPLACE** with the following:

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Matthew Shriver, Vice President - Finance, Ken-Ton YMCA, (535 Belmont Avenue, Kenmore, NY 14223,) Fred DiPaolo, Coach, Seneca/South Park Hockey Club, (151 East Royal Parkway, Williamsville, NY 14221,) and to Susan Lamude, Executive Director, Gloria J. Parks Community Center, (3242 Main Street, Buffalo, NY 14214.)

MS. MARINELLI moved the approval of the resolution as amended. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 24 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 291

Re: Support for Hamburg Water  
Rescue Unit. (Intro. 14-5)

A RESOLUTION SUBMITTED BY  
LEGISLATOR KUWIK

WHEREAS, the Legislature set aside funds in the 2001 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

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$3,000 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 1109043038301299) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Hamburg Water Rescue Unit	830/	\$3,000
<b>TOTAL</b>		<b>\$3,000</b>

and be it further,

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, and Chris Wilson, Director, Hamburg Water Rescue Unit, (6100 South Park Avenue, Hamburg, NY 14075.)

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 25 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 292.

Re: Funding for Leadership  
 Buffalo to Sponsor a Presentation  
 by Navy Captain Winston Scott.  
 (Intro. 14-6)

A RESOLUTION SUBMITTED BY  
 LEGISLATORS MARINELLI & HOLT

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, those from the United States who have traveled into space comprise an elite group with unique experiences to share, and

WHEREAS, of this elite group only nine astronauts are African-American, including retired astronaut and Navy Captain Winston Scott, and

WHEREAS, Captain Scott graduated from Florida State University with a B.A. in music, and went on to earn an M.S. in aeronautical engineering from the U.S. Naval Postgraduate School, and then to become a Captain in the U.S. Navy, and

WHEREAS, Captain Scott accumulated over 4,000 hours of flight time, joined NASA, and earned a distinguished and impeccable record as a mission specialist, logging over 214 hours in space, and

WHEREAS, Winston Scott's journey to the stars as a NASA astronaut is a testament to the power of perseverance and vision that he is willing to share with others, and

WHEREAS, Leadership Buffalo Inc. (of which both Legislator Marinelli and Legislator Holt are graduates) is bringing Captain Scott to Buffalo on October 19, 2001 to speak about his journeys to middle and high school students, and

WHEREAS, there is an opportunity to record Captain Scott's presentation and distribute it to all public schools and public libraries so that all of Erie County's residents can learn from the experiences and insights of Captain Scott's journeys in space and in life, and

WHEREAS, the Legislature set aside funds in the 2001 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 \$10,000 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 1109043038301299) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Leadership Buffalo	830/1366	\$10,000

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

**TOTAL**

**\$10,000**

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, and to Susan Warren Russ, Leadership Buffalo, Inc., (300 Main Place Tower, Buffalo, NY 14202.)

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 26 – MS. CHASE presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 293

Re: Support for a Community  
 Organization. (Intro. 14-7)

A RESOLUTION SUBMITTED BY LEGISLATOR CHASE

WHEREAS, the Legislature set aside funds in the 2001 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

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from the County-wide Accounts – Budget - County Contingency (DAC: 110923310893) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agency:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
STAR Swimming	830/0683	\$5,000
<b>TOTAL</b>		<b>\$5,000</b>

and be it further

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

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Joseph A. Passafiume, Jennifer Anger – Administrative Assistant Erie County Legislature, Assistant County Attorney Brian D. White, and to Bill Steger, STAR Swimming, (PO Box 922, Hamburg, NY 14075.)

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

MS. CHASE moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 27 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 294

Re: Authorizing the Legal Aid Bureau of Buffalo to Retain Unused Funds form the 2000 Budget. (Intro. 14-8)

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK & PEOPLES.

WHEREAS, the Legal Aid Bureau of Buffalo, Inc. provides invaluable legal representation and advice to those in need that reside in Erie County, and

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, this non-for-profit Bureau provides support staff, lawyers and investigators to assist their clients, and

WHEREAS, the quality legal representation the Legal Aid Bureau of Buffalo, Inc. provides is supported by the United Way of Buffalo & Erie County, the Interest on Lawyer Account Fund of the State of New York, several private foundations as well as the City of Buffalo and the County of Erie, and

WHEREAS, contract specifications between the County and the Legal Aid Bureau of Buffalo, Inc. require the Bureau to refund any unused funds for 2000, and

WHEREAS, the Legal Aid Bureau has requested to retain the remaining allocated 2000 funds totaling \$17,060.12 to be used to cover 2001 operational costs,

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby repeal the 2000 contract specification that requires the Legal Aid Bureau of Buffalo, Inc. to return unused 2000 funding, thereby permitting the Bureau to retain remaining funds in the amount of \$17,060.12 to be used for 2001 operational expenses, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, Assistant County Attorney Brian White and to Michelle M. Finn, Controller for the Legal Aid Bureau of Buffalo, Inc. (237 Main Street, Suite 1602, Buffalo, New York 14203-2723).

**Fiscal Impact:** Reauthorization of 2000 budgeted funds.

MS. PEOPLES moved the approval of the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 28– MS. MARINELLI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 295

Re: Funding for Ellicott Creek  
 Park Clean Up. (Intro. 14-9)

A RESOLUTION SUBMITTED BY LEGISLATOR MARINELLI

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Legislature set aside funds in the 2001 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 \$9,000 from the Extraordinary County Aid to Local Governments – Regionalism / Economic Development Fund (DAC: 1109043038301299) to the Department of Parks, Recreation & Forestry – Parks – Other (DAC: 110942640908826), and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, and to Lawrence D. Jasinski, Commissioner of Parks, Recreation & Forestry.

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

MS. MARINELLI moved to amend the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

***DELETE* the second RESOLVE and *REPLACE* with the following:**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$10,000 from the legislative contractual (DAC: 110905100830) (2000-budgeted funds) to General Fund, Interfund Transfers, Interfund - Capital (DAC 1109253208862108), and be it further

RESOLVED, that the 1998 Two Mile Creek Greenway Capital Project (Project #: 410 796) revenues and appropriations be increased \$10,000, and be it further

RESOLVED, that \$12,000 from the 2000 Parks Capital Improvement Project (Project #: 441 244) be appropriated for lighting of the Two Mile Creek Greenway Project, and be it further



**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that by combining the above a total of \$22,000 has been appropriated for use in lighting the Two Mile Creek Greenway Project, and be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance, the Commission of the Department of Parks, Recreation & Forestry, and the Commissioner of the Department of Public Works are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

***DELETE the final RESOLVE and REPLACE with the following:***

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Maria C. Lehman, Commissioner of the Department of Public Works, and to Lawrence D. Jasinski, Commissioner of Parks, Recreation & Forestry.

MS. MARINELLI moved the approval of the resolution as amended. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 29– MR. McCARVILLE presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 296

Re: Funding for Community  
Organizations. (Intro. 14-10)

A RESOLUTION SUBMITTED BY LEGISLATOR McCARVILLE

WHEREAS, the Legislature set aside funds in the 2001 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

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from County-wide Accounts – Budget - County Contingency (DAC: 110923310893) to General Fund, Interfund Transfers, Interfund-Library (DAC 1109253208864200), and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following accounts: Interfund-Subsidy revenue (DAC 8209734206863200) \$5,000, and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following account: Collins Public Library (DAC: 820973420830162) \$5,000, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$28,900 from the County-wide Accounts – Budget - County 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>
Patchin Fire Company	830/1206	\$2,500
Town of Brant – Recreation Center	830/	\$2,400
Orchard Park Little Loop Football, Inc.	830/	\$5,000
Boys & Girls Club of Orchard Park	830/0674	\$5,000
Boys & Girls Club of East Aurora	830/0673	\$5,000
Town of Boston – Boston Town Band	830/1007	\$2,500
Boston Fire Department	830/	\$2,500
North Boston Fire Company	830/	\$2,500
LK Painter Community Center	830/0550	\$3,000
Western New York Railway Historical Society	830/	\$500
<b>TOTAL</b>		<b>\$28,900</b>

and be it further

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

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$3,500 from the County-wide Accounts – Budget - County Contingency (DAC: 110923310893) to the Department of Parks, Recreation & Forestry – Parks (DAC: 110942640816) Maintenance Supplies for the Old Emery Inn, and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger – Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah Bochenek, Diane Chrisman, Director of the Buffalo & Erie County Public Libraries, Lawrence Jasinski, Commissioner of Park, Recreation & Forestry, Fire Chief James E. Pluta, Patchin Fire Company, (8333 Boston State Road, P.O. Box 173, Boston, NY 14052,) Supervisor Sam Chiavetta, Jr., Town of Brant Recreation Center, (Brant-North Collins Road, Brant, NY 14027,) Simon F. Manka, President, Orchard Park Little Loop Football, (P.O. Box 348, Orchard Park, NY 14127,) William R. Gehen, Jr., Executive Director, Boys & Girls Club of Orchard Park, (25 S. Lincoln Avenue, P.O. Box 181, Orchard Park, NY 14127,) Gary D. Schutrum, Executive Director, Boys & Girls Club of East Aurora, (24 Paine Street, P.O. Box 36, East Aurora, NY 14052,) Supervisor Lisa M. Rood, Boston Town Band, (8500 Boston State Road, Boston, NY 14025,) Michael Cudeck, Fire Chief, Boston Fire Department, (Mill Street, PO Box 357, Boston, NY 14025-0357,) Richard Lee, Fire Chief, North Boston Fire Company, (7223 Boston State Road, PO Box 124, Boston, NY 14110-0124,) Lyn Pryor – Executive Director, LK Painter Community Center, (2355 Main Street, P.O. Box 575, Collins, NY 14034,) Robert P. Snyder, Western New York Railway Historical Society, (P.O. Box 923, Orchard Park, NY 14127.)

**Fiscal Impact:** Appropriation of 2001-budgeted funds.

MR. McCARVILLE moved the approval of the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 30 – MR. PAULY presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 297

Re: Urging New York State to  
 Adopt “Penny’s Law” (A.2580).  
 (Intro. 14-11)

A RESOLUTION SUBMITTED BY

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

LEGISLATORS PAULY, KUWIK, & DUSZA

WHEREAS, rape and murder committed by violators of any age are deplorable crimes that are unacceptable in a civilized society, and

WHEREAS, Penny Lea Brown, a resident of Salamanca, New York, a nurse-midwife, and a mother was brutally raped and murdered on Mother's Day in broad daylight and while jogging on a public path, and

WHEREAS, Edward Kindt who was only fifteen at the time was arrested for the crime, and

WHEREAS, Under New York State law Kindt was tried and convicted as an adult because of the nature of the crime he committed, but was sentenced as a juvenile, and

WHEREAS, Kindt was subject to the lesser maximum sentencing guidelines of 9 years to life as compared to the maximum sentence of 25 years to life for an adult who commits the same crime, and

WHEREAS, a juvenile who is tried and convicted as an adult should be sentenced as an adult, and

WHEREAS, "Penny's Law," passed in the New York State Senate by a vote of 59-2, would enact this into law, and

WHEREAS, "Penny's Law" (A.2580) was introduced into the Assembly by Assemblywomen Catharine M. Young to eliminate this loophole that allows juveniles tried as adults to receive lesser sentences, but has not yet been approved, and

WHEREAS, on May 8<sup>th</sup>, 2001 the New York State Assembly did adopt a resolution proclaiming that Mother's Day be commemorated in honor of Penny Lea Brown, but has yet to act on A.2580,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to protecting all its citizens from violent criminals and sexual offenders of any age, and be it further

RESOLVED, that this Honorable Body supports "Penny's Law" (A.2580) and urges the New York State Assembly to pass this legislation and Governor George Pataki to sign it into law, and be it further

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

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

**Fiscal Impact:** None for resolution.

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

CARRIED UNANIMOUSLY.

MR. PAULY moved the approval of the resolution as amended. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 31 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 298

Re: Initiating an Effort to  
 Revitalize Neighborhood  
 Commercial Districts. (Intro. 14-  
 12)

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

WHEREAS, the Erie County Legislature has made economic development and job creation a priority in this region through a number of efforts such as property tax reduction, investment in the Buffalo Niagara Enterprise's marketing campaign, and the creation of the Regional Economic Development Database (REDD), and

WHEREAS, in the recent past we have seen major projects announced by companies like Adelphia, Quebecor, and General Motors; all of which will aid in strengthening our local economy, and

WHEREAS, indeed, the BNE, our industrial development agencies, and other private and public entities are working to attract and retain businesses in Erie County, and

WHEREAS, the focus of these efforts has been mostly on the large projects, and

WHEREAS, throughout the development of our region, the neighborhood commercial district has been a cornerstone of virtually all our communities, and

WHEREAS, while some areas such as the Elmwood Village and Main Street in Williamsville are strong, the creation and expansion of malls and big box stores, coupled with

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

patterns of out migration of residents to the edge suburbs, have adversely affected many of these long-standing districts, and

WHEREAS, for many city residents and elderly residents, especially, these neighborhood shops may be the only stores accessible without the availability of private transportation, and

WHEREAS, these districts also provide a means for small business owners to enter the field of entrepreneurship, and

WHEREAS, while some efforts have begun to counteract this trend — such as those by the Amherst IDA, Hamburg IDA, and Buffalo University Common Councilmember Betty Jean Grant — it is clear that we as a region must reinvest in our neighborhoods and their business districts, and

WHEREAS, the importance of having businesses which are located within walking distance from residential development is one of the key concepts of the new urbanist movement, and is one reason why neighborhoods around the thriving strips such as Elmwood remain strong, and

WHEREAS, it is this Honorable Body's intent to investigate ways to forge public private partnerships in order to revitalize our neighborhood commercial districts, with an ultimate goal of including some programs in the 2002 county budget,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to economic development and job creation in our region, and be it further

RESOLVED, that this Honorable Body does hereby state its intent to hold a series of public information meetings throughout Erie County in the upcoming months in order to hear ideas from business owners, neighborhood groups, economic development officials, and the community as to how we can collectively strengthen our neighborhood commercial districts, and be it further

RESOLVED, that the schedule and location of said meetings shall be determined by the Chairman of the Erie County Legislature, and be it further

RESOLVED, that certified copies of this resolution be sent to the Chambers of Commerce throughout the county, the Buffalo Niagara Partnership, Forever Elmwood, Erie County's Industrial Development Agencies, and the Buffalo Niagara Enterprise.

**Fiscal Impact:** To be determined.

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

CARRIED UNANIMOUSLY.

DELETE, in its entirety, the ninth WHEREAS clause, and REPLACE with the following:

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, while some efforts have begun to counteract this trend — such as the UB Community Initiative’s Main and Bailey project, the UB Office of Urban Initiatives’ Fillmore Ave project, and those by the Amherst and Hamburg IDAs, — it is clear that we as a region must reinvest in our neighborhoods and their business districts, and

MS. PEOPLES moved the approval of the resolution as amended. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 32 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 299

Re: Urging the NYS Legislature  
to Direct the NYSDOH to  
Propose a Plan to Improve the  
System of Medicaid  
Administration. (Intro. 14-13)

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

WHEREAS, Medicaid is a complex federal and state program whose costs and administration represent a major component of the state and local fiscal relationship in New York, and

WHEREAS, New York’s Medicaid program is administered by 58 local social service districts (57 counties and New York City), which are overseen by the New York State Department of Health (NYSDOH), and

WHEREAS, the report, State-county Relations in New York: Key Partnership Issues-the Impacts of State Revenue Sharing and the Medicaid Mandate, commissioned by the New York State Senate, documents inefficiencies of the current Medicaid administrative system and recommends a series of changes in administrative procedure and communications that would strengthen the state-local partnership, and

WHEREAS, the recommendations include provisions to replace the existing administrative system and address the concerns of county governments, including the following:

- That counties be given sufficient notice of changes that will impact their share or administrative costs;

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

- That revisions affecting county medical assistance budgets not be imposed on a County during a county fiscal year;
- That funding predictability be improved to enhance counties planning capability;
- That timely adjustments be made to county share amounts and counties be provided with information in advance;
- That the state improves the exchange of data and information with counties, particularly in the area of overburden aid;
- That counties be given flexibility to be more effective managers, specifically in the area of competitive bidding; and
- That a medical assistance advisory group be established within the Department of Health which, could serve as a liaison to counties on matters of payments, practices, and policies; and

WHEREAS, A.8647/S.4891 is legislation pending in the New York State Senate and Assembly that would require the NYSDOH to submit a legislative proposal to reform the current administration of the Medicaid program, and

WHEREAS, under this proposal, the NYSDOH would collect information from interested parties and develop a proposal that addresses many of the key concerns that are expressed by counties, and

WHEREAS, this mandate relief measure could provide substantial budgetary savings to both the state and county governments, while strengthening the state-local partnership,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to providing for the health and well being of our county's residents, and be it further

RESOLVED, that this Honorable Body supports A.8647/S.4891 and calls upon the Governor and the State Legislature to support this legislation and enact it into law, and be it further

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

Fiscal Impact: Adoption of S.4891/A.8647 is positive for Erie County.

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



**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

Item 33 – CHARIMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

Intro 14-14 From LEGISLATORS SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, DUSZA, MARINELLI & PAULY Re: Funding for Operation Prime Time

Item 34 – CHAIRMAN SWANICK directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

Intro 14-15 From LEGISLATOR PEOPLES Re: Waiver Fees For American Cancer Society Relay For Life Run – Showmobile Rental.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 35 – MS. MARINELLI moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of Comm. 13E-10. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 300

Re: Erie Community College  
2001-2002 Tentative Budget.

RESOLVED, that the Erie Community College budget for the fiscal year commencing September 1, 2001 and ending August 31, 2002, in the amount of \$61,929,407.00 with a sponsor contribution of \$12,770,777.00, an Erie County Tobacco Project Funding for ECC Capital Expense in the amount of \$2,050,000.00 and an Erie County Early Retirement Funding of \$2,000,000.00 is hereby approved.

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

CARRIED UNANIMOUSLY.

Item 36 – MR. FITZPATRICK moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 13E-28. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 301

Re: Erie Community College,  
North Campus, Renovations to  
the Existing Erie Dining Room,  
Phase II – Spring Student Center

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

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

CARRIED UNANIMOUSLY.

Add the following:

WHEREAS, the Department of Public Works received bids on June 15 2001 for the Erie Community College, North Campus, Renovations to the Existing Dining Room, Phase II - Spring Student Center, and

WHEREAS, the Architect and the Department of Public Works are recommending award to the lowest responsible bidder for the Erie Community College, North Campus, Renovations to the Existing Erie Dining Room, Phase II - Spring Student Center, and

WHEREAS, the ECC Statler Foundation is fully funding the Renovations to the existing Erie Dining Room - Spring Student Center, Phase II, and

WHEREAS, the remaining project allocation funded by the ECC Statler Grant Foundation has been received and deposited into the ECCN-Spring Student Center/Food Service Bond Account, Fund 480, Project 811. An increase in estimated revenues and appropriation by \$102,800.00 is requested, which represents the balance of the total \$125,800.00 grant less previous transfer of \$23,000.00 approved by this Honorable Body on May 11, 2000,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Erie Community College, North Campus, Renovations to the Existing Erie Dining Room - Phase II - Spring Student Center, as follows:

**GENERAL CONSTRUCTION WORK**

Miller Enterprises, Inc.  
 Base Bid        \$27,700.00

**ELECTRICAL WORK**

Weydman Electric, Inc.  
 Base Bid        \$ 4,700.00  
 Total award of contracts:     \$32,400.00

and be it further,

RESOLVED, that the sum of \$27,600.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency, and be it further,

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

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

RESOLVED, that the project estimated revenues and appropriations funded by the ECC Statler Grant Foundation deposited into the Spring Student Center/Food Service Bond Account, Fund 480, Project 811, be increased by \$102,800.00, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the Spring Student Center/Food Service Bond Account, Fund 480, Project 811, in an amount not to exceed \$60,000.00, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Comptroller's office; and one copy to Erie Community College.

MR. DUSZA moved the approval of the resolution as amended. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 37 – MR. DUSZA moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 26E-44 (2000). MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 302

Re: Erie County Sewer District  
 No. 2 Contract No. 44EV  
 Delameter Road and Route 5  
 Sanitary Sewer Extension Bid  
 Opening.

WHEREAS, the Erie County Department of Environment and Planning has received the following low bid for the Erie County Sewer District No. 2, Route 5 and Delameter Road Sanitary Sewer Extension, Contract No. 44EV on April 26, 2001.

Contract No.	Low Bidder	Amount Bid
44EV	Donald J. Braasch Construction Inc. 1661 Lakeview Road Lakeview, New York 14085	\$453,632.00

and

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

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Erie County Department of Environment and Planning recommends the award of Contract No. 44EV to the aforementioned low bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the Route 5 and Delameter Road Project, Contract No. 44EV, be awarded to the low bidder as follows:

Contract No.	Low Bidder	Amount Bid
44EV	Donald J. Braasch Construction Inc. 1661 Lakeview Road Lakeview, New York 14085	\$453,632.00

and to be further

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

RESOLVED, that the Comptroller is authorized and directed to allocate \$453,632.00 from Sewer Capital, Erie County Sewer District No. 2, Fund No. 430, Project No. 913; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning; one certified copy to James Liddle, Erie county Comptroller's office; and to Gregory Dudek, Assistance County Attorney.

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

CARRIED UNANIMOUSLY.

Item 38 – MS. PEOPLES moved to discharge the PERSONNEL AD HOC COMMITTEE from further consideration of Comm. 7E-46. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 303

Re: Establishment of Office of  
Arts, Culture and Tourism and  
Office of Geographic  
Information Services.

WHEREAS, the Department of Environment wishes to restructure the Division of Planning in order to improve its effectiveness, focus on priority programs and services, and correct the imbalance in

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

supervisory responsibilities that has occurred over the years with the elimination of key managerial positions; and

WHEREAS, by establishing an Office of Arts, Culture and Tourism, the Department will be better equipped to focus its resources on promoting the economic and social benefits of arts, culture and tourism for our region and in enhancing the effectiveness of the County's investment in these programs; and

WHEREAS, the establishment of a County Office of Geographic Information Services will provide both cost-efficiencies and enhanced program effectiveness and will allow Erie County to assume a leadership role in the deployment of this technology across County departments and local governments; and

WHEREAS, the Erie County Soil and Water Conservation District has the familiarity with GIS programs and the availability of qualified staff to provide training and technical assistance to local governments and agencies;

NOW, THEREFORE, BE IT

RESOLVED, that the following personnel changes are hereby approved in the Department of Environment and Planning:

- Add: Director of Geographic Information Services, J.G. 15
- Reallocate: Special Projects Coordinator, from J. G. 13 to J. G. 15
- Delete: Capital Facilities Planner, J.G. 13
- Add: Junior Planner, J.G. 7

and be it further

RESOLVED, that the following accounts be increased in the budget of the Department of Environment and Planning:

Act	800	Personal Services	\$ 45,802
	805	Fringe Benefits	9,618
	830	Contractual Services	30,000
	830-185	E.C. Soil and Water Conservation	26,200
	830-1214	Internships	10,000
	933	Lab and Technical Equipment (Software)	16,295
		Total Appropriation Increases	\$137,915

The source of funds shall be as follows:

Unanticipated Revenue - Grants (DAC 110 9456206856209)	\$ 45,657
Transfer from Regionalism / Economic Development Fund (DAC 110 9043038301299)	92,258

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

Total Revenues and Transfers

\$137,915

and be it further

RESOLVED, that in order to facilitate procurement of equipment, software and services needed to establish a regional GIS system, funds appropriated herein to the Department of Environment and Planning may be transferred as needed to the Division of Information and Support Services; and be it further

RESOLVED, that the County Executive is authorized to amend the Agreement with the Erie County Soil and Water Conservation District to include an additional \$26,200 for 50% of a position to be used to provide training and technical assistance to municipalities and agencies in the use of the County's Geographic Information System; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 39 – MS. PEOPLES moved to discharge the PERSONNEL AD HOC COMMITTEE from further consideration of Comm. 7E-47. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 304

Re: Centralized Regional  
 Geographic Information System.

WHEREAS, the Division of Information and Support Services proposes to create a Centralized Regional Geographic Information System, and

WHEREAS, the Division of Information and Support Services will seek the participation of all county municipalities, agencies and businesses to help create a Centralized Regional Geographic Information System, and

WHEREAS, the Division of Information and Support Services will host this Centralized Regional Geographic Information System from the Rath Building Data Center, and

WHEREAS, the Division of Information and Support Services and the Department of Environment & Planning will work cooperatively to host and maintain this Centralized Regional Geographic Information System, and

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Division of Information and Support Services is requesting authorization to purchase the hardware and software necessary to operate a Centralized Geographic Information System. This includes servers, server licenses, Windows NT and Client Licenses, GIS ArcIMS licenses, data storage and consulting services, and

WHEREAS, the Division of Information and Support Services is requesting authorization to create one position of Programmer Analyst (GIS), Job Group 12, Step 0; one position of Junior Programmer Analyst (GIS), Job Group 11, Step 0; one position of GIS Technician, Job Group 12, Step 0; one position of Technical Support Services Specialist, Job Group 12, Step 0; one position of Network Engineer, Job Group 15, step 0; one position of Network Specialist (DISS), Job Group 13, Step 0; and one position of Storage Manager, Job Group 13, Step 0, required to build and maintain the Centralized Regional Geographic Information System, and

WHEREAS, the Division of Information and Support Services is requesting authorization to create following positions: one position of Senior Technical Support Services Specialist, Job Group 13, Step A; one position of Chief Account Clerk, Job Group 7, Step B; three positions of Senior Computer Operator; Job Group 8, Step C; one position of Telecommunication Service Representative, Job Group 9 Step B; and one position of Senior Telephone Technician, Job Group 9, Step B; and to delete the following positions: one Technical Support Services Specialist, Job Group 12, Step A; one position of Senior Account Clerk, Job Group 6, Step B; three positions of Computer Operator, Job Group 7, Step C; one position of Telecommunication Service Representative, Job Group 8 Step B; and one position of Telephone Technician, Job Group 8, Step B,

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Information and Support Services is authorized to host a Centralized Regional Geographic Information System from the Rath Building Data Center, and be it further

RESOLVED, that the 2001 Capital Budget is hereby amended to include a new capital project in the amount of \$1,750,000 for the acquisition of equipment, technical personnel and related expenses necessary to build and manage a Centralized Geographic Information System, and be it further

RESOLVED, that the sum of \$1,750,000 is hereby transferred to the new Centralized Regional Geographic Information System Project in the 2001 Capital Budget from the proceeds in the Tobacco Trust Account, and be it further

RESOLVED, that the Division of Information and Support Services is requesting authorization to purchase the hardware and software necessary to operate a Centralized Geographic Information System. This includes servers, server licenses, Windows NT and Client Licenses, GIS ArcIMS licenses, data storage and consulting services, and be it further

RESOLVED, that the Division of Information and Support Services is authorized to create one position of Programmer Analyst (GIS), Job Group 12, Step 0; one position of Junior Programmer Analyst (GIS), Job Group 11, Step 0; one position of GIS Technician, Job Group 12, Step 0, one

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

position of Technical Support Services Specialist, Job Group 12, Step 0; one position of Network Engineer, Job Group 15, step 0; one position of Network Specialist (DISS), Job Group 13, Step 0; and one position of Storage Manager, Job Group 13, Step 0; required to build and maintain the Centralized Regional Geographic Information System, and be it further

RESOLVED, that the Division of Information and Support Services is authorized to create one position of Senior Technical Support Services Specialist, Job Group 13, Step A; one position of Chief Account Clerk, Job Group 7, Step B; three positions of Senior Computer Operator, Job Group 8, Step C; one position of Telecommunication Service Representative, Job Group 9 Step B; one position of Senior Telephone Technician, Job Group 9, Step B; and to delete the following positions: one Technical Support Services Specialist, Job Group 12, Step A; one position of Senior Account Clerk, Job Group 6, Step B; three positions of Computer Operator, Job Group 7, Step C; one position of Telecommunication Service Representative, Job Group 8 Step B; and one position of Telephone Technician, Job Group 8, Step B, and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Personnel and the Division of Information and Support Services.

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

CARRIED UNANIMOUSLY.

Item 40 – MS. PEOPLES moved to discharge the PERSONNEL AD HOC COMMITTEE from further consideration of Comm. 12E-11. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 305

Re: Personnel Changes in the  
 Department of Public Works for  
 2001.

WHEREAS, the Department of Public Works (DPW) suffered a large number of retirements during the 2000 year, and

WHEREAS, the workload within the DPW has increased significantly in part due to the outside funding from Federal and State programs that has been received, and

WHEREAS, the Commissioner of the DPW desires to rearrange certain positions within the Department to better address its current and future needs, and

WHEREAS, the proposed changes recommended by the Commissioner of DPW result in a relatively small net increase to the budget for that Department, approximately \$15,400, and

WHEREAS, no personnel will lose their jobs due to these changes,



**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the following upgrades to positions within the Department of Public Works:

- Director - Weights & Measures: from grade 12 to grade 13
- Assistant Architect: from grade 11 to grade 12
- Senior Contracts Administrator: from grade 11 to grade 12
- Receptionist Part-time to Receptionist Regular Part-time
- Project Engineer - Construction: from grade 12 to grade 13 (which will be fully reimbursed through Bond Funded projects)
- Secretary to the Commissioner: from grade 7 step 3 to grade 7 step 4

and be it further,

RESOLVED, that the Erie County Legislature authorizes the following positions be added to the Department of Public Works: Senior Secretarial Stenographer: grade 8 Chief Account Clerk: grade 7 Senior Construction Project Manager - Buildings: grade 15 Senior Supervising Maintenance Mechanic (2 positions): grade 11 Senior Chief Stationery Engineer (2 positions): grade 11 Principal Clerk Typist - Weights & Measures: grade 6 Construction Inspector: grade 11 Construction Inspector - Mechanical, Electrical & Plumbing: grade 11 (This position will be fully funded through Bond Fund projects.) Senior Mechanical Engineer: grade 14 Senior Highway Maintenance Engineer: grade 13 Senior Civil Engineer (3 positions - 2 of which will be funded through Federal Aid projects): grade 14 Senior Contracts Administrator: grade 12 Junior Civil Engineer: grade 9

and be it further,

RESOLVED, that the Erie County Legislature authorizes the following positions be deleted from the Department of Public Works:

- Secretarial Stenographer: grade 7
- Senior Account Clerk: grade 6
- Construction Project Manager - Buildings: grade 14
- Supervising Maintenance Mechanic (2 positions): grade 9
- Chief Stationery Engineer (2 positions): grade 9
- Senior Clerk Typist: grade 4
- Project Engineer - Construction: grade 12
- Supervisor of Design: grade 15
- Senior Engineering Assistants (2 positions): grade 6
- Deputy Sealer: grade 8

and be it further,

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Erie County Legislature authorizes the following positions have their funding sources changed:

- Principal Engineer - Energy, Utility and Grant Management: half funded through the Utility Fund
- Custodial Chief: 20% funded through the Courts

and be it further,

RESOLVED, that the Director of Budget, Management & Finance is hereby authorized to implement interfund adjustments that are necessary to carry out the intention of this resolution, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Commissioner of Personnel; one copy to the Division of Budget Management & Finance; one to the Commissioner of Personnel; and one copy to the office of the Comptroller.

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

CARRIED UNANIMOUSLY.

Item 41 – MS. PEOPLES moved to discharge the PERSONNEL AD HOC COMMITTEE from further consideration of Comm. 12E-14. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 306

Re: Erie County Sewer District  
 No. 2 Request for Change in  
 Title.

WHEREAS, on May 10, 2001 the Erie County Sewer District No. 2 Board of Managers approved a resolution to authorize a change in title in the 2001 Budget for Erie County Sewer District No. 2; and

WHEREAS, the Board desires to change the title of Sewer District Manager - RPT, Job Grade 13 to a Jr. Administrative Assistant - RPT, Job Grade 8.

NOW, THEREFORE, BE IT

RESOLVED, that the title of Sewer District Manager RPT, Job Grade 13 be changed to a Jr. Administrative Assistant RPT, Job Grade 8; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

Planning, Nancy Naples, Erie County Comptroller, Joseph Passafiume, Director, Budget and Management, and the Erie County Personnel Department.

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

CARRIED UNANIMOUSLY.

Item 42 – MS. PEOPLES moved to discharge the PERSONNEL AD HOC COMMITTEE from further consideration of Comm. 12E-21. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 307

Re: Erie County Sewer District  
 Nos. 1-4-5 Position Request –  
 Sewer District Manager.

WHEREAS, Erie County Sewer District Nos. 1-4-5 authorized a resolution to create a Sewer District Manager position (JG13) in the 2001 Budget and the transfer of the current Assistant Sanitary Engineer position (JG12) to the Department of Environment and Planning's Design and Construction section in the Division of Sewerage Management.

NOW, THEREFORE, BE IT

RESOLVED, that the position of Sewer District Manager (JG13) be created in Erie County Sewer District Nos. 1-4-5, Department No. 9100.00, and that the current Assistant Sanitary Engineer position (JG12), position No. 374003 be transferred to Design and Construction in the Department of Environment and Planning, Department No. 8094.10; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; Nancy A. Naples, County Comptroller; Leonard R. Lenihan, Commissioner of the Personnel Department; and Joseph Passafiume, Director of the Division of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

Item 43 - MR. PAULY moved to discharge the REGIONALISM AD HOC COMMITTEE from further consideration of Comm. 13E-16. MS. PEOPLES seconded. MR. OLMA voted in the negative.

CARRIED.

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLUTION NO. 308

Re: Municipal Solid Waste  
 Transfer Service for City of  
 Buffalo and Erie County Bid  
 Number: A21259-P "Immediate  
 Consideration Requested."

WHEREAS, the Department of Environment and Planning provides technical assistance to municipalities and businesses to help address their solid waste management needs; and

WHEREAS, municipalities in Erie County spend annually anywhere from \$120,000 (in smaller municipalities) to \$16,000,000 (in the City of Buffalo) for solid waste collection and disposal costs; and

WHEREAS, disposal fees are currently as high as \$60 per ton for certain municipalities, and Erie County can assist in significantly reducing that cost by consolidating solid waste management services; and

WHEREAS, through the Erie County Solid Waste Consolidation Initiative, the County has allocated funds to centralize and consolidate solid waste management services, including an agreement to allow Erie County municipalities to use the Chautauqua County landfill at \$21.50 per ton; and

WHEREAS, General Municipal Law 119-o provides that, in addition to any general or special powers vested in them, municipal corporations "shall have the power to enter into agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis for the provision of a joint service;" and

WHEREAS, the City currently operates the ESTS at a cost of \$14 per ton of waste. The ESTS is now used primarily for the transfer of 500 TPD of City of Buffalo waste. Through privatization, the County believes that the cost of municipal solid waste transfer and disposal can be significantly reduced. Given that the maximum permitted capacity of the ESTS is 2,000 TPD, the County has estimated that privatization could save taxpayers up to \$2,500,000 annually; and

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to accept the low bid and enter into an agreement with Modern Disposal Services, Inc., to operate the East Side Transfer Station at a cost of \$12.05 per ton of municipal waste handled at the facility, and be it further

RESOLVED, that funds are hereby appropriated under a separate project number within the Operating Fund budget of the Department of Environment and Planning as follows:

**Expense:**

Account	Description	Amount
800	Personal Services	\$36,580

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

805	Fringe Benefits	8,048
810	Office Supplies	5,000
821	Dues & Fees	85,300
824	Travel & Mileage	500
825	Out of Area Travel	1,000
826	Other Expenses	5,000
830	Contractual Expense	
	Transfer Fees/City of Buffalo Waste	920,700
	Transfer & Tipping Fees - Municipalities	1,005,563
933	Lab and Technical Equipment	<u>3,000</u>
	Total Appropriations	<u>\$2,070,691</u>

and be it further

RESOLVED, that the source of funds shall be as follows:

Local Source Revenue - East Side Transfer Station	
Fees from Municipalities	\$1,038,768
Interfund Revenue from the Construction and	
Demolition Recycling Grant	12,297
Transfer from the Regionalism/Economic	
Development Fund (DAC 110 9043038301299)	<u>1,019,626</u>
Total Revenues and Transfer of Funds	<u>\$2,070,691</u>

and be it further

RESOLVED, that the following positions be created within the Department of Environment and Planning:

Coordinator - Office of Solid Waste (JG XIII)  
Senior Account Clerk (JG VI)

and be it further

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with Erie County Municipalities to allow them to use the East Side Transfer Station, and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

MR. PAULY moved the approval of the resolution. MS. PEOPLES seconded.

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, McCARVILLE, PAULY, RANZENHOFER, WEINSTEIN, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, PEOPLES, & SWANICK. NOES: LARSON & OLMA. AYES – 15, NOES – 2.

CARRIED.

Item 44 - MR. DUSZA moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 12E-25. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 309

Re: Department of Parks,  
 Recreation & Forestry Golf  
 Reservation System.

WHEREAS, the Erie County Department of Parks, Recreation & Forestry currently maintains and operates two golf courses, Elma Meadows and Grover Cleveland, owned by Erie County; and

WHEREAS, the Erie County Department of Parks, Recreation & Forestry has contacted the Chelsea Information Systems Company in regards to purchasing their Tee Time Golf Reservation System in order to handle the scheduling of tee times in a more efficient manner; and

WHEREAS, the purchase price of the Chelsea Tee Time Golf Reservation System is \$9,500.00 and would include the Windows Tee Time System, computer hardware, installation of the system and employee training; and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry will issue seasonal golf tee time cards to the public for a fee of \$25.00. This additional golf revenue will be used to offset the cost of the annual maintenance support for the Chelsea System and enhance the County's two golf courses.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Parks, Recreation and Forestry is hereby authorized to enter into a contract to purchase the Chelsea Tee Time Reservation System for use by Elma Meadows GolfCourse and Grover Cleveland Golf Course in scheduling tee times; and be it further

RESOLVED, that proceeds from the sale of tee time cards will be deposited into the grant fund entitled "County Golf Courses Sponsorship Improvements" which was previously authorized by the Legislature, and used to offset the cost of the annual maintenance on the tee time system and to upgrade golf course conditions; and be it further

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the provisions of Section 19.08 of the Administrative Code requiring Requests For Proposal do not apply to the award of this contract which is for less than \$10,000.00; and be it further

RESOLVED, that the sum of \$9,500 will be taken out of the grant fund entitled "County Golf Courses Sponsorship Improvements" which was previously authorized by the Legislature. The appropriations in Account 933, Laboratory and Technical Equipment, and revenues in Account 453, Golf Charges, are increased by \$9,500 in the aforementioned grant; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, the office of the Comptroller and the Department of Law.

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 45 – MR. FITZPATRICK moved for a suspension of the rules to include an item not on the agenda. MS. PEOPLES seconded.

GRANTED.

MR. FITZPATRICK moved the approval of the resolution. MR. DeBENEDETTI objected.

CHAIRMAN SWANICK directed that Intro. 14-16 be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Intro. 14-16 From Legislator FITZPATRICK Re: Urging the Federal and State Governments to Provide Funding to Integrate the Casino Project Into a Regional Improvement Plan.

Item 46 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MS. PEOPLES seconded.

GRANTED.

CHAIRMAN SWANICK directed that Intro. 14-16 be referred to the COMMUNITY ENRICHMENT COMMITTEE.

Comm. 14E-74 From the COUNTY EXECUTIVE Re: Appointment to the ECC Board of Trustees.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 47 – (Comm. 14E-1) Review of Employee Monitoring & Timekeeping Practices of Social Services.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 48 – (Comm. 14E-2) EC Soil & Water Conservation District Limited Review as of 4/17/01.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 49 – (Comm. 14E-3) Appointment to Erie County Fire Advisory Board.

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM LEGISLATOR GREENAN**

Item 50 – (Comm. 14E-4) Letter to Legislator Dusza Re: Notice of Absence from Energy & Environment Committee Meeting Held 6/12/01.

Received and filed.

**FROM LEGISLATOR LARSON**

Item 51 – (Comm. 14E-5) Copy of Letter to Sheila Kee Re: Forced Overtime for Nurses at EC Home.

Received and referred to the HEALTH COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 52 – (Comm. 14E-6) Duplicate of Comm. 11E-18 (2001) as Amended.

Received and filed.

**FROM THE COMPTROLLER**

Item 53 – (Comm. 14E-7) Review of Unfilled Vacant Positions.

Received and referred to the PERSONNEL AD HOC COMMITTEE.



**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

FROM THE SHERIFF

Item 54 – (Comm. 14E-8) Letter to Legislator Kuwik Re: Work Needed to be Done for Completion of the SWAT Range.

Item 55 – (Comm. 14E-9) Bulletproof Vest Program.

Item 56 – (Comm. 14E-10) Asset Forfeiture Grant Appropriation.

The above three items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR PAULY

Item 57 – MR. PAULY presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 310

Re: Request to Change Vote of  
13E-22 (2001) as Amended.  
(Comm. 14E-11)

June 19, 2001

Erie County Legislature  
Laurie Manzella, Clerk  
25 Delaware Ave.  
Buffalo, NY 14202

Dear Madam Clerk,

Pursuant to rule 33 of the Rules of Erie County Legislature, I request that my vote on communication 13E-22 as amended be recorded in the negative.

Thank you,

William A. Pauly

MR. PAULY moved the approval of the resolution. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

Item 58 – (Comm. 14E-12) Botanical Gardens Dome Reconstruction – Contingency Fund Increase.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 59 – (Comm. 14E-13) Emergency Services – Acceptance of an Additional \$32,000 to the Second Consequence Management Program Grant.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 60 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 311

Re: Supplemental Agreement to  
 Construction Manager's Contract  
 – Rath Building Plaza  
 Reconstruction – Phase II, 95  
 Franklin. (Comm. 14E-14)

WHEREAS, the 2001 budget approved funds for the Building & Site Rehabilitation, 95 Franklin Street (Rath Building), Phase II, and

WHEREAS, the firm of Ciminelli/Cowper was approved by your Honorable Body for Construction Management Services for the Courts Renovations Project, and

WHEREAS, to progress the project bidding in September 2001, the Department of Public Works is requesting a supplemental agreement be issued to Ciminelli/Cowper for Construction Management Services for the Rath Building Plaza Reconstruction, Phase II, to work in conjunction with the Courts Renovation Project schedule,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Ciminelli/Cowper in an amount not-to-exceed \$38,000.00, including reimbursables, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments from Rath Building & Site Rehabilitation, Project 195, Fund 410, and be it further,

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

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

MS. PEOPLES moved the approval of the resolution. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 61 – (Comm. 14E-15) Funding for the General Motors Expansion Sound Barrier Wall.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 62 – (Comm. 14E-16) Appointments to Erie County Youth Services Board.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 63 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 312

Re: Amendment of State Grant  
for Records Management.  
(Comm. 14E-17)

WHEREAS, the County Clerk's Office has received a grant in the amount of \$75,000 from the State Local Government Records Management Improvement Fund to convert immigration records to an electronic medium, and

WHEREAS, a transfer of funds within the grant is requested to facilitate its completion,

NOW, THEREFORE, BE IT

RESOLVED, that the sum \$3,000 is hereby transferred within the Government Records Management Improvement Fund grant (Project 562), from account 800 (Personal Services) to account 830 (Contractual Expense), and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, and the Director of Budget, Management and Finance.

MS. PEOPLES moved the approval of the resolution. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

Item 64 – (Comm. 14E-18) Acceptance of State Grant for EC Auto Bureau.

Item 65 – (Comm. 14E-19) Resolution Approving Downtown Auto Bureau Lease.

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

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

Item 66 – (Comm. 14E-20) Reconstruction of Existing Court House Buildings – Supplemental Agreement to Engineering Contract.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 67 – (Comm. 14E-21) EC Home – JCAHO Firestopping Contingency Fund Increase.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 68 – (Comm. 14E-22) Approval for County Owned Properties Successfully Bid On at In REM Sale on 6/5/01.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 69 – (Comm. 14E-23) Health – WNY Coalition for Diabetes Prevention 4/1/01 – 3/31/02.

Item 70 – (Comm. 14E-24) Health – HIV Surveillance & Partner Notification Grant 10/1/00 – 9/30/01.

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

Item 71 – (Comm. 14E-25) ECMC Toxicology – Pathology Building – HVAC & Miscellaneous Renovations.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 72 – (Comm. 14E-26) Health – Acceptance of Donations – Youth Tobacco Prevention & Enforcement Grant 10/1/00 – 9/30/01.

Item 73 – (Comm. 14E-27) Health – Immunization Action Plan 4/1/01 – 3/31/02.

Item 74 – (Comm. 14E-28) Health – Women’s Health Services 4/1/01 – 3/31/02.

Item 75 – (Comm. 14E-29) Agreement Between Emergency Services & Health Authorizing the SMART to be Officially Established.

Item 76 – (Comm. 14E-30) Health – Healthy Heart Program Grant 7/1/01 – 6/30/02.

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

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

Item 77 – MR. FITZPATRICK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 317

Re: DPW – 2001 Overlay “D”  
 Project, Various Towns.  
 (Comm. 14E-31)

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

CARRIED UNANIMOUSLY.

Add the following:

WHEREAS, bids were taken for the 2001 Overlay 'D' Program, which consists of Colvin Boulevard, ECC North Campus Parking Lots and twenty seven (27) miles of various roads in the Towns of Alden, Amherst, Clarence, Grand Island, Marilla, Newstead, and Tonawanda, on June 8, 2001 and the low bidder was Omer Construction Co., Incorporated of Cheektowaga, New York at a low bid amount of \$3,699,924.29

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project Number CHIPS OP-01 D, for the 2001 Overlay "D" Program, in the Towns of Alden, Amherst, Clarence, Grand Island, Marilla, Newstead and Tonawanda between the County of Erie and the low bidder Omer Construction Co., Incorporated at its low bid of \$3,699,924.29, and be it further

RESOLVED, that a total amount of \$3,699,924.29 be allocated as follows: \$1,589,516.92 from the 2001 Capital Overlay Program (SFG 219); \$1,710,407.37 from the 2001 Highway Reconstruction Program (SFG 204); and \$400,000.00 from the ECC Parking Lot and Roadway Renovation (SFG 226), and be it further

RESOLVED, that an additional amount of \$400,000 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 \$400,000 from the 2001 Highway Reconstruction Program (SFG 204); and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works and one copy to the Erie County Comptroller.

MR. FITZPATRICK moved the approval of the resolution as amended. MS. PEOPLES seconded.

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

Item 78 – MR. FITZPATRICK presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 318

Re: DPW – 2001 Overlay “C”  
 Project, Various Towns.  
 (Comm. 14E-32)

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

CARRIED UNANIMOUSLY.

Add the following:

WHEREAS, bids were taken for the 2001 Overlay 'C' Program, which consists of Thorn Avenue and twenty one (21) miles of various roads in the Towns of Aurora, Boston, Eden, Elma, Evans, North Collins, and Orchard Park on June 8, 2001 and the low bidder was Diamond 'D' Construction Corp., of Depew, New York, at a low bid amount of \$2,137,629.65.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project Number CHIPS OP-01 C, for the 2001 Overlay "C" Program, in the Towns of Aurora, Boston, Eden, Elma, Evans, North Collins, and Orchard Park, between the County of Erie and the low bidder Diamond "D" Construction Corp., Incorporated at its low bid of \$2,137,629.65, and be it further

RESOLVED, that a total amount of \$2,137,629.65 be allocated from the following programs: \$700,000 from the 2001 Capital Overlay Program (SFG 219) and \$1,437,629.65 from the 2001 Highway Reconstruction Program (SFG 204); and be it further

RESOLVED, that an additional amount of \$200,000 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 \$200,000 from the 2001 Highway Reconstruction Program (SFG 204); and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner - Highways, Department of Public Works and one copy to the Erie County Comptroller.

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

MR. FITZPATRICK moved the approval of the resolution as amended. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 79 – (Comm. 14E-33) EC Alternative Fuels Consortium Grant Project & Rebuild WNY Initiative.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

Item 80 – (Comm. 14E-34) ECSD No. 2 – Big Sister Treatment Plant Improvements Contract #35A - Change Order No. 2 – New Era Construction.

Item 81 – (Comm. 14E-35) Community Development Block Grant – Household Income Surveys – First Amendatory Agreement with Stuart Brown Associates.

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

Item 82 – (Comm. 14E-36) ECC – Entrepreneurial Assistance Program.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 83 – (Comm. 14E-37) Youth Services – Operation Prime Time Funding.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 84 – (Comm. 14E-38) Youth Services – Authorization to Adjust Existing YDDP Contracts.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 85 – (Comm. 14E-39) Grant Programs – Authorization to Contract.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 86 – (Comm. 14E-40) Home Rule Resolutions Urging Enactment of State Bill Amending Public Authorities Law in Rel to Number, Qualifications & Appt of ECWA Members.

Item 87 – (Comm. 14E-41) EC/WNY Comprehensive Radon Risk Reduction Program.

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

Item 88 – (Comm. 14E-42) Summer 2001 Special Cultural Events.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 89 – (Comm. 14E-43) Funding for the Harlem Kensington Area Planning & Design.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 90 – (Comm. 14E-44) Health – Personnel Adjustments.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 91 – (Comm. 14E-45) Funding for the Polish Community Center Senior Crime Prevention Initiative.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 92 – (Comm. 14E-46) Transfer of Real Property Interests at 1071 Walden Avenue, Town of Cheektowaga.

Item 93 – (Comm. 14E-47) Transfer of Real Property Interests at 2 Pleasant Avenue West, Village of Lancaster.

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 94 – (Comm. 14E-48) Erie Canal Trail Consultant Contract/Design Services.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 95 – (Comm. 14E-49) Social Services – HEAP Grant Amendments.

Item 96 – (Comm. 14E-50) Social Services – Employee Education & Training.

Item 97 – (Comm. 14E-51) Social Services – NY Works Block Grant Contract Authorization.

Item 98 – (Comm. 14E-52) Social Services – Non-Residential Domestic Violence Contracts.

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

Item 99 – (Comm. 14E-53) Social Services – Transitional Services Program Grant.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 100 – (Comm. 14E-54) Social Services – Job Training & Job Placement Services.



**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

---

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 101 – (Comm. 14E-55) Social Services – TANF Funded Contract Authorization.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 102 – (Comm. 14E-56) Social Services – Local TANF MOE Plan Grant.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 103 – (Comm. 14E-57) Health – Public Health Campaign Grant 4/1/01 – 3/31/02.

Item 104 – (Comm. 14E-58) Health – Bioterrorism Health Alert Network Grant 8/31/01 – 8/30/02.

The above two items were received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 105 – (Comm. 14E-59) Health – National Association of County & City Health Officials (NACCHO) Hepatitis C Training & Education Conference for WNY Region.

Received and referred to the HEALTH COMMITTEE.

Item 106 – (Comm. 14E-60) Probation – Office Equipment.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 107 - (Comm. 14E-61) Duplicate of Intro. 14-8.

Received and filed.

Item 108 – (Comm. 14E-62) Social Services – Authorization to Revise Senior Services Energy Grants.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 109 – MR. HOLT presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 313

Re: Youth Services –  
Authorization to Enter Into  
Contract. (Comm. 14E-63)

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

WHEREAS, May 2001 has been one of the most violent months in the history of Buffalo, where the City had nineteen (19) homicides of which seventeen (17) were gun related, and

WHEREAS, much of the violence in our community stems from or impacts our youth who may eventually be housed in our Detention Center where the population traditionally peaks in the summer months, and

WHEREAS, the Erie County Department of Youth Services - Detention Division is requesting authorization to enter into contract with the American Program Bureau Inc. to bring Reverend Eugene F. Rivers, III to Buffalo for a workshop to present his "Ten Point Plan for a Mobilization to Combat Violence," and

WHEREAS, Reverend Rivers will provide an all day youth delinquency prevention workshop and training for Detention staff, law enforcement officers, educators, parents and government officials to focus on ways to stop the teenage violence that is flooding our Detention Center with youth,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the American Program Bureau Inc. in an amount not to exceed \$10,000 to bring Reverend Eugene F. Rivers, III to Buffalo for an all day training workshop to present his "Ten Point Plan for a Mobilization to Combat Violence," and be it further

RESOLVED, that authorization is provided to transfer available balances in the amount of \$11,000 from Account 830, Contractual Agencies, to Account 821, Dues and Fees, within the 2001 Operating Budget of the Youth Services Division of Detention, \$10,000 of said funds will be used for the cost of the contract with the American Program Bureau Inc., and \$1,000 will be used for miscellaneous expenses associated with running the conference, and be it further

RESOLVED, that said appropriation be on the condition that the State of New York provide revenues of at least \$5,500 based on a reimbursement schedule of 50% for a local youth and 100% for an out-of-state youth receiving secure detention services, and be it further

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

RESOLVED, that certified copies of this resolution be sent to the Department of Youth Services, the Office of the Comptroller, the Division of Budget, Management and Finance, and the County Attorney's Office.

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

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

Item 110 – (Comm. 14E-64) County Bridge Loan for Main Animal Building Project at Buffalo Zoo.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 111 – (Comm. 14E-65) Funding for the Fillmore District Strategic Plan.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 112 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 314

Re: Extension of Agreement for  
 Snow & Ice Removal on State  
 Highways. (Comm. 14E-66)

WHEREAS, The County of Erie, pursuant to Section 12 of the Highway Law, relating to control of snow and ice on State highways in towns and incorporated villages, has heretofore entered into an agreement with the State of New York for such purposes, and

WHEREAS, Sections 7 and 10 of the said agreement respectively provide a method of modification of the map of affected State highways and of annually updating the estimated expenditure, and

WHEREAS, It would be in the best interests of Erie County to extend the agreement as modified and updated, for up to an additional three year period,

NOW, THEREFORE BE IT

RESOLVED, That the Erie County Legislature hereby authorizes such extension of the said Snow and Ice Agreement for a yearly period up to three years, to expire June 30, 2004, and be it further

RESOLVED, That the County Executive of the County of Erie is hereby authorized and directed on behalf of Erie County to execute an agreement effecting such extension and modification, and be it further

RESOLVED, That the Clerk of this Legislature is hereby directed to transmit three (3) certified copies of the foregoing resolution to the Commissioner of Public Works, one (1) certified

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

copy to the County Comptroller, and one (1) certified copy to the Deputy Commissioner of Public Works, Division of Highways.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, McCARVILLE, PAULY, RANZENHOFER, WEINSTEIN, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. NOES: DeBENDETTI. AYES – 16, NOES – 1.

CARRIED.

Item 113 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 315

Re: Ratification of Collective Bargaining Agreement Between EC, ECC & Faculty Federation of ECC for Period of 9/1/00 (Retro) – 8/31/05. (Comm. 14E-67)

WHEREAS, the County of Erie, Erie Community College, and the Faculty Federation of Erie Community College have reached an agreement covering the working conditions, including wages and fringe benefits, for those employees of the County of Erie and Erie Community College represented by the Faculty Federation of Erie Community College, for the period September 1, 2000 through August 31, 2005; and

WHEREAS, the terms of said agreement have been ratified by the members of the Faculty Federation of Erie Community College on May 29, 2001 and approved by the Board of Trustees of Erie Community College at May 30, 2001 meeting;

NOW, THEREFORE, BE IT

RESOLVED, that the attached amendments to the fiscal year 1995 – 2000 Collective Bargaining Agreement are hereby approved effective September 1, 2000 except as otherwise specified and agreed to and shall remain in full force and effect until August 31, 2005; and be it further

RESOLVED, that said benefits and salary schedules in percentage increases be extended to all employees covered by said Agreement, who are on the active payroll as of June 1, 2001; and be it further

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that the Director of Budget, Management and Finance is hereby granted authority to make any and all transfers of funds as required to implement the agreement, and be it further

RESOLVED, that the County Executive be authorized to enact said agreement; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Personnel Department, Division of Labor Relations, Division of Budget, Management and Finance, the Office of County Comptroller, and Erie Community College.

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

CARRIED UNANIMOUSLY.

Item 114 – (Comm. 14E-68) Funding for Phase I of Buffalo Public Schools Comprehensive School Redevelopment Program.

Item 115 – (Comm. 14E-69) County of Erie Participation in Dunn Tire Park.

Item 116 – (Comm. 14E-70) Purchase of Former Ticor Building – 110 Franklin Street.

The above three items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 117 – MR. HOLT presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 316

Re: New Secure Detention  
 Facility, Abatement &  
 Demolition. (Comm. 14E-71)

WHEREAS, the State has informally advised the County that it will fund a portion of the total cost of this project, and

WHEREAS, since State funding is not formally committed, initial funding for this project will be provided by the County in order to meet compliance deadlines, and

WHEREAS, the Department of Public Works received bids on June 15, 2001 for the New Secure Youth Detention Facility, Abatement & Demolition, and

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

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

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into the following contract for the New Secure Youth Detention Facility, Abatement & Demolition:

**ABATEMENT & DEMOLITION WORK**

Sabre Demolition Corporation

Base Bid	\$407,000.00
Add Alternate #2	\$ 60,000.00
Add Alternate #3	<u>\$ 25,000.00</u>
Total	\$492,000.00

and be it further,

RESOLVED, that the sum of \$50,000.00 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 Comptroller's office be authorized to make payments for all of the above in the total amount of \$542,000.00; \$417,000.00 from Project 806, Fund 410, and \$125,000.00 from Project 125, Fund 410, and be it further,

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

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

CARRIED UNANIMOUSLY.

Item 118 – (Comm. 14E-72) Acquisition of Parcel of Property for East Ferry Youth Detention Facility.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 119 – (Comm. 14E-73) Copies of Letters to Various Members of Congress Re: Double-Crested Cormorant Threat to Future of Lake Erie Fishery.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

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

Item 120 – (Comm. 14D-1) Letter to Legislator Marinelli Re: Distribution of Educational Technology Initiative Funds.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM HEALTH**

Item 121 – (Comm. 14D-2) Letter to Legislator Fisher Re: Comm. 12E-43 – Lease Rental Agreement – 493 Franklin Street Suite 200.

Received and filed.

**FROM THE COMMISSION ON THE STATUS OF WOMEN**

Item 122 – (Comm. 14D-3) Minutes from Meeting Held 5/9/01.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE

**FROM ECC**

Item 123 – (Comm. 14D-4) Notice of Monthly Meetings of Board of Trustees to be Held 6/27/01.

Item 124 – (Comm. 14D-5) Notice of Emergency Meeting of Board of Trustees Held 6/13/01.

The above two items were received and filed.

**FROM THE COUNTY ATTORNEY**

Item 125 – (Comm. 14D-6) Notice of Claim.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 126 – (Comm. 14D-7) Notice of County Executive Public Hearing for Intros 13-11 & 13-12.

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

Received, filed and printed.

June 13, 2001

VIA HAND DELIVERY

Ms. Laurie A. Manzella, Clerk  
 Erie County Legislature  
 25 Delaware Avenue, 7<sup>th</sup> Floor  
 Buffalo, New York 14202

Re: Legal Notice: Notice of Public Hearing for  
 Contingency Spending Resolution Intro. No. 13-11 and 13-12

Dear Laurie:

Enclosed herein is a copy of the Public Hearing Notice for the above captioned Resolutions, which were approved by the Erie County Legislature on June 7, 2001.

Please post the enclosed for the information of anyone who may be interested in attending this hearing.

Very truly yours,

FREDERICK A. WOLF  
 Erie County Attorney

By: BRIAN D. WHITE  
 Assistant County Attorney

BDW/cc  
 encl.

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, Friday, June 29, 2001, at 9:00 a.m., concerning appropriations from the present year's County contingency fund as follows:

Boy Scouts of Erie County	
Public Benefit Services	\$3,000
Town of West Seneca	
Public Benefit Services	\$40,000
Town of Elma	
Public Benefit Services	\$10,000



**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

Suburban Adult Services  
 Public Benefit Services      \$2,500  
 West Seneca Rotary Foundation  
 Public Benefit Services      \$10,000  
 Erie County Coalition on Alcohol and Substance Abuse  
 Public Benefit Services      \$1,800

The hearing will be held in the Erie County Executive's Conference Room on the 16th floor of the Rath Building, 95 Franklin Street, in the City of Buffalo. On June 7, 2001, the Erie County Legislature adopted Resolution Intro. 13-11 and 13-12. Copies of the resolutions are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7th floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

FROM ECC

Item 127 – (Comm. 14D-8) Notice of Emergency Meeting of Board of Trustees Held 6/18/01.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 128 – (Comm. 14D-9) Copy of Letter to Chairman Swanick Re: Korman v. Giambra ET AL.

Item 129 – (Comm. 14D-10) Copy of Letter to Mark Jasen, Esq Re: Korman v. Giambra ET AL.

Item 130 – (Comm. 14D-11) Duplicate of Comm. 14D-9.

The above three items were received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 131 – (Comm. 14D-12) Budget Monitoring Report for the Period Ending 4/30/01.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM DPW

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

Item 132 – (Comm. 14D-13) SEQR – Negative Declaration – NYS Route 130 Broadway, Town of Cheektowaga.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM DPW – HIGHWAYS**

Item 133 – (Comm. 14D-14) Memo to Chairman Swanick Re: Authority for Rental of Private Snow Plow Equipment.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM YOUTH SERVICES**

Item 134 - (Comm. 14D-15) Copy of Letter to NYS Office of Children & Family Services Re: Request for 60 Day Extension of Operating Cert. at Alden Facility.

Received and referred to the SOCIAL SERVICES COMMITTEE.

**FROM PERSONNEL**

Item 135 – (Comm. 14D-16) Copy of Memo to Chairman Swanick Re: EC Flexible Benefits & Parking Plans.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

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

Item 136 – (Comm. 14D-17) Board of Trustees Meeting Agenda & Notice of Meeting to be Held 6/21/01.

Received and filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM EC MENTAL HYGIENE COMMUNITY SERVICES BOARD**

Item 137 – (Comm. 14M-1) Notice of Meeting to be Held 6/21/01 & Minutes of Meeting Held 5/17/01.

Received and referred the HEALTH COMMITTEE.

**FROM THE SENECA COUNTY COMMUNITY SERVICES BOARD**

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

Item 138 – (Comm. 14M-2) Letter Opposing State Assembly Bill 508.

Received and referred to the SOCIAL SERVICES COMMITTEE.

**FROM THE UB CENTER FOR URBAN STUDIES & UB CENTER FOR RESEARCH IN  
PRIMARY CARE**

Item 139 – (Comm. 14M-3) The Health Status of the Near East Side Black Community.

Received and referred to the HEALTH COMMITTEE.

**FROM DAN SMITH**

Item 140 – (Comm. 14M-4) Copy of Letter to Buffalo News Re: EC Clean Indoor Air Act.

Received and referred to the HEALTH COMMITTEE.

**FROM NYSDEC**

Item 141 – (Comm. 14M-5) Fact Sheet – Grief Brothers Corporation Facility Voluntary Cleanup Program Remedial Investigation, Town of Tonawanda.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM STUDIO ARENA**

Item 142 – (Comm. 14M-6) Letter to Legislator Marinelli Re: Student Matinee Performances of “City of Light.”

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE ERIE NIAGARA TOBACCO FREE COALITION POLICY COMMITTEE**

Item 143 – (Comm. 14M-7) Letter to Legislator Fisher Re: EC Clean Indoor Air Act.

Received and referred to the HEALTH COMMITTEE.

**FROM THE ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL**

Item 144 – (Comm. 14M-8) Notice of Meeting Held 6/19/01 & Minutes of Meeting Held 5/15/01.

Received and filed.

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

FROM DIANE ZYCH

Item 145 – (Comm. 14M-9) Comments Concerning ECC Budget.

Received and filed.

FROM THE TOWN OF ELMA

Item 146 – (Comm. 14M-10) Copy of Resolution Re: Request for Transfer of Property on West Blood Road From Erie County to Town of Elma.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CITY OF TONAWANDA

Item 147 – (Comm. 14M-11) Letter to Chairman Swanick Requesting Funds for Transfer of Water Delivery System to ECWA.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM THE WEST VALLEY CITIZEN TASK FORCE

Item 148 – (Comm. 14M-12) Notice of Meeting Held 6/19/01 & Minutes of Meeting Held 5/22/01.

Received and filed.

FROM THE ANIMAL BIRTH CONTROL SOCIETY OF WNY

Item 149 – (Comm. 14M-13) Letter to Chairman Swanick Re: Shelter Animals.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM AFSCME LOCAL 1095

Item 150 – (Comm. 14M-14) Letter to Chairman Swanick Re: Comm. 9E-24 as Amd – Authorizing County Executive to Enter Into Agreement with Buffalo Re: ESTS.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM THE WESTCHESTER COUNTY BOARD OF LEGISLATORS

Item 151 – (Comm. 14M-15) Letter to Chairman Swanick & Certified Resolution in Support of a Graduated Driver's License Program in NYS.

**MEETING NO. 14**  
**June 21, 2001**

**ERIE COUNTY LEGISLATURE**

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE LEGAL AID BUREAU OF BUFFALO**

Item 152 – (Comm. 14M-16) Letter to Chairman Swanick Requesting Retention of Unused 2000 Funds.

Received and filed.

**ADJOURNMENT**

Item 153 – 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 p.m. Thursday, July 5, 2001**.  
MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until **Thursday, July 5, 2001 at 2 p.m. Eastern Standard Time**.

**LAURIE MANZELLA**  
**CLERK**