

MEETING NO. 2
January 23, 2003

ERIE COUNTY LEGISLATURE

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The Legislature was called to order by the Clerk of the Legislature.

All Members Present except Legislator Kuwik.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Ranzenhofer.

Item 1 – Ms. Manzella called for nominations for the Office of Chairman of the Legislature for the year 2003.

MR. DeBENEDETTI placed in nomination for Chairman of the Legislature GEORGE A. HOLT, JR. MR. DALE seconded.

CARRIED UNANIMOUSLY.

MS. FISHER moved that nominations be closed. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

The Clerk of the Legislature directed that a roll call vote be taken.

AYES: DALE, DUSZA, FISHER, HOLT, MARINELLI, SCHROEDER, SMITH, SWANICK & DeBENEDETTI. NOES: CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN.

FAILED. (WEIGHTED VOTE: 8.439 – 7.543 – DID NOT OBTAIN 8.501 MAJORITY VOTE)

TABLED ITEMS (ADDENDUM 'A')

Item 2 – MR. RANZENHOFER moved to remove Comm. 1E-20 listed in Addendum 'A' from the table. MR. SWANICK seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

RESOLUTION NO. 2

Re: Authorizing Contract Between ECC & Accelerated Resources Solutions.

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WHEREAS, Erie Community College (“ECC”) Workforce Development Department (“WFD”), offers a Paid Education Leave (“PEL”) program in conjunction with the UAW Human Resource Center, and

WHEREAS, the program requires a UAW-GM Strategic Planning Specialist to coordinate and manage training for the program, and

WHEREAS, ECC determined that existing staff could not provide the expertise required under the UAW-GM PEL agreement, and

WHEREAS, ECC determined that the fees required to obtain these services would exceed ten thousand dollars (\$10,000), and

WHEREAS, Section 19.08 of the Erie County Administrative Code requires the request for proposal (“RFP”) process be followed for professional, technical or other consultant service contracts having a gross value of ten thousand dollars (\$10,000) or more, and

WHEREAS, ECC followed the RFP process as described in Section 19.08 of the Erie County Administrative Code, and documents relative to this process are available during regular business hours, and

WHEREAS, the three person panel determined that *Accelerated Resource Solutions, Ltd* had all of the required experience and qualifications for the UAW-GM Strategic Planning Specialist, and

WHEREAS, the ECC Board of Trustees at its December 18, 2002 passed a resolution authorizing ECC to contract with *Accelerated Resource Solutions Ltd* to provide the services required at the agreed upon rate of payment, pending County Legislature approval, and

WHEREAS, contracts in excess of ten thousand dollars (\$10,000) must be approved by the County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that ECC and the County of Erie are authorized to contract with *Accelerated Resource Solutions Ltd* for purposes of providing training and management oversight services in conjunction with the PEL program and the UAW Human Resource Center at the agreed upon rates of reimbursement, and be it further

RESOLVED, that ECC and the County of Erie are authorized to contract with *Accelerated Resource Solutions Ltd* to accept a minimum of \$42,600 in revenues per year from UAW-PEL General Motors Corporation; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the County Comptroller, the County Attorney, the Director of Budget, Management & Finance, the President of ECC and the Executive Dean of WFD at ECC.

MR. RANZENHOFER moved the approval of the resolution. MR. SWANICK seconded.

The Clerk of the Legislature directed that a roll call vote be taken.

AYES: DALE, DUSZA, HOLT, MARINELLI, SCHROEDER, SMITH, SWANICK, CHASE, CUSACK, DeBENEDETTI, FALKNER, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN. NOES: FISHER.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

Item 3 – MR. RANZENHOFER moved to remove Comm. 1E-21 listed in Addendum ‘A’ from the table. MR. LARSON seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

RESOLUTION NO. 3

Re: Authorizing Contract Between ECC & 2logical.

WHEREAS, Erie Community College (“ECC”) Workforce Development Department (“WFD”), offers leadership and sales training in conjunction with local businesses and industries, and

WHEREAS, the program requires Leadership and Sales Trainers to train, coordinate, and manage the program, and

WHEREAS, ECC determined that existing staff could not provide the expertise required under the Department of Labor and Empire State Development contracts to local businesses and industries, and

WHEREAS, ECC determined that the fees required to obtain these services would exceed ten thousand dollars (\$10,000), and

WHEREAS, Section 19.08 of the Erie County Administrative Code requires the request for proposal (“RFP”) process be followed for professional, technical or other consultant service contracts having a gross value of ten thousand dollars (\$10,000) or more, and

WHEREAS, ECC followed the RFP process as described in Section 19.08 of the Erie County Administrative Code, and documents relative to this process are available during regular business hours, and

WHEREAS, the three person panel determined that *2logical Inc.* had all of the required experience and qualifications for the Leadership and Sales Trainers, and

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WHEREAS, the ECC Board of Trustees at its December 18, 2002 passed a resolution authorizing ECC to contract with *2logical Inc.* to provide the services required at the agreed upon rate of payment, pending County Legislature approval, and

WHEREAS, contracts in excess of ten thousand dollars (\$10,000) must be approved by the County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that ECC and the County of Erie are authorized to contract with *2logical Inc.* for purposes of providing training and management oversight services in conjunction with the Department of Labor and Empire State Development contracts to local businesses and industries at the agreed upon rates of reimbursement, and be it further

RESOLVED, that ECC and the County of Erie are authorized to contract with *2logical Inc.* to accept a minimum of \$62,000 in revenues per year from the Department of Labor and Empire State Development contracts to local businesses and industries; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the County Comptroller, the County Attorney, the Director of Budget, Management & Finance, the President of ECC and the Executive Dean of WFD at ECC.

MR. RANZENHOFER moved the approval of the resolution. MR. LARSON seconded. LEGISLATORS DALE, FISHER, HOLT, SCHROEDER & SMITH voted in the negative.

CARRIED. (WEIGHTED VOTE: 11.442 – 4.540)

Item 4 – MR. RANZENHOFER moved to remove Comm. 1E-22 listed in Addendum ‘A’ from the table. MR. LARSON seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

RESOLUTION NO. 4

Re: Authorizing Contract Between ECC & Welder Training & Testing Services – A Division of Quality Inspection Services.

WHEREAS, Erie Community College (“ECC”) Workforce Development Department (“WFD”), offers welding training and testing services in conjunction with local businesses and industries, and

WHEREAS, the program requires Welding Specialist/Trainers and Testing Services to train, coordinate, and manage the program, and

WHEREAS, ECC determined that existing staff could not provide the expertise required under the Department of Labor and Empire State Development contracts to local businesses and industries, and

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WHEREAS, ECC determined that the fees required to obtain these services would exceed ten thousand dollars (\$10,000) or more, and

WHEREAS, Section 19.08 of the Erie County Administrative Code requires the request for proposal ("RFP") process be followed for professional, technical or other consultant service contracts having a gross value of ten thousand dollars (\$10,000) or more, and

WHEREAS, ECC followed the RFP process as described in Section 19.08 of the Erie County Administrative Code, and documents relative to this process are available during regular business hours, and

WHEREAS, the three person panel determined that *Welder Training & Testing Services, a Division of Quality Inspection Services, Inc.* had all of the required experience and qualifications for the welding training and testing services, and

WHEREAS, the ECC Board of Trustees at its December 18, 2002 passed a resolution authorizing ECC to contract with *Welder Training & Testing Services, a Division of Quality Inspection Services, Inc.* to provide the services required at the agreed upon rate of payment, pending County Legislature approval, and

WHEREAS, contracts in excess of ten thousand dollars (\$10,000) must be approved by the County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that ECC and the County of Erie are authorized to contract with *Welder Training & Testing Services, a Division of Quality Inspection Services, Inc.* for purposes of providing training and management oversight services in conjunction with the Department of Labor and Empire State Development contracts to local businesses and industries at the agreed upon rates of reimbursement, and be it further

RESOLVED, that ECC and the County of Erie are authorized to contract with *Welder Training & Testing Services, a Division of Quality Inspection Services, Inc.* to accept a minimum of \$62,000 in revenues per year from the Department of Labor and Empire State Development contracts to local businesses and industries; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the County Comptroller, the County Attorney, the Director of Budget, Management & Finance, the President of ECC and the Executive Dean of WFD at ECC.

MR. RANZENHOFER moved the approval of the resolution. MR. LARSON seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

Item 5 – MR. RANZENHOFER moved to remove Comm. 1E-24 listed in Addendum ‘A’ from the table. MR. LARSON seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

RESOLUTION NO. 5

Re: Extension of Additional 1% Sales &
 Compensating Use Tax Amendment of EC
 Sales & Use Tax Resolution.

RESOLUTION

of the

Legislature of Erie County, amending the Erie County Sales and Use Tax Resolution which imposes taxes on sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms, admission charges and club dues, pursuant to Article 29 of the Tax Law of the State of New York, to continue the imposition of the additional 1% rate of tax, pursuant to Chapter of the Laws of 2003.

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

Section 1. The first sentence of section two of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended to read as follows:

SECTION 2. Imposition of sales tax. On and after March first, nineteen hundred eighty-nine, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing March first, nineteen hundred eighty-nine and ending February [twenty-eighth, two thousand three] twenty-ninth, two thousand four, there is hereby imposed and there shall be paid an additional tax of one percent upon:

Section 2. Subdivisions (h) and (i) of section three of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, are hereby further amended to read as follows:

(h) With respect to the additional tax of 1 percent imposed for the period commencing March 1, 1989, and ending February [28, 2003] 29, 2004, the provisions of subdivisions (a), (b), (c), (d), (e), (f) and (g) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (d) and (e) to an effective date shall be read as referring to March 1, 1989, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to November 1, 1988, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February 28, 1989.

Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March 1, 1989, any transaction which may not be subject to the additional tax imposed effective on that date.

(i) The taxes imposed under subdivisions (a), (c) and (d) of Section 2 shall be paid at the rate of 3 percent upon all sales made and services rendered on or after March first, [two thousand three] two thousand four. With respect to the tax rate of 3 percent effective March first, [two thousand three] two thousand four, the provisions of subdivisions (b), (c), (d), (e) and (f) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (b), (c), (d) and (e) to an effective date shall be read as referring to March first, [two thousand three] two thousand four, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February [twenty-eight, two thousand three] twenty-nine, two thousand four. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March first, [two thousand three] two thousand four any transaction which may not be subject to the lowered tax rate in effect on that date.

Section 3. Section four of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this resolution, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March first, nineteen hundred eighty-nine, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal property are offered for sale by him in the regular course of business, or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7), and (8) of subdivision (c) of section 2, (D) of any tangible personal property, however acquired, where not acquired for the purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section 2 have been performed, (E) of any telephone answering service described in subdivision (b) of section 2, and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, [two thousand three] two thousand four, the tax shall be at

the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, [two thousand three] two thousand four, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, [two thousand three] two thousand four, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, [two thousand three] two thousand four, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after March first, [two thousand three] two thousand four, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or creator shall not be deemed a taxable use by such person.

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Section 4. Subdivision (D) of clause (1) of Section 11 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended to read as follows:

(D) With respect to the additional tax of one percent imposed effective for the period beginning March first, nineteen hundred eighty-nine, and ending February [twenty-eight, two thousand three] twenty-nine, two thousand four, in respect to the use of property used by the purchaser in this County prior to March first, nineteen hundred eighty-nine.

Section 5. This enactment shall take effect March first, two thousand three.

MR. RANZENHOFER moved to amend the resolution. MR. LARSON seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

ADD the following Chapter Number in the first paragraph of the resolution:

...pursuant to Chapter 5 of the Laws of 2003

MR. RANZENHOFER moved the approval of the resolution as amended. MR. LARSON seconded.

The Clerk of the Legislature directed that a roll call vote be taken.

AYES: DALE, DUSZA, HOLT, MARINELLI, SMITH, SWANICK, CHASE, CUSACK, FALKNER, LARSON, McCARVILLE, RANZENHOFER & WEINSTEIN. NOES: FISHER, SCHROEDER & DeBENEDETTI.

CARRIED. (WEIGHTED VOTE: 13.125 – 2.857)

** See Meeting No. 6 for further action on this item.

Item 6 – MR. RANZENHOFER moved to remove Comm. 1E-27 listed in Addendum ‘A’ from the table. MR. SWANICK seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

RESOLUTION NO. 6

Re: Youth Services – Authorization to Increase a Youth Agency Contract.

WHEREAS, the New York State Office of Children and Families has increased state aid for YDDP programming by \$4,682 and the Youth Services' Board has made a recommendation increasing the following contract as is its responsibility.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to increase the following contract including amendments with the State of New York and the service provider:

Bethel AME Zion Church Inc.- Village Pride	\$ <u>4,682</u>
Total Allocation to YDDP Programs	\$ 4,682

and be it further

RESOLVED, that the source of funds to cover the cost of this contract is increased State Aid – YDDP for the state fiscal year ending on March 31, 2002, and be it further

RESOLVED, that authorization is provided to make the following budgetary transactions of the Youth Bureau in order to implement the contract increase:

REVENUE

Acct 620-0101 State Aid Revenues-YDDP Reimbursement.	<u>\$4,682</u>
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APPROPRIATION

Acct. 830-563 Contractual Services-YDDP Reimbursement.	<u>\$4,682</u>
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and be it further

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

MR. RANZENHOFER moved the approval of the resolution. MR. SWANICK seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

Item 7 – MR. RANZENHOFER moved to remove Comm. 1E-37 listed in Addendum ‘A’ from the table. MR. LARSON seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

RESOLUTION NO. 7

Re: Senior Services – Authorization to Establish POMP Grant & Amend ORT & WRAP-DSS Grants.

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WHEREAS, the Erie County Department of Senior Services (Department) has partnered with the New York State Office for the Aging to participate in the Administration on Aging Performance Outcomes Measurement Project (POMP), and

WHEREAS, this federal demonstration project has been continued into an expanded phase IV for 2002/2003, and

WHEREAS, the New York State Office for the Aging (SOFA) has made available a grant in the amount of \$6,000 to conduct POMP activities for the period from September 30, 2002 through September 29, 2003, and

WHEREAS, the Department desires to use a portion of POMP funds to cover the payroll costs of a part time Community Service Aide who is currently working on activities relating to this project and to cover POMP-related seminar/conference costs incurred by the local coordinator, and

WHEREAS, the Erie County Legislature has already appropriated funds for the Operation Restore Trust (ORT) grant and for the Energy Service Packaging (WRAP-DSS) grant for the period October 1, 2002 through September 30, 2003, and

WHEREAS, SOFA has notified the Department that ORT grant will run through June 30, 2003 only, and

WHEREAS, the Department needs to revise the ORT grant budget to reflect a nine-month budget, and

WHEREAS, the Department desires to use a portion of ORT funds to cover the payroll costs of a part time Community Service Aide who is currently assisting with data collection and the dissemination of Medicare information to senior centers and public libraries in Erie County, and

WHEREAS, the Department needs to revise the WRAP-DSS grant budget to cover all pending weatherization cases, and

WHEREAS, County funds are not required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to accept the grant from SOFA to operate the Performance Outcomes Measures Project, and be it further

RESOLVED, that the County Executive is hereby authorized to amend the contract with the American Red Cross to \$10,200, and be it further

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RESOLVED, that the budget for the POMP grant for the period September 30, 2002 through September 29, 2003 be established as follows:

<u>Account</u>	<u>Description</u>	<u>Initial Budget</u>
REVENUES		
640	Federal Aid	<u>\$6,000</u>
APPROPRIATIONS		
800	Personal Services	\$4,885
805	Fringe Benefits	615
825	Out of Area Travel	<u>500</u>
	Total	<u>\$6,000</u>

and be it further

RESOLVED, that the ORT grant period be revised to October 1, 2002 to June 30, 2003, and

RESOLVED, that the budget for the ORT grant for the period October 1, 2002 to June 30, 2003 Project 668, be revised as follows:

		<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED BUDGET</u>
<u>APPROPRIATIONS</u>				
<u>Account</u>	<u>Description</u>			
800	Personal Services	\$ -0-	\$ + 8,241	\$ 8,241
805	Fringe Benefits	-0-	+ 1,109	1,109
812	Food and Kitchen	100	- 100	-0-
826	Other Expenses	8,967	- 5,850	3,117
830/418	American Red Cross	13,600	- 3,400	10,200
	Total Change		<u>\$ -0-</u>	

and be it further

RESOLVED, that the budget for the WRAP-DSS grant for the period October 1, 2002 to September 30, 2003 Project 664, be revised as follows:

		<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED BUDGET</u>
APPROPRIATIONS				
Account	Description			
800	Personal Services	\$46,799	-\$4,790	\$42,009
826	Other Expenses (Last Resort)	5,861	4,790	10,651
	TOTAL CHANGE		<u>\$0</u>	

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and be it further

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

MR. RANZENHOFER moved the approval of the resolution. MR. LARSON seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

Item 8 – MR. RANZENHOFER moved to remove Comm. 1E-38 listed in Addendum 'A' from the table. MR. LARSON seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

RESOLUTION NO. 8

Re: Senior Services – Authorization to Contract
 with Nutrition & Adult Day Care
 Subcontractors.

WHEREAS, the Erie County Legislature has already appropriated funds and authorized the County Executive to enter into contracts with subcontractors for the Congregate Dining Nutrition Program (III-C-1), Area Agency on Aging (III-B), and Elder Caregiver Support (III-E) grants for the period January 1, 2003 to December 31, 2003; and

WHEREAS, the Department of Senior Services has been notified of a change in ownership of Brent Manor, one of the dining sites for the nutrition program, and the new owner, JVL Management Company, desires to continue the dining program, and

WHEREAS, one of the adult day care agencies was inadvertently omitted from the list of authorized adult day care agencies for the III-B and III-E grants, and

WHEREAS, the 2003 grant budget for the III-C-1 program is in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into contract with JVL Management Company for the period January 1, 2003 to December 31, 2003 for the amount appropriated below, and be it further

RESOLVED, that the County Executive be and is hereby authorized to enter into contracts and amendments with Lakeshore Childcare Center, Inc., d/b/a Lakeshore Family Center, for the period January 1, 2003 to December 31, 2003 in the aggregate amounts already appropriated in the III-B and III-E grant budgets, and be it further

RESOLVED, that the III-C-1 grant, Project 762, be revised as follows:

		CURRENT	AMENDED	
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
830/305	Bent Manor	\$1,684	-\$1,684	\$0
830/	JVL Management Company	0	1,684	1,684
	TOTAL CHANGE		<u>\$--0--</u>	

and be it further

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

MR. RANZENHOFER moved the approval of the resolution. MR. LARSON seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

Item 9 – MR. RANZENHOFER moved to remove Comm. 1E-40 listed in Addendum ‘A’ from the table. MR. LARSON seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

RESOLUTION NO. 9	Re: Probation & Youth Detention – Extension/Increase for Intensive Juvenile Community Project Contract with NYS Div of Crim Justice.
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WHEREAS, the Department of Probation has established an Intensive Community Intervention Project in Cheektowaga through the Title V grant, and

WHEREAS, an extension and reallocation of funds have been made available by the New York State Division of Criminal Justice Services (DCJS),

NOW THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to extend the current a contract to February 28, 2003 under the Title V program with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that the following transactions are authorized to amend the budget of the Title V grant in the Probation and Youth Detention and Central Police Services Departments:

Grant Fund
09-30-00 to 2-28-03

Title V
Project # 730 Probation/Youth Detention Services Department

Appropriations	From	Change	To
Acct. 800 Personal Services	\$48,779	+\$20,968	\$69,747
Acct. 805 Fringe benefits	13,296	2,688	\$15,984
Acct. 810 Office Supplies	0	0	0
Acct. 821 Dues/Fees	1,100	1,500	2,600
Acct. 824 Local Travel	0	0	0
Acct. 825 Out of Area Travel	1,500	+1,500	3,000
Acct. 830 Contractual Services	5,400	0	5,400
Acct. 933 Technical Equipment	<u>3,500</u>	<u>+4,000</u>	<u>\$7,500</u>
Total	\$73,575	\$30,656	\$104,231

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 Department of Probation and Youth Detention Services.

MR. RANZENHOFER moved the approval of the resolution. MR. LARSON seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

Item 10 – MR. RANZENHOFER moved to remove Comm. 1E-41 listed in Addendum ‘A’ from the table. MR. LARSON seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

RESOLUTION NO. 10

Re: Probation & Youth Detention – Extend
 JAIBG Funding Contract Year 3 with NYS
 Division of Criminal Justice.

WHEREAS, the Department of Probation and Youth Services have been working together to establish a networked management information system to improve the coordination of services to youth, and provide flexible on-call assessment of juveniles entering the juvenile justice system through the JAIBG third year grant, and

WHEREAS, available balances remain in the grant, which the New York State Division of Criminal Justice Services (DCJS) has approved for transfer,

NOW THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to extend the current a contract to January 31, 2003 under the Juvenile Accountability Incentive Block Grant (JAIBG) program with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that the following transactions are authorized to amend the budget of the JAIBG grant in the Probation and Youth Detention and Central Police Services Departments:

Grant Fund
Juvenile Accountability Incentive Block Grant Third Year
10/01/01-01/31/03

Project # 584 Probation Youth Detention Department

Appropriations	From	Change	To
Acct. 801 Overtime	\$15,000	-\$9,000	\$6,000
Acct. 805 Fringe Benefits	1,200	-700	500
Acct. 810 Office Supplies	400	0	400
Acct. 821 Dues/Fees	2,000	0	2,000
Acct. 824 Local Travel	1,000	0	1,000
Acct. 825 Out of Area Travel	3,000	+4,000	\$7,000
Acct. 830 Contractual	51,012	0	51,012
Services			
Acct. 933 Technical	<u>31,700</u>	<u>+5,700</u>	<u>\$37,400</u>
Equipment			
Total	\$105,312	\$0	\$105,312

Project # 583 Central Police Services

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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 Department of Central Police Services.

MR. RANZENHOFER moved the approval of the resolution. MR. SWANICK seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

Item 12 – MR. RANZENHOFER moved to remove Comm. 1E-43 listed in Addendum ‘A’ from the table. MR. SWANICK seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

RESOLUTION NO. 12

Re: Regional Public Safety Campus Project –
 Communications/Information Systems
 Integrator Consultant.

WHEREAS, it is the desire of the County of Erie, Department of Central Police Services to retain a communications/information systems integrator consultant for the Regional Public Safety Campus project; and

WHEREAS, the Department of Central Police Services issued a Request for Proposal (RFP) on May 15, 2002; and

WHEREAS, five (5) proposals were submitted by various communications consulting firms on June 26, 2002; and

WHEREAS, the firm of L. Robert Kimball & Associates was deemed to have submitted the best overall proposal by the selection committee; and

WHEREAS, the RFP, evaluation of responses and selection procedure were done in accordance with Section 19.08 of the Erie County Administrative Code:

NOW, THEREFORE, BE IT

RESOLVED, that an agreement with L. Robert Kimball & Associates, 437 Grant Street, Frick Building, Suite 1102, Pittsburgh, PA 15219 at a cost not to exceed \$334,935 to provide consulting services for the Regional Public Safety Campus is hereby approved; and be it further

RESOLVED, that funds for this agreement will be allocated from the County’s 2002 Budget E-911 Fund Balance Reserve (account 230 965650285) and transferred to the E-911 Fund Dues and Fees (account 230 965650821); and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an agreement with L. Robert Kimball & Associates subject to approval as to form by the County Attorney; and be it further

RESOLVED, that certified copies of this resolution are to be forwarded to the County Executive, Director of Budget, Management and Finance, Comptroller, Commissioner of Public Works and Commissioner of Central Police Services.

MR. RANZENHOFER moved the approval of the resolution. MR. SWANICK seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

Item 13 – MR. RANZENHOFER moved to remove Comm. 1E-49 listed in Addendum ‘A’ from the table. MR. McCARVILLE seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

RESOLUTION NO. 13

Re: Unified Court Security Grant Personnel Adjustment.

WHEREAS, the New York State Office of Court Administration has requested the Sheriff’s Office to increase the number of Court Officers by three because of additional work in the new Family Court Building and during construction; and

WHEREAS, the New York State Office of Court Administration will reimburse the County of Erie for the entire cost of these positions under the current contract between the parties; and

WHEREAS, it necessary to increase the staff in the court buildings to ensure safety.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff’s Office be authorized to create three (3) Court Officer, Job Group VI positions; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

UNIFIED COURT SECURITY GRANT - PROJECT #723
4/01/02 - 3/31/03

REVENUE

Increase

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SFG ACCOUNT

627	State Aid Revenues	<u>\$23,340</u>
	Total Revenue	<u>\$23,340</u>

APPROPRIATION

Increase

SFG ACCOUNT

800	Personal Services	\$ 17,403
801	Overtime	978
805	Fringe Benefits	<u>4,959</u>
	Total Appropriation	<u>\$ 23,340</u>

UNIFIED COURT SECURITY GRANT - PROJECT #888

4/01/03 - 3/31/04

REVENUE

Increase

SFG ACCOUNT

627	State Aid Revenues	<u>\$123,713</u>
	Total Revenue	<u>\$123,713</u>

APPROPRIATION

Increase

SFG ACCOUNT

800	Personal Services	\$ 95,928
801	Overtime	1,499
805	Fringe Benefits	<u>26,286</u>
	Total Appropriation	<u>\$123,713</u>

and be it further

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

MR. RANZENHOFER moved the approval of the resolution. MR. McCARVILLE seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

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SUSPENSION OF THE RULES

Item 14 – MR. SWANICK moved for a suspension of the rules to include an item not on the agenda. MR. RANZENHOFER seconded.

GRANTED.

Comm. 2E-37 From LEGISLATOR KUWIK Re: Notice of Absence.

RECEIVED, FILED & PRINTED.

January 22, 2003

The Honorable Laurie A. Manzella
 Clerk
 Erie County Legislature
 25 Delaware Ave., 7th Floor
 Buffalo, NY 14202

Dear Madam Clerk:

It is with regret that I must inform you that because of my recent hospitalization I will be forced to be absent from tomorrow's meeting of the Erie County Legislature. I hope to be discharged from the hospital on Friday, January 24.

In keeping with past practice, I would ask that my absence be recorded in the official proceedings of the Legislature as an absence due to "established illness."

Thank you for your anticipated cooperation.

Very truly yours,

EDWARD J. KUWIK
 Erie County Legislator
 1st District

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR SMITH

Item 15 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. SWANICK seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

RESOLUTION NO. 14

Re: Lease for Legislative Office Space.
 (Comm. 2E-5)

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Citizens' Alliance Inc. located at 836 East Delavan Avenue, Buffalo, New York 14215 and Erie County for Legislative Office Space for Erie County Legislator Demone Smith at a cost of \$550.00 per month.

MR. RANZENHOFER moved the approval of the resolution. MR. SWANICK seconded. MS. FISHER voted in the negative. MR. SMITH abstained.

CARRIED. (WEIGHTED VOTE: 14.036 – 0.985)

FROM LEGISLATOR CHASE

Item 16 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

RESOLUTION NO. 15

Re: Lease for Legislative Office Space.
 (Comm. 2E-6)

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Jay A. Pohlman located at 3993 South Park Avenue, Hamburg, New York 14075 and Erie County for Legislative Office Space for Erie County Legislator Jeanne Z. Chase at a cost of \$475.00 per month.

MR. RANZENHOFER moved the approval of the resolution. MR. LARSON seconded. MS. FISHER voted in the negative. MS. CHASE abstained.

CARRIED. (WEIGHTED VOTE: 13.903 – 0.985)

FROM THE COUNTY EXECUTIVE

Item 17 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. LARSON seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

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RESOLUTION NO. 16

Re: Shea's Performing Arts Center Marquee
 Lighting Improvements. (Comm. 2E-29)

WHEREAS, New York State Energy Research and Development Authority (NYSERDA) provided funding for an energy audit at the Shea's Performing Arts Center (Shea's) which showed that the replacement of incandescent lights with LED lamps in the theater's marquee would save an estimated \$20,000 in energy costs per year; and

WHEREAS, NYSERDA has awarded to Shea's O'Connell Preservation Guild LTD a grant totaling \$90,661, representing 70 percent of the total project cost of \$129,516; and

WHEREAS, Shea's has requested that the County provide the balance of \$38,855 (30 percent); and

WHEREAS, funds for this purpose are available within the Regionalism/Economic Development Fund.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement with Shea's O'Connell Preservation Guild LTD to fund the local share of replacing incandescent lights with LED lamps in the marquee of Shea's, and be it further

RESOLVED, that the sum of \$38,885 is hereby transferred from the 2002 Regionalism/Economic Development Fund account (DAC 110 9043038301299) to a new subaccount under Agency Payments monitored by the Department of Environment and Planning, Fund 110, Project 922, Department 302, Account 830, and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

MR. RANZENHOFER moved the approval of the resolution. MR. LARSON seconded. MS. FISHER voted in the negative.

CARRIED. (WEIGHTED VOTE: 14.997 – 0.985)

ADJOURNMENT

Item 18 – MR. RANZENHOFER moved that the Legislature adjourn until 2 p.m. Thursday, February 6, 2003. MR. SWANICK seconded. LEGISLATORS DALE, FISHER, HOLT, SCHROEDER, SMITH & DeBENEDETTI voted in the negative.

CARRIED. (WEIGHTED VOTE: 10.483 – 5.499)

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The Clerk declared the Legislature adjourned until Thursday, February 6, 2003 at 2 p.m.
Eastern Standard Time.

LAURIE A. MANZELLA
CLERK