

ERIE COUNTY LEGISLATURE
MEETING NO. 16
July 13, 2000

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. Pauly.

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.

Minutes of the previous meeting were tabled.

CHAIRMAN SWANICK directed that the session enter into recess at 2:35 p.m. and the public hearing called to order for the Surplus Revenue Road Repair Reserve Fund.

Having read the notice of public hearing published in the county's official newspapers, the CLERK OF THE LEGISLATURE recognized any persons wishing to speak in favor of the item. Hearing no one, the CLERK OF THE LEGISLATURE recognized any persons wishing to speak against the item. Hearing no one, the public hearing was closed.

CHAIRMAN SWANICK declared the public hearing closed and the session reconvened at 2:37 p.m.

MISCELLANEOUS RESOLUTIONS

Item 3 – MR. GREENAN presented a resolution Honoring Sister Marie Walsh. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 4 – MR. RANZENHOFER presented a resolution Recognizing the 100th Anniversary of the Bank of Akron. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 5 – MR. DUSZA presented a resolution Congratulating the Korean War 50th Anniversary Committee of Western New York. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. LARSON presented a resolution Congratulating Mr. & Mrs. Ken Palmer on the Celebration of Their 50th Anniversary. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 7 – MS. CHASE presented a resolution Honoring Village of Angola Mayor Mike Walters on His Retirement. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 8 – CHAIRMAN SWANICK directed that Local Law Intro No. 4 (Print #2) 1999 remain on the table.

Item 9 – MS. PEOPLES moved that Local Law Intro No. 2 (Print #1) 2000 be received and filed. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 10 – MS. PEOPLES moved that Local Law Intro No. 2 (Print #2) 2000 be received and filed. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 11 – CHAIRMAN SWANICK directed that Local Law Intro No. 2 (Print #3) 2000 remain on the table.

Item 12 – MS. PEOPLES moved that Local Law Intro No. 4 (Print #1) 2000 be received and filed. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 13 – MS. PEOPLES moved that Local Law Intro No. 4 (Print #2) 2000 be received and filed. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 14 – MS. PEOPLES moved to take Local Law Intro No. 5 (Print #1) from the table for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE
LOCAL LAW INTRO. NO. 5-2000
LOCAL LAW NO. ____ - 2000

A LOCAL LAW in relation to electing a retirement incentive program pursuant to Chapter 86 of the Laws of 2000.

Be it enacted by the Legislature of the County of Erie as follows:

Section 1. The County of Erie hereby elects to provide the benefits of chapter eighty-six of the laws of two thousand to its eligible employees.

§ 2 The commencement date of the retirement incentive program shall be the 15th day of September, two thousand.

§ 3 The open period during which eligible employees may retire and receive the additional retirement benefit shall be fifty-one (51) days, to commence on and include the 15th day of September, two thousand, and to end on and include the 4th day of November, two thousand.

§ 4 In interpreting this local law, the calendar dates set forth above as the opening and closing days of the open period shall be deemed controlling in determining the length of such open period, it being the intent of the Legislature that the last date on which eligible employees shall work shall be no later than the 3rd day of November, two thousand.

§ 5 The County of Erie will fund the retirement incentive program provided in chapter eighty-six of the laws of two thousand by paying the New York State and local employees' retirement system five annual payments, the amounts of which shall be determined by an actuary. The first such payment is due the 15th day of December, two thousand one.

§ 6 This local law shall take effect immediately.

CHARLES M. SWANICK

CRYSTAL D. PEOPLES

EDWARD J. KUWIK

MICHAEL A. FITZPATRICK

GEORGE A. HOLT, JR.

JUDITH P. FISHER

GREGORY B. OLMA

ALBERT DEBENEDETTI

RAYMOND K. DUSZA

LYNN M. MARINELLI

JOHN W. GREENAN

JEANNE Z. CHASE

FREDERICK J. MARSHALL

WILLIAM A. PAULY

BARRY A. WEINSTEIN, MD

MICHAEL H. RANZENHOFER

DALE W. LARSON

MS. PEOPLES moved the adoption of the local law. MS. MARINELLI seconded.
CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

None.

LEGISLATORS RESOLUTIONS

Item 15 – MR. LARSON presented the following resolution and moved for immediate consideration. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 272

RE: Donation of Surplus File Cabinet
to the Town of Holland. (Intro. 16-1)

RESOLUTION SUBMITTED BY LEGISLATOR LARSON

WHEREAS, The County of Erie has a surplus 5-drawer map file cabinet, and

WHEREAS, the surplus file cabinet is currently not being used and is presently stored in Erie County Surplus Warehouse, and

WHEREAS, the Town of Holland could place the surplus file cabinet into viable and valuable use

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the Erie County Department of Purchase to transfer ownership of the aforementioned surplus 5-drawer map file cabinet to the Town of Holland, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of the Erie County Bureau of Purchase Joseph X. Martin and the Holland Town Board.

Fiscal Impact: To Be Determined

MR. LARSON moved the approval of the resolution. MR. GREENAN seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 273

Re: Support for Federal Legislation
Making College Tuition Tax
Deductible. (Intro. 16-2)

A RESOLUTION SUBMITTED BY
LEGISLATORS SWANICK & PEOPLES

WHEREAS, a quality education is critical to the success of people entering the workforce, and

WHEREAS, Erie County and Western New York offer college students some of the finest educational resources in this nation, and

WHEREAS, for many years, a college education served as an additional benefit to workers seeking to gain and maintain quality employment, and

WHEREAS, that same college education has become more commonplace in recent years, with more and more students graduating college and entering the workforce, and

WHEREAS, at the same time, the costs of going to college, public or private, has skyrocketed over the past several years, as colleges and universities compete for students by offering more and better resources, services and other necessary components of the educational process, and

WHEREAS, in the Erie/Niagara county region of New York State, average college tuition has increased more than 277 percent since 1980; the national average increase in tuition since that time has been 334 percent, and

WHEREAS, over the same period, the rate of inflation has jumped 98 percent, and

WHEREAS, United States Senator Charles E. Schumer has offered a proposal to make college tuition a federally approved tax deduction, up to a total of \$12,000 of tuition annually, and

WHEREAS, Senator Schumer's legislation, S.1974, also allows for a tax credit for student education loans, and

WHEREAS, it is believed that the Congress will consider the Schumer college tuition tax deduction sometime over the next several weeks, and

WHEREAS, it is widely believed that the federal budget, in surplus for the first time in decades, can well afford to offer this tax deduction to working families throughout the United States,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to ensuring that quality, affordable higher education services are available to students throughout Erie County, regardless of a student's socioeconomic situation, and be it further

RESOLVED, that the Erie County Legislature does hereby support the enactment of a federal tax deduction for the costs of college tuition, and does hereby support the enactment of S.1974, and be it further

RESOLVED, that this Honorable Body does hereby call upon the respective leadership members of the United States Senate and House of Representatives to consider and adopt such legislation and does further call upon President Clinton to sign such legislation into law, and be it further

RESOLVED, that certified copies of this resolution be sent to President Bill Clinton, United States Senate Majority Leader Trent Lott, United States House of Representatives Speaker Dennis Hastert, United States Senators Charles E. Schumer and Daniel P. Moynihan and to the Western New York Delegation to the United States House of Representatives.

Fiscal Impact: Positive for Working Families Throughout Erie County and New York State.

MS. PEOPLES moved to amend the resolution to included ET AL Sponsorship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 274

Re: Support for Elimination of the
County's Real Estate Transfer Tax.
(Intro. 16-3)

A RESOLUTION SUBMITTED BY
LEGISLATORS SWANICK & PEOPLES

WHEREAS, Erie County's Real Estate Transfer Tax, first enacted in 1990, has had a deleterious effect on home sales throughout Erie County, and

WHEREAS, Erie County realtors and property developers have been placed at an unfair disadvantage when compared to other counties in Western New York; indeed, Erie County's is the only local property transfer tax among the eight counties of Western New York, and

WHEREAS, this tax, which amounts to \$5 per thousand on the sale of a piece of property, was originally enacted to assist in funding the Niagara Frontier Transportation Authority (NFTA), and

WHEREAS, funding from this levy was subsequently shifted to fund Erie County's road fund, and

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

CARRIED UNANIMOUSLY.

ADD the following as co-sponsors: K UWIK, FITZPATRICK, HOLT, FISHER, DUSZA, MARINELLI & PAULY

ADD the following after the fourth WHEREAS clause:

WHEREAS, the elimination of the transfer tax represents no diminution of this Honorable Body's desire to continue to reduce real property taxes, and

WHEREAS, members of the Erie County Legislature have filed local laws seeking the elimination of the county's portion of the transfer tax, and

WHEREAS, county transfer tax revenue is budgeted at \$6.019 million for fiscal year 2000, and

WHEREAS, in the interests of mitigating the impact of the loss of that revenue, the county should explore options toward phasing-in the elimination of the transfer tax, and

WHEREAS, a proposal has been made by members of the Legislature to phase-in elimination of the transfer tax gradually, as follows:

Effective January 1, 2001: The county would authorize, via local law, the removal of the "double taxation" portion of the levy affecting the construction and development of new homes, pursuant to home rule legislation adopted by the Legislature previously.

Effective January 1, 2002: Reduction of county portion of transfer tax an additional 50% to \$2.50 per thousand.

Effective January 1, 2003: Total elimination of county's portion of transfer tax.

And

WHEREAS, said proposal may be enacted through the adoption of one or more local laws by the Erie County Legislature, and

WHEREAS, this resolution represents an affirmative statement in support of such proposal, and will direct legal and administrative staff to begin drafting legal instruments capable of effectuating these reductions in the transfer tax,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby recognize the need to continue its stated desire to reduce taxes, including taxes which most seriously impact working families' respective abilities to own, keep and maintain real property in Erie County, and be it further

RESOLVED, that this Honorable Body does hereby endorse the proposed elimination of the county's \$5 per thousand portion of the real estate transfer tax, in the following manner:

Effective January 1, 2001: The county would authorize, via local law, the removal of the "double taxation" portion of the levy affecting the construction and development of new homes, pursuant to home rule legislation adopted by the Legislature previously.

Effective January 1, 2002: Reduction of county portion of transfer tax an additional 50% to \$2.50 per thousand.

Effective January 1, 2003: Total elimination of county's portion of transfer tax.

And be it further

RESOLVED, that this Honorable Body does hereby direct the Department of Law to work with legislative staff to draft and develop appropriate local laws and any and all companion legislation necessary to effectuate the elimination of the county's real estate transfer tax effective January 1, 2003, and be it further

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

MR. MARSHALL moved to amend the resolution to include ET AL Sponsorship. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, MARSHALL, PAULY, RANZENHOFER, WEINSTEIN, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, PEOPLES, SWANICK. NOES: DeBENEDETTI, OLMA. AYES – 15, NOES – 2.

CARRIED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 275

Re: Funding for a Community Organization.
(Intro. 16-4)

A RESOLUTION SUBMITTED BY
LEGISLATOR FITZPATRICK

WHEREAS, the Legislature set aside funds in the 2000 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 \$5,000 from the legislative contractual (DAC: 110905100830) 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>
South Buffalo Economic & Community Development Corporation	830/	\$5,000
TOTAL		\$5,000

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 JoAnne Panek-Hortman, Chairperson, South Buffalo Economic & Community Development Corporation, (817 Abbott Rd., Buffalo, NY 14220.)

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

ADD the following after the second whereas clause:

WHEREAS, the Department of Social Services has identified a shortfall in funding for transportation services to wheelchair bound CASA clients, and will require additional funds, and

DELETE the resolve clauses in their entirety and REPLACE with the following:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$12,500 from the County Contingency (DAC: 110923310893) to Fund 110, Project 905, Department 100 legislative contractual (DAC: 110905100830)

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$35,000 from the legislative contractual (DAC: 110905100830) 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>
South Buffalo Economic & Community Development Corporation	830/	\$5,000
Mel Ott Little League	830/	\$5,000
Kids Voting New York	830/0900	\$25,000
TOTAL		\$35,000

and be it further

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

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,000 from the legislative contractual (DAC: 110905100830) to Fund 120, Project 953, Department 200 – Department of Social Services – Other Expenses (DAC 120953200826), and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, and the Commissioner of the Department of Social Services, are hereby authorized to complete any paperwork necessary to effectuate these transfers 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, Commissioner of Social Services Deborah Merrifield, Mel Ott Little League, Charles Ambrus, Director, Kids Voting USA, (One News Plaza, PO Box 100, Buffalo, NY 14240) and to JoAnne Panek-Hortman, Chairperson, South Buffalo Economic & Community Development Corporation, (817 Abbott Rd., Buffalo, NY 14220.)

MS. PEOPLES moved to amend the resolution to include et al sponsorship. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 276

Re: Funding for Emergency Services.
(Intro. 16-5)

A RESOLUTION SUBMITTED BY
LEGISLATOR MARSHALL

WHEREAS, the Legislature set aside funds in the 2000 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 legislative contractual (DAC: 110905100830) 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>
East Aurora Police Department	830/	\$4,000
Colden Fire Company	830/	\$6,000
TOTAL		\$10,000

and be it further

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

RESOLVED, that the Clerk of the Legislature 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, William Nye, Police Chief, East Aurora Police Department, (571 Main Street, East Aurora, NY 14052) and to Jody Feidt, EMS Captain, Colden Fire Company, (8448 Gutenkunst Road, Colden, NY 14033.)

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

DELETE the RESOLVES in their entirety and REPLACE with the following:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$11,000 from the legislative contractual (DAC: 110905100830) 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>
East Aurora Police Department	830/	\$4,000
Colden Fire Company	830/	\$6,000
Town of West Seneca – Youth		

Board	830/	\$1,000
TOTAL		\$11,000

and be it further

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

RESOLVED, that the Clerk of the Legislature 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, William Nye, Police Chief, East Aurora Police Department, (571 Main Street, East Aurora, NY 14052), Jody Feidt, EMS Captain, Colden Fire Company, (8448 Gutenkunst Road, Colden, NY 14033,) and to Paul Clark, Supervisor, Town of West Seneca (West Seneca Town Hall, 1250 Union Rd., West Seneca, NY 14224.)

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 277

Re: Support for Community Organizations.
(Intro. 16-6)

WHEREAS, the Legislature set aside funds in the 2000 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 legislative contractual (DAC: 110905100830) 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>
Big Tree Elementary – Playground Committee	830/	\$5,000
Lackawanna Fire Department	830/ 0930	\$2,500
Scranton Vol. Fire Co. Station #1	830/	\$2,500
TOTAL		\$ 10,000

and be it further

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

RESOLVED, that the Clerk of the Legislature 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 Richard Binner, Superintendent for Finances, Big Tree Elementary – Playground Committee, (5120 Orchard Avenue, Hamburg, NY 14075), Reynold Jennetti, Sr., Chief, Lackawanna Fire Department, Abbott Road, Lackawanna, NY 14218), and Kurt Covert, President, Scranton Vol. Fire Co. Station #1, (Scranton Road, Hamburg, NY 14075.)

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 21 – MS. FISHER presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 278

Re: Examining the Use of Pesticides in Erie County. (Intro. 16-7)

A RESOLUTION SUBMITTED BY
LEGISLATORS FISHER & DEBENEDETTI

WHEREAS, New York State Attorney General Eliot Spitzer through the Attorney General's Environmental Protection Bureau has released a report with recommendations for county governments to establish a health-protective pest management policy, and

WHEREAS, surveys were completed by 45 counties, including Erie County, in which they responded with information on application methods of pesticides, pesticide selection and selection factors, and

WHEREAS, it was found that despite the fact that less toxic strategies have been proven effective and economical, many local governments still apply potentially toxic pesticides at a wide variety of county facilities, and

WHEREAS, the State Attorney General has suggested that local governments adopt an Integrated Pest Management (IPM) system, which is a knowledge-based approach to pest control, requiring an understanding of the biology of the pest, its needs and habits, and

WHEREAS, IPM relies on a response with physical, mechanical, and biological controls before chemical controls are used, and

WHEREAS, the City of Buffalo has adopted a "Pesticide Sunset Ordinance," which provides a schedule and decision-making framework for the progressive reduction in pesticide use at the localities' own facilities, and

WHEREAS, in addition legislation was recently approved by State Lawmakers placing new notification policies on pesticide use,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the health and well-being of the residents of Erie County as well as to the environment, and be it further

RESOLVED, that this Honorable Body requests that representatives of the Department of Health, the Department Environment and Planning, the Department of Parks and the Department of Public Works appear at an upcoming meeting of the Legislature's Health/Mental Health Committee to discuss the current methods for pest management, and be it further

RESOLVED, that certified copies be forwarded to Erie County Health Commissioner Anthony Billittier, M.D., Department of Environment and Planning Commissioner Laurence Rubin, Department of Public Works Commissioner Maria Lehman, P.E., Department of Parks Commissioner Lawrence Jasinski and to NYS Attorney General Eliot Spitzer.

Fiscal Impact: None for resolution.

MS. FISHER moved to amend the resolution to include ET AL Sponsorship. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 279

Designation of Authorized Tourism
Promotion Agency for Erie County for 2000.
(Intro. 16-8)

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

WHEREAS, the promotion, development, and expansion of the tourist travel, report, and vacation business are vital and necessary concerns to the citizens of Erie County, since such tourism business strengthens the county's economy, increases employment opportunities, and promotes the general welfare of county residents, and

WHEREAS, the New York State Legislature, in 1977, recognizing the value of local and state involvement and assistance in tourism promotion, enacted the New York State Tourism Protection Act, and

WHEREAS, this Tourism Protection Act authorizes the state's Department of Commerce to initiate a program of matching state funds for non-profit tourist promotion agencies designated by county legislative bodies as agencies authorized to apply for and receive grants for recognized media advertising programs, and

WHEREAS, on several occasions, the Erie County Legislature has expressed its sincere concern for the county's efforts with respect to tourism activities, particularly concerning cultural tourism and the resultant manners by which the county's many and various cultural institutions can be used to more effectively market Erie County and Western New York for tourism, and

WHEREAS, the Greater Buffalo Convention and Visitors Bureau, a non-profit tourism promotion association, has begun to bring together many new segments of the county, servicing the tourism industry in a coordinated effort, and

NOW, THEREFORE, BE IT

RESOLVED, that the Greater Buffalo Convention and Visitors Bureau, having been designated as the authorized tourism promotion agency for Erie County in 1974, is hereby re-designated as such for 2000, and be it further

RESOLVED, that this Honorable Body does hereby request that the Greater Buffalo Convention and Visitors Bureau make the appropriate application to the Commissioner of the New York State Department of Commerce for state matching funds to assist said tourism promotion agency in the financing of a recognized media advertising program, as defined and set forth in the New York State Tourism Protection Act, and be it further

RESOLVED, that officials of the Convention and Visitors Bureau are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the aforementioned state matching fund grants and other matters relating to the furtherance of tourist activities within Erie County and Western New York, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the New York State Department of Commerce, and to Richard Geiger and David Lacki of the Greater Buffalo Convention and Visitors Bureau, 617 Main Street, Suite 400, Buffalo, New York 14203-1496, State Assembly Tourism, Arts, and Sports Development Committee Chairman Paul A. Tokasz, State Senate Tourism, Recreation and Sports Development Committee Chairman John DeFrancisco, and to County Executive Joel A. Giambra.

Fiscal Impact: None for Resolution

MS. PEOPLES moved to amend the resolution to include ET AL Sponsorship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

RESOLUTION NO. 280

Re: Brant-Evans Agricultural Districts EC
Nos. 9 & 10 8 Year Review. (Intro. 16-9)

A RESOLUTION SUBMITTED BY LEGISLATORS

**SWANICK, KUWIK, FITZPATRICK, HOLT, FISHER, OLMA, DeBENEDETTI, PEOPLES, DUSZA,
GREENAN, MARINELLI, CHASE, MARSHALL, PAULY, WEINSTEIN, RANZENHOFER &
LARSON**

RESOLVED, that the Clerk of the Legislature be directed to hold a Public Hearing at a date and location to be determined, at 7:30 p.m. at the Brant Town Hall, Brant-North Collins Road, Brant, NY

14027 concerning the 8-year review of the Brant-Evans Agricultural Districts, Erie County #9 and #10, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to publish said Notice of Public Hearing in the newspaper having general circulation within the Brant-Evans Agricultural Districts, to so notify the affected municipalities and any property owners affected by any proposed modifications (additions/deletions) to the Brant-Evans Agricultural Districts.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 281

Re: Lancaster- Alden Agricultural District
(No. 16) Alden Agricultural District (No. 7) 8
Year Review. (Intro. 16-10)

A RESOLUTION SUBMITTED BY LEGISLATORS

**SWANICK, KUWIK, FITZPATRICK, HOLT, FISHER, OLMA, DeBENEDETTI, PEOPLES, DUSZA,
GREENAN, MARINELLI, CHASE, MARSHALL, PAULY, WEINSTEIN, RANZENHOFER &
LARSON**

RESOLVED, that the Clerk of the Legislature be directed to hold a Public Hearing at a date and location to be determined, at 7:30 p.m. at the Lancaster Town Hall, 21 Central Avenue, Lancaster, NY 14086 concerning the 8-year review of the Lancaster-Alden and the Alden Agricultural Districts, Erie County #16 and #7, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to publish said Notice of Public Hearing in the newspaper having general circulation within the two agricultural districts, to so notify the affected municipalities and any property owners affected by any proposed modifications (additions/deletions) to the two agricultural districts.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 282

Re: Report on Past Years' Early Retirement
Incentive Programs. (Intro. 16-11)

**A RESOLUTION SUBMITTED BY
LEGISLATOR MARINELLI**

WHEREAS, Early retirement incentive programs are offered as a way to save money for employers by allowing valued and loyal county employees to receive pensions earlier than would otherwise be allowed, replacing them with new workers who come in at lower wages than the employees they are replacing, and

WHEREAS, In past years Erie County has participated in early retirement incentive programs, and

WHEREAS, Erie County Local Law Number 5, filed with this Honorable Body on July 5, 2000, seeks to offer said program to eligible employees in the year 2000, and

WHEREAS, As this Honorable Body considers similar local laws in the future, it would be useful to have figures to gauge the success of past efforts in saving the County of Erie tax dollars,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby request that representatives from the Erie County Division of Budget, Department of Personnel, and other applicable departments craft a written report to this Honorable Body detailing the success of past County early retirement incentives — including the number of people participating and the aggregate cost savings derived from said incentives, and be it further

RESOLVED, That said report be submitted to the Clerk of the Erie County Legislature no later than 30 days after passage of this resolution, and be it further

RESOLVED, That certified copies of this resolution be sent to Erie County Executive Joel Giambra, Budget Director Joseph Passafiume, and Personnel Commissioner Leonard Lenihan.

Fiscal Impact: None for resolution.

MS. MARINELLI moved to amend the resolution to include ET AL Sponsorship. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 283

Re: County Assistance for the Broadway Market. (Intro. 16-12)

A RESOLUTION SUBMITTED BY LEGISLATOR OLMA

WHEREAS: A Task Force appointed by the Mayor of the City of Buffalo has met and come to an agreement regarding a number of issue related to the recent fiscal problems at the Broadway Market, and

WHEREAS: This task force consisted of representatives of both the City of Buffalo, County of Erie, the Broadway Market Management Corporation (BMMC), tenants of the market and the Buffalo-Niagara Partnership, and,

WHEREAS: The task force plan includes amendments to the BMMC bylaws that include some changes to the composition of the Board of Directors, upgraded financial controls for the BMMC, a new business plan to be developed in conjunction with the Buffalo Niagara Partnership and the elimination of utility payment debt through the city payment of back utility bills and undertaking the payment of an additional portion of the utility bills for a period of time to be determined, and

WHEREAS: The task force has also determined that an infusion of funds from the County would be necessary to allow the BMMC to move foreword unhampered with a crushing debt burden and to free the corporation from late charges and other fees associated with the debt, and

WHEREAS: The BMMC will implement substantive changes in its operating and financial procedures to ensure that problems of this magnitude are unlikely to occur the future,

NOW, THERE FORE BE IT

RESOLVED: That the Erie County Legislature hereby reaffirm its commitment to supporting the Broadway Market by allocating funds contained in various accounts in several budget years denoted as such, and be it further

Resolved: That copies of this resolution be forwarded to the appropriate parties.

MR OLMA moved to amend the resolution. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

ADD the following as co-sponsors: SWANICK, PEOPLES, KUWIK, FITZPATRICK, HOLT, FISHER, DEBENEDETTI, DUSZA & MARINELLI

DELETE all RESOLVE clauses and add the following:

WHEREAS, the establishment of the Broadway Market Task Force was precipitated by reports of financial irregularities at the facility, and

WHEREAS, among the Task Force's suggested reforms are prohibitions on elected officials or exempt employees thereof serving as members of the Market's Board of Directors, and

WHEREAS, additional reforms will include a greater voice on the Market Board for tenants as well as Market Board membership comprised more of business leaders with the requisite skills to manage and operate the Market as a business enterprise with the intent to thrive within an ever-changing economy and marketplace, and

WHEREAS, additional reforms include the establishment of committees of the Board of Directors, regular financial review by the Office of the City Comptroller and the annual preparation of a business plan by the Board for each fiscal year, subject to the review of the City Comptroller, and

WHEREAS, such reform measures are essential to the survival of the Broadway Market, and

WHEREAS, Erie County may provide one-time financial support to the Broadway Market in return with certain stipulations, including, but not limited to:

- a. A contractual agreement between the Market and the County for said county funds, routed through the Public Benefits section of the budget of the Erie County Department of Environment and Planning;
- b. Certification of the newly constituted Board of Directors, communicated through a letter to the Clerk of the Erie County Legislature by the Secretary of the Market Board;
- c. A resolution adopted by the newly-constituted Market Board of Directors requesting financial assistance from Erie County, with the caveat that the Market is to receive this assistance on a "one-time" basis;
- d. A report from the Commissioner of the County's Department of Environment and Planning detailing the Market's progress in developing a sound business plan and outlining the use of the county's funds in correcting the financial problems at the Market;
- e. Regular reports, semi annually or quarterly, on the Market's financial status filed with the Clerk of the Legislature by the Office of the City Comptroller;

And

WHEREAS, the County may approve a transfer of funds to the Broadway Market but may enjoin the County Executive from entering into contract with the Market until stipulations "b" and "c" above have been satisfied, and

WHEREAS, after the Task Force's reforms are implemented, and the stipulations above have been satisfied, the Broadway Market may begin the long road to financial and commercial recovery that members of this Honorable Body and the community at large hopes to witness,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby express its support for the survival of the Broadway Market as a viable commercial and cultural institution within the city of Buffalo, and be it further

RESOLVED, that this Honorable Body does hereby commend the Mayor's Broadway Market Task Force for its investigation of the financial irregularities of the Broadway Market and for the many needed reforms its membership has developed and prepared for implementation by the Market's Board of Directors, and be it further

RESOLVED, that this Honorable Body does hereby approve the transfer of \$106,364 from unspent 1999 county contingency funds (DAC:11092331029331001999) to a subaccount in the Department of Environment and Planning, General Fund 110, Project 922, Department 302, Agency Payments Monitored by Environment and Planning, Account 830, Contractual Services, and be it further

RESOLVED, that said funding is authorized under the following stipulations:

- a. A contractual agreement between the Market and the County for said county funds, is to be routed through the Public Benefits section of the budget of the Erie County Department of Environment and Planning, as indicated in the previous RESOLVE clause;
- b. Certification of a newly constituted Board of Directors, removing as candidates for service elected officials and exempt employees thereof, and with enhanced representation for Market tenants; such certification to be communicated through a letter to the Clerk of the Erie County Legislature by the Secretary of the Market Board;
- c. Receipt by the Clerk of the Erie County Legislature and the County Executive of a resolution adopted by the newly-constituted Market Board of Directors requesting financial assistance from Erie County, with the caveat that the Market is to receive this assistance on a "one-time" basis;
- d. A report from the Commissioner of the County's Department of Environment and Planning detailing the Market's progress in developing a sound business plan and outlining the use of the county's funds in correcting the financial problems at the Market. Said report must be filed with the Clerk of the Erie County Legislature no later than September 15, 2000;
- e. Regular reports, semi annually or quarterly, on the Market's financial status filed with the Clerk of the Legislature by the Office of the City Comptroller;

And be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with the Broadway Market to effectuate the transfer of funds, provided, however, that the County Executive may not execute or sign said contractual agreement before such time as stipulations "b" and "c", contained in the previous RESOLVE clause, have been satisfied, and be it further

RESOLVED, that upon receipt by the Clerk of the Legislature of respective documents outlined above from the Secretary of the Broadway Market Board of Directors, the stipulations shall be deemed satisfied, and the Clerk of the Legislature shall communicate that, in writing, to the County Executive, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Comptroller, the County Attorney, the Commissioner of Environment and Planning, the Mayor of Buffalo, the Buffalo City Comptroller, the Buffalo City Clerk, the Secretary of the Broadway Market Board of Directors, the Broadway Market Tenants' Association and the Broadway Market Area Business Association.

MR. OLMA moved the approval of the resolution as amended. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 284

Re: Funding for a Community Initiative.
(Intro. 16-13)

A RESOLUTION SUBMITTED BY
LEGISLATORS SWANICK & MARINELLI

WHEREAS, the Legislature set aside funds in the 2000 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 \$6,500 from the legislative contractual (DAC: 110905100830) to Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830), for paying the following agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Ken-Ton Chamber of Commerce	830/	\$6,500

TOTAL

\$6,500

and be it further

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

RESOLVED, that the Clerk of the Legislature 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 Ann Enger, Executive Director, Kenmore – Town of Tonawanda Chamber of Commerce, (3411 Delaware Avenue, Kenmore, NY 14217-1422.)

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

ADD the following after the second whereas clause:

WHEREAS, through community forums held by Legislator Marinelli, a need was identified for playground and recreational equipment for Ellicott Creek Park, and

WHEREAS, the Department of Parks, Recreation & Forestry will require additional funds to make these upgrades to Ellicott Creek Park, and

DELETE the final two resolve clauses and REPLACE with the following:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$50,000 from the legislative contractual (DAC: 110905100830) to Fund 110, Project 942, Department 640 – Department of Parks, Recreation & Forestry - Parks; transfer \$22,000 to Buildings & Grounds Equipment (DAC: 110942640931), transfer \$28,000 to Maintenance Supplies (DAC: 110942640816), and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, and the Commissioner of the Department of Parks, Recreation & Forestry, are hereby authorized to complete any paperwork necessary to effectuate these transfers 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, Commissioner of Parks, Recreation & Forestry Lawrence Jasinski, and to Ann Enger, Executive Director, Kenmore – Town of Tonawanda Chamber of Commerce, (3411 Delaware Avenue, Kenmore, NY 14217-1422.)

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 28 – MS. MARINELLI moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of Intro. 15-4. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 285

Re: BECPL “Educational Technology Initiative.”

A RESOLUTION SUBMITTED BY LEGISLATORS
SWANICK, PEOPLES, MARINELLI, FITZPATRICK, FISHER, KUWIK, HOLT,
OLMA, DEBENEDETTI, DUSZA, GREENAN, CHASE, MARSHALL,
PAULY, WEINSTEIN, RANZENHOFER & LARSON

WHEREAS, Technology continues to be an ever-increasing part of our professional and personal lives, and

WHEREAS, Students today need to be trained on computers beginning at an early age in order to be fully prepared for the use of technology in higher education and in the workforce, and

WHEREAS, Indeed, computers are even becoming an integral part of the learning process at the elementary school level, and

WHEREAS, This prevalence of technology in education, coupled with the new increased New York State Regents standards, have resulted in the need to augment the levels of educational technology both in schools and in students' support services such as libraries, and

WHEREAS, The Buffalo and Erie County Public Library plays a major role in our students' education, and

WHEREAS, BECPL wishes to expand the scope and quality of the computer-based services they provide to students, the elderly and others through the creation of an "Educational Technology Initiative," and

WHEREAS, This initiative would increase services at every one of the system's libraries through the creation of youth resource centers, a “cyber train” program, additional network support and bandwidth,

and technology and facility improvements, and

WHEREAS, The Erie County Legislature earmarked \$1 million in the 2000 Erie County budget for the purpose of educational technology initiatives, and

WHEREAS, The aforementioned BECPL initiative is a worthwhile program which to use this fund,

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its strong commitment to the education of our community's youth in order to successfully prepare them for higher education and the workforce, and be it further

RESOLVED, That this Honorable Body does hereby authorize the transfer of the sum of \$1 million from the Legislature's Contractual account, (DAC: 110905100830) to the Buffalo and Erie County Public Library, for the aforementioned purposes, and be it further

RESOLVED, That the 2000 budget of the Buffalo and Erie County Public Library is hereby amended to increase the following accounts: Interfund Subsidy Revenue (DAC: 8209734206863200) \$1,000,000; Buffalo and Erie County Public Library Technical Equipment (DAC:820973420933) \$1,000,000, and be it further

RESOLVED, That the aforementioned \$1 million be used by the Buffalo and Erie County Public Library for the implementation of the "Educational Technology Initiative" in the following manner:

1. Youth Resource Centers: \$280,000 total. The Central Library will receive \$25,000 and all other libraries will receive \$5,000 each for the creation of a center in each library to provide access to electronic products for youth with special emphasis on providing support for 4th through 8th grade students. The centers will feature electronic resources needed for assignments and individual study. Other necessary components such as cabling, software, etc. will be included as required by each library.
2. Cyber Train: \$33,000 total. This funding will be used to purchase the hardware and software necessary to conduct hands-on training classes at libraries where a formal training lab does not exist. The program will operate using eight laptop computers, a hub/switch, and a projector, and will rotate between libraries.
3. Additional Support and Bandwidth: \$67,000 total. This funding will be used to increase the bandwidth of BECPL's wide area network and the complement of the Network Support staff in order to support the greater number of workstations at each library. Bandwidth will need to be increased at 12 libraries. Expanded capacity needed in the Network Support Office will be provided either through the addition of a Technical Specialist / Computers or through the expansion of the existing IKON contract. Note: This total assumes the ability of BECPL to secure e-rate discounts for the bandwidth expansion.

4. Technology and Facility Improvements: \$620,000 total. This funding will be used as needed by each library to purchase additional computers, or provide minor infrastructure or equipment upgrades in order to successfully implement the full initiative. This will not include capital projects, as they are the responsibility of the local municipality or free association building owner. When computer technology is selected as the area for enhancement libraries will focus on equipment and software for the very young or the senior population. The amount of funding each library receives will be determined by a formula based on the e-rate (the federal universal service program for schools and libraries), which is based on need as measured by the levels of eligibility for the national school lunch program. The final component of this fund will be the requirement that libraries must generate matching funds from the local municipality, a "friends" organization, or other fundraising initiatives. These matches should increase this fund by an amount of \$419,339;

and be it further

RESOLVED, That the BECPL be required to issue a written progress report every six months detailing - among other things - the total expenditure of funds to date, matching fund sources and amounts, total number serviced by the initiative, and number of training sessions held, to be submitted to the Clerk of the Erie County Legislature, and be prepared to appear before the Legislature's Community Enrichment Committee to discuss said report, and be it further

RESOLVED, That certified copies of this resolution be sent to Buffalo and Erie County Public Library Executive Director Dianne Chrisman, Erie County Executive Joel Giambra, and Budget Director Joseph Passafiume.

Fiscal Impact: Expenditure of 2000-budgeted funds toward the improvement of libraries on a countywide basis.

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

CARRIED UNANIMOUSLY.

Item 29 – MS. MARINELLI moved to discharge the COMMUNITY ENRICHMENT COMMITTEE from further consideration of Comm. 15E-36. MS PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 286

Re: Establishment of a Regional
Cultural Tourism Program.

WHEREAS, Erie County (County), the Arts Council in Buffalo and Erie County (Arts Council) and the Greater Buffalo Convention and Visitors Bureau, Inc. (CVB) have demonstrated their interest commitment and ability to work with and enhance the role of cultural organizations in Buffalo and Erie County that provide programs and services having local, regional State and national significance; and

WHEREAS, the County, the Arts Council and the CVB agree that Buffalo and Erie County, as well as the

Niagara Region and beyond can benefit from the development of a cooperative, coordinated Regional Cultural Tourism Program which focuses on promoting and enhancing appreciation for and attendance at the hundreds of cultural, historic and architectural assets, sites, events and activities in our region, and

WHEREAS, the County, the Arts Council and the CVB agree that Erie County's involvement an funding commitment regarding the development and implementation of a Regional Cultural Tourism Program are essential to the success of such a coordinated tourism effort which is an integral component of an economic revitalization strategy for Buffalo and Erie County, as well as the Niagara Region and beyond;and

WHEREAS, the County's very significant investment in cultural organizations and related historic site enhancement efforts, which totals more than \$10 million in 2000, will be enhanced by the development and implementation of a coordinated, cooperative Regional Cultural Tourism Program, and

WHEREAS, New York State has provided \$80,000 to be used by the Arts Council and the CVB to develop programs that cooperatively market and promote our cultural organizations as part of enhanced tourism efforts for Buffalo, Erie County and our region. and

WHEREAS, in recognition of the purpose and opportunities presented by State funds, as well as the need to develop and implement a Regional Cultural Tourism program for our area, a Memorandum of Understanding (MOU) has been drafted by the County, the Arts Council and the CVB (see attachment) to establish, develop and implement a Regional Cultural Tourism Program which would be guided by a Coordinating Committee composed of the MOU members, as well as other interested and involved cultural tourism agencies; and

WHEREAS, \$75,000 in County funds in combination with the \$80,000 in State funds will enable the development and implementation of this Regional Cultural Tourism Program, and it has been agreed by the parties to the MOU that the Arts Council in Buffalo and Eric County, that is also the contracting agency for the State funds for these tourism efforts, should contract with Erie County regarding the use of County funds in 2000 for the Regional Cultural Tourism Program.

NOW, THEREFORE, BE IT

RESOLVED, that the sum of \$75,000 is hereby transferred from Extraordinary County Aid to Local Governments-Economic Development Tourism Fund (DAC 110 9043038301117) to a sub-account for this purpose under Agency Payments-Public Benefit Account monitored by the Department of Environment and Planning (DAC 110 922302830); and be it further

RESOLVED, that the County Executive is hereby authorized to enter into all necessary agreements with the Arts Council and the Greater Buffalo Convention and Visitors Bureau for this purpose. and be it further

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

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

CARRIED UNANIMOUSLY.

DELETE the sixth and seventh WHEREAS clauses in their entirety, and REPLACE with the following:

WHEREAS, Niagara County has committed to contributing \$25,000 toward the creation of the aforementioned program; and

WHEREAS, in recognition of the purpose and opportunities presented by State funds, as well as the need to develop and implement a Regional Cultural Tourism program for our area, a Memorandum of Understanding (MOU) has been drafted by the County, the Arts Council, the CVB, Niagara County, and the Niagara County Council on the Arts (see attachment) to establish, develop and implement a Regional Cultural Tourism Program which would be guided by a Coordinating Committee comprised of the MOU members, as well as other interested and involved cultural tourism agencies; and

WHEREAS, \$75,000 in County funds in combination with the \$80,000 in State funds and the \$25,000 in Niagara County funds will enable the development and implementation of this Regional Cultural Tourism Program, and it has been agreed by the parties to the MOU that the Arts Council in Buffalo and Erie County, in that it is also the contracting agency for the State funds for these tourism efforts, should contract with Erie County regarding the use of County funds for the Regional Cultural Tourism Program.

DELETE the first RESOLVE clause in its entirety, and REPLACE with the following:

RESOLVED, that the sum of \$75,000 is hereby transferred from the County Contingency (DAC 110 923310893) to a sub-account for this purpose under Agency Payments-Public Benefit Account monitored by the Department of Environment and Planning (DAC 110 922302830); and be it further

MR. MARSHALL moved to amend the amendment. MR. GREENAN seconded.

DELETE the first RESOLVE clause in its entirety, and REPLACE with the following:

RESOLVED, that the sum of \$75,000 is hereby transferred from the extraordinary county aid to local government sub-account for this purpose under Agency Payments-Public Benefit Account monitored by the Department of Environment and Planning (DAC 110 922302830); and be it further

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, MARSHALL, RANZENHOFER, WEINSTEIN.
NOES: PAULY, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. AYES – 6, NOES – 11.

MOTION DEFEATED.

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

MARSHALL, RANZNEHOFER, CHASE, GREENAN, WEINSTEIN & LARSON voted in the negative.

CARRIED.

Item 30 – MR. FITZPATRICK moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 15E-35. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 287

Re: Erie Community College, North
Campus Parking Lot Reconstruction.

WHEREAS, the Department of Public Works received bids on June 28, 2000, for the Erie Community College-North Campus Parking Lot Reconstruction, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder for the Erie Community College-North Campus Parking Lot Reconstruction,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Erie Community College-North Campus Parking Lot Reconstruction as follows:

GENERAL CONSTRUCTION WORK

C. Destro Development Co., Inc.
Base Bid

\$341,653.35

and be it further,

RESOLVED, that the sum of \$29,976.65 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,

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 1998 ECC All Campuses-Sidewalk Roads and Parking Lots Bond Account, Fund 480, Project 846, for an amount not to exceed \$371,630.00, 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 and Finance, one copy to the Comptroller's Office and one copy to Erie Community College.

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

CARRIED UNANIMOUSLY.

Item 31 – MR. FITZPATRICK moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 15E-38. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 288

2000 Consolidated Highway Improvement Program (CHIPS) Revenue Increase.

WHEREAS, the 2000 Erie County Budget Resolution appropriated an amount of \$4,672,440 for the 2000 fiscal year, for the New York State Consolidated Highway Improvement Program (CHIPS) Capital Reimbursement and \$1,247,312.00 for the 2000 fiscal year, for the New York State CHIPS, Operation and Maintenance (O&M) direct grant portion of CHIPS, based on the anticipated New York State Budget, and

WHEREAS, the actual revenue to be received from the New York State Department of Transportation by the Commissioner of Finance will be \$4,713,100.59 for Capital and \$1,271,759.30 for O&M, and

WHEREAS, this results in an increase in funds for the Capital portion of CHIPS of \$40,660.59 and the O&M portion of CHIPS of \$24,447.30.

NOW, THEREFORE, BE IT

RESOLVED, that the Comptroller be authorized to increase the budget for revenue and the appropriation for the 2000 Consolidated Highway Improvement Program Capital portion by the amount of \$40,660.59 to a total of \$4,713,100.59; and be it further

RESOLVED, that the Comptroller also be authorized to increase the budget for revenue and the appropriations for the 2000 Operations and Maintenance portion by the amount of \$24,447.30 to be used for highway supplies for emergency work; and be it further

RESOLVED, that the Clerk of the County Legislature of the County of Erie is hereby directed to transmit one (1) certified copy of the foregoing resolution to the Deputy Commissioner of Highways; Commissioner of Finance; Comptroller; and the Director of Budget.

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

CARRIED UNANIMOUSLY.

Item 32 – MR. DeBENEDETTI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 14E-13. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 289

Re: Department of Parks, Recreation and Forestry – Clean Up of Wendt Farms Beach.

WHEREAS, the owners of Wendt Farms have alerted the County that visitors to the adjacent County beach, Wendt Beach, often enter their beachfront property; and

WHEREAS, the owners of Wendt Farms do not have the capability or possess the equipment necessary to make their beachfront property as clean and free of dangerous debris as the County's Wendt Beach is; and

WHEREAS, the owners of Wendt Farms do not want to be forced to erect a barrier sufficient to keep County residents from entering their property under any circumstances; and

WHEREAS, the most prudent and fair resolution to this situation, and the resolution most beneficial to the County, is for the County and the owners of Wendt Farms to enter into a contract, a contract providing that the County will clean the beachfront area of Wendt Farms; in exchange for reasonable payment to the County; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Department of Parks, Recreation and Forestry to enter into a contract with the owners of Wendt Farms, and be it further,

RESOLVED, that said contract will provide for the cleaning of Wendt Farms beachfront by County workers using County equipment, in exchange for payment made by Wendt Farms' owners, and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Division of Budget, Management and Finance, the County Executive, the Department of Parks, Recreation and Forestry and the Department of Law.

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

CARRIED UNANIMOUSLY.

Item 33 – MR. DeBENEDETTI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 14E-44. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 290

Re: Donation of Funds – Lakeshore Youth Soccer Association.

WHEREAS, Erie County has worked cooperatively with the Lakeshore Youth Soccer Association thereby assisting them to develop an outstanding youth soccer program at Wendt Beach Park, and

WHEREAS, the Lakeshore Youth Soccer Association has offered to donate \$6,000 towards physical improvements at Wendt Beach Park.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature hereby accepts the public-spirited and generous donation of \$6,000 from the Lakeshore Youth Soccer Association to be used for physical improvements to provide a suitable and safe environment for youth soccer at Wendt Beach Park, and be it further

RESOLVED, that the following budgetary adjustments are hereby authorized in the operating budget of the Division of Parks:

	<u>Increase</u>
Account 816, Maintenance Supplies	\$6,000
Account 521, Other Unclassified Revenue	<u>6,000</u>
Net Increase	\$ -0-

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Parks, Recreation and Forestry and the Lakeshore Youth Soccer Association.

MR. DeBENEDETTI moved to amend the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

DELETE the first RESOLVE clause in its entirety, and REPLACE with the following:

RESOLVED, that the Erie County Executive is hereby authorized to accept the public-spirited and generous donation of \$6,000 from the Lakeshore Youth Soccer Association to be used for physical improvements to Wendt Beach to help provide for a more suitable and safe soccer playing field and adjacent facilities, and be it further

ADD the following to the third RESOLVE clause:

shall be forwarded to ... Erie County Executive Joel Giambra, ... the Division

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

CARRIED UNANIMOUSLY.

Item 34 – MR. DeBENEDETTI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 15E-10. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 291

Re: Erie County Sewer District No.
3/Southtowns Stearns & Wheler, LLC
Engineering Agreement dated November 2,
1995 Contract Close-Out.

WHEREAS, the County of Erie has secured the services of Stearns & Wheler, LLC to provide Engineering Services; and

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

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the A/E Agreement dated November 2, 1995 with Stearns & Wheler, LLC, at the final contract amount of \$77,373.41.

NOW, THEREFORE, BE IT

RESOLVED, that the A/E Agreement dated November 2, 1995 between the County of Erie and Stearns and Wheler, LLC be formally closed out in the final contract amount of \$77,373.41; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close out the contract encumbrances and return the unused balance to the unallocated accounts in Sewer Capital, ECSD No. 3, Fund No. 430, Project Nos. 508 and 517 relating to the A/E Agreement dated November 2, 1995 between the County of Erie and Stearns & Wheler, LLC; and be it further

RESOLVED, that the Clerk of the Legislature send a certified copy of the resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Stephen Gawlik, Assistant County Attorney, the Erie County Comptroller's Office and the Director of Budget and Management.

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

CARRIED UNANIMOUSLY.

Item 35 – MR. DeBENEDETTI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 15E-13. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 292

Re: Erie County Sewer District Nos. 1 and 4
Auditing Agreement Close-Out Fox and
Company.

WHEREAS, the County of Erie has secured the services of Fox and Company to provide services

needed to analyze, evaluate and interpret changes in sewer service charges by the Buffalo Sewer Authority to Erie county Sewer Districts 1 and 4; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the auditing agreement dated December 17, 1992 with Fox and Company in the amount of \$4,903.00;

NOW, THEREFORE, BE IT

RESOLVED, that the Auditing Agreement dated December 17, 1992 between the Erie County Division of Sewerage Management and Fox and Company be formally closed-out in the final amount of \$4,903.00; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close-out the contract encumbrance in the Sewer Operating Fund No. 220, Project No. 851, Department No. 810; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one (1) certified copy each to Stephen F. Gawlik, Assistant County Attorney, Joseph Passafiume, Director of Budget and Management, and Nancy Naples, Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

Item 36 – MR. DeBENEDETTI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 15E-15. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 293

Re: New York State Department of
Environmental Conservation Solid Waste
Management and Reduction Grant.

WHEREAS, New York State requires municipalities that manage solid waste to develop and implement a solid waste management plan; and

WHEREAS, the completion and approval by the New York State Department of Environmental Conservation of a solid waste management plan is a prerequisite for a municipality to receive state resources and/or permit approvals for solid waste management facilities; and

WHEREAS, the thirty-six municipalities that participate in the Northeast - Southtowns (N.E.S.T.)

Solid Waste Management Board currently, do not have an approvable solid waste management plan; and

WHEREAS, the Erie County Department of Environment and Planning provides support to N.E.S.T. and the other solid waste management planning units in Erie County to assist them in meeting their solid waste management objectives; and

WHEREAS, the completion of a solid waste management plan for the N.E.S.T communities is an immediate priority which would be most efficiently accomplished through the development of one regional plan covering all thirty-six municipalities; and

WHEREAS, the Erie County Department of Environment and Planning is obligated to coordinate, oversee and support the development of this plan; and

WHEREAS, the Erie County Department of Environment and Planning has identified sufficient existing resources for the completion this initiative; and

WHEREAS, the New York State Department of Environmental Conservation provides grant assistance to municipalities to implement projects to reduce solid waste in New York State; and

WHEREAS, the New York State Department of Environmental Conservation requests a full project proposal after a pre-proposal has been filed and makes its way to the top of the waiting list, and

WHEREAS, the Erie County Department of Environment and Planning completed a full project proposal; and

WHEREAS, the Department of Environment and Planning provides technical assistance to municipalities and businesses to help address their waste management needs; and

WHEREAS, a resolution passed on November 4, 1999 (Reference: Comm. 19E-26) provided the necessary authorization to apply for a State Grant-In-Aid for such a municipal Waste Reduction Project and to execute a contract for such State Aid; and

WHEREAS, on May 18, 2000, the New York State Department of Environmental Conservation awarded \$160,530 to Erie County to implement a Solid Waste Reduction Project; and

WHEREAS, the New York State Department of Environmental Conservation requires a 100% local match; and

WHEREAS, the Department of Environment and Planning has identified both existing budget and in-kind resources to establish the necessary match; and

WHEREAS, the addition of these two new solid waste initiatives necessitates staffing changes within the Erie County Department of Environment and Planning associated with both the new program and the existing County Construction and Demolition Debris Recycling Grant Program (SFG-362).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute the agreements necessary to accept grant resources in an amount not to exceed \$160,530 from the New York State Department of Environmental Conservation to implement a Solid Waste Reduction Project in Erie County, and be it further

RESOLVED, that the County Executive is hereby authorized to execute the agreements necessary to accept \$20,000 in resources from the Northeast-Southtowns Solid Waste Management Board to assist in funding a Solid Waste Management Plan, and be it further

RESOLVED, that the source of funding for this Solid Waste Management Plan Contractor and Waste Reduction Project shall be as follows:

\$20,000 from Other Local Source Revenue (Account 360);

\$160,530 from the New York State Department of Environmental Conservation (Account 553);

\$25,285 from Interfund Revenue - Environment and Planning - Community Development, (Account 686 6201), which sum is hereby transferred within the budget of the 1999 Community Development Block Grant from Economic Development (DAC 290 827620830504) to Interfund Subsidies - Environment and Planning - Grants (DAC 290 8276208866209);

\$28,500 from Interfund Revenue - Environment and Planning (Account 686 6200), which sum is hereby transferred within the budget of the Department of Environment and Planning from Local Planning Initiative (DAC 110 9456208301050) to Interfund Subsidies - Environment and Planning - Grants (DAC 110 9456208866209);

\$193,000 from Interfund Revenue - Environment and Planning (Account 686 6200), which sum is hereby transferred from Extraordinary County Aid to Local Governments, Consolidation Regional Program (DAC 110 904303830699) to Interfund Subsidies - Environment and Planning - Grants (DAC 110 9456208866209), and be it further

RESOLVED, that the following program budget is hereby appropriated in the grant fund as follows:

<u>ACT</u>	<u>Description</u>	<u>Amount</u>
Revenues:		
360	Other Local Source Revenue	20,000
553	State Aid (NYSDEC Solid Waste Reduction Grant)	\$160,530
686-6201	Interfund Revenue - Community Development	25,285
686-6200	Interfund Revenue - Environment and Planning	<u>221,500</u>
	TOTAL REVENUE:	\$ 427,315

Appropriations:

800	Personal Services	\$160,125
805	Fringe Benefits	46,405
825	Out-of-Area Travel	2,000
824	Local Mileage and Travel	500
830	Contractual Agencies	<u>218,285</u>
TOTAL APPROPRIATION:		\$ 427,315

and be it further

RESOLVED, that the following position is hereby created in the Department of Environment and Planning grant fund and will be funded from the newly established budget for the Solid Waste Reduction Project:

Solid Waste Recycling Specialist (JG 12)

and be it further

RESOLVED, that the following positions are hereby created in the Department of Environment and Planning and will be funded from the Solid Waste Management Assistance Grant Budget (SFG 362):

Assistant Solid Waste Recycling Specialist (JG 9)

Environmentalist- Energy Conservation (RPT) (JG 9)

and be it further

RESOLVED, that the following position is hereby deleted from the Department of Environment and Planning, Solid Waste Management Assistance Grant Budget (SFG 362):

Assistant Solid Waste Recycling Specialist (RPT) (JG 9)

and be it further

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

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

CARRIED UNANIMOUSLY.

DELETE the third RESOLVE clause in its entirety, and REPLACE with the

RESOLVED, that the source of funding for this Solid Waste Management Plan Contractor and Waste Reduction Project shall be as follows:

\$20,000 from Other Local Source Revenue (Account 360);

\$160,530 from New York State Department of Environmental Conservation (Account 553);

\$25,285 from Interfund Revenue - Environment and Planning - Community Development, (Account 686 6201), which sum is hereby transferred within the budget of the 1999 Community Development Block Grant from Economic Development (DAC 290 827620830504) to Interfund Subsidies - Environment and Planning - Grants (DAC 290 8276208866209);

\$28,500 from Interfund Revenue - Environment and Planning (Account 686 6200), which sum is hereby transferred within the budget of the Department of Environment and Planning from Local Planning Initiative (DAC 110 9456208301050) to Interfund Subsidies - Environment and Planning - Grants (DAC 110 9456208866209);

\$150,000 from Interfund Revenue - Environment and Planning (Account 686 6200), which sum is hereby transferred from Extraordinary Aid to Local Governments, Consolidation / Regional Program (DAC 110 904303830699) to Interfund Subsidies - Environment and Planning - Grants (DAC 110 9456208866209)

and be it further

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

CARRIED UNANIMOUSLY.

Item 37 – MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 15E-22. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 294

Re: Granting Town of Amherst Permanent Public Storm Drainage Easement On 336 Ayer Road SBL# 56.190-6-26.

WHEREAS, the Town of Amherst has asked the County of Erie for a permanent easement over, under and/or through the County owned parcel located at 336 Ayer Road, Amherst, SBL# 56.190-6-26, and

WHEREAS, this easement would be used to install a storm drainage system, and

WHEREAS, it is necessary that this approval be granted to allow this easement to be issued, and

WHEREAS, the Deputy Commissioner of Real Property Tax has determined that this easement can be granted, and

WHEREAS, the Advisory Review Committee has reviewed and approved this proposal, and

WHEREAS, the Grantor is the owner of all that tract or parcel of land, situated in the Town of Amherst, County of Erie and State of New York being part of Lot 91, Township 12, Range 7 of the Holland Land Company's survey, and more commonly known as 336 Ayer Road under SBL Account Number 56.190-6-26 and fronting on the east side of the street or highway, known as Youngs Road and bounded on the north by lands described as owned by the Town of Amherst and bounded on the south by lands described as Erie County SBL Account 56.190-6-24, and

WHEREAS, the Town seeks the permission and easement to install a storm drainage system and appurtenances, over a portion of said premises and to operate, maintain, repair, reconstruct, expand and extend in connection therewith.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) paid by the Town, the receipt of which is hereby acknowledged and other good and valuable consideration, the Grantor and Town hereto agree as follows:

FIRST: The Grantor hereby grants unto the Town the permanent right and easement to construct, operate, maintain, repair, reconstruct, expand and extend the storm drainage system and appurtenances upon, under and across the west twenty-five (25) feet of the real property of the Grantor; together with the right of ingress and egress with personnel, vehicles and machinery from the highway right-of-way to herein designated easement area as shown on a sketch map designated Exhibit A prepared by Erdman Anthony Consulting Engineers dated 1/19/00.

SECOND: The Town agrees that the property of the Grantor shall be restored to an as like condition as it existed prior to construction, repair and/or reconstruction.

THIRD: The Town shall defend, indemnify and hold harmless the Grantor from any and all claims or causes of action arising out of the use and exercise of this agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to deliver to the Town of Amherst, Municipal Corporation, 5583 Main Street, Williamsville, New York in consideration of One an 00/100 Dollars (\$1.00) a Permanent Easement on the 336 Ayer Road property, and be it further

RESOLVED, that the Clerk of the Legislature provide certified copies of this resolution to the Division of Budget, Management and Finance, the County Comptroller, the County Attorney and the Finance Office.

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

CARRIED UNANIMOUSLY.

Item 38 – MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 15E-23. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 295

Re: Granting Town of Amherst Permanent
Public Storm Drainage Easement On 210
Ayer Road SBL# 69.070-1-33.1.

WHEREAS, the Town of Amherst has asked the County of Erie for a permanent easement over, under and/or through the County owned parcel located at 210 Ayer Road, Amherst, SBL# 69.070-1-33.1, and

WHEREAS, this easement would be used to install a storm drainage system, and

WHEREAS, it is necessary that this approval be granted to allow this easement to be issued, and

WHEREAS, the Deputy Commissioner of Real Property Tax has determined that this easement can be granted, and

WHEREAS, the Advisory Review Committee has reviewed and approved this proposal, and

WHEREAS, the Grantor is the owner of all that tract or parcel of land, situated in the Town of Amherst, County of Erie and State of New York being part of Lot 91, Township 12, Range 7 of the Holland Land Company's survey, and more commonly known as 210 Ayer Road under SBL Account Number 69.070-1-33.1 and fronting on the east side of the street or highway, known as Youngs Road and bounded on the north by lands described as Erie County SBL Account Number 69.070-1-35.1 and bounded on the south by lands described as Erie County SBL Account Number 69.070-1-32, and

WHEREAS, the Town seeks the permission and easement to install a storm drainage system and appurtenances, over a portion of said premises and to operate, maintain, repair, reconstruct, expand and extend in connection therewith.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) paid by the Town, the receipt of which is hereby acknowledged and other good and valuable consideration, the Grantor and Town hereto agree as follows:

FIRST: The Grantor hereby grants unto the Town the permanent right and easement to construct, operate, maintain, repair, reconstruct, expand and extend the storm drainage system and appurtenances upon, under and across the west twenty-five (25) feet of the real property of the Grantor; together with the right of ingress and egress with personnel, vehicles and machinery from the highway right-of-way to herein designated easement area as shown on a sketch map designated Exhibit A prepared by Erdman Anthony Consulting Engineers dated 1/19/00.

SECOND: The Town agrees that the property of the Grantor shall be restored to an as like condition as it existed prior to construction, repair and/or reconstruction.

THIRD: The Town shall defend, indemnify and hold harmless the Grantor from any and all claims or causes of action arising out of the use and exercise of this agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to deliver to the Town of Amherst, Municipal Corporation, 5583 Main Street, Williamsville, New York in consideration of One an 00/100 Dollars (\$1.00) a Permanent Easement on the 210 Ayer Road property, and be it further

RESOLVED, that the Clerk of the Legislature provide certified copies of this resolution to the Division of Budget, Management and Finance, the County Comptroller, the County Attorney and the Finance Office.

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

CARRIED UNANIMOUSLY.

Item 39 – MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 15E-24. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 296

Re: Granting Town of Amherst
Permanent Public Storm Drainage
Easement On 131 Brush Creek Road
SBL# 56.150-1-78.

WHEREAS, the Town of Amherst has asked the County of Erie for a permanent easement over, under and/or through the County owned parcel located at 131 Brush Creek Road, Amherst, SBL# 56.150-1-78, and

WHEREAS, this easement would be used to install a storm drainage system, and

WHEREAS, it is necessary that this approval be granted to allow this easement to be issued, and

WHEREAS, the Deputy Commissioner of Real Property Tax has determined that this easement can be granted, and

WHEREAS, the Advisory Review Committee has reviewed and approved this proposal, and

WHEREAS, the Grantor is the owner of all that tract or parcel of land, situated in the Town of Amherst, County of Erie and State of New York being part of Lot 921, Township 12, Range 7 of the Holland Land Company's survey, and more commonly known as 131 Brush Creek Road under SBL Account Number 56.150-1-78 and fronting on the south side of the street or highway known as Brush Creek Road and bounded on the east by lands described as Erie County SBL Account Number 56.150-1-66 and bounded on the west by lands described as Erie County SBL Account Number 56.150-1-67, and

WHEREAS, the Town seeks the permission and easement to install a storm drainage system and

appurtenances, over a portion of said premises and to operate, maintain, repair, reconstruct, expand and extend in connection therewith.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) paid by the Town, the receipt of which is hereby acknowledged and other good and valuable consideration, the Grantor and Town hereto agree as follows:

FIRST: The Grantor hereby grants unto the Town the permanent right and easement to construct, operate, maintain, repair, reconstruct, expand and extend the storm drainage system and appurtenances upon, under and across a fifty (50) foot portion of the real property of the Grantor; together with the right of ingress and egress with personnel, vehicles and machinery from the highway right-of-way to herein designated easement area as shown on a sketch map designated Exhibit A prepared by Erdman Anthony Consulting Engineers under their job number 1001L.56 dated January 15, 2000.

SECOND: The Town agrees that the property of the Grantor shall be restored to an as like condition as it existed prior to construction, repair and/or reconstruction.

THIRD: The Town shall defend, indemnify and hold harmless the Grantor from any and all claims or causes of action arising out of the use and exercise of this agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to deliver to the Town of Amherst, Municipal Corporation, 5583 Main Street, Williamsville, New York in consideration of One an 00/100 Dollars (\$1.00) a Permanent Easement on the 131 Brush Creek Road property and be it further

RESOLVED, that the Clerk of the Legislature provide certified copies of this resolution to the Division of Budget, Management and Finance, the County Comptroller, the County Attorney and the Finance Office.

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

CARRIED UNANIMOUSLY.

Item 40 – MS. PEOPLES moved do discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 15E-31. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 297

Re: Establishment of Office of
Workforce Development.

WHEREAS, The Congress of the United States has passed the Workforce Investment Act in June of 1998; and

WHEREAS, The Act requires that chief local elected officials appoint Workforce Investment Boards to

oversee and coordinate numerous Federal employment and training programs and established a One-Stop system for such programs; and

WHEREAS, It is the responsibility of the Workforce Investment Board to provide the oversight and coordination of programs required under the Act; and

WHEREAS, The Act provides that units of local government representing a population of more than 500,000 are entitled to designation as local grant recipients, and that Erie County is such a unit of government; and

WHEREAS, The Act provides that in general the chief elected official shall serve as grant recipient in a local area and shall be liable for any misuse of grant funds and that even the designation of another entity to serve as fiscal agent shall not relieve the chief elected official of such liability; and

WHEREAS, The majority of County governments in New York State have applied for and been designated by the Governor as grant recipients for programs under the Act; and

WHEREAS, The Act requires the establishment of worker training programs for youth, older workers, and welfare recipients and requires that these programs be linked with other such efforts in County government including the departments of Social Services, Senior Services, Youth Services, Erie Community College, and the Erie County Industrial Development agency; and

WHEREAS, Erie County desires to participate in the Workforce Investment Act program to improve the effectiveness of local employment and training activities; and

WHEREAS, Erie County has a strong interest in assisting welfare recipients to become self-sufficient through effective job training programs in order to avoid a possible increase in local property taxes if public assistance recipients exceed the limit of five years of Federal support; and

WHEREAS, The County Executive and the Mayor of Buffalo have entered into an Agreement to establish the Buffalo and Erie County Workforce Development Consortium, Inc. to administer programs under the Act; and

WHEREAS, The County Executive and the Mayor of the City of Buffalo have appointed the Buffalo and Erie County Workforce Investment Board as required under the Act; and

WHEREAS, It is the desire of Erie County to establish the Office of Workforce Development to provide staff support for the Workforce Investment Board; and

WHEREAS, Federal funding provided under the Act and related programs is available to reimburse Erie County for all expenses of the Office of Workforce Development;

NOW, THEREFORE, BE IT

RESOLVED: That the County Executive is authorized to enter into any agreements necessary to implement the Act and to establish the Erie County Office of Workforce Development in the Grant Fund under the administrative supervision of the Office of the County Executive, to be funded from Federal resources provided under the Workforce Investment Act and related Federal programs in amounts not to exceed \$556,390; and be it further

RESOLVED: The Office of Workforce Development will serve as staff for the Workforce Investment Board and coordinate a variety of Federally funded employment and training programs under the Act and related legislation to facilitate the transition from welfare to work, improve employment related services for youth and older workers, and strengthen economic development efforts in Erie County; and be it further

RESOLVED: That unanticipated Federal revenue in the amount of \$566,390 is hereby appropriated in the Grant Fund, Office of the County Executive; and be it further

RESOLVED: That the following appropriations are hereby authorized:

800	Personal Services	\$339,544
805	Fringe Benefits	77,914
810	Office Supplies	6,000
821	Dues and Fees	4,000
822	Rental Charges	15,750
823	Repairs and Maintenance	1,000
824	Travel and Mileage	5,000
825	Out of Area Travel	10,000
826	Other Expenses	50,000
881	I/D Pay – DISS	9,682
886	Interfund – Law	10,000
933	Lab/Tech Equipment	<u>37,500</u>
Total Appropriations		<u>\$566,390</u>

and be it further

RESOLVED: That the following positions are hereby authorized:

No.	Title	JG	Amount
1	Director of Workforce Development	17-3	\$ 77,497
2	Sr. Workforce Development Coordinators	13-4	108,344
1	Workforce Development Coordinator	11-4	45,928
2	Workforce Developers	9-3	73,644
1	Secretary to Director of Workforce Development	8-3	<u>34,131</u>
Total Salaries			<u>\$339,544</u>

and be it further

RESOLVED: That variable minimums for the positions noted above are hereby authorized; and be it further

RESOLVED: That the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, the Budget Director, the Commissioner of Personnel, the Comptroller, and the County Attorney.

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

CARRIED UNANIMOUSLY.

ADD the following after the eleventh WHEREAS clause:

WHEREAS, the Buffalo and Erie County Workforce Investment Board (WIB), as appointed by the Mayor and the County Executive is empowered to coordinate federally funded employment and training programs under the act, and

WHEREAS, the Agreement to establish the WIB included language stipulating that the county would provide staff support for the WIB, and

WHEREAS, the Legislature, in making the determination whether the taxpayers of Erie County would be better served with a county-staffed Office of Workforce Development, as well as to determine the overall structure and plan of the Office, including goals, key performance indicators and other relevant information that will allow legislators to make an informed decision relative to this proposal, the county would be well served to, at this time, fund a portion of the original proposal, and

WHEREAS, said funding would include two (2) positions within this proposed Office, the Director and a secretarial position, allowing for continuity of service delivery at the conclusion of the Private Industry Council's activity while allowing ample time for the Legislature to gather data and make informed decisions relative to this matter, and

WHEREAS, the Legislature may be particularly interested in receiving adopted resolutions from the WIB in advance of any authorization of a permanent Office of Workforce Development, including a set of policies and, as previously stated, goals, key performance indicators and other relevant information that can and should result from the permanent establishment of a county Office of Workforce Development, and

WHEREAS, members of the Legislature should have an opportunity to meet with members of WIB, and should have ample and appropriate representation among the members of said WIB,

DELETE all RESOLVE clauses in their entirety and replace with the following:

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to the continued growth and expansion of jobs and related economic growth and opportunity throughout Erie

County and Western New York, and does further recognize the importance of effective job training programs in order to achieve those goals, and be it further

RESOLVED, that the County Executive is authorized to enter into agreements to accept grant funding to temporarily establish the Erie County Office of Workforce Development in the grant fund under the administrative supervision of the Office of the County Executive, with such funding provided entirely from federal resources under the Workforce Investment Act and related federal programs, and be it further

RESOLVED, that such temporary establishment of said Office shall be for the period following the adoption of this resolution through and including December 31, 2000, and be it further

RESOLVED, that the Office shall be under the administrative direction of the Office of the County Executive, and shall be housed in the Rath County Office Building, or any other location deemed appropriate by the County Executive, provided said office space shall be county owned and without cost for rental at this time, and be it further

RESOLVED, that unanticipated revenue in the amount of \$58,066 is hereby appropriated in the grant fund, Office of the County Executive, and be it further

RESOLVED, that the following appropriations are authorized:

800	Personal Services	\$47,228
805	Fringe Benefits	\$10,838
Total Appropriations		\$58,066

and be it further

RESOLVED, that the County Executive is hereby authorized to accept \$58,066 in federal funds provided under the Workforce Investment Act and related federal programs in order to fund, until December 31, 2000, the following positions:

No.	Title	JG/Step	Amount for FY2000
1	Director of Workforce Development	17-3 (annual salary: \$77,497)	\$32,788
1	Secretary to Director of Workforce Development	8-3 (annual salary: \$34,131)	<u>\$14,440</u>
Total Salaries			\$47,228

And be it further

RESOLVED, that variable minimums for the two positions delineated above be and hereby are established and authorized, and be it further

RESOLVED, that the Director of the Office of Workforce Development is hereby directed to send certified copies of WIB resolutions to the Clerk of the Erie County Legislature in advance of seeking legislative authorization for budgetary adjustments and other matters requiring such legislative authorization, and be it further

RESOLVED, that this Honorable Body does hereby call upon the Mayor of Buffalo and the County Executive to amend the agreement creating the WIB to add board members appointed by the Erie County Legislature, with one (1) appointment to be made by the Chairman of the County Legislature, and one (1) appointment each to be made by the Majority and Minority Leaders of the County Legislature, and be it further

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: PAULY, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, PEOPLES, SWANICK. NOES: CHASE, GREENAN, LARSON, MARSHALL, RANZENHOFER, WEINSTEIN, DeBENEDETTI, OLMA. AYES – 9, NOES – 8.

CARRIED.

MR. MARSHALL moved to amend the resolution. MR. GREENAN seconded.

CHAIRMAN SWANICK directed that the amendment be referred to the FINANCE & MANAGEMENT COMMITTEE.

Intro. 16-16 Submitted by LEGISLATOR MARSHALL Re: Workforce Development.

CHALLENGE TO THE CHAIR.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, MARSHALL, RANZENHOFER, WEINSTEIN, DeBENEDETTI, OLMA. NOES: PAULY, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, PEOPLES, SWANICK. AYES – 8, NOES – 9.

DEFEATED.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: PAULY, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. NOES: CHASE, GREENAN, LARSON, MARSHALL, RANZENHOFER, WEINSTEIN, DeBENEDETTI. AYES – 10, NOES – 7.

CARRIED.

Item 41 – MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 15E-37. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 298

RE: Erie County Coordinating Council on Children and Families – Authorization to enter into a contract with the Junior League of Buffalo in the Amount of \$5,000 for the sponsorship of the Nonprofit Alliances for the New Millennium forum.

WHEREAS, The Erie County Community Coordinating Council on Children and Families was established in 1988 by article 16-F of the Erie County Charter; and

WHEREAS, The mission of the Erie County Community Coordinating Council on Children and Families is to provide systematic coordination among the local government, public-voluntary system social educational, health, mental health and other supportive and rehabilitative services to children and families; and

WHEREAS, The Erie County Community Coordinating Council on Children and Families was established to: 1.) Develop a methodology to evaluate, monitor and ascertain the effectiveness of current programs in children's services; 2.) Identify problems and deficiencies in existing services and recommend corrective action; 3.) Improve coordination of program and fiscal resources within the children's services system; 4.) Act as a liaison between county governmental units, public voluntary programs and the state and federal government to foster better communications between all involved; 5.) Review and resolve administrative, and where appropriate, regulatory differences between agencies; 6) Develop long-range plans to improve services to children and families; 7.) Act as a forum for community discussion of issues pertaining to services for children and families; and

WHEREAS, The Junior League of Buffalo is the driving force of an initiative called Non-Profit Alliances for the New Millennium; and

WHEREAS, This initiative proposes assistance to build and maintain alliances across non-profits to more effectively serve the needs of families in Erie County; and

WHEREAS, Without agencies and community leaders working together to utilize resources (staffing, funds and services), the overall efficiency of our County is jeopardized; and

WHEREAS, The Junior League of Buffalo's Nonprofit Alliance enhances the mission of the Erie County Coordinating Council on Children and Families; and

WHEREAS, The County of Erie is a collaborative partner in this initiative along with the United Way of Buffalo and Erie County, the Not-for-Profit Council of the Greater Niagara Partnership, Western

New York Grantmakers, the Buffalo Public Schools, University at Buffalo, CRUCIAL, the Arts Council in Buffalo and Erie County, the YWCA, Americorps and the City of Buffalo; and

WHEREAS The Nonprofit Alliances for the New Millennium sponsored a forum on March 21, 2000 designed to foster strategic alliances among nonprofit, governmental and philanthropic leaders; and

WHEREAS, there is 28,782.79 in Account 826, Other Expenses (DAC281210110826).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract with the Junior League of Buffalo for sponsorship of the Nonprofit Alliances for the New Millennium forum; and be it further

RESOLVED, that the sum of \$5,000 is hereby transferred from DAC281210110826, Other Expenses, to DAC281210110830, Contractual Services, in the grant fund budget of the Erie County Coordinating Council on Children and Families, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive, Joel A Giambra; the Director of Budget and Management, Joseph Passafiume; the County Attorney, Frederick Wolf; the County Comptroller, Nancy Naples; the Coordinator of the Erie County Community Coordinating Council on Children and Families, Susan Davidson and Acting Chairman of the Erie County Community Coordinating Council on Children and Families, Jim Casion, Chief Executive Officer, Baker Victory Services, 780 Ridge Road, Lackawanna, New York 14218.

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

CARRIED UNANIMOUSLY.

Item 42 – MS. PEOPLES moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 15E-41. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 299

Re: Legal Aid Bureau – Retention of 1999 Surplus.

WHEREAS, the Legal Aid Bureau of Buffalo Inc., has a 1999 general fund surplus of \$19,351.01, and

WHEREAS, the County contract with said agency allows for retention of any operating surplus in the next fiscal year, subject to approval of the Legislature, and

WHEREAS, the Legal Aid Bureau will utilize these funds for the Indigent Defense Program,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Legal Aid Bureau of Buffalo Inc., to retain their 1999 general fund surplus of \$19,351.01 for 2000 operational needs in the Indigent Defense Program, 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 and the County Attorney's Office.

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

CARRIED UNANIMOUSLY.

Item 43 – MRS. FISHER moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 15E-43. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 300

Re: Request for Legislative Action
authorizing Erie County to amend its 2000
Contract with the YWCA of Western New
York, Inc. by an additional \$93,288 in 100%
New York State Office of Mental Health State
Aid Funds.

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

WHEREAS, the Erie County Department of Mental Health has reviewed and approved programs of mental health services for persons receiving rehabilitation services from the YWCA of Western New York, Inc., and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with the YWCA of Western New York, Inc., in the amount not to exceed \$66,542, and,

WHEREAS, additional funds of \$93,288 in NYS Office of Mental Health State Aid Dollars are available to continue providing services to mental health clients needing services.

NOW, THEREFORE, BE IT

RESOLVED, that the 2000 appropriation for the YWCA of Western New York, Inc. be increased by a total of \$93,288, the source of these funds being NYS Office of Mental Health State Aid Dollars, and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 2000 contract with the YWCA of Western New York, Inc. for the period January 1, 2000 through December 31, 2000 to an amount not to exceed \$159,830, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 44 – MS. FISHER moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 15E-48. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 301

Re: Department of Health, Division of
Emergency Medical Services – Loan of Three
(3) Automated External Defibrillator Trainers.

WHEREAS, it is expected that Automated External Defibrillators will be widely used by public safety personnel, and

WHEREAS, the Health Department's Division of Emergency Medical Services desires to play a key role in training police, volunteer fire and rescue squad personnel in the use of this equipment.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Health, Emergency Medical Services Division is hereby authorized to accept a loan of three (3) AED Trainers with a value of \$1,200 from the Wyoming-Erie Regional Emergency Medical Services Council, and be it further

RESOLVED, that the County Executive be authorized to sign the attached Loan Agreement to accept the AED Trainers, 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 County Attorney, the County Executive and the Department of Health.

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

CARRIED UNANIMOUSLY.

Item 45 – MS. MARINELLI moved to discharge the PERSONNEL AD HOC COMMITTEE from further consideration of Comm. 14E-8. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 302

Re: Appointments to County Development
Coordination Board.

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of the following individuals to the Erie County Development Coordination Board:

<u>NAME</u>	<u>TERM EXPIRATION</u>
Roseanne Littierei 30 Kennedy Road Cheektowaga, NY 14227	December 31, 2001
Thomas Ruffino 370 Le Brun Road Buffalo, NY 14226	December 31, 2001

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

CARRIED UNANIMOUSLY.

Item 46 – MS. MARINELLI moved to discharge the PERSONNEL AD HOC COMMITTEE from further consideration of Comm. 15E-19. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 303

Re: Appointments to Erie County Board of Ethics.

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of the following individuals to the Erie County Board of Ethics:

<u>NAME</u>	<u>TERM EXPIRATION</u>
Anne Smith Simet 5068 Lake Shore Road Hamburg, NY 14075	December 31, 2003
David C. Mineo 5373 Village Station Circle Williamsville, NY 14221	December 31, 2004

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

CARRIED UNANIMOUSLY.

Item 47 – MS. MARINELLI moved to discharge the PERSONNEL AD HOC COMMITTEE from further consideration of Comm. 15E-20. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 304

Re: Expansion of Assisted Outpatient Treatment Program Grant.

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

WHEREAS, additional funds of \$42,668 in NYS Office of Mental Health State Aid Dollars are available to increase the Assisted Outpatient Treatment Program Grant in order to provide enhanced Transition Management / Discharge Planning Services to Seriously and Persistently Mentally III Individuals being released from the Erie County Holding Center or the Erie County Correctional Facility.

NOW, THEREFORE, BE IT

RESOLVED, that the 2000 appropriation for the Assisted Outpatient Treatment Program Grant, Project 358, in the budget of the Department of Mental Health be increased by a total of \$42,668, the source of these funds being NYS Office of Mental Health State Aid Dollars, and be it further

RESOLVED, that the following grant positions be authorized: Forensic Mental Health Specialist 1, Job Grade 10, and Forensic Mental Health Technician, Job Grade and that the appropriate B100 forms will be forwarded for approval, and be it further

RESOLVED, that the project budget be increased in the following accounts:

<u>Account</u>		
800	Personal Services	\$ 33,234
805	Fringe Benefits	\$ 7,034
810	Office Supplies	\$ 300
824	Travel & Mileage	\$ 600
825	Out-of- Area Travel	\$ 1,000
826	Other Expenses	\$ 200
880-5100	Interfund Expense-DISS	<u>\$ 300</u>
		\$ 42,668

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 48 – MR. KUWIK moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 14E-34. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 305

Re: Department of Central Police Services –
Mobile Data Terminal Maintenance.

WHEREAS, one mission of the Erie County Department of Central Police Services is to provide to local police agencies consolidated, coordinated, and economical technical and support services, and

WHEREAS, the Erie County Department of Central Police Services is prepared to provide Mobile Data Terminal (MDT) maintenance services for the police agencies throughout Erie County, and

WHEREAS, the Chiefs of Police are in support of this proposal and are willing to pay a maintenance charge, which is lower than available elsewhere and which will insure the integrity of the system,

NOW, THEREFORE, BE IT

RESOLVED, that by a two-thirds affirmative vote of the Erie County Legislature, the Department of Central Police Services is hereby authorized to collect a charge of \$400 per Mobile Data Terminal from local municipalities, to reimburse the cost of providing maintenance and repair services for mobile computer terminals utilized by said municipality's police department, and be it further

RESOLVED, that the County Executive is authorized to enter into agreement with local municipalities as may be required for the implementation of this service, and be it further

RESOLVED, that MDT maintenance charges collected from local municipalities shall be utilized only for MDT maintenance and repair purposes by the Department of Central Police Services, and be it further

RESOLVED, that the Department of Central Police Services shall appropriate MDT charges in the grant fund, to be established as follows:

Department of Central Police Services
Grant Fund
MDT Maintenance Program

<u>Revenue</u>	<u>Increase</u>
Other Local Sources- MDT Charge	\$15,200
<u>Appropriation</u>	
Acct. 823 - Repairs and Maintenance	\$15,200

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 Law and the Department of

Central Police Services.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, MARSHALL, PAULY, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. NOES: RANZENHOFER, WEINSTEIN. AYES – 15, NOES – 2.

CARRIED.

Item 49 – MR. HOLT moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 15E-16. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 306

RE: Department of Social Services Child and Family Services After Hours Homeless Hotline Contract.

WHEREAS, the County is legally required to provide services to homeless families and individuals on a 24 hour per day basis, and

WHEREAS, in order to meet this obligation after normal business hours, the Department has a contract that provides for the on-call capacity to address homeless needs on nights, weekends and holidays, and

WHEREAS, services include emergency requests for housing, assessment, identification of free housing alternatives where available, and, if necessary, authorization of hotel placement to meet client needs until County offices open on the next business day, and

WHEREAS, this contract was first awarded in 1992 in response to a Request for Proposals (RFP) issued by the Department, and

WHEREAS, the current appropriation for after hours homeless hotline and related services to the homeless population is insufficient to provide the level of service required, and

WHEREAS, an increase in the contract with Child and Family Services in the amount of \$15,000 is necessary to provide the required level of after hours service to the homeless population, and

WHEREAS, this contract increase is to be funded by the appropriation of unanticipated revenue received by the Department and there is no fiscal impact.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to amend the existing contract with Child and Family Services for the Homeless Hotline, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2000 Adopted Budget:

Department of Social Services, Department 200, Fund 120

<u>Account</u>	<u>Description</u>	<u>Increase</u>
830 0300	Child and Family Services (Homeless After Hours)	<u>\$15,000</u>
	Total Expenditures	<u>\$15,000</u>
529	Unanticipated Prior Year Revenue	<u>\$15,000</u>
	Total Revenues	<u>\$15,000</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

Item 50 – MR. HOLT moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 15E-17. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 307

Re: Department of Social Services Child Care Block Grant.

WHEREAS, the Department of Social Services has been notified of an increase of \$6,731,614 in the amount of its allocation of Federal block grant funds to provide child day care for low-income and public assistance families, and

WHEREAS, these day care funds will enable additional numbers of parents to have access to quality and affordable day care for their children, and

WHEREAS, access to day care will allow parents to complete their education and continue employment and will allow Family Assistance clients to be engaged in required work activities, and

WHEREAS, no additional County funds are required to accept the grant award.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to accept additional Federal funds in the amount of \$6,731,614 for the Child Care Block Grant program, and be it further

RESOLVED, that the following budget amendments are hereby authorized for the Child Care Block Grant for the period October 1, 1999 through September 30, 2000:

Department Of Social Services, Department 200, Fund 281, Project 135

<u>Account</u>	<u>Description</u>	<u>Increase</u>
850	Child Care DSS	<u>\$6,731,614</u>
	Total Expenditures	<u>\$6,731,614</u>
640	Federal Aid	<u>\$6,731,614</u>
	Total Revenues	<u>\$6,731,614</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 51 – MR. HOLT moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 15E-39. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 308

Re: Department of Social Services
Merit Incentive/Community Support
Schools.

WHEREAS, the Department of Social Services has been awarded an additional \$40,000 in Federal Temporary Assistance to Needy Families (TANF) funding under the Merit Incentives Program, and

WHEREAS, this one-time funding is to be used in conjunction with a Community Support Schools Program to reward students in receipt of TANF benefits who are excelling in academic studies and who

are also participating in community service with a 501-3(c) organization, and

WHEREAS, the Department is piloting enhancements to the Community Support Schools Program by providing, accessing and coordinating services to twelve (12) schools identified by the Buffalo Public Schools as "Community Support Schools," as these schools have been targeted for development of a wide variety of community support services to help close gaps in student performance, and

WHEREAS, the availability of merit awards to high-achieving students in Community Support Schools will complement and reinforce the Community Support Schools Program efforts, and

WHEREAS, the computers provided through this program will be comparable to computers used by students in school classrooms, and

WHEREAS, this funding is a remarkable opportunity to provide students of excellence with a learning resource and tool that they would otherwise not have during their junior high school years.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Social Services is hereby authorized to accept additional Federal funds in the amount of \$40,000 from the New York State Office of Temporary and Disability Assistance in order to operate the Merit Incentive Community Support Schools Program, and be it further

RESOLVED, that the following budget changes are hereby authorized for the period January 1, 2000 through December 31, 2000:

Department of Social Services, Department 200, Fund 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
842	Family Assistance	<u>\$40,000</u>
	Total Appropriation	<u>\$40,000</u>
826	Federal Aid- Family Assistance	<u>\$40,000</u>
	Total Revenue	<u>\$40,000</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

DELETE: the “7th, 8th or 9th grade” from second Whereas clause.

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

CARRIED UNANIMOUSLY.

Item 52 – MR. HOLT moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 15E-44. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 309

Department of Social Service Medicaid
Managed Care Grant.

WHEREAS, Erie County has been the leader in the implementation of managed care programs for the Medicaid population, and

WHEREAS, the Department of Social Services has been notified of renewal of a grant award in the amount of \$248,557 for the Medicaid Managed Care program for the 2000-2001 State fiscal year, and

WHEREAS, the grant is used to fund overtime salary expenses for the staff who process managed care enrollments and recertifications, as well as for related equipment, travel and contractual costs, and

WHEREAS, continuation of contracts with three organizations are necessary, including the Managed Care Coalition, the Child Advocacy Center of Buffalo and Family Medicine Faculty Associates, Inc., and

WHEREAS, these grant resources are critical for continued implementation and maintenance of mandated managed care enrollments required by New York State, and

WHEREAS, there is no fiscal impact as all expenses are fully reimbursed from State and Federal funds.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to accept funds from New York State in the amount of \$248,557 and to enter into or extend any necessary contracts with agencies specifically identified in appropriations below for the Medicaid Managed Care Grant, and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived for the continuation of ongoing contracts for the managed care program, and be it further

RESOLVED, that the following budget is hereby established in the Grant Fund, Fund 281, Department 200 for the Medicaid Managed Care Grant for the period April 1, 2000 through March 31, 2001:

Department of Social Services, Department 200, Fund 281

<u>Account</u>	<u>Description</u>	<u>Amount</u>
596	State Revenue	\$124,278
649	Federal Revenue	<u>124,279</u>
	Total Revenue	<u>\$248,557</u>
<u>Account</u>	<u>Description</u>	<u>Amount</u>
825	Out of Area Travel	10,000
830-0886	Managed Care Coalition	3,000
830-0740	Child Advocacy Center of Buffalo	45,000
830-0551	Family Medicine Faculty Associates, Inc.	45,000
880-2000	Interfund Transfer (Overtime)	108,171
880-2006	Allocated Indirect Cost	15,000
932	Furniture, Fixtures and Office Equipment	7,000
933	Laboratory and Technical Equipment	<u>15,386</u>
	Total Appropriation	<u>\$248,557</u>

and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2000 Adopted Budget:

Department of Social Services, Department 200, Fund 120

<u>Account</u>	<u>Description</u>	<u>Amount</u>
801	Overtime	<u>\$108,171</u>
	Total Expenditures	<u>\$108,171</u>
685-2009	Interfund Transfer	<u>\$108,171</u>
	Total Revenues	<u>\$108,171</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 53 – MR. HOLT moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 15E-46. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 310

Re: Department of Social Services Enhanced
Drug and Alcohol Services Grant.

WHEREAS, the Department of Social Services (DSS) has received notification of a third-year grant award of Federal Temporary Assistance to Needy Families (TANF) funds in the amount of \$450,000 for the purpose of funding Enhanced Drug and Alcohol Services to the Family Assistance population, and

WHEREAS, substance abuse and related services to appropriate clients in the TANF population are critically important due to Federal requirements related to work participation and five (5) year time limits, and

WHEREAS, the Department of Social Services is requesting authorization to establish grant budget appropriations necessary to administer this program in conjunction with the Department of Mental Health and to execute service contract renewals with three (3) community providers as follows:

Erie County Council for the Prevention of Alcohol and Substance Abuse	\$170,000
WNY United Against Drugs and Alcohol Abuse	\$140,000
Every Person Influences Children	\$50,000

and

WHEREAS, the balance of the award, an amount of \$90,000, will be used by the Department to fund the costs to perform screening, referral and case management functions with existing staff.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to accept Federal grant funds in the amount of \$450,000 to continue an Enhanced Drug and Alcohol Services Program for the period July 1, 2000 through June 30, 2001, and be it further

RESOLVED, that as it was necessary to provide this service immediately through contracts with providers specifically designated by New York State in the prior round of funding, the request for proposal (RFP) requirements of section 19.08 of the Administrative Code were waived by Legislative resolution, and these funds are to be used to renew those prior contracts, and be it further

RESOLVED, that the County Executive and/or the Commissioners of Social Services and Mental Health are hereby authorized to enter into an interagency agreement to administer the grant funds and to execute service contract renewals with the Erie County Council for the Prevention of Alcohol and Substance Abuse, WNY United Against Drugs and Alcohol Abuse and Every Person Influences Children

pursuant to the grant budgets which follow, and be it further

RESOLVED, the following grant budget is hereby established in the Department of Social Services, Fund 281, Department 200, for the Enhanced Drug and Alcohol Services Grant for the period July 1, 2000 through June 30, 2001:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
801	Personal Services	\$70,312
805	Fringe Benefits	19,688
882-2409	Interdept-Mental Health Grants	<u>\$360,000</u>
	Total Appropriations	<u>\$450,000</u>
649	Federal Aid	<u>\$450,000</u>
	Total Revenues	<u>\$450,000</u>

and be it further

RESOLVED, that the following grant budget is hereby established in the Department of Mental Health, Fund 281, Department 240, for the Enhanced Drug and Alcohol Services Grant for the period July 1, 2000 through June 30, 2001:

<u>Account</u>	<u>Title</u>	<u>Amount</u>
830	Erie County Council for the Prevention of Alcohol and Substance Abuse	\$170,000
830	WNY United Against Drugs and Alcohol Abuse	140,000
830	Every Person Influences Children	50,000
883-6309	Interdept - DSS Grants	<u>(360,000)</u>
	Total Appropriations	<u>-0-</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Social Services, the Commissioner of the Department of Mental Health, the Director of Budget and Management and the Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

Item 54 – MR. HOLT moved to discharge the SOCIAL SERVICES COMMITTEE from further consideration of Comm. 15E-47. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 311

Re: Department of Social Services Preventive Services Funding Reallocation.

WHEREAS, the Department of Social Services contracts with various community providers to purchase mandated preventive services designed to prevent placement of children into foster care as well as to hasten return home of children currently in foster care, and

WHEREAS, the 2000 Adopted Budget funded a contract in the amount of \$196,965 for the purpose of purchasing preventive services from the Clarkson Center; however, that contract was not executed as the Clarkson Center ceased operations and transferred its preventive services cases to other agencies, and

WHEREAS, the 2000 Clarkson appropriation needs to be transferred to agencies that accepted Clarkson Center preventive services cases, and others, to expand their contracts to cover these cases while maintaining previously contracted overall service levels, and

WHEREAS, the Department surveyed current providers to ascertain that they would have the ability to provide the additional services in the current calendar year, and

WHEREAS, the agencies to receive reallocated funds include each of the other agencies with which the Department has contracts for preventive services, and

WHEREAS, there is no additional local share for these transfers, and there is no fiscal impact.

NOW, THEREFORE, BE IT

RESOLVED, the Department of Social Services is hereby authorized to reallocate and transfer to other agencies, funds budgeted for Clarkson Center preventive services cases required as a result of the closure of the Clarkson Center program and the transfer of its cases to other preventive services agencies, and be it further

RESOLVED, that the Department is authorized to execute and amend contracts as necessary to reflect the reallocation of Clarkson Center preventive services funding, and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2000 Adopted Budget:

Department of Social Services, Department 200, Fund 120

<u>Account</u>	<u>Description</u>	<u>Increase/ (Decrease)</u>
830 0146	Geneva B. Scruggs (Traditional)	\$9,552
830 0148	Parents Anonymous (Traditional)	10,846
830 0187	Salvation Army (PINS Diversion)	5,180
830 0200	Child and Family Services (Preventive)	18,373
830 0201	Comm Services for the Dev. Disabled	3,157
830 0244	Baker Victory Services (Preventive)	48,482
830 0253	My Brother's Keeper (Preventive)	7,689
830 0297	Native American Community Services (Traditional)	2,995
830 0308	Buffalo Urban League	40,000
830 0390	YWCA of WNY (Preventive)	2,533
830 0427	Catholic Charities (Preventive)	48,158
830 0245	Clarkson Center -PACE Program (Preventive)	<u>(196,965)</u>
	Total Expenditures	<u>\$0</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 55 – MR. MARSHALL moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

RESOLUTION NO. 312

Re: Personnel Adjustment. (Intro. 16-14)

A RESOLUTION SUBMITTED BY
LEGISLATORS SWANICK, PEOPLES & MARSHALL

RESOLVED, that the Erie County Legislature does hereby delete one (1) position of SEC TO THE MIN (Position No. 001177), effective July 14, 2000, and be it further

RESOLVED, that the Legislature does hereby create one (1) Regular, Part-time position of ADMIN ASST LEG RPT (24 R.P.T. hours per week at a rate of \$17.001 per hour), to Function 4000 – Minority Staff, effective July 17, 2000, and be it further

RESOLVED, that the Legislature does hereby create one (1) Part-time position of CLERK TYP (LEG) PT, effective July 17, 2000, and be it further

RESOLVED, that the funds necessary to effect these changes are available within the Legislature's 2000 budget for Personal Services, and be it further

RESOLVED, that the Clerk of the Legislature, the Department of Personnel and the Division of Budget, Management & Finance are hereby authorized to complete all necessary paperwork to effectuate these personnel changes, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of Personnel and the Director of Budget, Management & Finance.

FISCAL IMPACT: None.

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

CARRIED UNANIMOUSLY.

Item 56 – MR. MARSHALL moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

RESOLUTION NO. 313

Re: Reappointment to the Erie County
Commission on the Status of Women.
(Comm. 16E-43)

RESOLVED, that the Erie County Legislature does hereby confirm the re-appointment of the following individual to the Erie County Commission on the Status of Women:

<u>NAME</u>	<u>TERM EXPIRATION</u>
Catherine Weiss 70 Fennec Lane East Amherst, NY 14051	June 30, 2003

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

CARRIED UNANIMOUSLY.

Item 57 – MR. DeBENEDETTI moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

CHAIRMAN SWANICK directed that Intro. 16-15 be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro. 16-15 From LEGISLATOR DeBENEDETTI Re: Establishment of Stakeholders Committee for New York Power Authority Relicensing.

Item 58 – MR. MARSHALL moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

CHAIRMAN SWANICK directed that Intro. 16-16 be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 16-16 From LEGISLATOR MARSHALL Re: Workforce Development.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR PEOPLES

Item 59 – (Comm. 16E-1) Copy of Letters Urging Legislature to Adopt Local Law Intro 2 – 2000.
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 60 – (Comm. 16E-2) Letter Urging Legislature to Adopt Local Law Intro No. 4 – 2000
(Print #3).

Received and filed.

Item 61 – (Comm. 16E-3) Copy of Letter to Chairman Swanick Re: Phaseout Elimination of Real Estate Transfer Tax.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIRMAN SWANICK

Item 62 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 314

Re: Majority Appointment to Erie
County Fisheries Advisory Board.
(Comm. 16E-4)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Frank E. Benbenek of 8 Philip Dr. Cheetowaga, NY 14227 to the Erie County Fisheries Advisory Board. His term will expire December 31, 2001.

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

CARRIED UNANIMOUSLY.

FROM THE COMPTROLLER

Item 63 – (Comm. 16E-5) Comprehensive Annual Financial Report for Year Ended 12/31/99

Item 64 – (Comm. 16E-6) Probation – Audit of Internal Controls Related to Operation of Cashier's Office.

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 65 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 315

Re: Bond Resolution - \$160,000 – Planning
for Various Road Projects. (Comm. 16E-7)

RESOLUTION NO. -2000

BOND RESOLUTION DATED July 13, 2000

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING PLANNING FOR VARIOUS ROAD PROJECTS, STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$160,000, APPROPRIATING \$160,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$160,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) July 11, 2000
(Adopted) July 13, 2000

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. The County of Erie, New York (herein called "County"), is hereby authorized to plan various road projects pursuant to agreement with the New York State Department of Transportation, including Abbott Road, Hopkins Road, and Seneca Street. The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$160,000, which amount is hereby appropriated for planning of such highway projects pursuant to the duly adopted Capital Budget of said County for fiscal year 2000. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2000 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The plan of financing includes the issuance of \$160,000 aggregate amount of bonds of the County 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 said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the principal amount of \$160,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33a of the Consolidated Laws of the State of New York (herein called "Law") to finance said appropriations.

Section 3. The period of probable usefulness for the specific object or purpose for which said \$160,000 principal amount of bonds herein authorized are to be issued, within the limitations of §11.00 a. 62(2nd) 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 I hereof prior to the issuance of the bonds or bond anticipation notes authorized out of funds available in the General Fund 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 Bond Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of 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 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.

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

CARRIED UNANIMOUSLY.

DELETE the resolution in its entirety and replace with the following:

WHEREAS, sufficient funds are available to fund these road projects without the county incurring additional indebtedness, and

WHEREAS, in order to do so, the Legislature will delete the bond resolution in its entirety and authorize the transfer of sufficient funds to the Department of Public Works for this purpose,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$160,000 from unspent 1999 county contingency funds (DAC:11092331029331001999) to an account within the Department of Public Works or the Erie County Road Fund, as determined by the Director of the Division

of Budget, Management and Finance, in order to finance the county's portion of these road projects that were initially proposed to be funded through the issuance of debt, and be it further

RESOLVED, that the Clerk of the Erie County Legislature, the Director of the Division of Budget, Management and Finance, the Office of the County Attorney, and the Commissioner of the Department of Public Works be and hereby are authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Comptroller, the Director of the Division of Budget, Management and Finance, the Office of the County Attorney, and the Commissioner of the Department of Public Works.

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 66 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 316

Re: DPW – Angola-Brant Road
Bridge Over NYS Thruway, Town of
Evans. (Comm. 16E-8)

WHEREAS, the New York State Thruway Authority proposes to rehabilitate the structure which carries Angola-Brant Road CR 9, over the New York State Thruway at Milepost 449.17 in Contract TAB 00-46B,

WHEREAS, Section 359, Subdivision 4, of the Thruway Act provides that the Municipality shall maintain and repair its municipal highways carried over the Thruway by Authority structures, and

WHEREAS, the parties hereto desire to come to a definite understanding regarding the statutory responsibilities of Authority and Municipality, respectively, for specific contract items on maintenance and repair, and the manner in which the bridge rehabilitation will be performed, and

WHEREAS, the Authority has agreed to be responsible for 100% of the cost of the rehabilitation contract.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to enter into an agreement with the New York State Thruway Authority to continue to maintain and repair those items of the Angola-Brant Road Bridge as required under the provisions of Section 359, Subdivision 4 of the

Thruway Act, and be it further

RESOLVED, that the rehabilitation of the Angola-Brant Road Bridge over the New York State Thruway shall be performed at no cost to the County of Erie, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 67 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 317

Re: DPW – Various Bridge Projects, Towns of Marilla, Amherst, Elma, Evans, Lancaster & Alden. (Comm. 16E-9)

WHEREAS, a project for the Reconstruction of the Bullis Road Bridge 330-7, Town of Marilla; East Robinson and North French Roads (CR 299), Town of Amherst; Hall Road Bridge 333-1, Towns of Lancaster and Elma; Lake Shore Road Bridge 111-5, Town of Evans; Pavement Road Bridges 139-RR1 and 139-RR2, Town of Lancaster; Ransom Road Bridge 155-2, Town of Lancaster; and Zoeller Road Bridge 348-2, Town of Alden which are eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such programs to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the Erie County Legislature approved the entering into an agreement with the New York State Department of Transportation (NYSDOT) for reimbursement of the Federal share and 75% of the non-federal share in Number 15, held on July 6, 2000, Communication Number 14E-20A,B,C,D,E,F,& H; and

WHEREAS, the County of Erie has entered into an agreement through NYSDOT for reimbursement of 80% (\$1,855,200) of the contract amount for engineering services (\$2,319,000) by the Federal Government; and

WHEREAS, these projects are eligible for reimbursement of 15% of the costs by NYSDOT through Marchiselli Aid; and

WHEREAS, said contract provides for the County of Erie to be the lead administrator requiring the County's entering into contracts with Design Professionals; and

WHEREAS, the County now has the obligation to proceed with procurement of engineering services, which fees are reimbursable as stated above.

NOW, THEREFORE, be it

RESOLVED, that Capital Projects, as listed above be increased by \$1,855,200 the source of funds being Federal Aid in the amount of \$1,855,200; and be it further

RESOLVED, that the Commissioner of Public Works be authorized to enter into an agreement with local engineering firms to provide for engineering services for the design of the reconstruction of the following projects:

Bullis Road Bridge 330-7, Town of Marilla	<u>\$266,000</u>
East Robinson and North French Roads (CR 299), Town of Amherst	<u>\$508,000</u>
Hall Road Bridge 331-1, Towns of Lancaster and Elma	<u>\$242,000</u>
Lake Shore Road Bridge 111-5, Town of Evans	<u>\$304,000</u>
Pavement Road Bridges 139-RR1 and RR2, Town of Lancaster	<u>\$355,000</u>
Ransom Road Bridge 155-2, Town of Lancaster	<u>\$356,000</u>
Zoeller Road Bridge 348-2, Town of Alden	<u>\$288,000</u>

RESOLVED, that the contract with the local consultants is contingent, upon New York State Department of Transportation approval and acceptance, be it further

RESOLVED, that an amount of \$194,000 be allocated from the 2000 Federal Aid Projects Program (SFG 153) as previously stipulated to cover the cost of participation in the administration of the various engineering phases of the project; and be it further

RESOLVED, that the Commissioner of Public Works 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 New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County's first instance funding of the Federal Aid and State aid eligible costs and permanent funding of the local share; and be it further

RESOLVED, that this authorization is contingent upon the Legislature authorizing the sale of said 2000 Federal Aid Capital Bond funds; and be it further

RESOLVED, that the Clerk of the Legislature forward three (3) certified copies of this Resolution to the Deputy Commissioner, Highways, and one certified copy to the County Comptroller.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 318

Re: DPW- Agreement with NYSDOT –
Seneca Street from Ridge Road to NY Route
78, Transit Road, Town of West Seneca.
(Comm. 16E-10)

WHEREAS, a project for the Pavement Rehabilitation (Multi-Course Overlay) of Seneca Street (CR 215) from Ridge Road (CR 137) to Route 78, Transit Road in the Town of West Seneca, Erie County, PIN 5755.85, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds: and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) Phase of the Project, PIN 5755.85.

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

RESOLVE, that the Erie County Legislature hereby approves the above subject project; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares (\$306,000) of the cost of the Preliminary Engineering (Scoping and Design I-VI) Phase of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$61,200 is hereby appropriated from the 2000 Multi-Course Overlay Program and made available to cover the cost of Erie County's share to participate in the above phases of the Project; and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, 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 is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal 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 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 it further

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

Transportation and one certified copy to the Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

Item 69 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 319

Re: DPW – Agreement with NYSDOT –
Abbott Road from US Route 20A to Milestrip
Road, Towns of Hamburg & Orchard Park.
(Comm. 16E-11)

WHEREAS, a project for the Pavement Rehabilitation (Multi-Course Overlay) of Abbott Road (CR 4) from US Route 20A, Big Tree Road to Milestrip Road (CR 460), in the Towns of Hamburg and Orchard Park, Erie County, PIN 5755.84, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds: and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) Phase of the Project, PIN 5755.84.

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

RESOLVE, that the Erie County Legislature hereby approves the above subject project; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares (\$194,000) of the cost of the Preliminary Engineering (Scoping and Design I-VI) Phase of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$38,800 is hereby appropriated from the 2000 Multi-Course Overlay Program and made available to cover the cost of Erie County's share to participate in the above phases of the Project; and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, 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 is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal 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 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 it further

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

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

CARRIED UNANIMOUSLY.

Item 70 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded

CARRIED UNANIMOUSLY.

RESOLUTION NO. 320

Re: Federal Aid Program, Roadway
Rehab – Abbott Road, Hopkins Road,
Seneca Street. (Comm. 16E-12)

WHEREAS, the Department of Public Works has just received approval to advance the contract letting dates for the Reconstruction of Abbott Road (Rte. 20A to Milestrip), Hopkins Road (Tonawanda Creek to Dodge) and Seneca Street (Ridge Road to Transit Road), and

WHEREAS, the Commissioner of Public Works desires to engage the services of a local engineering firm to provide engineering services for the reconstruction of these roads, and

WHEREAS, the Department of Public Works, Division of Highways, needs to advance this work in an expeditious way due to the rigorous Federal Aid procurement process and the commitment to the local Transportation Improvement Program (TIP) to let these road projects by December 2000, and

WHEREAS, the Department of Public Works, Division of Highways will engage the services of this local engineering firm at a cost not to exceed \$340,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an agreement with a local engineering firm to provide engineering services for the design of the reconstruction of Abbott Road, Hopkins Road and Seneca Street, and be it further

RESOLVED, that the sum of \$68,000, as Erie County's 20% share, be allocated from the 2000 Multi-Course Overlay Program for this purpose; 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 certified copy to the Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

Item 71 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 321

Re: DPW – Agreement with NYSDOT –
Hopkins Road from Dodge Road to
Tonawanda Creek Road, Town of Amherst.
(Comm. 16E-13)

WHEREAS, a project for the Pavement Rehabilitation (Multi-Course Overlay) of Hopkins Road (CR 87) from Dodge Road (CR 45) to Tonawanda Creek Road (CR 2), in the Town of Amherst, Erie County, PIN 5755.86, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds: and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) Phase of the Project, PIN 5755.86.

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

RESOLVE, that the Erie County Legislature hereby approves the above subject project; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares (\$298,000) of the cost of the Preliminary Engineering (Scoping and Design I-VI) Phase of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$59,600 is hereby appropriated from the 2000 Multi-Course Overlay Program and made available to cover the cost of Erie County's share to participate in the above phases of the Project; and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, 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 is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal 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 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 it further

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

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

CARRIED UNANIMOUSLY.

Item 72 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 322

Re: DPW – Staff Adjustment –
Highway Division (County Road
Fund). (Comm. 16E-14)

WHEREAS, the Department of Public Works is in the process of reviewing the operations of the Highway Division, and

WHEREAS, in order to increase the effectiveness and compliance with traffic safety design, studies and compliance laws, it is desirable to have a position created entitled Traffic Safety Engineer, Job Grade 14, and

WHEREAS, funds for this position are available from the deletion of the current position of, Associate Civil Engineer, Job Group 11, Highway Division County Road Fund, and from unexpended balances in the Highway Division personal services appropriations.

NOW, THEREFORE, BE IT

RESOLVED, that a position of Traffic Safety Engineer, Job Grade 14, Step 4 is hereby created in the Highway Division County Road Fund at an annual salary of \$60,588.00 and a position of Assistant

Civil Engineer, Job Group 11, Longevity 1, is hereby deleted in the same administrative unit at an annual salary of \$49,360.00, and be it further

RESOLVED, that variable minimum of Step 4 in Job Grade 14, is hereby authorized for the position of Traffic Safety Engineer, and be it further

RESOLVED, that the necessary funding for the increased cost of this newly created position is available from unexpended balances in the personnel services appropriations of the Highway Division County Road Fund, and be it further

RESOLVED, that Account 800, Personnel Services, in the Highway Division is increased by \$5,614.00, and that Account 802, reductions from Personnel Services Account is increased in a like amount (\$5,614.00) representing half year cost impacts, and be it further

RESOLVED, that two certified copies of this resolution shall be sent to the Commissioner of Public Works, and one copy to the Director of the Division of Budget, Management, & Finance, the Commissioner of Personnel and the County Comptroller.

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

CARRIED UNANIMOUSLY.

Item 73 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 323

Re: Partnership Agreement with UB,
Earth Spirit Educational Services, Inc
& Department of Parks, Recreation &
Forestry to Use EC Forestry Property.
(Comm. 16E-15)

WHEREAS, the County owns forestry land on Genesee Road in the Town of Concord that contains a camp formerly operated by 4-H; and

WHEREAS, the Department of Parks, Recreation and Forestry wishes to implement environmental education programs for residents of Western New York in partnership with the State University of New York at Buffalo and Earth Spirit Educational Services, Inc.; and

WHEREAS, any revenues collected by Earth Spirit Educational Services, Inc. in administering the educational programs will be given to the County to be used solely for improvements, development, upkeep and maintenance of the camp site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into any necessary agreements with the State University of New York at Buffalo and Earth Spirit Educational Services, Inc., in order to implement environmental education programming at the camp located on County forest property on Genesee Road in the Town of Concord, and be it further

RESOLVED, that any revenues collected by Earth Spirit Educational Services, Inc. in administering the educational programs shall be given to the County and placed in a separate revenue account which is authorized for appropriation to be used solely for improvements, development and maintenance of the Genesee Road camp site, and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the County Comptroller, the Department of Parks, Recreation and Forestry and the Department of Law.

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

CARRIED UNANIMOUSLY.

ADD the following after the final WHEREAS clause:

WHEREAS, Lakehead Pipe Line Company ("Lakehead") owns a parcel of land with a small building at 4700 River Road adjacent to Isle View Park in the Town of Tonawanda; and

WHEREAS, Lakehead currently holds a temporary easement over County owned property along lands that were formerly the Erie Canal which allows Lakehead to maintain a pipeline for the transportation of gas and oil products in exchange for a fee of \$500.00 per year; and,

WHEREAS, Lakehead has offered to sell the property to the County for One Dollar in exchange for revising the easement to make it permanent and lowering the annual fee to \$250.00; and

WHEREAS, the Parks Department has a need for a office space for Isle View Park and wishes to use the Lakehead parcel for such purposes,

DELETE the final RESOLVE clause and replace with the following:

RESOLVED, that the County Executive is authorized to enter into any necessary agreements with Lakehead Pipe Line Company, Inc. or its subsidiaries in order to take title to the parcel located at 4700 River Road in the Town of Tonawanda and to accept a deed to said parcel, be it further,

RESOLVED, that the County Executive is authorized to enter into any necessary agreements with Lakehead Pipe Line Company, Inc. or its subsidiaries in order to revise the current easement held by Lakehead to make said easement permanent and to lower the annual fee to \$250.00; and be it further

RESOLVED, that the sale of the above property is contingent upon the approval of the county's Administrative Review Committee (ARC), and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the County Comptroller, the Department of Parks, Recreation and Forestry and the Department of Law.

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

CARRIED UNANIMOUSLY.

Item 74 – (Comm. 16E-16) ECC – Community Needs Assessment.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 75 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 324

Re: CPS – New Training Facility –
Assessment of Space Needs Study.
(Comm. 16E-17)

WHEREAS, your Honorable Body has in previous years allowed the County Executive to enter into Architectural/Engineering contracts during the summer recess, and

WHEREAS, the Department of Public Works issued a Request for Qualifications and the Consultant Selection Committee will be ready to make a recommendation in the near future,

NOW, THEREFORE, BE IT,

RESOLVED, that after the Department of Public Works Consultant Selection Committee recommends a consultant, that the County Executive be authorized to enter into a contract in an amount not to exceed \$50,000 for the Central Police Services - New Training Facility, Assessment of Space Needs Study, and be it further,

RESOLVED, that the Commissioner of Public Works inform the Erie County Legislature, which consultant was awarded the contract, and be it further,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$50,000 from the Consolidation Regional Program, DAC 110904303830699 to DAC 1109112208862208, Office of the Commissioner of Public Works, Interfund Transfer - DPW Capital and the appropriation of \$50,000 in Fund 410, Project 129 - Department of Public Works, 1999 Code Compliance, Account 975 Building Construction and an increase of \$50,000 in Interfund Revenue in the aforementioned capital project and that the Comptroller's office be authorized to make payments in an amount not to exceed \$50,000, 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; one copy to Budget Management and Finance; and one copy to the Office of Central Police Services.

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

CARRIED UNANIMOUSLY.

DELETE the resolution in its entirety and **REPLACE** with the following:

WHEREAS, the Department of Public Works received proposals on June 13, 2000 for Central Police Services - New Training Facility - Assessment of Space Needs Study, and

WHEREAS, the Department of Public Works and the Consultant Selection Committee are recommending award of contract for Architectural/Engineering Services to Trautman Associates, and

WHEREAS, Law Enforcement Agencies across Erie County, the Erie County Legislature and Erie County Central Police Services have all expressed an interest in regional collaborative efforts in examining the long-term training needs of law enforcement agencies in Erie County, and

WHEREAS, the Erie County Legislature has previously approved funding for the Central Police Services - New Training Facility Assessment of Space Needs Study,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract with Trautman Associates for the Central Police Services - New Training Facility - Assessment of Space Needs Study, and be it further,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$50,000 from the Consolidation Regional Program, DAC 110904303830699 to DAC 1109112208862208, Office of the Commissioner of Public Works, Interfund Transfer - DPW Capital and the appropriation of \$50,000 in Fund 410, Project 129 - Department of Public Works, 1999 Code Compliance, Account 975 Building Construction and an increase of \$50,000 in Interfund Revenue in the aforementioned capital project and that the Comptroller's office be authorized to make payments in an amount not to exceed \$50,000, 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; one copy to Budget Management and Finance; and one copy to the office of Central Police Services.

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

CARRIED UNANIMOUSLY.

Item 76 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 325

Re: Health – Hepatitis C Transmission
Study Grant 8/1/00 – 7/31/01.
(Comm. 16E-18)

WHEREAS, Hepatitis C is a liver disease caused by a bloodborne virus. Approximately 25% of people infected with Hepatitis C will become sick with jaundice, and fifty percent of these individuals may go on to develop chronic liver disease, and

WHEREAS, in 1999 Erie County had 4,057 reported positive laboratory tests for Hepatitis C that are persons who are chronic or asymptomatic, and

WHEREAS, the Erie County Department of Health's Sexually Transmitted Disease Program and Public Health Laboratory are participating in a study on Hepatitis C Transmission in collaboration with the State University of New York at Buffalo's Research Institute on Addictions and the Prevention Research Center, a division of the Pacific Institute for Research and Evaluation (PIRE), and there are nursing, laboratory and data processing costs associated with the study, and

WHEREAS, the Health Department has received a continuing grant award from Pacific Institute for Research and Evaluation (PIRE) in the amount of \$22,255 to cover these costs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the Pacific Institute for Research and Evaluation (PIRE) to accept the grant budgeted as follows:

HEPATITIS C TRANSMISSION STUDY

8/1/00 - 7/31/01

Project #

SFG ACCOUNT	REVENUE	BUDGET
521	Other Unclassified Revenue	<u>\$22,255</u>
	TOTAL	<u>\$22,255</u>
	EXPENSES	
801	Overtime	\$ 1,000
814	Lab and Medical Supplies	3,755
821	Dues & Fees	3,000
825	Out of Area Travel	7,000
826	Other	3,500
880	Interfund - DISS	500
933	Lab & Technical Equipment	<u>3,500</u>
	TOTAL	<u>\$22,255</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 77 – (Comm. 16E-19) Health – NYS Archives & Records Administration (SARA) Microfilming Grant.

Received and referred to the HEALTH COMMITTEE.

Item 78 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 326

Re: Health – WIC Program 10/1/99 – 9/30/00. (Comm. 16E-20)

WHEREAS, the Erie County Department of Health operates the WIC Program under a grant from the New York State Health Department, and

WHEREAS, the purpose of this program is to provide nutrition related services to pregnant women, infants and children, and

WHEREAS, the Erie County Health Department has received a revised grant award which authorizes continuation of the program, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the New York State Department of Health for a revised grant which is budgeted as follows:

SUPPLEMENTAL FOOD (WIC) PROGRAM
10/1/99- 9/30/00
PROJECT #188

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
444	LOCALSOURCE	\$650	\$ 0	\$ 650
549	MISC DEPT INC	650	0	650
575	STATE AID	<u>2,667,593</u>	<u>0</u>	<u>2,667,593</u>
	TOTAL	<u>\$ 2,668,893</u>	<u>\$ 0</u>	<u>\$ 2,668,893</u>

EXPENSES

800	PERSONAL SERVICES	\$ 1,988,295	\$ 0	\$ 1,988,295
805	FRINGE BENEFITS	513,803	0	513,803
810	OFFICE SUPPLIES	8,100	0	8,100
814	MEDICAL SUPPLIES	1,000	0	1,000
816	MAINT SUPPLIES	600	0	600
821	DUES & FEES	5,930	0	5,930
822	RENTAL CHARGES	6,784	18,000	24,784
823	REPAIRS & MAINT	2,595	0	2,595
824	TRAVEL & MILEAGE	9,525	0	9,525
825	TRAVEL - CONF	2,300	0	2,300
826	OTHER EXPENSES	13,857	2,000	15,857
880-1200	INTERFUND - COMPT	0	0	0
880-2700	INTERFUND - ECHD	49,245	0	49,245
880-4000	INTERFUND - ECMC	15,129	0	15,129
880-5100	INTERFUND - DISS	47,770	(20,000)	27,770
931	BUILDINGS & GROUNDS EQUIPMENT	850	0	850
932	FURNITURE	2,000	0	2,000
933	TECHNICAL EQUIPMENT	<u>1,110</u>	<u>0</u>	<u>1,110</u>
	TOTAL	<u>\$ 2,668,893</u>	<u>\$ 0</u>	<u>\$ 2,668,893</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 79 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 327

Re: EC Coordinating Council on
Children & Families – Auth to Extend
“Ask the Kids” Campaign Through
12/31/00 & Contract with Gelia, Wells
for Phase II. (Comm. 16E-21)

WHEREAS, Resolution, 14E-9, approved by the Legislature on July 15, 1999, recognizes the need for a Public Information/Education Initiative to facilitate communications between children of all ages and

the adults in their lives; and

WHEREAS, that Resolution authorizes the appropriation of \$100,000 to be utilized by the Erie County Community Coordinating Council on Children and Families for its action plan, including its Public Information/Education Initiative; and

WHEREAS, the Erie County Community Coordinating Council on Children and Families went through a competitive process and issued a Request for Proposals, soliciting responses from seven local marketing firms in 1999, convened a selection team to review and determine the best proposal and selected Gelia Wells & Mohr, and

WHEREAS, Resolution 16E-26 approved by the Legislature on September 9, 1999, authorizes the County Executive to enter into a contract with Gelia Wells & Mohr, not to exceed \$71,649, to implement the "Ask the Kids" campaign; and

WHEREAS, Resolution 5E- 13 approved by the Legislature on March 23, 2000, authorizes the County Executive to extend the contract through December 31, 2000, with Gelia Wells & Mohr, in an amount not to exceed \$20,800 to implement Phase II of the "Ask the Kids" campaign

WHEREAS, the County Executive has evidence that the "Ask the Kids" campaign is having a positive impact on families in Erie County and should be continued.

NOW THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the appropriation of \$100,000 in unanticipated revenues available in DAC110923310303, Gain Sale Tax Acquired Property in the General Fund Department for Countywide Accounts monitored by Budget, the annual budget for this account having been realized and to be utilized by the Erie County Community Coordinating Council on Children and Families for the continuation of its public information/education initiative; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized;

		<u>Increase</u>
General Fund, Gain Sale Tax Acquired Property	110923310303	\$100,000
General Fund, County Executive - Interfund		
Transfer County Executive Grants	1109061108861109	\$100,000
Grant Fund, Erie Co. Community Coordinating		
Council on Children and Families		
Contractual Services	281319110830	\$100,000
Grant Fund, Erie Co. Community Coordinating		
Council on Children and Families		
Interfund Revenues - County Executive	2813191106861100	\$100,000

and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to

enter into a contract with Gelia Wells & Mohr, not to exceed \$100,000 to implement Phase III of the “Ask the Kids” campaign; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive, Joel A. Giambra; Director of Budget and Management, Joseph Passaflume; the County Attorney, Frederick Wolf; the County Comptroller, Nancy Naples; the Coordinator of the Erie County Community Coordinating Council on Children and Families, Susan Davidson and Acting Chairman of the Erie County Community Coordinating Council on Children and Families, Jim Casion, Chief Executive Officer, Baker Victory Services, 780 Ridge Road, Lackawanna, New York 14218.

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

CARRIED UNANIMOUSLY.

Item 80 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 328

Re: DPW – Surplus Revenue – Road
Repair Reserve Fund.
(Comm. 16E-22)

WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d, and

WHEREAS, the 2000 Adopted budget appropriated \$6,019,434 from the Road Repair Reserve Fund for Capital repair of roads, bridges and equipment which repairs are of a type not recurring annually or at shorter intervals during the year, and

WHEREAS, the Road Repair Reserve Fund has an audited surplus from the 1999 Real Property Transfer Tax in the amount of \$1,425,358, and

WHEREAS, surplus Road Repair Reserve Funds can only be used for capital repairs of roads and bridges in the County, and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following public hearing, and

WHEREAS, a public hearing was held on July 13, 2000 at 2:00 p.m..

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following budget amendments.

		<u>INCREASE</u>
Road Fund Road Repair Reserve Fund Balance	210-964-224-698	\$1,425,358
Road Fund Road Repair Reserve Interdepartment Highways	210-964-224-882-2230	\$1,425,358
Road Fund Interdepartment -Road Repair Reserve	210-963-223-883-2240	\$1,425,358
Road Fund Interfund Capital	210-963-223-880-2108	\$1,425,358
Capital Fund 686 project - Interfund Revenue	420-686-223-686-2230	\$1,425,358
Capital Fund 686 project - Roads - Construction Expenditures	420-686-223-972	\$1,425,358

And be it further

RESOLVED, that the following road and bridge repair projects will be initiated during 2000.

2000 TRANSFER TAX PROJECTS

<u>IN-HOUSE OVERLAY</u>	<u>COST</u>	<u>TOTAL</u>
NEWHOUSE	\$ 30,000.00	
BASELINE	45,000.00	
TWO MILE CREEK	165,000.00	
PAVEMENT	162,000.00	
TOWNLIN (CLINTON-BULLIS)	101,000.00	
AERO (WEHRLE-REIN)	41,000.00	
AERO (REIN-TRANSIT)	41,000.00	
WEHRLE	51,000.00	
SENECA	41,000.00	
FISHER	36,000.00	
SCHERF	140,000.00	
PRATHAM	66,758.00	
TOTAL IN HOUSE OVERLAY		\$ 919,758.00

<u>OIL & CHIPPING</u>	<u>COST</u>
RAPIDS	\$ 48,000.00
SCOTLAND	20,000.00
NEW OREGON	25,000.00
LEWIS	21,000.00
HAYES HOLLOW	24,000.00
WARNER HILL	28,000.00
CRUMP	20,000.00
GROVER	50,000.00
WEST FALLS	20,000.00
DUTCHTOWN	3,500.00
N.PROTECTION	6,000.00
EAST BLOOD	23,000.00
NEW OREGON	27,000.00
ZOAR VALLEY	30,000.00
KETCHUM	11,000.00

MARSHFIELD	5,000.00
GROTH	4,000.00
JENNINGS	15,500.00
GOWANDA-ZOAR	18,500.00
SCRABBLE HILL/DUPONT	11,100.00
GENESEE	6,000.00
TREVETT	19,000.00
CONCORD	14,000.00
PRATHAM	14,000.00
BROWN HILL	8,000.00
ALLEN	12,000.00
SNYDER	12,000.00
SUMMIT	4,000.00
MATTESON CORNERS	6,000.00

TOTAL OIL & CHIPPING **\$505,600.00**

GRAND TOTAL **\$1,425,358.00**

And be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Joel A. Giambra; the County Comptroller, Nancy Naples; the Director of Budget and Management, Joseph Passafiume; the First Assistant County Attorney, Susannah Bochenek; the Commissioner of Public Works, Maria Lehman; and the Deputy Commissioner of Highways, Daniel J. Rider.

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

CARRIED UNANIMOUSLY.

Item 81 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 329

Re: USEPA Region II Solid Waste
Management Assistance Grant.
(Comm. 16E-23)

WHEREAS, the United States Environmental Protection Agency (USEPA), Solid Waste Management Assistance Program provides grant assistance to municipalities and not-for-profit corporations to implement projects to increase waste recycling in USEPA Region II, and

WHEREAS, the USEPA Region II solicits proposals for Solid Waste Management Assistance once a year, and

WHEREAS, the Department of Environment and Planning provides technical assistance to municipalities and businesses to help address their waste management needs, and

WHEREAS, in April, 2000, the Department of Environment and Planning developed and submitted a proposal for funding from the USEPA Region II Solid Waste Management Assistance Program to implement a Deconstruction Recycling Project, and

WHEREAS, on June 22, 2000, the USEPA Region II office awarded Erie County \$29,900 to implement a Deconstruction Recycling Project, and

WHEREAS, the implementation of this project will require Erie County enter into agreements with the USEPA Region II, and

WHEREAS, the completion of the work plan associated with this EPA grant requires the unique expertise of a deconstruction specialist with experience working in public housing, and

WHEREAS, Erie County's proposal was favorable reviewed by EPA because of the inclusion of the Institute for Local Self Reliance, a deconstruction contractor which has deconstructed municipal housing buildings in Hartford Connecticut and other cities, and

WHEREAS, it is necessary to waive the provision of Section 19.08 of the County Administrative Code requiring requests for proposal to secure the services of the Institute for Local Self Reliance and assure that the federal grant requirements are met, and

WHEREAS, the DEP to maximize the amount of work to be done on the above mentioned grant with the resources available has incorporated the use of interns (college students) into the workplan and grant budget for the program, and

WHEREAS, Erie County, through the DEP, has secured grant funding from the USEPA Region II to implement the Deconstruction Recycling Project,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the USEPA Region II to accept and implement a Deconstruction Recycling Project in Erie County in an amount not to exceed \$29,900 in grant resources commencing in August 1, 2000, and be it further

RESOLVED, that the provision of Section 19.08 of the County Administrative Code requiring requests for proposal are hereby waived since the contractor will be providing unique and immediate services and was specifically identified in the workplan the USEPA approved for grant funding, and be it further

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the Institute for Local Self Reliance for an amount not to exceed \$2,500 to conduct site assessments for deconstruction, and be it further

RESOLVED, that the grant budget for the Solid Waste Management Assistance Project (SFG#362) will be revised to include the recently appropriated funds for the existing Solid Waste Management Assistance Project as follows:

Account	Description	Current Budget	Revisions	Revised Budget
800	Salaries	\$77,500	\$17,500	\$95,000
805	Fringe Benefits	19,375	4,900	24,275
810	Office Supplies	1,200	500	1,700
824	Travel & Mileage	300	0	300
825	Out of Area Travel	1,500	500	2,000
826	Other	3,375	2,000	5,375
830	Contractual	3,000	2,500	5,500
933	Equipment	<u>0</u>	<u>2,000</u>	<u>2,000</u>
	Total Appropriation	\$106,250	\$29,900	\$136,150

and be it further

RESOLVED, that the County Executive is authorized to enter into the necessary agreements to secure student interns for the above mentioned grant funded program, and be it further

RESOLVED, that these agreements for personnel services (intems) will not exceed \$4000 and will be funded through the above mentioned grant budget, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 82 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 330

Re: DPW – Overlay 2000 Program – Thorn St., Town of Orchard Park, Mineral Springs Rd., Town of West Seneca, Clarence Center Rd., Town of Newstead. (Comm. 16E-24)

WHEREAS, bids will be taken for the Reconstruction of Thorn Street (CR 136), Town of Orchard Park; Mineral Springs Road (CR 534), Town of West Seneca; and Clarence Center Road (CR 163), Town of Newstead, Project No. CHIPS OP-00A (Overlay 2000 Program), and

WHEREAS, the approved Erie County Budget incorporate Consolidated Highway Improvement Program funds in the amount of \$1,800,000 for the Overlay 2000 Program, and

WHEREAS, The Erie County Legislature will be in summer recess at the time of the bid opening, and

WHEREAS, it is desirable to proceed with this work since the subject roads are in a state of deterioration necessitating rehabilitation prior to the coming winter season, and

WHEREAS, in order to progress this work and take advantage of the best weather conditions

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive be authorized and is hereby directed to execute a contract for Project Number CHIPS OP-00A, between the County of Erie and the responsible low bidder, at its low bid not to exceed \$1,800,000; and be it further

RESOLVED, that an amount of the low bid be allocated from 2000 Consolidated Highway Improvement Program funding source; 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 certified copy to the Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

Item 83 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 331

Re: DPW – Kenmore Avenue &
Access Road Improvements – General
Motors Plant, Town of Tonawanda.
(Comm. 16E-25)

WHEREAS, Empire State Development (ESD) and Erie County Industrial Development Agency (ECIDA) have initiated a project with General Motors (L-6 Project) at the Tonawanda Plant, and

WHEREAS, this plan requires the reconstruction of Kenmore Avenue, from Sheridan Drive to Vulcan Avenue, at an estimated cost of \$5.25 million, and

WHEREAS, another item of the improvement plan requires new and improved access roads at an estimated cost of \$2.6 million, and

WHEREAS, Empire State Development has agreed to fund these transportation costs of \$7.85 million, and

WHEREAS, the County of Erie has been designated the lead agency in this undertaking, and

WHEREAS, the project is dependent upon the ability of the various agencies and General Motors of meeting an accelerated schedule, making time of the essence, and

WHEREAS, the Erie County Legislature will be in summer recess when contractual decisions are required.

NOW, THEREFORE, BE IT

RESOLVED, that a new Capital Project is hereby authorized in Fund 420 to accept the payments and to account for expenditures. The Capital Project, Kenmore Avenue and Access Road Improvements Program is authorized in the amount of \$7.85 million, and be it further

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Engineering services within the monetary limits as may be imposed by Empire State Development, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Commissioner of Public Works and one certified copy to the Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

Item 84 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 332

Re: Tobacco Securitization – Enabling Resolution. (Comm. 16E-26)

RESOLUTION NO. __-2000

**ENABLING RESOLUTION OF THE COUNTY OF ERIE, NEW YORK,
ESTABLISHING A TOBACCO ASSET SECURITIZATION TRUST FUND,
DETERMINING THE TERMS AND CONDITIONS OF SUCH FUND AND
OTHER MATTERS IN CONNECTION THEREWITH.**

(Introduced) JULY 11, 2000
(Adopted) JULY 13, 2000

WHEREAS, the Legislature of the State of New York, pursuant to Chapter 105 of the New York Laws of 2000, has enacted legislation authorizing the County of Erie to establish a tobacco asset securitization trust fund and maintain such fund with a trustee, for the purpose of investing the proceeds received by the County from tobacco asset securitization financings and paying the County debt service appropriation, the economic development appropriation, the medicaid appropriation, the medical center contribution appropriation and the regionalism/ regional asset appropriation; and

WHEREAS, pursuant to such state legislation, it is necessary for the County Legislature to adopt and the County Executive to approve an enabling resolution providing for the establishment and maintenance of such tobacco asset securitization trust fund, and determining the terms and conditions thereof and other matters as to its operations as authorized by or not inconsistent with such state legislation;

WHEREAS, such proceeds will be recognized as revenue under generally accepted accounting principles within the general fund of the County;

WHEREAS, it is the County Legislature's intent to reserve such revenue for the purpose of financing all or a portion of such appropriations;

NOW, THEREFORE, BE IT

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

ARTICLE I
DEFINITIONS AND INTERPRETATIONS

SECTION 101. *Definitions.* In the Resolution, in addition to the definitions in Article VI of the Resolution, unless a different meaning clearly appears from the context:

(1) "Act" means the act of the Legislature of the State entitled: "AN ACT in relation to creating the tobacco asset securitization trust fund act of the county of Erie, authorizing the establishment of a trust fund for investment and expenditure of proceeds from such financing, and prescribing and limiting powers and procedures with respect to such fund", approved by the Governor on June 23, 2000 and constituting Chapter 105 of the New York Laws of 2000;

(2) "Appropriation" has the meaning set forth in Section 202(b)(2) hereof.

(3) "Budget director" means the director of the division of budget, management and finance of the County.

(4) "Bond Counsel" means, in the case of the initial Tax-Exempt Bonds to be issued to provide initial funding of the Fund, means Hawkins, Delafield & Wood, and, if applicable, in the case of any other

Tax-Exempt Bonds, means the applicable nationally recognized bond counsel serving in such capacity for such Tax-Exempt Bonds.

(5) "Consent Decree" means the Consent Decree and Final Judgment relating to the Master Settlement Agreement, entered in supreme court of the state for New York County on December 23, 1998, as amended.

(6) "Corporation" means the not-for-profit: local development corporation incorporated by the County Executive for the purpose of securitizing the Tobacco Asset.

(7) "County" means the County of Erie.

(8) "County debt service appropriation" means the County's annual budgeted appropriation in an amount equal to the amount the County owes for annual debt service on its outstanding general purpose general obligation bonds.

(9) "County Executive" means the County Executive of the County of Erie.

(10) "County Legislature" means the County Legislature of the County of Erie.

(11) "Earnings Distribution Date" means January 1 and July 1 in each year.

(12) "Economic development appropriation" means the County's annual budgeted appropriation to encourage economic development in Erie County.

(13) "Investment Earnings Account" means the account so designated which is held by the Trustee within the Fund and is established pursuant to section 201 of this resolution.

(14) "Investment Securities" means, subject to the further investment restrictions set forth in Article VI of the Resolution, (i) general obligations of, or obligations guaranteed by, any state of the United States of America or political subdivision thereof, or the District of Columbia, receiving one of the two highest long-term unsecured debt rating categories available for such securities by two independent rating services, or (ii) obligations of the United States of America or obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America, or (iii) with the approval of the State comptroller, obligations issued pursuant to section 24.00 or 25.00 of the Local Finance Law by any municipality, school district or district corporation.

(15) "Master Settlement Agreement" means the Master Settlement Agreement entered into by participating cigarette manufacturers, forty-six states and six other jurisdictions of the United States of America on November 23, 1998.

(16) "Medicaid appropriation" means the County's annual budgeted appropriation in an amount equivalent to the amount the County is charged back for its share of medical assistance payments made to providers through the state payment system for services rendered to eligible persons.

(17) "Medical center contribution appropriation" means the County's annual budgeted appropriation to the Erie County Medical Center for bad debt and charity costs and other non-reimbursable operating costs.

(18) "Permitted Tax-Exempt Investments" means those Investment Securities that further constitute "non-AMT tax-exempt securities," and, for this purpose, "non-AMT tax-exempt securities" means those bonds that meet both the following criteria: (i) they are tax-exempt bonds the interest on which is excludable from gross income under Section 103 of the Tax Code; and (ii) they are not specified private activity bonds under Section 57(a)(5)(C) of the Tax Code, meaning generally private activity bonds under Section 141 of the Tax Code other than qualified 501(c)(3) bonds under Section 145 of the Tax Code and other than certain refunding bonds of certain pre-August 8, 1986 (pre-September 1, 1986 in certain cases) original bond issues.

(19) "Proceeds" in the case of Tax-Exempt Bonds, means "Proceeds" as defined in Treas. Reg. Section 1.148-1(b).

(20) "Regionalism/regional asset appropriation" means the County's annual budgeted appropriation to promote cooperation among government entities and to preserve regional assets.

(21) "Resolution" means this resolution as the same may from time to time be amended or supplemented;

(22) "State" means the state of New York.

(23) "Tax Code" means the Internal Revenue Code of 1986, as amended.

(24) "Tax-Exempt Bonds" means any issue of bonds issued by the Corporation issued with the intent that the interest thereon be excludable from the gross income of the owners thereof under Section 103 of the Tax Code.

(25) "Tobacco Asset" means the County's right to receive its portion of the state's allocable share of payments under the terms of the Master Settlement Agreement and the Consent Decree.

(26) "Tobacco asset securitization financings" means transactions comprising the issuance of bonds by the Corporation to finance the Corporation's purchase of the Tobacco Asset from the County.

(27) "Tobacco Asset Securitization Trust Fund" or "Fund" means the special fund so designated which is held by the Trustee and is established pursuant to section 2.1 of this resolution.

(28) "Trustee" means any trust company or bank having the powers of a trust company in the state, appointed pursuant to the Resolution and any successor trust company or bank having the powers of a trust company in the state which may be substituted in its place pursuant to the Resolution.

SECTION 102. *Interpretations.* (a) Words importing the masculine gender include every other gender. Words importing the maturity or payment of any Obligation do not include or connote the becoming due of such Obligation prior to the stated date of maturity of such Obligation. Words importing

persons include firms, partnerships, associations and corporations. Words importing the singular number include the plural, and vice-versa; (b) The terms "herein", "hereunder", "hereby", "hereof", "hereto", and other similar terms refer to the Resolution; and the term "hereafter" means after the effective date of the Resolution.

SECTION 103. *Parties Interested Herein.* Nothing in the Resolution expressed or implied is intended or shall be construed to confer upon, or give to, any person, other than the County and the Trustee, any right, remedy or claim under or by reason of the Resolution or any covenant, stipulation, obligation, agreement or condition therein. All the covenants, stipulations, obligations, promises and agreements in the Resolution contained by and on behalf of the County shall be for the sole and exclusive benefit of the County and the Trustee.

SECTION 104. *Severability of Invalid Provisions.* If any one or more of the provisions, covenants or agreements in the Resolution on the part of the County or the Trustee to be performed should be contrary to law, then such provision or provisions, covenant or covenants, agreement or agreements shall be deemed separable from the remaining provisions, covenants and agreements, and shall in no way affect the validity of the other provisions of the Resolution.

ARTICLE II

ESTABLISHMENT AND OPERATION OF THE FUND

Section 201. *Establishment of Tobacco Asset Securitization Trust Fund.* Pursuant to the Act, there is hereby established a special fund which shall be known, and is hereinafter referred to, as the "Tobacco Asset Securitization Trust Fund" or "Fund", and therein an account which shall be known, and is hereinafter referred to, as the "Investment Earnings Account". Said Fund is established for the purpose of investing the proceeds received by the County from tobacco asset securitization financings and paying the County debt service appropriation, the economic development appropriation, the medicaid appropriation, the medical center contribution appropriation and the regionalism/regional asset appropriation. Said Fund shall be held by and maintained with a Trustee, and the County hereby covenants with the Trustee that it will comply in all respects with the provisions of the Act and the Resolution, maintain the Fund with the Trustee, and operate the Fund in the manner set forth herein.

SECTION 202. *Operation of the Fund.* (a) (1) On the closing date of each Tobacco Asset securitization financing the Budget Director shall immediately, upon the County's receipt of any monies from proceeds of bonds issued by the Corporation, deposit or cause to be deposited in the Fund all or a portion of such monies. Such proceeds are hereby established as a reservation of fund balance in order to provide a source of financing for the Appropriations in the current and/or future years;

(2) At any time the Budget Director may deposit or cause to be deposited in the Fund any other revenues received by the County or unexpended appropriations within any fiscal year, pursuant to resolutions adopted by the County Legislature appropriating such revenues or unexpended appropriations to the Fund.

(b) (1) An annual aggregate appropriation from the Fund of such reservation of fund balance shall be established pursuant to the adopted County budget;

(2) On or before the first day of each fiscal year, the Budget Director shall prepare and deliver to the Trustee a certificate setting forth the respective amounts of such aggregate appropriation from the Fund for the payment or payments of all or a portion of the County debt service appropriation, the economic development appropriation, the medicaid appropriation, the medical center contribution appropriation and the regionalism/regional asset appropriation pursuant to the adopted County budget and any and all subsequent resolutions for such fiscal year, subject to approval by the County Executive (collectively referred to hereinafter as the "Appropriations");

(c) This section is subject to the further restrictions set forth in Article VI of this resolution.

SECTION 203. *Accounts, Reports and Certificates.* The County covenants that it will keep, or cause to be kept, proper books of record in which complete and accurate entries shall be made of all transactions relating to the Fund. The County shall cause such books of record to be audited annually by one or more certified public accountants duly licensed by the State, and such audit shall be filed by the County with the Trustee.

SECTION 204. *Tax Covenant.* The County shall at all times do and perform all acts and things permitted by law and necessary or desirable to assure that interest paid by the Corporation on Tax-Exempt Bonds shall be excludable from gross income for federal income tax purposes pursuant to Section 103(a) of the Tax Code; and no funds of the County shall at any time be used directly or indirectly to acquire securities or obligations the acquisition or holding of which would cause any Tax-Exempt Bond to be an arbitrage bond as defined in the Tax Code and the applicable Treasury Regulations promulgated thereunder.

ARTICLE III

THE TRUSTEE

SECTION 301. *Appointment of Trustee.* The Trustee shall be designated by the Budget Director acting for and on behalf of the County Legislature, and unless said Legislature shall appoint a different Trustee by the fifth day following such designation, the Trustee designated by the Budget Director shall be deemed to be the Trustee appointed by the County Legislature.

The Budget Director may also take any and all necessary action in connection with the removal of the Trustee and the designation of a successor Trustee, and any successor Trustee so designated shall be deemed to be the successor Trustee appointed by the County Legislature unless and until said Legislature shall take action to the contrary.

The Budget Director shall give notice to the County Legislature of any action with respect to the Trustee in accordance with this Article by filing or causing to be filed a signed statement of such action in the office of the Clerk of the County Legislature on the date such action is taken.

SECTION 302. *Moneys on Deposit with the Trustee in the Fund*

(a) the Trustee shall hold all moneys deposited in the Fund in trust for the benefit of the County and shall withdraw such moneys as provided in this Section;

(b) the Trustee shall from time to time withdraw from the Fund all amounts (which may include amounts in the Investment Earnings Account) as may be necessary for the payment as the same becomes due and payable of the respective amounts appropriated from the Fund for the payment or payments of all or a portion of the County debt service appropriation, the economic development appropriation, the medicaid appropriation, the medical center contribution appropriation and the regionalism/regional asset appropriation pursuant to the adopted County budget and any and all subsequent resolutions for such fiscal year and cause the amounts so withdrawn to be made available to make such payments as, when, and where due and payable, except that if there be more than one place where such payments may be made, the Trustee shall confer with the Budget Director and the Trustee shall thereafter transfer or cause to be transferred such amounts to such place as shall be determined by the Trustee and Budget Director;

(c) If seven days prior to the due date of any such payment, the amounts held in the Fund are not sufficient for such payment, the Trustee shall give notice to the Budget Director of the amount of such insufficiency.

(d) On each Earnings Distribution Date, all amounts on deposit in the Investment Earnings Account which have not been withdrawn since the preceding Earnings Distribution Date shall be withdrawn from the Fund.

(e) This section is subject to the further restrictions set forth in Article VI of this resolution.

SECTION 303. *Investment of Fund.* Subject to the further restrictions set forth in Article VI of this resolution and pending the withdrawals provided for in Section 302, moneys in the Fund shall be invested in Investment Securities maturing at such times and in such amounts as shall provide available moneys to make such withdrawals and payments from the Fund when required. Such investments shall be made for and on behalf of the County by the Trustee upon instructions from the Budget Director or his authorized deputy.

SECTION 304. *Moneys held in Trust* All moneys held by the Trustee, as such, at any time pursuant to the terms of the Resolution shall be and hereby are assigned, transferred and set over unto such Trustee in trust for the purposes and under the terms and conditions of the Resolution.

SECTION 305. *Responsibilities of the Trustee.* The recital of facts herein contained shall be taken as the statements of the County and the Trustee shall assume no responsibility for the correctness of same. The Trustee shall make no representation as to the validity or sufficiency of the Resolution or in respect to the security afforded by the Resolution, and the Trustee shall incur no responsibility in respect thereof. The Trustee shall not be liable in connection with the performance of its duties hereunder except for its own negligence, misconduct or default.

SECTION 306. *Evidence on which the Trustee may act.* The Trustee shall be protected in acting upon any notice, resolution, request, consent, order, certificate, opinion or other paper or document believed by it to be genuine, and to have been signed or presented by the proper party or parties. The Trustee may consult with counsel, who may or may not be of counsel to the County, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it hereunder in good faith and in accordance therewith.

SECTION 307. *Compensation and Expenses.* Unless otherwise provided by contract with the Trustee, the County shall pay to the Trustee from time to time reasonable compensation for all services rendered by it hereunder, and also reimbursement for all its reasonable expenses, charges, counsel fees and other disbursements and those of its attorneys, agents and employees, incurred in and about the performance of its powers and duties hereunder. To the extent permitted by law, the County further agrees to indemnify and save the Trustee harmless against any liabilities which it may incur in the exercise and performance of its duties and powers hereunder, and which are not due to its own negligence, misconduct or default.

SECTION 308. *Resignation of the Trustee.* The Trustee may at any time resign and be discharged of the duties and obligations created by the Resolution by giving not less than 60 days' written notice to the County, and such resignation shall take effect upon the day specified in such notice unless previously a successor shall have been appointed by the Budget Director as provided in Section 310, in which case such resignation shall take effect immediately on the appointment of such successor.

SECTION 309. *Removal of Trustee.* The Trustee may be removed at any time by the County by notice in writing filed with the Trustee, provided at the time of such removal a successor Trustee shall have been appointed.

SECTION 310. *Appointment of Successor Trustee.* (a) In case at any time the Trustee shall resign or shall be removed or shall become incapable of acting, or shall be adjudged a bankrupt or insolvent, or if a receiver, liquidator or conservator of the Trustee, or of its property, shall be appointed, or if any public officer shall take charge or control of the Trustee, or of its property or affairs, a successor shall be appointed by the County by notice in writing filed with the predecessor Trustee.

(b) Any Trustee appointed under the provisions of this Section in succession to the Trustee shall be a bank or trust company or national banking association, doing business and having its principal office in the State, and having capital stock and surplus aggregating at least \$75,000,000, willing and able to accept the office on reasonable and customary terms and authorized by law to perform all the duties imposed upon it by the Resolution.

SECTION 311. *Transfer of Rights and Property to Successor Trustee.* Any successor Trustee appointed under the Resolution shall execute, acknowledge and deliver to its predecessor Trustee, and also to the County, an instrument accepting such appointment, and thereupon such successor Trustee, without any further act, deed or conveyance, shall become fully vested with all moneys, estates, properties, rights, powers, duties and obligations of such predecessor Trustee, with like effect as if originally named as Trustee; but the Trustee ceasing to act shall nevertheless, on the written request of the County, or of the successor Trustee, execute, acknowledge and deliver such instrument of conveyance and further assurance and do such other things as may reasonably be required for more fully and certainly vesting and confirming in such successor Trustee all the right, title and interest of the predecessor Trustee in and to any property held by it under the Resolution, and shall pay over, assign and deliver to the successor Trustee any money or other property subject to the trusts and conditions herein set forth. Should any deed, conveyance or instrument in writing from the County be required by such successor Trustee for more fully and certainly vesting in and confirming to such successor Trustee any such estates, rights, powers and duties, any and all such deeds, conveyances and instruments in writing shall, on request, and so far as may be authorized by law, be executed, acknowledged and delivered by the County.

ARTICLE IV

AMENDMENTS

SECTION 401. *Amendments or Modifications.* Notwithstanding anything contained in the foregoing provisions of this Article, a supplemental resolution amending or modifying the Resolution may be adopted, in a manner consistent with the Act, for any one or more of the following purposes and at any time or from time to time:

(1) To add to the covenants or agreements of the County contained in the Resolution other covenants or agreements to be observed by the County which are not contrary to or inconsistent with the Resolution as theretofore in effect;

(2) To add to the limitations or restrictions contained in the Resolution other limitations or restrictions to be observed by the County which are not contrary to or inconsistent with the Resolution as theretofore in effect;

(3) To surrender any right, power or privilege reserved to or conferred upon the County by the Resolution;

(4) To cure any ambiguity, supply any omission, any defect or inconsistent provision in the Resolution;

(5) To insert such provisions clarifying matters or questions arising under the Resolution as are necessary or desirable and are not contrary to or inconsistent with the Resolution as theretofore in effect; and

(6) To effect any change in the operation of the Fund.

Any amendment of the Resolution shall be accompanied by a legal opinion to the effect that the amendment is permitted by law and does not adversely affect the exclusion of interest on the Tax-Exempt Bonds from gross income for federal income tax purposes. The counsel rendering such opinion shall be Hawkins, Delafield & Wood, New York, New York.

ARTICLE V

INVESTMENT REGULATIONS

SECTION 501. *Regulations Regarding Investment of Fund.* Investment Securities purchased as an investment of moneys in the Fund established under the Resolution shall be deemed at all times to be a part of the Fund, and the interest thereon and any profit arising on the sale thereof shall be credited to the Investment Earnings Account, and any loss resulting on the sale thereof shall be charged to the Fund. In computing the amount in the Fund for any purpose hereunder, such Investment Securities shall be valued at the lower of cost or market price thereof, exclusive of accrued interest. Amounts credited to the Investment Earnings Account shall be continuously invested in Investment Securities maturing not later than the Earnings Distribution Date immediately succeeding the date of such investment.

ARTICLE VI

SPECIAL RESTRICTIONS ON INVESTMENTS AND WITHDRAWAL OF
PROCEEDS OF TAX-EXEMPT BONDS HELD IN THE FUND

Section 601. *In General: Controlling Provisions for Tax-Exempt Bonds Held in the Fund.* In general, this Article VI provides certain special restrictions on permitted investments and withdrawals for those amounts deposited or held in the Fund from a source that constitutes Proceeds of Tax-Exempt Bonds. In general, the purpose of these special restrictions is assure compliance of such Tax-Exempt Bonds with certain federal income tax restrictions applicable to tax-Exempt bonds the interest on which is intended to be excludable from gross income for federal income tax purposes. These restrictions include, among other things, the general arbitrage investment restrictions under Section 148 of the Tax Code and the hedge bond restrictions under Section 149(g) of the Tax Code. Notwithstanding anything in the Resolution to the contrary, the more restrictive provisions of this Article shall control over other provisions of the Resolution to the extent of any conflict.

Section 602. *Investments of Proceeds of Tax-Exempt Bonds Held in the Fund.* In addition to the other restrictions on investments of amounts in the Fund set forth elsewhere in the Resolution, in the case any amounts deposited or held in the Fund from a source that constitutes Proceeds of Tax-Exempt Bonds, the Trustee shall invest those Proceeds only in Permitted Tax-Exempt Investments.

Section 603. *Withdrawal of Proceeds of Tax-Exempt Bonds From the Fund.* In addition to the other restrictions on withdrawals from the Fund set forth elsewhere in the Resolution, in the case of any amounts deposited or held in trust in the Fund from a source that constitutes Proceeds of Tax-Exempt Bonds, the Trustee shall permit withdrawals of such Proceeds from the Fund only upon receipt by the Trustee of a requisition certificate from the Budget Director in form and substance satisfactory to Bond Counsel for the applicable Tax-Exempt Bonds that provides certifications to demonstrate the simultaneous treatment of such amounts as expenditures of such Proceeds for purposes of Sections 103 and 148 of the Tax Code and that provides such further certifications as deemed necessary or appropriate by Bond Counsel to assure the tax-exempt status of the interest on the Tax-Exempt Bonds under Section 103 of the Tax Code.

Section 604. *County Understanding on Limitations on Withdrawal from Fund for Working Capital Purposes.* The County understands that the eligible uses of the Fund mainly will constitute "restricted working capital expenditures" for purposes of the arbitrage restrictions on the Tax-Exempt Bonds under Section 148 of the Tax Code. The County further understands withdrawals of Proceeds of the Tax-Exempt Bonds for simultaneous expenditure for restricted working capital expenditures generally will be subject to a very restrictive "proceeds-spent-last" accounting rule under Treas. Reg. Section 1.148-6(d)(3). The County further understands that this restrictive accounting rule for federal tax arbitrage purposes will limit withdrawals from the Fund of such Proceeds until such times as the County generally can show a cash deficit of prescribed available amounts (including, without limitation, the County's general fund), except for certain permitted working capital reserves which need not have been spent, which permitted working capital reserves generally are limited to an amount equal to the lesser of: (i) five percent (5%) of the County's expenditures in the previous fiscal year from current revenues; or (ii) the average monthly amount of available amounts of surplus cash maintained by the County in the previous fiscal year.

ARTICLE VII

EFFECTIVE DATE

SECTION 701. This resolution shall take effect immediately upon approval by the County Executive.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. __-2000

**ENABLING RESOLUTION OF THE COUNTY OF ERIE, NEW YORK,
ESTABLISHING A TOBACCO ASSET SECURITIZATION TRUST FUND,
DETERMINING THE TERMS AND CONDITIONS OF SUCH FUND AND
OTHER MATTERS IN CONNECTION THEREWITH.**

(Introduced) July 11, 2000

(Adopted) July 13, 2000

WHEREAS, the Legislature of the State of New York, pursuant to Chapter 105 of the New York Laws of 2000, has enacted legislation authorizing the County of Erie to establish a tobacco asset securitization trust fund and maintain such fund with a trustee, for the purpose of investing the proceeds received by the County from tobacco asset securitization financings and paying the County debt service appropriation, the economic development appropriation, the medicaid appropriation, the medical center contribution appropriation and the regionalism/ regional asset appropriation; and

WHEREAS, pursuant to such state legislation, it is necessary for the County Legislature to adopt and the County Executive to approve an enabling resolution providing for the establishment and maintenance of such tobacco asset securitization trust fund, and determining the terms and conditions thereof and other matters as to its operations as authorized by or not inconsistent with such state legislation;

WHEREAS, such proceeds will be recognized as revenue under generally accepted accounting principles within the general fund of the County;

WHEREAS, it is the County Legislature's intent to reserve such revenue for the purpose of financing all or a portion of such appropriations;

NOW, THEREFORE, BE IT

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

ARTICLE I

DEFINITIONS AND INTERPRETATIONS

SECTION 101. *Definitions.* In the Resolution, in addition to the definitions in Article VI of the Resolution, unless a different meaning clearly appears from the context:

(1) "Act" means the act of the Legislature of the State entitled: "AN ACT in relation to creating the tobacco asset securitization trust fund act of the county of Erie, authorizing the establishment of a trust fund for investment and expenditure of proceeds from such financing, and prescribing and limiting powers and procedures with respect to such fund", approved by the Governor on June 23, 2000 and constituting Chapter 105 of the New York Laws of 2000;

(2) "Appropriation" has the meaning set forth in Section 202(b)(2) hereof.

(3) "Budget director" means the director of the division of budget, management and finance of the County.

(4) "Bond Counsel" means, in the case of the initial Tax-Exempt Bonds to be issued to provide initial funding of the Fund, means Hawkins, Delafield & Wood, and, if applicable, in the case of any other Tax-Exempt Bonds, means the applicable nationally recognized bond counsel serving in such capacity for such Tax-Exempt Bonds.

(5) "Consent Decree" means the Consent Decree and Final Judgment relating to the Master Settlement Agreement, entered in supreme court of the state for New York County on December 23, 1998, as amended.

(6) "Corporation" means the not-for-profit local development corporation incorporated by the County Executive for the purpose of securitizing the Tobacco Asset.

(7) "County" means the County of Erie.

(8) "County debt service appropriation" means the County's annual budgeted appropriation in an amount equal to the amount the County owes for annual debt service on its outstanding general purpose general obligation bonds.

(9) "County Executive" means the County Executive of the County of Erie.

(10) "County Legislature" means the County Legislature of the County of Erie.

(11) "Earnings Distribution Date" means January 1 and July 1 in each year.

(12) "Economic development appropriation" means the County's annual budgeted appropriation to encourage economic development in Erie County.

(13) "Investment Earnings Account" means the account so designated which is held by the Trustee within the Fund and is established pursuant to section 201 of this resolution.

(14) "Investment Securities" means, subject to the further investment restrictions set forth in Article VI of the Resolution, (i) general obligations of, or obligations guaranteed by, any state of the United States of America or political subdivision thereof, or the District of Columbia, receiving one of the two highest long-term unsecured debt rating categories available for such securities by two independent rating services, or (ii) obligations of the United States of America or obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America, or (iii) with the approval of the State comptroller, obligations issued pursuant to section 24.00 or 25.00 of the Local Finance Law by any municipality, school district or district corporation.

(15) "Master Settlement Agreement" means the Master Settlement Agreement entered into by participating cigarette manufacturers, forty-six states and six other jurisdictions of the United States of America on November 23, 1998.

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(18) "Permitted Tax-Exempt Investments" means those Investment Securities that further constitute "non-AMT tax-exempt securities," and, for this purpose, "non-AMT tax-exempt securities" means those bonds that meet both the following criteria: (i) they are tax-exempt bonds the interest on which is excludable from gross income under Section 103 of the Tax Code; and (ii) they are not specified private activity bonds under Section 57(a)(5)(C) of the Tax Code, meaning generally private activity bonds under Section 141 of the Tax Code other than qualified 501(c)(3) bonds under Section 145 of the Tax Code and other than certain refunding bonds of certain pre-August 8, 1986 (pre-September 1, 1986 in certain cases) original bond issues.

(19) "Proceeds" in the case of Tax-Exempt Bonds, means "Proceeds" as defined in Treas. Reg. Section 1.148-1(b).

(20) "Regionalism/regional asset appropriation" means the County's annual budgeted appropriation to promote cooperation among government entities and to preserve regional assets.

(21) "Resolution" means this resolution as the same may from time to time be amended or supplemented;

(22) "State" means the state of New York.

(23) "Tax Code" means the Internal Revenue Code of 1986, as amended.

(24) "Tax-Exempt Bonds" means any issue of bonds issued by the Corporation issued with the intent that the interest thereon be excludable from the gross income of the owners thereof under Section 103 of the Tax Code.

(25) "Tobacco Asset" means the County's right to receive its portion of the state's allocable share of payments under the terms of the Master Settlement Agreement and the Consent Decree.

(26) "Tobacco asset securitization financings" means transactions comprising the issuance of bonds by the Corporation to finance the Corporation's purchase of the Tobacco Asset from the County.

(27) "Tobacco Asset Securitization Trust Fund" or "Fund" means the special fund so designated which is held by the Trustee and is established pursuant to section 2.1 of this resolution.

(28) "Trustee" means any trust company or bank having the powers of a trust company in the state, appointed pursuant to the Resolution and any successor trust company or bank having the powers of a trust company in the state which may be substituted in its place pursuant to the Resolution.

SECTION 102. *Interpretations.* (a) Words importing the masculine gender include every other gender. Words importing the maturity or payment of any Obligation do not include or connote the becoming due of such Obligation prior to the stated date of maturity of such Obligation. Words importing persons include firms, partnerships, associations and corporations. Words importing the singular number include the plural, and vice-versa; (b) The terms "herein", "hereunder", "hereby", "hereof", "hereto", and other similar terms refer to the Resolution; and the term "hereafter" means after the effective date of the Resolution.

SECTION 103. *Parties Interested Herein.* Nothing in the Resolution expressed or implied is intended or shall be construed to confer upon, or give to, any person, other than the County and the Trustee, any right, remedy or claim under or by reason of the Resolution or any covenant, stipulation, obligation, agreement or condition therein. All the covenants, stipulations, obligations, promises and agreements in the Resolution contained by and on behalf of the County shall be for the sole and exclusive benefit of the County and the Trustee.

SECTION 104. *Severability of Invalid Provisions.* If any one or more of the provisions, covenants or agreements in the Resolution on the part of the County or the Trustee to be performed should be contrary to law, then such provision or provisions, covenant or covenants, agreement or agreements shall be deemed separable from the remaining provisions, covenants and agreements, and shall in no way affect the validity of the other provisions of the Resolution.

ARTICLE II

ESTABLISHMENT AND OPERATION OF THE FUND

Section 201. *Establishment of Tobacco Asset Securitization Trust Fund.* Pursuant to the Act, there is hereby established a special fund which shall be known, and is hereinafter referred to, as the "Tobacco

Asset Securitization Trust Fund" or "Fund", and therein an account which shall be known, and is hereinafter referred to, as the "Investment Earnings Account". Said Fund is established for the purpose of investing the proceeds received by the County from tobacco asset securitization financings and paying the County debt service appropriation, the economic development appropriation, the medicaid appropriation, the medical center contribution appropriation and the regionalism/regional asset appropriation. Said Fund shall be held by and maintained with a Trustee, and the County hereby covenants with the Trustee that it will comply in all respects with the provisions of the Act and the Resolution, maintain the Fund with the Trustee, and operate the Fund in the manner set forth herein.

SECTION 202. *Operation of the Fund.* (a) (1) On the closing date of each Tobacco Asset securitization financing the Budget Director shall immediately, upon the County's receipt of any monies from proceeds of bonds issued by the Corporation, deposit or cause to be deposited in the Fund all or a portion of such monies. Such proceeds are hereby established as a reservation of fund balance in order to provide a source of financing for the Appropriations in the current and/or future years;

(2) At any time the Budget Director may deposit or cause to be deposited in the Fund any other revenues received by the County or unexpended appropriations within any fiscal year, pursuant to resolutions adopted by the County Legislature appropriating such revenues or unexpended appropriations to the Fund.

(b) (1) An annual aggregate appropriation from the Fund of such reservation of fund balance shall be established pursuant to the adopted County budget;

(2) On or before the first day of each fiscal year, the Budget Director shall prepare and deliver to the Trustee a certificate setting forth the respective amounts of such aggregate appropriation from the Fund for the payment or payments of all or a portion of the County debt service appropriation, the economic development appropriation, the medicaid appropriation, the medical center contribution appropriation and the regionalism/regional asset appropriation pursuant to the adopted County budget and any and all subsequent supplemental appropriation resolutions for such fiscal year, subject to approval by the County Executive (collectively referred to hereinafter as the "Appropriations");

(c) This section is subject to the further restrictions set forth in Article VI of this resolution.

SECTION 203. *Accounts, Reports and Certificates.* The County covenants that it will keep, or cause to be kept, proper books of record in which complete and accurate entries shall be made of all transactions relating to the Fund. The County shall cause such books of record to be audited annually by one or more certified public accountants duly licensed by the State, and such audit shall be filed by the County with the Trustee.

SECTION 204. *Tax Covenant.* The County shall at all times do and perform all acts and things permitted by law and necessary or desirable to assure that interest paid by the Corporation on Tax-Exempt Bonds shall be excludable from gross income for federal income tax purposes pursuant to Section 103(a) of the Tax Code; and no funds of the County shall at any time be used directly or indirectly to acquire securities or obligations the acquisition or holding of which would cause any Tax-Exempt Bond to be an arbitrage bond as defined in the Tax Code and the applicable Treasury Regulations promulgated thereunder.

ARTICLE III

THE TRUSTEE

SECTION 301. *Appointment of Trustee.* The Trustee shall be designated by the Budget Director, subject to approval by resolution of the County Legislature.

Subject to the provisions of Section 309 and 310 hereof, the Budget Director may also take any and all necessary action in connection with the removal of the Trustee and the designation of a successor Trustee, and any successor Trustee so designated shall be deemed to be the successor Trustee approved by the County Legislature.

The Budget Director shall give notice to the County Legislature of any action with respect to the Trustee in accordance with this Article by filing or causing to be filed a signed statement of such action in the office of the Clerk of the County Legislature on the date such action is taken.

SECTION 302. *Moneys on Deposit with the Trustee in the Fund* (a) The Trustee shall hold all moneys deposited in the Fund in trust for the benefit of the County and shall withdraw such moneys as provided in this Section;

(b) the Trustee shall from time to time withdraw from the Fund all amounts (which may include amounts in the Investment Earnings Account) as may be necessary for the payment as the same becomes due and payable of the respective amounts appropriated from the Fund for the payment or payments of all or a portion of the County debt service appropriation, the economic development appropriation, the medicaid appropriation, the medical center contribution appropriation and the regionalism/regional asset appropriation pursuant to the adopted County budget and any and all subsequent resolutions for such fiscal year and cause the amounts so withdrawn to be made available to make such payments as, when, and where due and payable, except that if there be more than one place where such payments may be made, the Trustee shall confer with the Budget Director and the Trustee shall thereafter transfer or cause to be transferred such amounts to such place as shall be determined by the Trustee and Budget Director;

(c) If seven days prior to the due date of any such payment, the amounts held in the Fund are not sufficient for such payment, the Trustee shall give notice to the Budget Director of the amount of such insufficiency.

(d) On each Earnings Distribution Date, all amounts on deposit in the Investment Earnings Account which have not been withdrawn since the preceding Earnings Distribution Date shall be withdrawn from the Fund.

(e) This section is subject to the further restrictions set forth in Article VI of this resolution.

SECTION 303. *Investment of Fund.* Subject to the further restrictions set forth in Article VI of this resolution and pending the withdrawals provided for in Section 302, moneys in the Fund shall be invested in Investment Securities maturing at such times and in such amounts as shall provide available moneys to make such withdrawals and payments from the Fund when required. Such investments shall be made for

and on behalf of the County by the Trustee upon instructions from the Budget Director or his authorized deputy.

SECTION 304. *Moneys held in Trust* All moneys held by the Trustee, as such, at any time pursuant to the terms of the Resolution shall be and hereby are assigned, transferred and set over unto such Trustee in trust for the purposes and under the terms and conditions of the Resolution.

SECTION 305. *Responsibilities of the Trustee.* The recital of facts herein contained shall be taken as the statements of the County and the Trustee shall assume no responsibility for the correctness of same. The Trustee shall make no representation as to the validity or sufficiency of the Resolution or in respect to the security afforded by the Resolution, and the Trustee shall incur no responsibility in respect thereof. The Trustee shall not be liable in connection with the performance of its duties hereunder except for its own negligence, misconduct or default.

SECTION 306. *Evidence on which the Trustee may act.* The Trustee shall be protected in acting upon any notice, resolution, request, consent, order, certificate, opinion or other paper or document believed by it to be genuine, and to have been signed or presented by the proper party or parties. The Trustee may consult with counsel, who may or may not be of counsel to the County, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it hereunder in good faith and in accordance therewith.

SECTION 307. *Compensation and Expenses.* Unless otherwise provided by contract with the Trustee, the County shall pay to the Trustee from time to time reasonable compensation for all services rendered by it hereunder, and also reimbursement for all its reasonable expenses, charges, counsel fees and other disbursements and those of its attorneys, agents and employees, incurred in and about the performance of its powers and duties hereunder. To the extent permitted by law, the County further agrees to indemnify and save the Trustee harmless against any liabilities which it may incur in the exercise and performance of its duties and powers hereunder, and which are not due to its own negligence, misconduct or default.

SECTION 308. *Resignation of the Trustee.* The Trustee may at any time resign and be discharged of the duties and obligations created by the Resolution by giving not less than 60 days' written notice to the County, and such resignation shall take effect upon the day specified in such notice unless previously a successor shall have been appointed by the Budget Director as provided in Section 310, in which case such resignation shall take effect immediately on the appointment of such successor.

SECTION 309. *Removal of Trustee.* The Trustee may be removed at any time by the Budget Director, subject to approval by resolution of the County Legislature and notice in writing filed with the Trustee, provided at the time of such removal a successor Trustee shall have been appointed.

SECTION 310. *Appointment of Successor Trustee.* (a) In case at any time the Trustee shall resign or shall be removed or shall become incapable of acting, or shall be adjudged a bankrupt or insolvent, or if a receiver, liquidator or conservator of the Trustee, or of its property, shall be appointed, or if any public officer shall take charge or control of the Trustee, or of its property or affairs, a successor shall be appointed by the Budget Director, subject to approval by resolution of the County Legislature and notice in writing filed with the predecessor Trustee.

(b) Any Trustee appointed under the provisions of this Section in succession to the Trustee shall be a bank or trust company or national banking association, doing business and having its principal office in the State, and having capital stock and surplus aggregating at least \$75,000,000, willing and able to accept the office on reasonable and customary terms and authorized by law to perform all the duties imposed upon it by the Resolution.

SECTION 311. *Transfer of Rights and Property to Successor Trustee.* Any successor Trustee appointed under the Resolution shall execute, acknowledge and deliver to its predecessor Trustee, and also to the County, an instrument accepting such appointment, and thereupon such successor Trustee, without any further act, deed or conveyance, shall become fully vested with all moneys, estates, properties, rights, powers, duties and obligations of such predecessor Trustee, with like effect as if originally named as Trustee; but the Trustee ceasing to act shall nevertheless, on the written request of the County, or of the successor Trustee, execute, acknowledge and deliver such instrument of conveyance and further assurance and do such other things as may reasonably be required for more fully and certainly vesting and confirming in such successor Trustee all the right, title and interest of the predecessor Trustee in and to any property held by it under the Resolution, and shall pay over, assign and deliver to the successor Trustee any money or other property subject to the trusts and conditions herein set forth. Should any deed, conveyance or instrument in writing from the County be required by such successor Trustee for more fully and certainly vesting in and confirming to such successor Trustee any such estates, rights, powers and duties, any and all such deeds, conveyances and instruments in writing shall, on request, and so far as may be authorized by law, be executed, acknowledged and delivered by the County.

ARTICLE IV

AMENDMENTS

SECTION 401. *Amendments or Modifications.* Notwithstanding anything contained in the foregoing provisions of this Article, a supplemental resolution amending or modifying the Resolution may be adopted, in a manner consistent with the Act, for any one or more of the following purposes and at any time or from time to time:

(1) To add to the covenants or agreements of the County contained in the Resolution other covenants or agreements to be observed by the County which are not contrary to or inconsistent with the Resolution as theretofore in effect;

(2) To add to the limitations or restrictions contained in the Resolution other limitations or restrictions to be observed by the County which are not contrary to or inconsistent with the Resolution as theretofore in effect;

(3) To surrender any right, power or privilege reserved to or conferred upon the County by the Resolution;

(4) To cure any ambiguity, supply any omission, any defect or inconsistent provision in the Resolution;

(5) To insert such provisions clarifying matters or questions arising under the Resolution as are necessary or desirable and are not contrary to or inconsistent with the Resolution as theretofore in effect; and

(6) To effect any change in the operation of the Fund.

Any amendment of the Resolution shall be accompanied by a legal opinion from the Bond Counsel for each issue of outstanding Tax-Exempt Bonds to the effect that the amendment is permitted by law and does not adversely affect the exclusion of interest on such issue of Tax-Exempt Bonds from gross income for federal income tax purposes.

ARTICLE V

INVESTMENT REGULATIONS

SECTION 501. *Regulations Regarding Investment of Fund.* Investment Securities purchased as an investment of moneys in the Fund established under the Resolution shall be deemed at all times to be a part of the Fund, and the interest thereon and any profit arising on the sale thereof shall be credited to the Investment Earnings Account, and any loss resulting on the sale thereof shall be charged to the Fund. In computing the amount in the Fund for any purpose hereunder, such Investment Securities shall be valued at the lower of cost or market price thereof, exclusive of accrued interest. Amounts credited to the Investment Earnings Account shall be continuously invested in Investment Securities maturing not later than the Earnings Distribution Date immediately succeeding the date of such investment.

ARTICLE VI

SPECIAL RESTRICTIONS ON INVESTMENTS AND WITHDRAWAL OF PROCEEDS OF TAX-EXEMPT BONDS HELD IN THE FUND

Section 601. *In General: Controlling Provisions for Tax-Exempt Bonds Held in the Fund.* In general, this Article VI provides certain special restrictions on permitted investments and withdrawals for those amounts deposited or held in the Fund from a source that constitutes Proceeds of Tax-Exempt Bonds. In general, the purpose of these special restrictions is assure compliance of such Tax-Exempt Bonds with certain federal income tax restrictions applicable to tax-Exempt bonds the interest on which is intended to be excludable from gross income for federal income tax purposes. These restrictions include, among other things, the general arbitrage investment restrictions under Section 148 of the Tax Code and the hedge bond restrictions under Section 149(g) of the Tax Code. Notwithstanding anything in the Resolution to the contrary, the more restrictive provisions of this Article shall control over other provisions of the Resolution to the extent of any conflict.

Section 602. *Investments of Proceeds of Tax-Exempt Bonds Held in the Fund.* In addition to the other restrictions on investments of amounts in the Fund set forth elsewhere in the Resolution, in the case any amounts deposited or held in the Fund from a source that constitutes Proceeds of Tax-Exempt Bonds, the Trustee shall invest those Proceeds only in Permitted Tax-Exempt Investments.

Section 603. *Withdrawal of Proceeds of Tax-Exempt Bonds From the Fund.* In addition to the other restrictions on withdrawals from the Fund set forth elsewhere in the Resolution, in the case of any amounts deposited or held in trust in the Fund from a source that constitutes Proceeds of Tax-Exempt Bonds, the Trustee shall permit withdrawals of such Proceeds from the Fund only upon receipt by the Trustee of a requisition certificate from the Budget Director in form and substance satisfactory to Bond Counsel for the applicable Tax-Exempt Bonds that provides certifications to demonstrate the simultaneous treatment of such amounts as expenditures of such Proceeds for purposes of Sections 103 and 148 of the Tax Code and that provides such further certifications as deemed necessary or appropriate by Bond Counsel to assure the tax-exempt status of the interest on the Tax-Exempt Bonds under Section 103 of the Tax Code.

Section 604. *County Understanding on Limitations on Withdrawal from Fund for Working Capital Purposes.* The County understands that the eligible uses of the Fund mainly will constitute "restricted working capital expenditures" for purposes of the arbitrage restrictions on the Tax-Exempt Bonds under Section 148 of the Tax Code. The County further understands withdrawals of Proceeds of the Tax-Exempt Bonds for simultaneous expenditure for restricted working capital expenditures generally will be subject to a very restrictive "proceeds-spent-last" accounting rule under Treas. Reg. Section 1.148-6(d)(3). The County further understands that this restrictive accounting rule for federal tax arbitrage purposes will limit withdrawals from the Fund of such Proceeds until such times as the County generally can show a cash deficit of prescribed available amounts (including, without limitation, the County's general fund), except for certain permitted working capital reserves which need not have been spent, which permitted working capital reserves generally are limited to an amount equal to the lesser of: (i) five percent (5%) of the County's expenditures in the previous fiscal year from current revenues; or (ii) the average monthly amount of available amounts of surplus cash maintained by the County in the previous fiscal year.

ARTICLE VII

EFFECTIVE DATE

SECTION 701. This resolution shall take effect immediately upon approval by the County Executive.

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

CARRIED UNANIMOUSLY.

Item 85 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 333

Re: Health – Personnel Adjustment.
(Comm. 16E-27)

WHEREAS, the Erie County Department of Health is requesting the creation of one full time position of Public Information Officer - Health, JG XIII, and

WHEREAS, this position will be responsible for increasing the Health Department's role in promoting public health initiatives for the citizens of Erie County, and

WHEREAS, funds are available in the personnel services appropriations in the Health Department's Adopted 2000 Budget to achieve the foregoing.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full-time position of Public Information Officer - Health, JG XIII to be assigned to the Commissioner of Health's Office, and be it further

The following personnel detail is hereby submitted:

TITLE: Public Information Officer - Health
JOB GROUP: XIII
ANNUAL SALARY: \$56,932
ANNUAL BENEFITS: \$14,233

CIVIL SERVICE: To be determined

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

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

CARRIED UNANIMOUSLY.

Item 86 – (Comm. 16E-28) DPW – New Secure Youth Detention Facility – Architectural / Engineering Contract Award.

Received and referred to the SOCIAL SERVICES COMMITTEE.

CHALLENGE THE CHAIR.

CHAIRMAN SWANICK directed that a roll call vote be taken.

AYES: CHASE, GREENAN, LARSON, MARSHALL, RANZENHOFER, WEINSTEIN.
NOES: PAULY, DeBENEDETTI, DUSZA, FISHER, FITZPATRICK, HOLT, KUWIK, MARINELLI, OLMA, PEOPLES, SWANICK. AYES – 6, NOES – 11.

DEFEATED.

Item 87 – (Comm. 16E-29) PILOT for Woodland Place Apartments.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 88 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. FISHER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 334

Re: DISS – Purchase of Oracle
Software Through Financing
Agreement. (Comm. 16E-30)

WHEREAS, the County has a need to further enhance its ability to handle information via Internet technology, and

WHEREAS, the Division of Information and Support Services has been considering possible solutions to address this need, and

WHEREAS, the Oracle Corporation has embraced Internet technology in the development of their enterprise level database software, and

WHEREAS, Oracle software can be purchased through the New York State contract, and

WHEREAS, this purchase includes an upgrade of existing software, a more advantageous licensing structure, a more manageable support contract, and

WHEREAS, Oracle Credit Corporation has agreed to finance the purchase of the Oracle software over three years without interest, and

WHEREAS, the Division of Information and Support Services has money available within its current operating budget to make the year 2000 payment.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a financing agreement with Oracle Credit Corporation to purchase Oracle software in the amount of \$648,867 to be paid in three equal, yearly installments of \$216,289, and be it further

RESOLVED, that the source of the first installment shall be from available balances in Account 823, Repairs and Maintenance (DAC 110-927-510-823) in the 2000 adopted budget of the Division of Information and Support Services, and be it further

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

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

CARRIED UNANIMOUSLY.

Item 89 – (Comm. 16E-31) ECSD No. 4 – Eminent Domain Proceedings.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 90 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 335

Re: ECSD No. 3 – Contract Close
Out. (Comm. 16E-32)

WHEREAS, the Erie County Legislature had awarded Contract No. BL-5 (General) to John R. Schuler, 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 the Contract No. BL-5 (General) in the amount of \$138,093.82 which includes Change Order No. 1 (final), a decrease of \$7,368.08, and the processing of the final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. BL-5 (General) between the County of Erie and John R. Schuler, Inc., 9734 Main Street, Clarence, New York 14031 be accepted in the amount of \$138,093.82, which includes Change Order No. 1 (final), a decrease of \$7,368.08; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. BL-5 (General) between the County of Erie and John R. Schuler, Inc. in the amount of \$138,093.82 and make final payment from Sewer Capital Account SD No. 3 Fund No. 430, Project No. 510, 511, 514, and return the unused portion \$7,368.08 to Unallocated Account 891, \$4,580.67 in Fund 430, Project 511, and \$2,787.41 in Fund 430, Project 514; 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 Stephen F. Gawlik, Assistant County Attorney, Joseph Passafiume, Director of Budget and Management, and Nancy Naples, Erie County Comptroller.

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

CARRIED UNANIMOUSLY.

Item 91 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 336

Re: ECC North – Renovations to Existing Erie Dining Room – Spring Student Center. (Comm. 16E-33)

WHEREAS, the Department of Public Works received bids on June 29, 2000, for the Erie Community College, North Campus, Renovations to the Existing Dining Room - 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 -Spring Student Center, and

WHEREAS, the ECC Statler Foundation is fully funding the Renovations to the Existing Erie Dining Room - Spring Student Center,

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 - Spring Student Center, as follows:

General Construction Work

Miller Enterprises, Inc.

Base Bid	\$25,400.00
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and be it further,

RESOLVED, that the sum of \$13,600.00 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,

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 Spring Student Center/Food Service Bond Account, Fund 480, Project 811, in an amount not to exceed \$39,000.00, 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.

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

CARRIED UNANIMOUSLY.

Item 92 – (Comm. 16E-34) ECSD Nos. 1 & 2 – Contract Close Out.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 93 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 337

RE: Reappointment to ECSD Board
No. 6 (Comm. 16E-35)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of John J. Kuryak, Mayor of the City of Lackawanna, 714 Ridge Road, Room 301 Lackawanna, NY 14218 to the Board of Managers for the Erie County Sewer District #6.

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

CARRIED UNANIMOUSLY.

Item 94 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 338

Re: Appointments to EC Commission
on the Status of Women.
(Comm. 16E-36)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of the following individuals to the Erie County Commission on the Status of Women:

<u>NAME</u>	<u>TERM EXPIRATION</u>
Lucy Tretiak Caruso 110 Oakland Place Buffalo, NY 14222	June 30, 2003

Eunice Lewin
68 Rumsey Road
Buffalo, NY 14209

June 30, 2003

Susan Martino
800 West Ferry, Unit 5-A
Buffalo, NY 14222

June 30, 2003

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

CARRIED UNANIMOUSLY.

Item 95 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 33

Re: Reappointments to EC
Commission on the Status of Women.
(Comm. 16E-37)

RESOLVED, that the Erie County Legislature does hereby confirm the re-appointment of the following individuals to the Erie County Commission on the Status of Women:

<u>NAME</u>	<u>TERM EXPIRATION</u>
Anne E. Hayes Department/Membership Officer Albright Knox Art Gallery 1285 Elmwood Avenue Buffalo, NY 14222	June 30, 2003
Dorcas Colvin Associate Vice President Human Resource Management Buffalo State College 1300 Elmwood Avenue Buffalo, NY 14222	June 30, 2003

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

CARRIED UNANIMOUSLY.

Item 96 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. DeBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 340

Re: ECSD No. 4 – Contract Close
Out. (Comm. 16E-38)

WHEREAS, the Erie County Legislature had awarded Contract No. 25L, to John R. Schuler; 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. 25L in the amount of \$162,029.51 which includes Change Order No. 2 (final) a decrease of \$23,524.24 and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 25L between the County of Erie and John R. Schuler, Inc., 9134 Main Street, Clarence, New York 14031, be accepted in the amount of \$162,029.51, which includes Change Order No. 1 (final) a decrease of \$23,524.24, and approve final payment; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 25L in the amount of \$162,029.51 and make final payment from Sewer Capital Account SD #4, Fund No. 430, Project No. 502 between the County of Erie and John R. Schuler; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 97 – (Comm. 16E-39) Pfohl Brothers Landfill.

Item 98 – (Comm. 16E-40) ECSD No. 1 – Eminent Domain Proceedings – Losson Subtrunk & Union Road Pumping Station.

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

Item 99 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 341

Re: Contract Amendment for
Training Initiative for
Quebecor Printing.
(Comm. 16E-41)

WHEREAS, The County of Erie, desires to participate in the retention and expansion of Quebecor Printing in Depew; and

WHEREAS, The company was considering options for nationwide consolidation of its printing operations; and

WHEREAS, The Depew facility was selected for new work which will promote the retention of existing Jobs and the creation of approximately 400 new jobs; and

WHEREAS, The offer of job training for existing and new employees at the Depew facility was important to Quebecor's decision to stay and grow in Erie County,

WHEREAS, The Erie County Legislature approved a resolution on April 13, 2000 which authorized funding for this project, but which required competitive bidding of the training services; and

WHEREAS, The Buffalo and Erie County Workforce Development Consortium, Inc. is a recently formed, federally funded, not-for-profit entity, created to provide workforce training in Erie County and coordinate with other training providers in Erie County including Erie County Community College; and

WHEREAS, Erie County may contract with the Buffalo and Erie County Workforce Development Consortium, Inc. as a not-for-profit organization operating a federally funded program, without competitive bidding,

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is authorized to enter into contracts with the Buffalo and Erie County Workforce Development Consortium, Inc. and any other agreements necessary, in amounts not to exceed a total of \$500,000, for the purpose of providing Job skills training to existing and new employees of Quebecor Printing, and be it further

RESOLVED, That the source of these funds shall be \$500,000 available in Year 2000 Budget, General Fund 110, Project 904, Department 303, Extraordinary County Aid to Local Governments, Account 830, Contractual Services, Subaccount 1117, Economic Development Tourism Fund, which is hereby transferred to a subaccount for this purpose, in General Fund 110, Project 922, Department 302 Agency Payments monitored by the Department of Environment and Planning, Account 830, Contractual Services, and be it further

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

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

CARRIED UNANIMOUSLY.

DELETE the second and third **RESOLVE** clause in its entirety and replace with the following:

RESOLVED, that the source of said funds, as adopted by resolution of this Honorable Body on April 13, 2000, shall be the appropriate sub-account of General Fund 110, Project 922, Department 302, Agency Payments Monitored by Environment and Planning, Account 830, Contractual Services, and be it further

RESOLVED, that this Honorable Body does hereby renew its directive to the Commissioner of the Department of Environment and Planning to prepare and file with the Clerk of the Erie County Legislature a report detailing the progress of this project, with such report to be submitted by April 15, 2001, and be it further

RESOLVED, that this Honorable Body does hereby request officials of Quebecor Printing appear at a future meeting of the Legislature's Government Affairs Committee to discuss in detail plans for enhanced job training for future and current employees, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Comptroller, the Budget Director, the Commissioner of the Department of Environment and Planning, the County Attorney and to officials of Quebecor Printing.

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

CARRIED UNANIMOUSLY.

Item 100 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 342

Re: Health – HIV/STD Support
Services Grant 4/1/00 – 3/31/01.
(Comm. 16E-42)

WHEREAS, the HIV/STD Support Services Grant funds a Public Health Nurse who provides HIV testing and reimburses the STD Clinic for participation in a Chlamydia Study, and

WHEREAS, the Erie County Health Department has received a revised grant award in the amount of \$56,922 from the New York State Department of Health for the period 4/1/00 -3/31/01.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the New York State Department of Health for a revised grant which is budgeted as follows:

**HIV/STD SUPPORT
SERVICES
4/1/00 - 3/31/01
PROJECT #326**

SFG	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
388	LOCALSOURCE	\$ 11,022	\$ 2,600	\$ 13,622
553	STATE AID	<u>43,300</u>	<u>0</u>	<u>43,300</u>
	TOTAL	\$ <u>54,322</u>	<u>\$ 2,600</u>	<u>\$ 56,922</u>
EXPENSES				
800	PERS. SERVICES	\$ 44,835	0	\$ 44,835
805	FRINGES	9,487	0	9,487
824	TRAVEL & MILEAGE	0	600	600
825	OUT OF AREA TRAVEL	<u>0</u>	<u>2,000</u>	<u>2,000</u>
	TOTAL	\$ <u>54,322</u>	<u>\$2,600</u>	<u>\$ 56,922</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECMC

Item 101 – (Comm. 16D-1) Financial Statements for 5/00.

Received and referred to the HEALTH COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 102 – (Comm. 16D-2) Notice of County Executive Approval of Local Law No. 2 – 2000
(Local Law Intro. No. 3 – 2000).

RECEIVED, FILED & PRINTED.

July 3, 2000

VIA HAND DELIVERY

Ms. Laurie Manzella
Clerk of the Erie County Legislature
25 Delaware Avenue
7th Floor
Buffalo, New York 14202

Re: Local Law No. 2-2000

Dear Laurie:

Enclosed is a certified copy of the above-referenced law for your files.

Very truly yours,

FREDERICK A. WOLF
ERIE COUNTY ATTORNEY

By: Susannah M. Bochenek
1st Assistant County Attorney

SMB/cc
Enclosure

A Public Hearing was held on the foregoing Local Law Intro. No. 3-2000 on Wednesday, June 28, 2000, due notice thereof having been published in the official newspapers of the County of Erie, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 28th day of June, 2000.

JOEL A. GIAMBRA

FROM DPW

Item 103 – (Comm. 16D-3) SEQR – Supplemental Environmental Assessment – EC Courts Master Plan Implementation Project.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BUDGET

Item 104 – (Comm. 16D-4) Letter Re: Institution of EC Capital Spending Cap.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 105 – (Comm. 16D-5) Notice of County Executive's Public Hearing for Local Law Intro No. 4 – 2000 (Print #3).

RECEIVED, FILED & PRINTED.

July 11, 2000

VIA HAND DELIVERY

Ms. Laurie A. Manzella, Clerk
Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, New York 14202

Re: Notice of Public Hearing
Local Law Intro. No. 4 - 2000 (Print #3)

Dear Ms. Manzella:

Enclosed herein is a copy of the Public Hearing Notice for the above captioned Local Law Intro. No. 4-2000 (Print #3), which was adopted by the Erie County Legislature on July 6, 2000.

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: Susannah M. Bochenek
1st Assistant County Attorney

SMB/cc
encl.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing Friday, July 21, 2000 at 11:00 a.m., concerning:

A LOCAL LAW amending Local Law 2-2000 and authorizing the creation by the County of Erie of a local development corporation and the sale by the County to such corporation of the County's rights to receive payments under the Master Settlement Agreement with various tobacco companies and the related Consent Decree and Final Judgment.

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 July 6, 2000, the Erie County Legislature adopted Erie County Local Law Introduction Number 4 of 2000 (Print #3). Copies of the proposed local law 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 PERSONNEL

Item 106 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. OLMA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 343

Re: Unemployment Insurance
Contract. (Comm. 16D-6)

WHEREAS, the Erie County Personnel Department is responsible for the administration of unemployment insurance claims against the County, and

WHEREAS, the County of Erie is self-insured for such claims and must, therefore, be diligent in the review and challenging of improper claims to minimize unemployment claims expenses, and

WHEREAS, the Personnel Department wishes to continue to retain the services of a consultant at an annual cost of \$5,300 to assist department staff in the administration of Unemployment Insurance Cost Control program, and

WHEREAS, since the inception of our contract with Anthony Antoniadis, Business & Office Personnel, the County of Erie has saved a total of \$813,371.14.

WHEREAS, the Personnel Department believes this cost control program will allow the County to be more successful in the administration and challenging of unemployment insurance claims,

NOW, THEREFORE, BE IT

RESOLVED, that the County Personnel Department be authorized to retain an Unemployment Claims Consultant at an annual cost of \$5,300.

BE IT FURTHER,

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

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM PATRICK FREEMAN

Item 107 – (Comm. 16M-1) Resignation as Majority Appointment to EC Fisheries Advisory Board.

Received and filed.

FROM CSEA

Item 108 – (Comm. 16M-2) Notice of Claim.

Received and referred to the COUNTY ATTORNEY.

Item 109 – (Comm. 16M-3) Duplicate of Comm. 16M-2.

Received and filed.

FROM THE ECIDA

Item 110 – (Comm. 16M-4) Notice of Board of Directors Meeting Held 7/12/00.

Received and filed.

FROM THE NFTA

Item 111 – (Comm. 16M-5) Annual Public Authority Data Request for Fiscal Year Ended 3/31/00.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 112 – (Comm. 16M-6) Resolution on Household Hazardous Waste Point of Sale Notification.

Received and referred to the HEALTH COMMITTEE.

FROM WNY CITIZENS FOR SAFE DRINKING WATER

Item 113 – (Comm. 16M-7) Information of Flouridated Water.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE TOWN OF ALDEN

Item 114 – (Comm. 16M-8) Certified Resolution Requesting Certain Traffic Improvements at Sandridge & Westwood Roads.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 115 – Legislator Marinelli requested that when this legislature adjourns, it do so in memory of Robert Poette.

Item 116 – Legislator Olma requested that when this legislature adjourns, it do so in memory of Robert Beyer.

Item 117 – Legislator DeBenedetti requested that when this legislature adjourns, it do so in memory of Terry Szyzek.

ADJOURNMENT

Item 118 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. PEOPLES moved that the Legislature adjourn until **2:00 p.m. Thursday, September 7, 2000.**
MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until **Thursday, September 7, 2000 at 2 p.m. Eastern Standard Time.**

LAURIE MANZELLA
CLERK