

ERIE COUNTY LEGISLATURE
MEETING NO. 26
November 30, 2000

The Legislature was called to order by Chairman Swanick.

All Members Present.

The invocation was led by Pastor Karl Eastlack of the Eastern Hills Wesleyan Church.

The Pledge of Allegiance was led by Mr. Holt.

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.

MS. PEOPLES moved to approve the minutes of Meeting #19 of 2000. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 3 – MS. MARINELLI presented a resolution Congratulating the Zonta Club of Kenmore on Their 75th Anniversary Dinner. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

Item 4 – MS. PEOPLES presented a resolution Congratulating the Greater Buffalo Area Black Nurses Association on Their First Annual Terry A. Abram Memorial Scholarship Benefit Banquet. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 5 – CHAIRMAN SWANICK directed that Local Law No. 4 (Print #2) 1999 remain on the table.

Item 6 – CHAIRMAN SWANICK directed that Local Law No. 2 (Print #3) 2000 remain on the table.

Item 7 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

County of Erie
Local Law No. - 2000
Local Law Intro No. 8 – 2000

A LOCAL LAW to amend Local Law No. 4 - 1990 in relation to the imposition of a tax on deeds in Erie County.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

§1 Short title

This local law may be referred to as the “Erie county transportation assistance tax law.”

Section

2. Definitions
3. Imposition of Tax
4. Payment of Tax
5. Liability for Tax
6. Exemptions
7. Credit
8. Co-Operative Housing Corporation Transfers
9. Designation of Agents
10. Liability of Recording Officer
11. Refunds
12. Deposit and Disposition of Revenue
13. Judicial Review
14. Apportionment
15. Determination of Tax
16. Remedies Exclusive
17. Proceedings to Recover Tax
18. General Powers of the Commissioner
19. Interest and Penalties
20. Returns to be Secret
21. Separability.
22. Effective Date

§2. Definitions

When used in this article, unless otherwise expressly stated:

1. "Person" means an individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other person acting in fiduciary or representative capacity, whether appointed by a court or otherwise, any combination of individuals, and any other form or unincorporated enterprise owned or conducted by two or more persons.
2. "Controlling interest" means (a) in the case of a corporation, either fifty percent or more of the total combined voting power of all classes of stock of such corporation, or fifty percent or more of the capital, profits or beneficial interest in such voting stock of such corporation, and (b) in the case of a partnership, association, trust or other entity fifty percent or more of the capital, profits or beneficial interest in such partnership, association, trust or other entity.
3. "Real property" means every estate or right, legal or equitable, present or future, vested or contingent, in lands, tenements or hereditaments, including buildings, structures or any other improvements thereon which are located in whole or in part within the county of Erie. It shall not include rights to sepulture.
4. "Consideration" means the price actually paid or required to be paid for real property or interest therein, including payment for an option or contract to purchase real property, whether or not expressed in the deed and whether paid or required to be paid by money, property, or any other thing of value. It shall include the cancellation or discharge of any indebtedness or obligation. It shall also include the amount of any mortgage, purchase money mortgage, lien or other encumbrance, whether or not the underlying indebtedness is assumed or taken subject to.
 - a. In the case of a creation of a leasehold interest or the granting of an option with use and occupancy of real property, consideration shall include but not be limited to the value of the rental and other payments attributable to the use and occupancy of the real property or interest therein, the value of any amount paid for an option to purchase or renew and the value of rental or other payments attributable to the exercise of any option to renew.
 - b. In case of a creation of a subleasehold interest, consideration shall include but not be limited to the value of the sublease rental payments attributable to the use and occupancy of the property, the value of any amount paid for an option to renew and the value of rental or other payments attributable to the

- exercise of any option to renew less the value of the remaining prime lease rental payments required to be made.
- c. In the case of a controlling interest in any entity that owns real property, consideration shall mean the fair market value of the real property or interest therein, apportioned based on the percentage of the ownership interest transferred or acquired in the entity.
 - d. In the case of an assignment or surrender of a leasehold interest or the assignment or surrender of an option or contract to purchase real property, consideration shall not include the value of the remaining rental payments required to be made pursuant to the terms of such lease or the amount to be paid for the real property pursuant to the terms of the option or contract being assigned or surrendered.
 - e. In the case of (1) the original conveyance of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the cooperative corporation or cooperative plan sponsor and (2) the subsequent conveyance by the owner thereof of such stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold for cooperative unit other than an individual residential unit, consideration shall include a proportionate share of the unpaid principal of any mortgage on the real property of the cooperative housing corporation comprising the cooperative dwelling or dwellings. Such share shall be determined by multiplying the total unpaid principal of the mortgage by a fraction, the numerator of which shall be the number of shares of a stock being conveyed in the cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold and the denominator of which shall be the total number of shares of stock in the cooperative housing corporation.
5. "Conveyance" means the transfer or transfers of any interest in real property by any method, including but not limited to sale, exchange, assignments, surrender, mortgage foreclosure, transfer in lieu of foreclosure, option, trust indenture, taking by eminent domain, conveyance upon liquidation or by a receiver, or transfer or acquisition of a controlling interest in any entity with an interest in real property. Transfer of an interest in real property shall include the creation of a leasehold sublease only where (a) the sum of the term of the lease or sublease and any options for renewal exceeds forty-nine years, (b) substantial capital improvements are or may be made by or for the benefit of the lessee or subleasee, and (c) the lease or sublease is for substantially all of the premises constituting the real property. Notwithstanding the foregoing, conveyance of real property shall not include the creation, modification, extension, spreading, severance, consolidation, assignment, transfer, release

or satisfaction of a mortgage; a mortgage subordination agreement, a mortgage severance agreement, an instrument given to perfect or correct a recorded mortgage; or a release of lien of tax pursuant to the tax law or the internal revenue code.

6. "Interest in the real property" includes title in fee, a leasehold interest, a beneficial interest, an encumbrance, development rights, air space and air rights, or any other interest with the right to use or occupancy of real property or the right to receive rents, profits or other income derived from real property. It shall not include a right of first refusal to purchase real property.
7. "Grantor" means the person making the conveyance of real property or interest therein. Where the conveyance consists of a transfer or an acquisition of a controlling interest in an entity with an interest in real property, "grantor" means the entity with an interest in real property or a shareholder or partner transferring stock or partnership interest.
8. "Grantee" means the person who obtains the real property or interest therein as a result of a conveyance.
9. "Clerk" means the county clerk of the county of Erie.
10. "Commissioner" means the commissioner of finance of the county of Erie.

§3. Imposition of tax

There is hereby imposed in Erie county a tax on each conveyance of real property or interest therein when the consideration exceeds five hundred dollars, at the rate of two dollars and fifty cents for each five hundred dollars or fractional part thereof: provided, however, that with respect to (A) a conveyance of a one, two or three-family house and an individual residential condominium unit, or interests therein: and (B) conveyances where the consideration is less than five hundred thousand dollars, the consideration for the interest conveyed shall exclude the value if any lien or encumbrance remaining thereon at the time of conveyance. This local law shall apply to any conveyance occurring on or after June first, nineteen hundred ninety, but shall not apply to conveyances made on or after such date pursuant to binding written contracts entered into prior to such date, provided that the date of execution of such contract is confirmed by independent evidence such as the recording of the contract, payment of a deposit or other facts and circumstances as determined by the commissioner or the clerk as his authorized agent.

§4. Payment of tax

1. The real estate transfer tax imposed by this local law shall be paid to the commissioner or the clerk acting as the agent of the commissioner upon designation as such agent by the commissioner. Such tax shall be paid at the same time as the real estate transfer tax imposed by article thirty-one of the tax law is required to be paid. The commissioner or clerk shall endorse upon

each deed or instrument affecting a conveyance a receipt for the amount of the tax so paid.

2. A return shall be filed with the commissioner or clerk for purposes of the real estate transfer tax imposed pursuant to this local law at the same time as a return is required to be filed for purposes of the real estate transfer tax imposed by article thirty-one of the real estate transfer tax imposed of the real estate transfer tax imposed pursuant to this local law, shall be a photocopy or carbon copy of the estate transfer tax return required to be filed pursuant to section fourteen hundred nine of this tax law. However, when an apportionment is required to be made pursuant to section fourteen of this local law, a supplemental form shall also be required to be filed in such form as may be prescribed by the commissioner. The real estate transfer tax returns and supplemental forms required to be filed pursuant to this section shall be preserved for three years and thereafter until the commissioner orders them to be destroyed.
3. The clerk shall not record an instrument affecting a conveyance unless the return required by this section has been filed and the tax imposed pursuant to this local law shall have been paid as provided in this section.

§5. Liability for tax

1. The real estate transfer tax shall be paid by the grantor. If the grantor has failed to pay the tax imposed by this local law or if the grantor is exempt from such tax, the grantee shall have the duty to pay the tax. Where the grantee has the duty to pay the tax because the grantor has failed to pay, such tax shall be the joint and several liability of the grantor and the grantee, provided, however, neither the grantor nor the grantee shall pay such tax if the grantor is exempt from such tax pursuant to paragraph (i) of subdivision two of section six of this local law.
2. For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby authorized, it shall be presumed that all conveyances are taxable. Where the consideration includes property other than money, it shall be presumed that consideration is the fair market value of the real property or interest therein. These presumptions shall prevail until the contrary is proven, and the burden of proving the contrary shall be on the person liable for payment of the tax.

§6. Exemptions

1. The following shall be exempt from payment of the real estate transfer tax:
 - a. The state of New York, or any of its agencies, instrumentalities, political subdivisions, or public corporations

- (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada).
- b. The United Nations, the United States of America and any of its agencies and instrumentalities. The exemption of such governmental bodies or persons shall not, however, relieve a grantee from them of liability for the tax.
2. The tax shall not apply to any of the following conveyances:
- a. Conveyances to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies or political subdivisions (o any public corporation, including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada);
 - b. Conveyances which are or were used to secure a debt or other obligation;
 - c. Conveyances which, without additional consideration, confirm, correct, modify or supplement a deed previously recorded;
 - d. Conveyances of real property without consideration and otherwise than in connection with a sale, including deeds conveying realty as bona fide gifts;
 - e. Conveyances given in connection with a tax sale;
 - f. Conveyances to effectuate a mere change of identity or form of ownership or organization where there is no change in beneficial ownership, other than conveyances to a cooperative housing corporation of the real property comprising the cooperative housing corporation of the real property comprising the cooperative dwelling or dwellings;
 - g. Conveyances which consist of a deed of partition;
 - h. Conveyances given pursuant to the federal bankruptcy act.
 - i. Conveyances of real property owned and occupied as a principal residence by one or more persons, at least one of whom is sixty- two years of age or over, provided that such property was both owned and occupied by at lease one of such persons for a period of at least one year prior to the date of transfer, and further provided that such exemption shall be limited to transfers of residential properties consisting of one or two dwelling units.
 - j. Conveyances of real property which consist of the execution of a contract to sell real property without the use or occupancy of such property or the granting of an

- option to purchase real property without the use of occupancy of such property [and];
- k. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than two hundred thousand dollars and such property was used solely by the grantor as his personal residence and consists of a one, two or three-family house, and individual residential condominium unit or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative unit.

§7 Credit

1. A grantor shall be allowed a credit against the tax due on a conveyance of real property to the extent tax was paid by such grantor on a prior creation of a leasehold of all or a portion of the same real property or on the granting of an option or contract to purchase all or apportion of the same real property, by such grantor. Such credit shall be computed by multiplying the tax paid on the creation of the leasehold or on the granting of the option or contract by a fraction, the numerator of which is the value of the consideration used to compute such tax paid which is not yet due to such grantor on the date of the subsequent conveyance (and which such grantor will not be entitled to receive after such date), and the denominator of which is the total value of the consideration used to compute such tax paid.
2. A grantor shall be allowed a credit against the tax due on a conveyance of real property under the following circumstances: (a) the grantor purchased the property without its being improved by residential premises, (b) the grantor improved on it by construction of residential premises thereon, and (c) the grantor subsequently sold such improved property. At the time of the first sale of the property after the making of the improvement, the grantor shall be allowed a credit equal to the amount of the tax actually paid on the conveyance immediately prior to the making of the improvement.

§8 Co-Operative housing corporation transfers

1. Notwithstanding the definition of "controlling interest" contained in subdivision two of section two of this local law or anything to the contrary contained in subdivision five of section two of this local law, the tax imposed pursuant to this article shall apply to (a) the original conveyance of shares of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the cooperative corporation or cooperative plan

sponsor, and (b) the subsequent conveyance of such stock in cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold by the owner thereof. With respect to any such subsequent conveyance where the property is an individual residential unit, the consideration for the interest conveyed shall exclude the value of any liens on certificates of stock or other evidence of an ownership formed for the purpose of cooperative ownership of residential interest in real estate remaining thereon at the time of conveyance. In determining the tax on a conveyance described in paragraph (a) of this subdivision, a credit shall be allowed for a proportionate part of the amount of any tax paid upon the conveyance to the cooperative housing corporation of the real property comprising the cooperative dwelling or dwellings to the extent that such conveyance effectuated a mere change of identity or form of ownership of such property and not a change in the beneficial ownership of such property. The amount of the credit shall be determined by multiplying the amount of tax paid upon the conveyance to the cooperative housing corporation by a percentage representing the extent to which such conveyance effectuated a mere change of identity or form or ownership of such property, and then multiplying the resulting product by a fraction, the numerator of which shall be the number of shares of stock conveyed in a transaction described in paragraph (a) of this subdivision, and the denominator of which shall be the total number of shares of stock of the cooperative housing corporation (including any stock held by the corporation). In no event, however, shall such credit reduce the tax, on a conveyance described in paragraph (a) of this subdivision, below zero, nor shall any such credit be allowed for a tax paid more than twenty-four months prior to the date on which occurs the first in a series of conveyances of shares of stock in an offering of cooperative housing corporation shares described in paragraph (a) of this subdivision.

2. Every cooperative housing corporation shall be required to file an information return with the commissioner by July fifteenth of each year.

§9 Designation of agents

The commission is authorized to designate the clerk to act as his agent for purposes of collecting the tax imposed by this local law. The commissioner shall provide for the manner in which the clerk may be designated as his agent subject to such terms and conditions as he shall proscribe. The real estate transfer tax shall be paid to such agent as provided in section four of this local law.

§10 Liability of clerk

1. The clerk shall not be liable for any inaccuracy in the amount of tax he shall collect under this local law so long as he shall compute and collect such tax on the amount of consideration or the value of the interest conveyed as such amounts are provided to him by the person paying the tax.
2. The clerk shall not be liable for any failure to collect the amount of tax due under this local law so long as he shall rely upon information provided to him by the person responsible for paying the tax claiming an exemption pursuant to paragraph (i) of subdivision 2 of Section 6 of this local law.

§11 Refunds

1. Whenever the commissioner shall determine that any monies received under the provisions of this local law were paid in error, he may cause such monies to be refunded, without interest, pursuant to such rules and regulations he may prescribe provided any application for such refund is filed with the commissioner within two years from the date the erroneous payment was made.
2. The Commissioner may grant or deny such application in whole or in part and shall notify the applicant by mail accordingly. Such determination shall be final and irrevocable unless the applicant shall, within ninety days after the mailing of notice of such determination, petition the commissioner for a hearing. After such hearing the commissioner shall mail notice of his determination, petition the commissioner for a hearing. After such hearing the commissioner shall mail notice of his determination to the applicant. The decision of the commissioner may be reviewed as provided in section thirteen of this local law. A proceeding for judicial review shall not be instituted unless an undertaking is filed with the commissioner in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.
3. A person shall not be entitled to a refund under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of section fifteen of this article where he has had a hearing or a opportunity for a hearing, as provided in said section, or had failed to avail himself of the remedies therein provided. However, a person filing with the commissioner a signed statement in writing, as provided in subdivision two of section fifteen of this local law, before a determination assessing tax, pursuant to subdivision one of section fifteen, is issued, shall, nevertheless, be entitled to apply for a refund pursuant to subdivisions one and two of this section, as long as such application is made within the time limitation set forth in such subdivision one. No refund shall be made of a tax, interest or penalty paid after a determination by the commissioner made pursuant to section fifteen unless it is found that such determination was erroneous, illegal or unconstitutional or

otherwise improper after review of the commissioner's own motion, or in a proceeding under article seventy-eight of the civil practice law and rules, in which event refund shall be made of the tax, interest or penalty found to have been overpaid.

§12 Deposit and Disposition of Revenue

1.
 - a. Pursuant to rules established by the commissioner, consistent with the Erie County charter, all taxes collected or received by the commissioner or his duly authorized agent under this local law shall be deposited daily in one account with such responsible banks, banking houses or trust companies as may be designated. Such an account may be established in one or more of such depositories. Such deposits shall be kept separate and a part from all other moneys. Adequate security shall be required from all such depositories. Of the total revenue collected or received under this local law such amounts shall be retained as the commissioner may determine to be necessary for refunds or reimbursements to which taxpayers shall be entitled under the provisions of this local law. A system of accounts shall be maintained showing the amount of revenue collected or received from the tax imposed by this local law. After reserving the amount to pay such refunds or reimbursements, the Niagara Frontier transportation authority shall be paid all revenue deposited under this section. Such payment shall be made on the tenth day of each month for the preceding month.
 - b. Distributions made to the Niagara Frontier transportation authority shall be used only for operations of mass transportation services provided by the Niagara Frontier transportation authority within the county of Erie and the Niagara Frontier transportation authority. Such contract shall be adopted and amended only by a two-thirds majority vote of the Erie county legislature.
2. Notwithstanding the provisions of subdivision one of this section, on and after the first day of April nineteen hundred ninety-three, distributions, after reserving the aforesaid amount to any such refunds and reimbursements, shall be paid into a repair reserve fund established by the county pursuant to section six-d of the general municipal law for the purpose of repair of county roads and bridges within such county.

§13 Judicial Review

1. Any final determination of the amount of any tax payable under section three of this local law shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules if application therefore is made to the supreme court within four months after the giving of the notice of such final determination, provided, however, that any such proceeding under article seventy-eight of the civil practice law and rules shall not be instituted unless (a) the amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law shall be first deposited and there is filed an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding or (b) at the option of the petitioner, such undertaking may be in a sum sufficient to cover the taxes, interest and penalties stated in such determination, plus the costs and charges which may accrue against it in the prosecution of the proceeding, in which event the petitioner shall not be required to pay such taxes, interest or penalties as a condition precedent to the application.

2. Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally assessed or collected and application for the refund or revision thereof duly made to the proper fiscal officer or officers, and such officer or officers shall have made a determination denying such refund or revision, such determination shall be reviewable by a proceeding under article seventy-eight of the civil practice law and rules, provided, however, (i) that such proceeding is instituted within four months after the giving of the notice of such denial, (ii) that a final determination of tax due was not previously made, and (iii) that an undertaking is filed with the proper fiscal officer or officers in such amount and with such sureties as a justice of the supreme court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

§14 Apportionment

1. When the real property covered by a conveyance is situated within and without Erie county, the commissioner shall apportion the tax paid on such conveyance upon the basis of the relative assessments of such real property as the same appear on the last assessment – rolls. If, however, the whole or any part of the property covered by such a conveyance is not assessed upon the last assessment-roll or rolls of the tax district or districts in which it is situated, or is so assessed, as a part of a larger tract, that the assessed value cannot be determined, or if improvements have been made to such an extent

as materially to change the value of the value of the property so assessed, the commissioner may require the local assessors in the respective tax districts, or the grantor or grantee to furnish sworn appraisals of the property in each tax district, and upon such appraisals shall determine the apportionments. The commissioner shall make an order of determination and apportionment in respect to each such conveyance and file a certified copy thereof with the clerk.

2. The commissioner shall adopt rules to govern the procedure and the manner of taking evidence in all the matters provided for by this section and may require verified statements to be furnished either by boards of assessor, recording officers or other persons having knowledge in relation to such matters. Failure on the part of any person or officer to furnish a statement or other data when required so to do pursuant to the provisions of this section shall render such person or officer liable to a penalty of one hundred dollars, to be recovered by the count attorney in an action brought in the name of the county.

§15 Determination of Tax

1. If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the commissioner from such records or information as may be obtainable, including the assessed valuation of the real property or interest therein and other appropriate factors. Notice of such determination shall be given to the person liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed within ninety days after the giving of notice of such determination shall petition the commissioner for a hearing, or unless the commissioner's own motion shall redetermine the same. In any hearing under this local law the burden of proof shall be on the petitioner. After such hearing, the commissioner shall give notice of the determination to the person against whom the tax is assessed. The decision may be reviewed as provided in section thirteen of this local law. A proceeding for judicial review shall not be instituted unless: (1) the amount of any tax sought to be reviewed, with penalties and interest thereon, if any shall be first deposited with the commissioner and there shall be filed with the commissioner an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of New York State as to solvency and responsibility, in such amount and with such sureties as a justice of the supreme court shall approve, to the effect that is such proceeding be dismissed or the tax confirmed, the petitioner will pay all cost and charges which may accrue in the prosecution of the proceeding, in which event the petitioner shall not be required to deposit such taxes, penalties and interest as a condition precedent to the commencement of the proceeding.

2. A person liable for the tax imposed by this local law (whether or not a determination assessing a tax pursuant to subdivision one of this section has been issued) shall be entitled to have a tax due finally and irrevocably fixed prior to the ninety-day period referred to in subdivision one of this section, by filing with the commissioner a signed statement in writing in such form as the commissioner shall prescribe, consenting thereto.

§16 Remedies Exclusive

The remedies provided by sections eleven and fifteen of this article shall be the exclusive remedies available to any person for the review of tax liability imposed by this local law. No determination or proposed determination to tax or determination on any application for refund shall be enjoined or reviewed by any action for declaratory judgment, an action for money had and received, or by any action or proceeding other than a proceeding under article seventy-eight of the civil practice law and rules.

§17 Proceeding To Recover Tax

1. Whenever any person shall fail to pay any tax, penalty or interest imposed by this article, the county attorney shall, upon the request of the commissioner, bring or cause to be brought an action to enforce the payment of the same on behalf of the county in any court of the state of New York or of any other state or the United States.
2. As an additional or alternate remedy, the commissioner may issue a warrant, directed to the sheriff of Erie county commanding him to levy upon and sell the real and personal property of any grantor or grantee liable for the tax, which may be found within the county, for payment of the amount thereof, with any penalty and interest, and the cost of executing the warrant, and to return such warrant to the commissioner and to pay the commissioner the money collected by virtue thereof within sixty days after the receipt of such warrant. The sheriff shall within five days after the receipt of the warrant file with the clerk a copy thereof, and thereupon such clerk shall enter in the judgment docket the name of the person mentioned in the warrant and the amount of the tax, penalty and interest for which the warrant is issued. Such lien shall not apply to personal property unless such warrant is filed in the department of state. The sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property upon judgments of a court of record and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner. In the discretion of the commissioner a warrant of like terms, force and effect may be issued and directed to any officer or employee of the county and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. Upon such filing of a copy of

a warrant, the commissioner shall have the same remedies to enforce the amount due thereunder as if the county had recovered the judgment therefore.

§18 General Powers of the Commissioner

The commissioner shall have the power:

1. To administer and enforce the tax imposed by this local law and the commissioner is authorized to make such rules and regulations, and to require such facts and information to be reported, as the commissioner may deem necessary to enforce the provisions of this article.
2. For the purposes of ascertaining the correctness of any return, or for the purpose of making an estimate of tax of any return or for the purpose of making an estimate of tax of any person, to examine or to cause to have examined, by any agent or representative designated by the commissioner for that purpose, any books, papers, records or memoranda related to the matters required to be included in the return, and may require the attendance of the person rendering the return or any officer or employee of such person, or the attendance of any other person having knowledge of the matters included in the return, and may take testimony and require proof material for its information, with power to administer oaths to such person or person.
3. To extend, for cause shown, the time of filing any return for a period not exceeding three months.
4. To prescribe the methods for determining the consideration and net consideration attributable to that portion of real property located partly within and partly without the county of Erie, which is located within the county of Erie or any interest therein.
5. To require any grantor or grantee to keep such records, and for such length of time as may be required for the proper administration of this title and to furnish such records to the commissioner of taxation and finance upon request.
6. The commissioner of the commissioners' own motion, may abate any small unpaid balance of an assessment of the tax to be levied hereunder, or any liability in respect thereof, if the commissioner determines under rules prescribed by the commissioner that the administration and collection costs involved would not warrant collection of the amount due. The commissioner may also abate, of the commissioner's own motion, the unpaid portion of the assessment of any tax or any liability in respect thereof, which is excessive in amount, or is assessed after the expiration of the period of limitation properly

applicable thereto, or is erroneously or illegally assessed. No claim for abatement under this subdivision shall be filed by a taxpayer.

§19 Interest and Penalties

1. Any person who shall fail to pay when due all or part of the tax authorized by this local law by reason of understatement of the consideration paid for such real property or interest therein shall be subject to a penalty equal to the amount of the tax not paid in addition to payment of the amount of tax not paid plus interest at the rate of ten percent. If the commissioner determines that such failure or delay was due to reasonable cause and not due to willfully neglect, the commissioner shall remit, abate or waive all of such penalty and such interest penalty.
2. Any Person who shall willfully fail to pay all or part of the tax imposed by this local law, or who shall present claim for exemption under this local law shall be guilty of an unclassified misdemeanor, punishable by a fine not to exceed one thousand dollars, or imprisonment not exceed one year, or both such fine and imprisonment.

§20 Returns to be Secret

1. Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the commissioner, any officer or employee of the county, any person engaged or retained by the county on an independent contract basis, or any person who, pursuant to this section, is permitted to inspect any return or to whom a copy, an abstract or a portion of any return is furnished, to divulge or make known in any manner the particulars set forth or disclosed in any return required under this article. Provided, however, that nothing in this section shall prohibit a recording officer from making a notation, on an instrument effecting a conveyance indicating the amount of tax paid, no recorded instrument effecting a conveyance shall be considered a return for purposes of this section.
2. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the commissioner of taxation and finance in any action or proceeding under the provisions of the chapter or in any other action or proceeding involving the collection of a tax due under this chapter to which the county or the commissioner is a party or a claimant or on behalf of any party to any action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in any of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more.

3. Nothing herein shall be construed to prohibit the delivery to a grantor or grantee of any instrument effecting a conveyance or the duly authorized representative of a grantor or grantee of a certified copy of any return filed in connection with such instrument or to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the county attorney or other legal representatives of the county of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding under this local law has been recommended by the commissioner or the county attorney or has been instituted, or the inspection of the returns required under this article by the comptroller or duly designated officer or employee of the comptroller, for purposes of the audit of a refund or any tax paid by a taxpayer under this article.

4. Any officer or employee of the county who willfully violates the provisions of this section shall be dismissed from office and be incapable of holding any public office in this state for a period of five years thereafter.

§21 Separability

If any clause, sentence, paragraph, section or article of this shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

§22 Effective Date

This local law shall take effect January 1, 2001.

CHARLES M. SWANICK	CRYSTAL P. PEOPLES
EDWARD J. KUWIK	MICHAEL A. FITZPATRICK
GEORGE A. HOLT, JR.	JUDITH P. FISHER
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 approval of the resolution. 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, and SWANICK. NOES: DeBENEDETTI & OLMA. AYES – 15, NOES 2.

CARRIED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 463

November 9, 2000

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 14

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

ALL ITEMS ARE HEREBY TABLED.

CRYSTAL D. PEOPLES
CHAIRPERSON

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 464

November 9, 2000

SOCIAL SERVICES
COMMITTEE
REPORT NO. 12

ALL MEMBERS PRESENT.

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

	Item	Page	-2000	(Comm. 21M-15)
a.	NYS OFFICE OF CHILDREN & FAMILY SERVICES: Report of Inspections Held 10/11/00 & 9/29/00.			
				(5-0)

	Item	Page	-2000	(Comm. 22E-5)
b.	COUNTY EXECUTIVE: Letter to Majority Leader Peoples Re: Letter Dated 10/23/00 Concerning Youth Detention.			
				(5-0)

2.	Item	Page	- 2000	(Comm. 22E-39)
	COUNTY EXECUTIVE			

WHEREAS, the Erie County Legislature has already appropriated funds for the Senior Aides grant and the Senior Community Services Employment grant for the period July 1, 2000 to June 30, 2001, and

WHEREAS, the National Senior Citizens Education Research Center, Inc. and New York State Office for the Aging have provided additional funds for these programs which deliver employment and training services to persons age 55 and over, and

WHEREAS, the Department of Senior Services contracts with Supportive Services Corp. to administer these programs, and

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

WHEREAS, no additional County funds are required

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the Senior Aides grant for the period July 1, 2000 to June 30, 2001, Project 284, be revised as follows:

<u>REVENUES</u>		<u>CURRENT BUDGET</u>	<u>CHANGES</u>	<u>AMENDED BUDGET</u>
<u>Account</u>	<u>Description</u>			
664	Federal Aid	\$725,837	<u>\$+6,077</u>	\$731,914
	TOTAL CHANGE TO REVENUES		<u>\$+6,077</u>	
 <u>APPROPRIATIONS</u>				
830/235	Supportive Services	\$828,018	<u>\$+6,077</u>	\$834,095

TOTAL CHANGE TO APPROPRIATIONS \$+6,077

and be it further

RESOLVED, that the budget for the Senior Community Services Employment grant for the period July 1, 2000 to June 30, 2001, Project 283, be revised as follows:

<u>AMENDED</u>		<u>CURRENT</u>		
<u>REVENUES</u>		<u>BUDGET</u>	<u>CHANGES</u>	<u>BUDGET</u>
<u>Account</u>	<u>Description</u>			
443	In-Kind Contrib	\$ 2,040	\$+ 1,694	\$ 3,734
664	Federal Aid	250,537	<u>+15,261</u>	265,798
TOTAL CHANGE TO REVENUES			<u>\$+16,955</u>	
 <u>APPROPRIATIONS</u>				
830/235 Supportive Services		\$278,377	<u>\$+16,955</u>	\$295,332
TOTAL CHANGE TO APPROPRIATIONS			<u>\$+16,955</u>	

and be it further

RESOLVED, that the County Executive is authorized to amend the existing contracts with Supportive Services Corp. for the period July 1, 2000 to June 30, 2001 to reflect the additional grant funds, 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 County Attorney and the Department of Senior Services.

(5-0)

3. Item Page - 2000 (Comm. 22E-40)

COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services currently contracts with Norrell Health Care, Inc. to provide home care services for frail elderly residents of Erie County, and

WHEREAS, All Metro Aids, Inc. d/b/a All Metro Health Care, has signed an agreement to acquire the business of Norrell Health Care, Inc. effective November 20, 2000, and

WHEREAS, the Department of Senior Services chooses to continue purchasing home care services from this agency under the same terms and conditions of the original agreement,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contract with All Metro Aids, Inc. d/b/a All Metro Health Care to continue providing the same home care services being

provided by Norrell Health Care, Inc. For the period November 20, 2000 to March 31, 2001, and be it further

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

(5-0)

GEORGE A. HOLT, JR.
CHAIRMAN

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

CARRIED UNANIMOUSLY.

Item 10 – MR. DeBENEDETTI presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 465

November 9, 2000

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 13

ALL MEMBERS PRESENT.

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

a. Item Page -2000 (Comm. 22E-22)
COUNTY EXECUTIVE: ECSD No. 3 – Boston Valley Extension – Modification of Plans (2000) – EC Sewer Agency Report.
(5-0)

b. Item Page -2000 (Comm. 22E-30)
COUNTY EXECUTIVE: ECSD No. 4 – Engineering Agreement – URS Corporation – Change Order No. 8.
(5-0)

c. Item Page -2000 (Comm. 22E-31)
COUNTY EXECUTIVE: EC Southtowns Sewage Treatment Plant Façade Rehab – Change Order No.2 – Fiske Associates.
(5-0)

2. Item Page -2000 (Comm. 1E-23)

COUNTY EXECUTIVE

(A)

RESOLUTION NO. 466

RESOLUTION DATED _____, 2000.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE
PURPOSE OF CONSIDERING AN AMENDMENT AND
MODIFICATION OF PLANS OF THE ERIE COUNTY SEWER
DISTRICT NO. 3, IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2000

(Adopted) _____, 2000

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including an approving order of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, (hereinafter "Sewer District No. 3" and the "County," respectively) has heretofore been established; and

WHEREAS, an extension to Sewer District No. 3 known as the Boston Valley Extension, established on March 24, 1977 based on an Erie County Sewer Agency Report dated December 19, 1975, provides sanitary interceptor sewer service to parts of the Towns of Hamburg, Eden, Orchard Park and Boston; and

WHEREAS, the Town Sewer District No. 2 of the Town of Boston (hereinafter the "Town Sewer District" and the "Town," respectively) owns the sewers, but contracts with the County Sewer District No. 3 to operate and maintain said Town sewers; and that many sewer collapses have occurred in the Town Sewer District and that the Town Sewer District has the most severe problems of all the town sewer districts served by County Sewer District No. 3; and

WHEREAS, the Town Board of the Town adopted Resolution 2000-33 authorizing the transfer of the Town Sewer District to County Sewer District No. 3 along with all equipment, machinery, and apparatus, related improvements of the Town Sewer District, as well as releasing to the County Sewer District a \$90,000 Community Development Block Grant (the "CDBG Grant") to upgrade the facilities of existing Town Sewer District and that on May 25, 2000 the Erie County Legislature approved a resolution authorizing the takeover of the facilities of the Town Sewer District via municipal agreement; and

WHEREAS, the Deputy Commissioner of the Department of Environment and Planning for Sewerage Management has submitted a map, plan, report entitled "Erie County Sewer Agency Report for Erie County Sewer District No. 3 - Boston Valley Extension - Modification of Plans (2000)" and filed same with the County Legislature pursuant to Section 253-b of the County Law, specifying and recommending that Sewer District No. 3 assume ownership of the facilities of the Town Sewer District, accept the transfer of the CDBG Grant from the Town to the County,

reconstruct and/or replace sewers to the Town Sewer District, and modify the County Sewer District's original plan to provide for the foregoing; and

WHEREAS, said map, plan, report and estimate of cost describes and recommends the proposed amendment and modification to the plan of County Sewer District No. 3, to provide for the acquisition of the facilities of the Town Sewer District, the acceptance of the CDBG Grant from the Town to the County, and the reconstruction and/or replacement of sewers for the resident of the Town Sewer District; and

WHEREAS, the maximum estimated cost of the aforesaid reconstruction and/or replacement of sewer pipes of the Town Sewer District as outlined in amendment and modification of the plan of County Sewer District No. 3 is \$600,000, to be financed through the application of the CDBG grant and a footage charge to be levied against the benefited properties within the Town Sewer District; and

WHEREAS, the consent of the State Comptroller is not necessary as the cost to the typical property does not exceed \$24.00 annually; and

WHEREAS, it is now desired to call a public hearing to consider said amendment and modification of the plan of the County Sewer District in accordance with the provisions of Sections 253-b and 254 of the County Law;

NOW, THEREFORE, BE IT

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

Section 1 . A meeting of the County Legislature of the County of Erie, New York, shall be held at 25 Delaware Ave., in Buffalo, New York, in said County, on the 4th day of January, 2001, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to amend and modify the plan of County Sewer District No. 3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at at 25 Delaware Ave., in Buffalo, New York, in said County, on the 4th day of January, 2001, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed amendment and modification of the plan of County Sewer District No. 3 in said County.

The amendment and modification of the plan of said District consists of the acquisition of the facilities of the Town of Boston Town Sewer District No. 2, located in the Town of Boston, along with all equipment, machinery, and apparatus, related improvements of such town sewer district, and the reconstruction and/or replacement of sewers for the residents of said Town Sewer District, all as recommended and as more fully described in the map, plan, report entitled "Erie County Sewer Agency Report for Erie County Sewer District No. 3 - Boston Valley Extension - Modification of Plans (2000)" and filed with the County Legislature pursuant to Section 253-b of the County Law and which has been approved by the Board of Managers of Erie County Sewer District No. 3 and the Town Board of the Town of Boston.

The maximum estimated cost of the aforesaid amendment and modification of the plan of the Erie County Sewer District No. 3 is \$600,000, to be financed through the application of a \$90,000 Community Development Block Grant and a footage charge to be levied against the benefitted properties within the Town Sewer District.

Dated: Buffalo, New York,

_____, 2000.

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

By: Laurie Manzella
Clerk, County Legislature

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

Section 4. This resolution shall take effect immediately.
(5-0)

(B)
RESOLUTION NO. 467

RESOLUTION DATED _____, 2000.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF
CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES
OF ERIE COUNTY SEWER DISTRICT NO. 5 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2000.
(Adopted) _____, 2000

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 5 of the County of Erie, New York, has heretofore been established, and

WHEREAS, there has been prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of said District No. 5 which report and estimate of cost have been approved by the Board of Managers of said District on November 1, 2000 and filed with the County Legislature pursuant to Section 258 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of said District No. 5 in said County, consisting of improvements to the Sisters of St. Joseph Waste Water Treatment Plant including the lining of the outer shell and floor with concrete and the reinforcement of the interior partitions, all as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of said Sewer District No. 5 is \$200,000 to be assessed against a benefitted area which consists of the Sisters of St. Joseph Extension to said Sewer District No. 5; and

WHEREAS, the consent of the State Comptroller must be obtained prior to the expenditure for said increase and improvement if such expenditure is to be financed by the issuance of bonds or notes of the County therefor, and the cost thereof to the Typical Property (as defined in the County Law), which is \$300.00, is above the Average Estimated Cost of \$24.00 to the Typical Properties for similar types of expenditures, as computed by the State Comptroller, in accordance with the provisions of Section 268 of the County Law; and

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

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

Section 1. A, meeting of the County Legislature of the County of Erie, New York, shall be held at 25 Delaware Ave, Buffalo, New York, in said County, on the 4th day of January, 2001, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 5 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 1:30 o'clock P.M. Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of Erie County Sewer District No. 5 in said County.

The increase and improvement of such facilities consists of improvements to the Sisters of St. Joseph Waste Water Treatment Plant, including the lining of the outer shell and floor with concrete and the reinforcement of the interior partitions, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of said District on November 1, 2000.

The maximum estimated cost of such increase and improvement of facilities is \$200,000, to be assessed against a benefitted area which consists of the Sisters of St. Joseph Extension of said Sewer District No. 5.

The expenditures for such increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$300.00. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York,
_____, 2000

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

By _____
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the "Amherst Bee" and in the "Front Page," the official newspapers of said County, and in "The Buffalo News," not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

Section 4. This resolution shall take effect immediately.

(5-0)

(C)

RESOLUTION NO. 467

RESOLUTION DATED _____, 2000

A RESOLUTION APPROVING A MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 6 IN THE COUNTY OF ERIE, NEW YORK

(Introduced) _____, 2000.

(Adopted) _____, 2000.

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the facilities for County Sewer District No. 6 authorized by the County Legislature on July 15, 1999 which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, such report and estimate of cost have been approved by the Erie County Sewer Agency pursuant to a written report dated July 24, 2000, which has also been filed with said County Legislature; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of Erie County Sewer District No. 6 in said County, consisting of the reconstruction of and additions to all major District facilities, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$3,064,500, to be apportioned against a benefited area which consists of the entire area of Erie County Sewer District No. 6; and

WHEREAS, said County Legislature duly adopted Resolution 370 on the 5th day of October, 2000, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law, and

WHEREAS, said public hearing was duly held at Erie County Hall, New York, in said County, on the 2nd day of November, 2000 at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature had duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for such increase and improvement of the facilities of Erie County Sewer District No. 6 in the County of Erie, New York, all as more fully described in the preambles hereof, and such modification of plans for the increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$3,064,500.

Section 2. The cost of the proposed modification expenditure is to be apportioned against a benefited area which consists of the entire area of Erie County Sewer District No. 6, and all such real property to be so assessed will be benefited by the proposed modification and no benefited property has been excluded.

Section 3. This resolution shall take effect immediately.
(5-0)

(D)
RESOLUTION NO. 468

RESOLUTION DATED _____, 2000

A RESOLUTION APPROVING A MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF THE SOUTHTOWNS ADVANCED WASTEWATER TREATMENT FACILITY IN THE COUNTY OF ERIE, NEW YORK

(Introduced) _____, 2000.

(Adopted) _____, 2000.

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the Southtowns Advanced Wastewater Treatment Facility (the "Southtowns Treatment Facility") authorized by the County Legislature on October 9, 1997 for the benefit of Erie County Sewer District No. 3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, and the Village of Hamburg, which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, such report and estimate of cost have been approved by the Erie County Southtowns Sewage Treatment Agency and the Erie County Sewer District No. 3 Board of Managers pursuant to a written report dated June 1, 2000, which has also been filed with said County Legislature; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the Southtowns Treatment Facility in said County, consisting of the replacement of clarifier mechanisms, rebuilding of sand filters, and provision of new controls and auxiliary equipment for both treatment processes, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, said County Legislature duly adopted Resolution 369 on the 5th day of October, 2000, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at the Chambers of the Erie County Legislature, in the Erie County Hall, Buffalo, New York, in said County, on the 2nd day of November, 2000, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature had duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for such increase and improvement of the Southtowns Treatment Facility in the County of Erie, New York, all as more fully described in the preambles hereof, and such modification of plans for the increase and improvement of facilities is hereby authorized.

Section 2. This resolution shall take effect immediately.
(5-0)

3. Item Page -2000 (Comm. 16E-39)
COUNTY EXECUTIVE

WHEREAS, the Pfohl Brothers landfill is an inactive waste disposal facility located in the Town of Cheektowaga; and

WHEREAS, the parties responsible for the clean-up of the site are about to enter into a consent decree with the New York State Department of Environmental Conservation in order to remediate the site; and

WHEREAS, the County holds tax liens on thirteen parcels that make up the Pfohl Brothers landfill described as SBL #'s 81.04-1-27, 81-04-1-28.1, 81.04-2-9.1, 81.04-2-10.1, 81.04-2-11, 82.03-4-5, 82.03-4-6, 82.03-4-8, 82.030-4-10, 81.04-1-26, 82.030-4-9.11, 82.030-4-9.12 and 82.030-4-11; and

WHEREAS, the in order to promote the commercial development of the site, the County wishes to transfer its interests in the thirteen parcels to the Erie County Industrial Development Agency who will oversee commercial development of the site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into any necessary agreements and other documents with the Erie County Industrial Development Agency and the parties responsible for clean-up of the Pfohl Brothers landfill in order to transfer the County's interests in the thirteen parcels referenced above, 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 Environment and Planning, the Office of the Comptroller and the Department of Law.
(5-0)

AS AMENDED

4. Item Page -2000 (Comm. 20E-33)
COUNTY EXECUTIVE

WHEREAS, the 2001 Assessment Rolls for Erie County Sewer District Nos. 1-6 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and

WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers at least five (5) days prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection on and after the first day of October, 2000; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 25 Delaware Avenue, Buffalo, New York, at 1:30 p.m., local time on November 30, 2000 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2001 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5 and 6; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy A. Naples, County Comptroller, and Gregory Dudek, Assistant County Attorney (5-0)

5. Item Page -2000 (Comm. 22E-23)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 2ST to Fiske Associates, Inc.; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the final acceptance of Contract No. 2ST in the amount of \$307,716.85 which includes Change Order No. 3 (final), a decrease of \$3,454.40 and approve final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 2ST between the County of Erie and Fiske Associates Inc., 10651 Lake Pleasant Road, Waterford, PA., 16441, be accepted in the amount of \$307,716.85, which includes change Order No. 3 (final), a decrease of \$3,545.40; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 2ST between the County of Erie and Fiske Associates, Inc. in the amount of \$307,716.85 and make final payment from Sewer Capital Account SD No. 3, Fund No. 430, Project No. 508, and return the unused portion to Unallocated Account; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Department of Environment and Planning, and one certified copy each to Nancy Naples, Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget and Management. (5-0)

6. Item Page -2000 (Comm. 22E-25)

COUNTY EXECUTIVE

RESOLVED, that the Energy & Environment Committee does hereby recommend that the full Legislature confirm the appointment of Mark L. Balen of 108 Shannon Drive Lackawanna, New York 14218 as a member of the Board of Managers for Erie County Sewer District #6.

(5-0)

7. Item Page -2000 (Comm. 22E-26)

COUNTY EXECUTIVE

RESOLVED, that the Energy & Environment Committee does hereby recommend that the full Legislature confirm the appointment of Clarence Town Councilman Ian R. McPherson of One Town Place Clarence, New York 14031 as a member of the Board of Managers for Erie County Sewer District #5.

(5-0)

8. Item Page -2000 (Comm. 22E-32)

COUNTY EXECUTIVE

WHEREAS, Erie County has successfully conducted a model Household Hazardous Waste Collection Program since 1988, servicing over 20,000 households within Erie County; and

WHEREAS, representatives from regional Native American population centers have expressed an interest in a program to provide their residents with an opportunity to dispose of unwanted household hazardous chemicals; and

WHEREAS, the United States Environmental Protection Agency (USEPA) has awarded the Erie County Department of Environment and Planning a grant for a project entitled "Erie County/Tribe Environmental Partnership Project." The grant in the amount of \$50,000 establishes a two-year program to implement a Native American Household Hazardous Waste Awareness and Collection Program; and

WHEREAS, it is in the best interest of Erie County to assist local Native American groups with the development of a Household Hazardous Waste Collection Program for the protection of the environment; and

WHEREAS, to date, the program has successfully implemented two years of household hazardous waste collections for Native American reservation residents; and

NOW, THEREFORE, BE IT

RESOLVED, that the following changes are hereby approved in the Erie County/Tribe Environmental Partnership Project (SFG Fund 281, Project 171):

	<u>Appropriations</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
800	Personnel	\$23,893	\$5,800	\$29,693
805	Fringe Benefits	6,050	1,400	7,450

824	Travel/Mileage	500	(500)	0
825	Out-of-Area Travel	1,000	(1,000)	0
826	Other	2,000	(1,500)	500
830	Contractual	16,057	(4,000)	12,057
933	Lab/Technical Equipment	500	(200)	300
	TOTAL	\$50,000		\$50,000

and be it further

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

(5-0)

9. Item Page -2000 (Comm. 22E-34)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning administers the Erie County Community Development Block Grant Program on behalf of thirty-three municipalities comprising the Erie County Consortium; and

WHEREAS, an important component of the CDBG Program is the housing rehabilitation element; and

WHEREAS, from time to time detailed structural analyses of homes are required to determine the type of rehabilitation work necessary; and

WHEREAS, Erie County entered into a structural analysis agreement with E & M Engineers and Surveyors, P.C. on April 11, 1994; and

WHEREAS, said agreement was amended on March 24, 1998; and

WHEREAS, a second amendment is needed to permit a continuation of E & M Engineers and Surveyors, P.C. services through March 30, 2003,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a second amendatory agreement with E & M Engineers and Surveyors, P.C. for Housing Rehabilitation Engineering Services through March 30, 2003; and be it further

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

(5-0)

ALBERT DeBENEDETTI
CHAIRMAN

MR. DeBENEDETTI moved to separate item #2 and moved the approval of the balance of the report. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

MR. DeBENEDETTI moved the approval of item #2 (A). MS. PEOPLES seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

MR. DeBENEDETTI moved the approval of item #2 (B). MS. PEOPLES seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

MR. DeBENEDETTI moved the approval of item #2 (C). MS. PEOPLES seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

MR. DeBENEDETTI moved the approval of item #2 (D). MS. PEOPLES seconded.

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 469

Re: Resolution Supporting the
Governor for Giving \$7 Million
in Grants to Fight Violence
Against Women. (Intro. 26-1)

A RESOLUTION SUBMITTED BY LEGISLATORS CHASE, MARSHALL, RANZENHOFER,
GREENAN, WEINSTEIN, & LARSON

WHEREAS, Governor George E. Pataki recently announced grants totaling almost \$7 million to strengthen criminal justice and victim services that help to combat violence against women in New York State, and

WHEREAS, these grants represent our continued efforts to protect women from violence and help victims get the services they need, and

WHEREAS, the grants were awarded to 127 organizations, totaling \$6,980,088 to fund direct services provided by district attorneys, police departments, and victim services organizations, and

WHEREAS, the Governor allotted \$93,750 to the Erie County District Attorney's Office, \$36,000 to the Research Foundation of SUNY/SUNY Buffalo Family Violence Clinic, and \$24,750 to the Hispanics United of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature unanimously praises the efforts of Governor Pataki as he continues to support and fund vital programs aimed at protecting women from violence, and be it further

RESOLVED, that copies of this resolution be sent to Governor George Pataki, Members of the Western New York Delegation, the Erie County Commission on the Status of Women, Dorothy Romanczuk and the members of the Business & Professional Women of Hamburg, Tammy Webber and the members of the Evans/Brant Business & Professional Women's Association, New York State Office for the Prevention of Domestic Violence, and New York State Division of Women.

Fiscal Impact: None to County

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

CARRIED UNANIMOUSLY.

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

DELETE, in its entirety, the first RESOLVE clause, and REPLACE with the following: RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to .fighting violence against women in Erie County, and be it further

RESOLVED, that this Honorable Body does hereby commend New York State Governor George Pataki and the New York State Legislature for their efforts to support vital programs aimed at protecting women against violence in Erie County and throughout New York State, and be it further

ADD the following FISCAL IMPACT statement:

Fiscal Impact: None for resolution.

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

CARRIED UNANIMOUSLY.

Item 12 – CHAIRMAN SWANICK directed that the following resolution be referred to the HEALTH COMMITTEE.

GRANTED.

Intro. 26-2 From LEGISLATOR GREENAN Re: Calling for an End to All Advertising Put Forth by Tobacco Companies that Targets Youth.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 470

Re: Acquisition of County
Vehicle by the Polish
Community Center of Buffalo.
(Intro. 26-3)

A RESOLUTION SUBMITTED BY LEGISLATOR OLMA

Whereas: The County of Erie has a 1994 Dodge Ram 350 van, VIN # 2B5WB35ZIRK185760, that has been deemed a surplus vehicle, and;

Whereas: The said van is a high mileage van, considered limited in value, and is no longer needed for county use, and;

Whereas: The Polish Community Center of Buffalo has a great need for a vehicle for community purposes, such as; clean-ups, garbage removal, transportation of clean-up crews, and community events, and;

Whereas: This van would serve a valuable purpose to the Polish Community Center of Buffalo for local travel and community projects.

Now, Therefore Be It Resolved:

That the Erie County Legislature hereby transfer ownership of this County surplus vehicle at no cost to the Polish Community Center of Buffalo.

Be It Further Resolved:

That certified copies of this resolution be forwarded to the offices of the Erie County Executive, Comptroller, Director of Budget, and the County Attorney.

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

CARRIED UNANIMOUSLY.

Item 14 – CHAIRMAN SWANICK directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 26-4 From LEGISLATORS CHASE, MARSHALL, WEINSTEIN, RANZENHOFER, GREENAN & LARSON Re: Requesting Support for the Smartdrive Program.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 471

Re: Supporting Town of
Tonawanda Request for NYS
Empire Zone Designation.
(Intro. 26-5)

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK & MARINELLI

WHEREAS, New York State has a program designating areas as “Empire Zones,” and

WHEREAS, such designation allows businesses to receive tax credits for moving into an Empire Zone, and

WHEREAS, specifically, approved Empire Zone businesses receive full business tax benefits for 10 years, after which the benefits are phased out 20 percent annually, receive sales tax benefits for 10 years as well, and receive job training funds as well, and

WHEREAS, New York State currently has 52 Empire Zones, and will add three more next year, and

WHEREAS, New York State has already designated Empire Zones in parts of Buffalo, Lackawanna, Niagara Falls, Dunkirk and Jamestown, and

WHEREAS, the Town of Tonawanda has previously requested such a designation, and was refused, and

WHEREAS, the town is once again applying for said designation, for the Sheridan/Parkside area, and

WHEREAS, the Sheridan/Parkside area has 3,000 residents with a 16 percent unemployment rate — compared to four percent town-wide — and has several businesses including American Axle, Praxair and Coca-Cola that could benefit from Empire Zone designation, and

WHEREAS, obtaining an Empire Zone would be a useful tool for economic development and job creation in the Town of Tonawanda,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to economic development and job creation efforts for the benefit of the residents of this region, and be it further

RESOLVED, that this Honorable Body does hereby state its support for the Town of Tonawanda's application for Empire Zone designation, and does urge New York State to grant said request in a timely manner, and be it further

RESOLVED, that certified copies of this resolution be sent to Town of Tonawanda Supervisor Ronald Moline, New York State Governor George Pataki, the Western New York delegation of the New York State Legislature, and Maura Gallucci and Charles Gargano of Empire State Development.

Fiscal Impact: Designation of Empire Zone positive for Tonawanda and Erie County.

MS. MARINELLI moved to amend the resolution by adding Legislator PAULY as a co-sponsor. MR. PAULY seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 472

Re: Request for Update from
Health Commissioner
Concerning Tattoo & Body
Piercing Establishments in Erie
County. (Intro. 26-6)

A RESOLUTION SUBMITTED BY LEGISLATORS PEOPLES & FISHER

WHEREAS, The primary role of the Erie County Health Department is to ensure for the good health of its citizens, monitor emerging health concerns, and to check to ensure that all establishments are following health codes, and

WHEREAS, With the possibility of communicable diseases, including HIV and viral Hepatitis among others, being transmitted through contaminated needles used in the tattooing and body piercing process, and also contaminated ink used in the tattooing process as a recent U.S. Centers for Disease Control study indicated, all the proper prevention methods must be adhered to by establishments providing these services, and

WHEREAS, With the popularity of tattooing growing, and to a lesser extent body piercing gaining in popularity as well, constituents and concerned parents have requested information, along with inquiring as to what steps the Erie County Department of Health takes to ensure for the good public health concerning these two invasive procedures, and

WHEREAS, With many establishments in Erie County now providing the services of tattooing and body piercing, and with an apparent increase in the amount of vendors offering these services, an update is necessary for members of the Erie County Legislature's Health/Mental Health Committee concerning the health codes, age restrictions, and health ramifications involved, so that constituent concerns can be addressed, and

WHEREAS, The best way to avoid problems with invasive procedures such as tattooing and body piercing may be to have the proper equipment to sterilize instruments used, as well as for the Erie County Department of Health to be vigilant with inspections of such establishments, and also to inform the establishments what is expected of them to ensure for the good health of their clients, and

WHEREAS, Discussions within the Legislature's Health/Mental Health Committee would serve to educate members and the general public with respect to this matter;

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby reaffirm its commitment to ensuring that clean and safe facilities and procedures are used when individuals patronize establishments that perform tattooing and body piercing services in Erie County, and be it further

RESOLVED, That the Erie County Legislature does hereby invite Health Commissioner Dr. Anthony J. Billittier to a future meeting of the Legislature's Health/Mental-Health Committee to give members a comprehensive presentation concerning the health guidelines for tattoo and body piercing establishments, including how Erie County monitors these businesses to ensure that they follow such guidelines, and be it further

RESOLVED, That said presentation further include information on age restrictions/parental consent guidelines, sterilization procedures establishments must adhere to, an explanation of some establishments' use of "Health Department Approved" in its advertising, as well as budgetary considerations to account for the increase in such businesses and the resulting added inspections involved, and be it further

RESOLVED, That said presentation further speak to the method by which Erie County informs such establishments of the set rules, codes, and regulations that they must follow, and be it further

RESOLVED, That certified copies of this resolution be forwarded to Erie County Health Commissioner Dr. Anthony J. Billittier, Erie County Executive Joel A. Giambra, and City of Buffalo University Council Member Betty Jean Grant (100 Parkridge Ave., Buffalo 14215).

FISCAL IMPACT: None for resolution.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 17 – MR. KUWIK presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 473

Re: Support for a Neighborhood
Library & a Community
Organization. (Intro. 26-7)

A RESOLUTION SUBMITTED BY LEGISLATOR KUWIK

WHEREAS, the Buffalo & Erie County Public Library has identified a shortfall in funding, and will require additional funds, and

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 \$2,200 from the General Fund, Legislature, Contractual Expense (DAC: 110905100830) to General Fund, Interfund Transfers, Interfund-Library (DAC1109253208864200), and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following accounts: Interfund-Subsidy revenue (DAC: 8209734206863200) \$2,200; Lab & Tech Equipment (DAC 820973420933), and be it further,

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 agencies:

<u>NAME</u>	<u>LINE</u>	<u>AMOUNT</u>
Hamburg Development Companies	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, the Director of the Division of Budget, Management & Finance, and the Director of the Buffalo & Erie County Public Library are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Diane Crisman, Director, Buffalo & Erie County Public Library and to Michael J. Bartlett, Hamburg Development Companies, (6122 South Park Avenue, Hamburg, NY 14075.)

Fiscal Impact: Appropriation of 2000-budgeted funds.

MR. KUWIK moved to amend the resolution. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

DELETE the second and third RESOLVES and REPLACE with the following:

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following accounts: Interfund-Subsidy revenue (DAC: 8209734206863200) \$2,200; Lab & Tech Equipment (DAC 820973420933), earmarked for the City of Lackawanna Public Library, and be it further,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$7,500 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>
Hamburg Development Companies	830/	\$5,000
Lackawanna Community Boxing Club	830/	\$2,500
TOTAL		\$7,500

and be it further

DELETE the final RESOLVE and REPLACE with the following:

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Diane Crisman, Director, Buffalo & Erie County Public Library, Sal Bordanaro, Lackawanna, Public Library, (560 Ridge Road, Lackawanna, NY 14218,) Michael J. Bartlett,

Hamburg Development Companies, (6122 South Park Avenue, Hamburg, NY 14075,) and Roy Brasch, Lackawanna Community Boxing Club, (92 Meadowbrook Drive, Lackawanna, NY 14218.)

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 474

Re: Support for Sheriff's
Department DARE. (Intro. 26-8)

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

WHEREAS, Drug Abuse Resistance Education (D.A.R.E.) is a program offered by specially trained Erie County Sheriff Officers that gives elementary and high school students the skills they need to avoid involvement in drug, alcohol, and tobacco use, and

WHEREAS, D.A.R.E. is a highly acclaimed program that benefits 22 different school in 10 different school districts in Erie County, and

WHEREAS, Erie County Sheriff D.A.R.E. instructors proved 891 substance abuse lectures annually, and

WHEREAS, the Sheriff's Department has identified a shortfall in funding in for the D.A.R.E. program, and will require additional funds, and

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 \$12,000 from the legislative contractual (DAC: 110905100830) to Fund 110, Project 931, Department 501 – Miscellaneous Expense (DAC: 110931501826), and be it further

RESOLVED, that the Clerk of the Legislature, the Director of the Division of Budget, Management & Finance, and the Erie County Sheriff 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, Sheriff Patrick M. Gallivan.

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 475

Re: Funding for Community Services. (Intro. 26-9)

A RESOLUTION SUBMITTED BY LEGISLATORS PEOPLES, FITZPATRICK & HOLT

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, Operation H.O.P.E. is an organization dedicated to building a community facility in the Ellicott Community to bring much needed services and programs to children and families, and

WHEREAS, one of the many goals of Operation H.O.P.E. is to reach out to the City's homeless and to work with the Food Bank of WNY to offer a Kids Café, a nutritional education after school program for youth, and

WHEREAS, yet another worthy goal of Operation H.O.P.E. is to link the site with the Buffalo Underground Railroad sites, and to incorporate the North Star design in memorial to all African Americans guided by it in their escapes from bondage in the South, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$35,000 from the legislative 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>
Supportive Services Corporation Control	830/235	\$15,000
Temple Community Development Corporation	830/	\$15,000
Operation H.O.P.E.	830/	\$5,000
TOTAL		\$35,000

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 Raymond F. Gallagher, Executive Director, Supportive Services Corporation, (245 Elmwood Avenue, Buffalo, NY 14222,) K. Fenton, Temple Community Development Corporation, (618-620 Jefferson Ave, Buffalo, NY 14204,) and to Rev. G. Stewart, Pastor, Durham Memorial Ame Zion Church, Operation H.O.P.E., (174 East Eagle Street, Buffalo, NY 14204.)

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

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

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$36,000 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>
Supportive Services Corporation Control	830/235	\$15,000
Temple Community Development Corporation	830/	\$15,000
Operation H.O.P.E.	830/	\$5,000
Harlem Kensington Cleveland Community Association	830/	\$1,000
TOTAL		\$36,000

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,000 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>OLD AMOUNT</u>	<u>+/-</u>	<u>NEW AMOUNT</u>
Town Boys & Girls Club- (Eggertsville Community Org.)	830/1055	\$52,000	(\$1,000)	\$53,000
TOTAL			\$1,000	

and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek and to Raymond F. Gallagher, Executive Director, Supportive Services Corporation, (245 Elmwood Avenue, Buffalo, NY 14222,) K. Fenton, Temple Community Development Corporation, (618-620 Jefferson Ave., Buffalo, NY 14204,) Rev. G. Stewart, Pastor, Durham Memorial Ame Zion Church, Operation H.O.P.E., (174 East Eagle Street, Buffalo, NY 14204,) Kathy Marshall, President, Harlem Kensington Cleveland Community Association, (268 Hamilton Drive, Amherst, NY 14226, and to Gary J. Krasinski, Executive Director, Town Boys & Girls Club, Inc., (54 Riverdale, Buffalo, NY 14207.)

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 476

Re: Support for Community
Organizations & Neighborhood
Libraries. (Intro. 26-10)

A RESOLUTION SUBMITTED BY LEGISLATORS SWANICK & MARINELLI

WHEREAS, the Buffalo & Erie County Public Library has identified a shortfall in funding, and will require additional funds, and

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 \$32,900 from the General Fund, Legislature, Contractual Expense (DAC: 110905100830) to General Fund, Interfund Transfers, Interfund-Library (DAC1109253208864200), and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following accounts: Interfund-Subsidy revenue (DAC: 8209734206863200) by \$32,900 in the following accounts:

- Increase Lab & Tech Equipment (DAC 820973420933) by \$4,000, with \$2,000 each earmarked for the City of Tonawanda Library, and the Town of Grand Island Library;
- Increase Furniture, Fixtures & Office Equipment (DAC: 820973420932) by \$28,900 earmarked for the Ken-Ton Libraries,

and be it further,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$17,500 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 Musical Theatre	830/286	\$2,500
Everywoman Opportunity Center	830/225	\$15,000
TOTAL		\$17,500

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Dian Crisman, Director, Buffalo & Erie County Public Library, Samuel J. Starr, Ken-Ton Musical Theatre, (214 Delamere Rd, Willaimsiville, NY 14221,) and to Sandra Velasco, Everywoman Opportunity Center, (2440 Sheridan Drive, Tonawanda, NY 14150.)

Fiscal Impact: Appropriation of 2000-budgeted funds.

MS. MARINELLI moved to amend the resolution. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

DELETE the third RESOLVE and REPLACE with the following:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$25,000 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>
Ken-Ton Musical Theatre	830/286	\$2,500
Everywoman Opportunity Center	830/225	\$15,000
Gloria J. Parks Community Center	830/	\$3,000
Ken-Ton Meals on Wheels	830/	\$4,500
TOTAL		\$25,000

and be it further

DELETE the final RESOLVE and REPLACE with the following:

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Director Joseph Passafiume, Jennifer Anger, Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah M. Bochenek, Dian Crisman, Director, Buffalo & Erie County Public Library, Samuel J. Starr, Ken-Ton Musical Theatre, (214 Delamere Rd, Williamsville, NY 14221,) Sandra Velasco, Everywoman Opportunity Center, (2440 Sheridan Drive, Tonawanda, NY 14150,) Gloria J. Parks Community Center, 3242 Main Street, Buffalo, NY 14214,) and to Peggy Nash, Ken-Ton Meals on Wheels, (169 Sheridan Parkside, Tonawanda, NY 14150.)

MS. MARINELLI moved the approval of the resolution as amended. MRS. FISHER seconded.

CARRIED UNANIMOUSLY.

Item 21 – MR. KUWIK presented the following resolution and moved for immediate consideration. MR. FITZPATRICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 477

Re: Regional Funding for Buffalo Beach Project. (Intro. 26-11)

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

WHEREAS, the parcel formerly referred to as “Gallagher Beach” and now known provisionally as “Buffalo Beach” is a five acre undeveloped beachfront property located along the Lake Erie shoreline in the City of Buffalo near the South Buffalo/Lackawanna border, and

WHEREAS, although the site is currently undeveloped, it is frequented by many windsurfers and jet skiers, and sits adjacent to the Small Boat Harbor, a property that, like the beach site itself, is owned by the Niagara Frontier Transportation Authority, and

WHEREAS, New York State Assemblyman Brian Higgins has initiated a project to convert the aforementioned parcel as well as two adjacent properties into the City of Buffalo’s only public waterfront beach; offering hiking, biking, watercraft and fishing opportunities, and

WHEREAS, the total cost of the project is estimated at \$1.6 million, with more than \$1 million already committed to the project by New York State and the City of Buffalo, and

WHEREAS, the NFTA has provided funding for technical design and engineering services, and will operate and maintain the beach as a public recreation area, and

WHEREAS, planning work for the project is already complete, including testing by the New York State Department of Environmental Conservation (NYSDEC) showing no documented evidence of ground or water contamination at the site, and the project is scheduled to be fully completed and dedicated by July 4, 2001, and

WHEREAS, Assemblyman Higgins appeared before the Erie County Legislature’s Regionalism Ad Hoc Committee in October to request a \$400,000 contribution to the project from Erie County, and

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

WHEREAS, completing said project on Buffalo’s Outer Harbor would not only provide the tangible benefit of providing public waterfront access to the residents of our urban core who might not otherwise have such access available, but would also provide a positive record of achievement to our entire region in terms of waterfront development,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to strengthening this county’s urban core for the overall betterment of the entire region, and be it further

RESOLVED, that this Honorable Body does hereby commend Assemblyman Brian Higgins for his leadership in developing the Buffalo Beach Project, and be it further

RESOLVED, the total amount of \$400,000 earmarked for this project be transferred from the following two accounts: \$37,258 from the 2000-budgeted Consolidation/Regional Program, (DAC: 1109043038300699) and \$362,742 from the 1999-budgeted Consolidation/Regional Program, (DAC: 1109043038300699) 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>
NFTA - Buffalo Beach Project	830/	\$400,000
TOTAL		\$400,000

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 the NFTA, in its role as project manager, and Assemblyman Higgins provide an interim report of activity and cost to the Clerk of the Erie County Legislature no later than April 30, 2001, and a final report of activity and cost no later than July 31, 2001, and be it further

RESOLVED, that Assemblyman Higgins and representatives of the NFTA appear at a future meeting of the Legislature's Regionalism Ad Hoc Committee to discuss possible future operation of Buffalo Beach, including the feasibility of the site coming under the operation of New York State, 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 A. Passafiume, Jennifer Anger – Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah Bochenek, Assemblyman Brian Higgins and to the Executive Director of the NFTA.

Fiscal Impact: Appropriation of 2000 and 1999 budgeted funds.

MR. FITZPATRICK moved to amend the resolution to add Legislators WEINSTEIN and DeBENEDETTI as co-sponsors. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 478

Re: Funding for All High Stadium
Reconstruction. (Intro. 26-12)

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

WHEREAS, All High Stadium has a proud tradition spanning over eight decades of providing local athletes a venue for learning and exhibiting their talents — not only in athletics, but in sportsmanship, teamwork, commitment and dedication as well, and

WHEREAS, it is well documented that a strong core city is essential to the overall strength of a region, and

WHEREAS, it is therefore imperative that the youth of the City of Buffalo be given every tool and opportunity possible to learn the lessons necessary to success in higher education, the workforce, and in life itself — lessons learned through, among other things, organized sports programs, and

WHEREAS, in 1999 members of the Erie County Legislature toured the aging facility and witnessed firsthand its sorely deteriorating condition, and

WHEREAS, following that tour and meetings involving this Honorable Body, the county administration, and the Buffalo Public Schools, a proposal was submitted to the Erie County Department of Public Works in collaboration with the Buffalo Public Schools' Division of Plant Services for a project initiation report for All High Stadium, with this Honorable Body contributing \$25,000 toward said report's total cost of \$50,000, and

WHEREAS, pending completion of said report, the Erie County Legislature earmarked \$1,000,000 in the 2000 county budget as a matching grant for capital improvements to All High Stadium, and

WHEREAS, the Buffalo Public Schools included reconstruction of All High Stadium in its \$670,000,000 Facilities Reconstruction Plan which was submitted to the State Education Department in June, 2000, and

WHEREAS, the State Education Department requires the identification and appropriation of funding sources which can be applied to six percent local share commitment of the Facilities Reconstruction Plan, and

WHEREAS, the aforementioned project initiation report is scheduled to be completed in December, 2000, and

WHEREAS, it is therefore desirable to transfer the matching funds so that the Buffalo Public Schools may leverage state monies for the project and begin work,

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 reaffirm its commitment to the strengthening of this county's core city of Buffalo for the betterment of the entire region, and be it further

RESOLVED, that this Honorable Body does further reaffirm its commitment to fostering a positive future for the young people of our community, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,000,000 from the Stadium Matching Fund Initiative - All High (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>
City of Buffalo - Board of Education - Buffalo Public Schools Capital Reserve Account	830/	\$1,000,000
TOTAL		\$1,000,000

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 the Buffalo Public Schools be responsible for determining the scope, costs, and timeline for implementing the All High Stadium Reconstruction within the umbrella of the Facilities Reconstruction Plan, and be it further

RESOLVED, that prior to said determination, representatives of the Buffalo Public Schools attend a meeting of the Legislature's Finance and Management Committee to consult with this Honorable Body on the aforesaid project, and be it further

RESOLVED, that the Buffalo Public Schools file with the Clerk of the Erie County Legislature a written report detailing the scope, costs, and timeline for implementing the All High Stadium Reconstruction as soon as they are determined, and be it further

RESOLVED, that upon completion of the aforementioned project, a close-out report be filed with the Clerk of the Erie County Legislature, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Joseph A. Passafiume, Jennifer Anger – Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah Bochenek, City of Buffalo Mayor Anthony Masiello, and the Buffalo Public School Board.

Fiscal Impact: Transfer of 2000 budgeted funds.

MR. HOLT moved to amend the resolution to add Legislator DeBENEDETTI as a co-sponsor. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

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

CHAIRMAN SWANICK directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

Item 23 – MR. GREENAN presented the following resolution and moved for immediate consideration. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.
RESOLUTION NO. 479

Re: Funding for Community
Organizations & Emergency Services.
(Intro. 26-13)

A RESOLUTION SUBMITTED BY LEGISLATOR GREENAN

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 \$34,250 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>
Town of West Seneca	830/638	\$25,000
Blossom Fire Company	830/	\$2,000
West Seneca Fire District #4	830/	\$4,000
West Seneca Rotary Foundation, Inc.	830/	\$3,250
TOTAL		\$34,250

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 Paul Clark, Supervisor, Town of West Seneca, (West Seneca Town Hall, 1250 Union Road, West Seneca, NY 14224), Ed Dudek, Chief, Blossom Fire Company, (1000 N. Blossom Road, Elma 14059,) Glen Emmerson, Secretary, West Seneca Fire District #4, (100 Lein Road West Seneca, NY 14224,) and to Joseph H. Sgroi, West Seneca Rotary Foundation, Inc., (965 Union Road, West Seneca, NY 14224.)

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 480

Re: Funding for Community
Associations & Rodent Control.
(Intro. 26-14)

A RESOLUTION SUBMITTED BY LEGISLATOR WEINSTEIN

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 \$3,442 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>
Harlem Kensington Cleveland Community Association	830/	\$1,000
Town of Amherst – Rodent Control	830/1277	\$1,000
Amherst Youth Foundation	830/865	\$1,442
TOTAL		\$3,442

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 Kathy Marshall, President, Harlem Kensington Cleveland Community Association, (268 Hamilton Drive, Amherst, NY 14226,) Supervisor Susan J. Grelick, Town of Amherst, (Amherst Town Hall, 5583 Main Street, Williamsville, NY 14221,) Joe Bachovchin, Amherst Youth Board, (4255 Harlem Road, Amherst, NY 14226.)

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

Item 25 – MR. LARSON presented the following resolution and moved for immediate consideration. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 481

Re: Funding for Emergency Services &
Community Organizations.
(Intro. 26-15)

A RESOLUTION SUBMITTED BY LEGISLATOR LARSON

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 \$84,250 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>
Alden Hook & Ladder Fire Co.	830/	\$1,500
Crittenden Fire Co.	830/	\$1,500
Millgrove Fire Co.	830/	\$3,000
East Concord Fire Co.	830/	\$1,500
Mortons Corners Fire Co.	830/	\$1,500
Springville Fire Dept.	830/	\$1,500
Holland Fire Company	830/	\$1,500
Bowmansville Fire Assn.	830/	\$1,500
Lancaster Fire Dept.	830/	\$4,750
Town Line Fire Co.	830/	\$2,000
Twin District Fire Co.	830/1029	\$3,000
Marilla Fire Co.	830/	\$2,000
Memorial Chaffee - Sardinia Fire		

Co.	830/	\$1,500
South Wales Fire Co.	830/	\$1,500
Wales Center Fire Co.	830/	\$1,500
Lancaster Volunteer Ambulance Corps, Inc.	830/	\$3,500
Lancaster Town Police Dept.	830/	\$3,500
Town of Lancaster - Transportation Department - "Driver in the Classroom" - Bus Safety Program	830/457	\$1,000
Town of Wales - Wales Community Playground	830/468	\$2,000
Marilla Free Library	830/171	\$5,000
Alden Chamber of Commerce	830/	\$1,000
Springville Chamber of Commerce	830/	\$1,000
Town of Alden - Alden Senior Center	830/434	\$17,000
Sardinia Youth Baseball	830/	\$1,500
Town Of Concord - Springville Senior Center	830/444	\$2,000
Frank H. Brink Post No. 67 - American Legion	830/	\$3,000
Elks BPOE #1478	830/	\$1,000
Town of Lancaster - Lancaster Senior Center	830/457	\$10,000
Lancaster Historical Society	830/	\$1,000
Meals on Wheels	830/	\$2,000
TOTAL		\$84,250

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 Joseph A. Passafiume, Jennifer Anger – Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah Bochenek and one (1) copy each to Chief Joel MacAlpine, Alden Hook & Ladder Fire Co., (13336 Broadway, Alden, NY 14004,) Chief Nick Smith, Crittenden Fire Co., (13415 Genesee Street, PO Box 120, Crittenden, NY 14038,) Chief Craig Frost, Millgrove Fire Co., (11621 Genesee Street, PO Box 263, Alden, NY 14004,) Chief Donald Klingensmith, East Concord Fire Co., (9413 Genesee Road, East Concord, NY 14055,) Chief Frank Boice, Mortons Corners Fire Co., (RD#1 Mortons Corners Rd., Springville, NY 14141,) Chief Dennis Dains, Springville Fire Dept., (5 Franklin Street, PO Box 12, Springville, NY 14141,) Chief Howard Smith, Holland Fire Company, (49 North Main Street, Holland, NY 14080,) Chief Karl Schaefer, Bowmansville Fire Assn., (36 Main Street, Bowmansville, NY 14026,) Chief Wm. Revelas, Lancaster Fire Dept., (5423 Broadway, PO Box 15, Lancaster, NY 14086,) Chief Lawrence Blair, Town Line Fire Co., (6507 Broadway, Lancaster, NY 14086,) Chief Ronald Rozler, Twin District Fire Co., (4999 William St., Lancaster, NY 14086,) Chief Ronald Bourgeois, Marilla Fire Co., (1950 West Avenue, PO Box 124, Marilla, NY 14102,) Chief Bob Mann, Memorial Fire Co., (Briggs St., PO Box 3, Chaffee, NY 14030,) Chief Paul Rose, South Wales Fire Co., (6406 Olean Rd., PO Box 185, So. Wales, NY 14139,) Chief Chris Higgins, Wales Center Fire Co., (12300 Big Tree Rd., PO Box 124, Wales Center, NY 14169,) Dan Fliss, Lancaster Volunteer Ambulance Corps, Inc., (40 Embury Place, Lancaster, NY 14086,) Chief Thomas Fowler, Lancaster Town Police Dept., (525 Pavement Rd., Lancaster, NY 14086,) Karen Shaefer, (Lancaster Transportation, “Driver in the Classroom” Bus Safety Program, (295 Pleasantview Dr., Lancaster, NY 14086,) Mary Weinman, Supervisor, Town of Wales - Wales Community Playground, (12345 Big Tree Road, Wales Center, New York 14169,) Martha L. Mummery, Marilla Free Library, (11637 Bullis Rd., Marilla, NY 14102,) Susan Westphal, Alden Chamber of Commerce, (PO Box 149, Alden, NY 14004,) Mary James, Springville Chamber of Commerce, (PO Box 310, Springville, NY 14141,) Richard Savage, Supervisor, Town of Alden - Alden Senior Center, (3311 Wende Road, Alden, New York 14004,) Deanna DeGrolier, Sardinia Youth Baseball, (13064 Van Slyke Rd., E. Concord, NY 14055,) C. Murray Regan, Supervisor, Town Of Concord - Springville Senior Center, (86 Franklin Street, Springville, NY 14141,) Paul Draper, Frank H. Brink Post No. 67 - American Legion, (Holland, NY 14080,) Donald Massino, E.R., Elks BPOE #1478, (33 Legion Pkwy., Lancaster, NY 14086,) Robert Giza, Supervisor, Town of Lancaster - Lancaster Senior Center, (21 Central Avenue, Lancaster, New York 14086,) Ben Maryniak, President, Lancaster Historical Society, (40 Clark Street, Lancaster, NY 14086,) and to Lisa M. Rood, Supervisor, Town of Boston, Southtowns Meals on Wheels, (Boston Town Hall, 8500 Boston State Road, Boston, NY 14025.)

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 482

Re: Support for Community Initiatives.
(Intro. 26-16)

A RESOLUTION SUBMITTED BY LEGISLATOR CHASE

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 \$14,532 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>
American Legion Newcomb Long Post # 928	830/	\$5,000
Town of Eden - Eden First Night Celebration	830/	\$1,014
Hamburg Volunteer Fire Dept.	830/	\$1,000
Lake Erie Beach Vol. Fire Dept.	830/	\$1,000
Lake View Fire Association	830/	\$1,500
Southtowns Haz Mat Material		

Response Team	830/	\$1,000
Village of Angola Fire Dept.	830/	\$1,500
Village of Hamburg – Hamburg Holidays	830/	\$2,518
TOTAL		\$14,532

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$2,500 from Fund 110, Project 921, Department 301 Agency Payments & Grants - Public Benefit Services, (DAC: 110921301830) from the following agency, to the Legislative Contractual budget account (DAC: 110905100830):

<u>NAME</u>	<u>LINE</u>	<u>OLD AMOUNT</u>	<u>+/-</u>	<u>NEW AMOUNT</u>
Hamburg Chamber of Commerce	830/1171	\$2,500	(\$2,500)	- 0 -
TOTAL			\$-0-	

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 Joseph A. Passafiume, Jennifer Anger – Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah Bochenek and one (1) copy each to Danny Hontz, Building Committee Chairman, American Legion Newcomb Long Post #928, (159 N. Main Street, Angola, NY 14006,) Karen Smith, Eden First Night Celebration, (3158 East Church Street, Eden NY 14057,) Ric Dimpfl, Hamburg Volunteer Fire Dept., (PO Box 82, Hamburg, NY 14075,) Brian Valenti, Chief, Lake Erie Beach Vol. Fire Dept., (9483 Lake Shore Road, Angola, NY 14006,) Keith Hauser, Chief, Lake View Fire Association, (2005 Lake View Road, Lake View, NY 14085-0145,) Ric Dimpfl, 2nd Vice Chairman / Board, Southtowns Haz Mat Material Response Team, (3585 Jeffries Blvd., Blasdell, NY 14219,) and to John Southworth, Village of Angola Fire Dept., (41 Commercial Street, Angola, NY 14006.)

Fiscal Impact: Appropriation of 2000-budgeted funds.

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

CARRIED UNANIMOUSLY.

DELETE the first RESOLVE and REPLACE with the following:

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$45,932 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>
American Legion Newcomb Long Post # 928	830/	\$5,000
Town of Eden - Eden First Night Celebration	830/	\$1,014
Hamburg Volunteer Fire Dept.	830/	\$1,000
Lake Erie Beach Vol. Fire Dept.	830/	\$1,000
Southtowns Haz Mat Material Response Team	830/	\$1,000
Village of Angola Fire Dept.	830/	\$1,500
Village of Hamburg – Hamburg Holidays	830/	\$2,518
Suburban Adult Services, Inc.	830/125	\$30,000
Helmuth Control Mutual Aid Chiefs Council	830/1237	\$2,900
TOTAL		\$45,932

and be it further

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

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from the General Fund, Legislature, Contractual Expense (DAC: 110905100830) to General Fund, Interfund Transfers, Interfund-Library (DAC1109253208864200), and be it further

RESOLVED, that the Erie County Library Budget is hereby amended, to increase the following accounts: Interfund-Subsidy revenue (DAC: 8209734206863200) \$5,000; Collins Library (DAC 820973420830162), earmarked for a telephone communication system at the Collins Library, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,500 from the legislative contractual (DAC: 110905100830) to Fund 110, Project 935, Department 670 – Department of Emergency Services – transfer \$1,500 to Other Expenses (DAC: 110935670826), earmarked for the purchase of communication equipment, and be it further

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

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra, County Comptroller Nancy A. Naples, Budget Joseph A. Passafiume, Jennifer Anger – Administrative Assistant Erie County Legislature, First Assistant County Attorney Susannah Bochenek, Diane Crisman, Director, Buffalo & Erie County Public Library, Michael Walters, Commissioner, Department of Emergency Services, and one (1) copy each to Danny Hontz, Building Committee Chairman, American Legion Newcomb Long Post #928, (159 N. Main Street, Angola, NY 14006,) Karen Smith, Eden First Night Celebration, (3158 East Church Street, Eden NY 14057,) Ric Dimpfl, Hamburg Volunteer Fire Dept., (PO Box 82, Hamburg, NY 14075,) Brian Valenti, Chief, Lake Erie Beach Vol. Fire Dept., (9483 Lake Shore Road, Angola, NY 14006,) Keith Hauser, Chief, Lake View Fire Association, (2005 Lake View Road, Lake View, NY 14085-0145,) Ric Dimpfl, 2nd Vice Chairman / Board, Southtowns Haz Mat Material Response Team, (3585 Jeffries Blvd., Blasdell, NY 14219,) and to John Southworth, Village of Angola Fire Dept., (41 Commercial Street, Angola, NY 14006,) Tom Becker, Suburban Adult Services, Inc., (13339 Route 39, Sardinia, NY 14134,) and Frank C. Kusiowski, Hr., Helmuth Control Mutual Aid Chiefs Council, PO Box 183, Lawtons, NY 14091.)

MS. CHASE moved to amend the resolution to add Legislator MARSHALL as a co-sponsor. MR. LARSON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 27 – MR. KUWIK moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 22E-28. MS. PEOPLES seconded.
CARRIED UNANIMOUSLY.

RESOLUTION NO. 483

Re: Correctional Facility – Transfer of Funds.

WHEREAS, the Erie County Correctional Facility pharmacy provides prescription medication to both the Correctional Facility and Holding Center inmates, and

WHEREAS, the Correctional Facility also hires fee for service physicians, dentists and dental assistants to provide medical care for inmates, and

WHEREAS, budgeted funds for the year 2000 are not sufficient to provide for the projected year-end medical needs of inmates,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to transfer available balances in the 2000 Operating Budget, in order to adequately provide for the medical needs of inmates, as follows:

<u>Appropriation</u>	<u>Decrease</u>
Department 151 – Sheriff’s Holding Center	
Acct. 812 - Food Supplies	\$95,000
Department 660 - Correctional Facility	
Acct. 811 - Clothing	2,000
Acct. 812 - Food Supplies	<u>90,000</u>
Total Appropriation Decrease	\$187,000
<u>Appropriation</u>	<u>Increase</u>
Department 660 - Correctional Facility	
Acct. 814 - Medical Supplies	\$170,000
Acct. 821 - Dues and Fees	<u>17,000</u>
Total Appropriation Increase	\$187,000
Net Appropriation 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 Comptroller, the Sheriff's Office, and the Correctional Facility.

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

Item 28 – MS. FISHER moved to discharge the HEALTH COMMITTEE from further consideration of Comm. 18E-49. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 484

Re: Department of Health – Division of
Public Health Laboratory Agreement
with Geneva B. Scruggs Community
Health Care Center.

WHEREAS, the Erie County Health Department provides laboratory services to Erie County departments, government agencies, local health care providers and area hospitals, and

WHEREAS, Geneva B. Scruggs requires laboratory testing services, and

WHEREAS, a formal request for services was issued by Geneva B. Scruggs, and

WHEREAS, Geneva B. Scruggs has agreed to pre-pay the Erie County Public Health Laboratory for laboratory testing services based on the laboratory's 2000 fee schedule, and

WHEREAS, the Erie County Public Health Laboratory will draw from the advanced payment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an agreement with Geneva B. Scruggs Community Health Care Center to provide Public Health Laboratory services, and be it further

RESOLVED, that the following budgetary adjustments are hereby authorized in the 2000 adopted budget of the Department of Health:

INCREASE Account 814 - Medical & Health Supplies	\$ 4,000
INCREASE Account 823 - Repairs & Maintenance	2,000
INCREASE Account 538 - Public Health Lab Fees	6,000

and be it further

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

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 29 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

CHAIRMAN SWANICK directed that Comm. 26D-11 be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 26D-11 From ECC Re: ECC Technology Plan 2000.

Item 30 – MR. MARSHALL moved for a suspension of the rules to include an item not on the agenda.

GRANTED.

CHAIRMAN SWANICK directed that Comm. 26D-12 be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Comm. 26D-12 From BUDGET Re: Technical Errors and Mathematical Miscalculations Set Forth In Comm. 23E-1 (2001 Tentative Budget As Amended).

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 31 – (Comm. 26E-1) Draft Audit Report – Buffalo Hearing & Speech Center 1/1/98 – 12/31/98.

Item 32 – (Comm. 26E-2) Quarterly Investment Report 7/1/00 – 9/30/00.

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

FROM THE COUNTY EXECUTIVE

Item 33 – (Comm. 26E-3) Appointments to Local Early Intervention Coordinating Council.

RECEIVED, FILED & PRINTED.

November 3, 2000

The Honorable
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

Re: Appointments to Local Early Intervention Coordinating Council

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to N.Y.P.L. 99-457 (H), do hereby appoint the following individuals to the Local Early Intervention Coordinating Council.

Joseph Donofrio, Coordinator
Development Disabilities
95 Franklin Street - Room 1237
Buffalo, New York 14202

Nelson Gannon
St. Mary's School for the Deaf
2253 Main Street
Buffalo, NY 14214

Karen Hopkins
8035 Greiner Road
Williamsville, NY 14221

Kathy Doody
179 Seabrook Drive
Williamsville, NY 14221

Laura Johengen-Ryan
234 Garrison Road
Williamsville, NY 14221

Jacqueline Jones
Early Head Start
2422 Delaware Avenue
Buffalo, NY 14216

Respectfully submitted,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

Cc: Appointees
Patrick J. Ruffino, Interim Commissioner,
Department of Youth Services

Item 34 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 485

Re: Social Services – Authorization to Amend Lease. (Comm. 26E-4)

WHEREAS, the Department of Social Services has a critical need for additional space for employment-related functions expanded through the New York Works Block Grant (NYWBG), and

WHEREAS, additional space at 290 Main Street has recently become available as the Buffalo and Erie County Private Industry Council (PIC) has ceased operations at that site, and

WHEREAS, the Department of Social Services is requesting authorization to amend a current lease, hereinafter referred to as the "master lease," at 290 Main Street with the Swan Group Limited Partnership for the inclusion of 7,765 square feet of additional space for the period January 1, 2001 through December 31, 2005, and

WHEREAS, the Department of Social Services is seeking authorization to amend the master lease to include additional space in this lease made available due to the departure of the PIC that is now needed for additional Welfare to Work Teams to assist employed clients, and

WHEREAS, the County secured its leased space at 290 Main Street through the Department of Public Works which provided assistance in production and release of a Request for Proposals (RFP), and

WHEREAS, the additional space that is now immediately available is in close proximity to existing Department staff and external agency staff who are already located at 290 Main Street, and

WHEREAS, the additional space has the advantage of extensive computer and telecommunications networks that are already in place, and security arrangements are assured at no added cost by Erie County Sheriff Deputies currently assigned to the 290 Main Street location, and

WHEREAS, the master lease will contain a clause allowing the County to vacate the additional space without obligation upon a one-year advance written notice to the landlord, and

WHEREAS, this resolution also amends the master lease for the period January 1, 2001 through July 14, 2003 to incorporate 5,580 square feet of space that the Department currently occupies through a sub-lease with the Buffalo Board of Education, and

WHEREAS, there are no additional County funds required to amend this lease, as County funding for the lease of additional space is budgeted and is available in the 2000 Budget.

NOW, THEREFORE, BE IT

RESOLVED, as there are several reasons, such as immediate availability, proximity to closely related existing departmental and external programs and absence of a need for new security, computer and telecommunications linkage arrangements in addition to cost, that it is in the best interest of the County to proceed with a lease amendment at this time for space at 290 Main Street, and be it further

RESOLVED, that the County Executive is hereby authorized to amend the master lease by and between the County of Erie and the Swan Group Limited Partnership for 290 Main Street to include leasing office space consisting of 7,765 square feet of space at 290 Main Street, Buffalo, New York with the Swan Group Limited Partnership at the annual base rent of \$11.56 per square foot for the period January 1, 2001 through December 31, 2005. In addition to a 2001 annual rent of \$89,764, the tenant is responsible for a proportionate share of the expenses for electric, increases in the operating of the building and real estate taxes over a 2001 base year and the cost of replacement of fluorescent tubes, ballasts and incandescent bulbs, and be it further

RESOLVED, that the County Executive is hereby authorized to amend the master lease by and between the County of Erie and the Swan Group Limited Partnership for 290 Main Street to incorporate 5,580 square feet of office space that the Department currently occupies through a sub-lease with the Buffalo Board of Education for the period January 1, 2001 through July 14, 2003, and be it further

RESOLVED, that because the space currently occupied by the Department at 290 Main Street was identified through an RFP process and the additional space at the same location is needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived for the lease of the additional space, 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.

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

CARRIED UNANIMOUSLY.

Item 35 – (Comm. 26E-5) \$25,000 Appropriation to Marathon Organizing Committee.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LEGISLATOR MARSHALL

Item 36 – (Comm. 26E-6) Legislature Minority Recommendation to Commission on Status of Women.

Received and filed.

FROM CHAIRMAN SWANICK

Item 37 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 486

Re: Lease for Legislative Office Space.
(Comm. 26E-7)

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between the Kenmore- Town of Townawanda Union Free School District of 1500 Colvin Blvd. Town of Tonawanda, New York and Erie County for Legislative Office Space for Erie County Legislator Chuck Swanick at a cost of \$289.00 per month.

MS. PEOPLES moved the approval of the resolution. MS. MARINELLI seconded.
CHAIRMAN SWANICK abstained.

CARRIED UNANIMOUSLY.

FROM THE COMPTROLLER

Item 38 – (Comm. 26E-8) Review of County of Erie Tentative 2001 Budget.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 39 – (Comm. 26E-9) Copy of Letter to County Clerk Re: Official Filing of Declaration of Limited Public Emergency.

Received and filed.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 487

Re: District Attorney – Personnel
Adjustment. (Comm. 26E-10)

WHEREAS, it is necessary to recruit in Job Group 15, Step 4 for an Assistant District Attorney position in order to secure and retain a qualified and experienced attorney for the District Attorney's White Collar Crime Bureau;

NOW, THEREFORE, BE IT

RESOLVED, that a position of Assistant District Attorney, Job Group 14, is hereby reclassified to Assistant District Attorney, Job Group 15, and a variable minimum of step 4 is hereby authorized for this position effective upon the commencement of service in the District Attorney's Office, and be it further,

RESOLVED, that no budget transfers are necessary to accomplish the foregoing, and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Personnel and the District Attorney's Office.

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

CARRIED UNANIMOUSLY.

Item 41 – (Comm. 26E-11) Imposition of Additional 1% Sales Tax.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 42 – (Comm. 26E-12) New Buffalo Convention Center – Environmental Impact Statement Consultant Services Contract.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 43 – (Comm. 26E-13) Health – Health Care Fee Schedule.

Item 44 – (Comm. 26E-14) Request to Authorize Amendment to 2000 Executive Directive Between Departments of Mental Health & Youth Services.

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

Item 45 – (Comm. 26E-15) Southtowns Sewage Treatment Agency Fund Transfer – Capital Reserve Fund.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 46 – (Comm. 26E-16) Request to Amend Various 2000 Contracts.

Item 47 – (Comm. 26E-17) Request to Amend 2000 Contract with Mental Health Association of Erie County.

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

Item 48 – (Comm. 26E-18) Office of Traffic Safety – Acceptance of Donation.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 49 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.
RESOLUTION NO. 488

Re: Parks – Issuance of Revocable
Permit to National Fuel Gas.
(Comm. 26E-19)

WHEREAS, National Fuel Gas Distribution Corporation (NFG) has requested that the County of Erie enter into a right-of-way agreement to provide NFG a permanent, fifteen feet wide underground easement along Lake Shore Road in the Town of Evans for the installation of a gas line due to road reconstruction; and

WHEREAS, because such easement affects Bennett Beach Parkland, the Advisory Review Committee has prepared a report concluding that the NFG proposal comports with the Erie County Parks Protection Law provided NFG meets certain conditions with respect to the installation and maintenance of its gas line; and

WHEREAS, because public parklands are affected, the County Attorney recommends that a revocable permit be issued to NFG rather than a right-of-way agreement granting a permanent easement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the Commissioner of the Department of Parks, Recreation and Forestry to issue an exclusive revocable permit to NFG for the installation of an underground gas pipeline in the Bennett Beach Parklands immediately adjacent to the western highway boundary of Lake Shore Road; and be it further

RESOLVED, that said revocable permit incorporate provisions insuring that upon completion of the installation and future maintenance, if any, of the pipeline NFG shall restore the property to its pre-existing condition so that the Parkland available for public use and enjoyment will not be diminished; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 50 – (Comm. 26E-20) Southtowns Sewage Treatment Agency – Wastewater Treatment Demonstration Grant Application.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 51 – (Comm. 26E-21) Sub-Recipient Agreement – Lackawanna Community Development Corporation.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 52 – (Comm. 26E-22) Southtowns Sewage Treatment Agency – R & D Engineering Agreement 4/20/00 – Change Order No. 1.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 53 – (Comm. 26E-23) Request to Amend 2000 Contract with West Side Community Services.

Item 54 – (Comm. 26E-24) Request to Amend 2000 Contract with Compeer West.

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

Item 55 – (Comm. 26E-25) Senior Services – Authorization to Amend Community Services for the Elderly & Establish Congregate Services Initiative.

Item 56 – (Comm. 26E-26) Senior Services – Authorization to Amend Community Services Coordinator & WRAP – SOFA Grant Budgets.

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

Item 57 – (Comm. 26E-27) Ralph Wilson Stadium – Red Zone Club Window Replacement.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 58 – (Comm. 26E-28) ECSD Nos. 1,4 & 5 – Northern Region Administration Building Engineering Agreement – Change Order No. 3.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 59 – (Comm. 26E-29) Appointment to Buffalo & Erie County Public Library Board of Trustees.

Item 60 – (Comm. 26E-30) Health – Women’s Health Services 4/1/00 – 3/31/01.

Item 61 – (Comm. 26E-31) Health – Integration of Hepatitis Prevention Services Grant 9/30/00 – 9/29/01.

Item 62 – (Comm. 26E-32) Health – Healthy Neighborhoods Grant.

Item 63 – (Comm. 26E-33) Health – Metropolitan Medical Response System.

The above five items were received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 64 – MR. HOLT presented the following resolution and moved for immediate consideration. MS. PEOPLES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 489

Re: Social Services – Buffalo Urban League – Preventive Services.
(Comm. 26E-34)

WHEREAS, following site visits and joint program reviews conducted by the Department and the New York State Office of Children and Family Services (OCFS), the Board of Directors of My Brother's Keeper (MBK) has voted to transfer all of its preventive services cases back to the Department effective November 7, 2000, and

WHEREAS, these cases have been placed with the Buffalo Urban League pursuant to a transition plan approved by OCFS, and

WHEREAS, in order to serve these families for the balance of year 2000, the Buffalo Urban League contract must be increased by the unexpended amount remaining in the MBK contract appropriation, and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, the attached resolution authorizes a transfer in the amount of \$41,589 from the MBK appropriation to the Buffalo Urban League appropriation, and be it further

RESOLVED, the County Executive and/or the Commissioner of Social Services are hereby authorized to amend an existing contract with the Buffalo Urban League, 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>
830-0253	My Brother's Keeper	(\$41,589)

830-1286	Buffalo Urban League (Preventive)	<u>41,589</u>
	Total Appropriation Change	<u>-0-</u>

and be it further

RESOLVED, that because these special services are needed immediately and cases have already been transferred to and are receiving services from the Buffalo Urban League, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, 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 65 – (Comm. 26E-35) Social Services – Child Assistance Program Food Stamps Cash Equivalents.

Received and referred to the SOCIAL SERVICES COMMITTEE.

Item 66 – (Comm. 26E-36) Appointment to Erie County Board of Health.

RECEIVED, FILED & PRINTED.

November 28, 2000

The Honorable
Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Re: Appointment to Erie County Board of Health

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Section 503, do hereby appoint the following individual to the Board of Health, for the term stated, to fill the vacancy created by the departure of Catherine Lyons.

NAME AND ADDRESS	TERM EXPIRATION
Hon. Barry A. Weinstein, M.D. 5500 Main Street, Suite 204B Williamsville, New York 14221	December 31, 2001

Respectfully submitted,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG:bmc

cc: Appointee
Commissioner Anthony Billittier, Health Department
Dr. Richard Judelsohn

Item 67 – (Comm. 26E-37) Appointment to Local Early Intervention Coordinating Council.

RECEIVED, FILED & PRINTED.

November 28, 2000

The Honorable
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

Re: Appointment to Local Early Intervention Coordinating Council

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to N.Y.P.L. 99-457 (H), do hereby appoint the following individual to the Local Early Intervention Coordinating Council.

NANCY SMALL
355 North Park Avenue
Buffalo, NY 14216

Respectfully submitted,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG:bmc

cc: Appointee

Patrick J. Ruffino, Interim Commissioner,
Department of Youth Services

Item 68 – (Comm. 26E-38) Reappointments to Erie County Traffic Safety Board.

RECEIVED, FILED & PRINTED.

November 28, 2000

The Honorable
Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Re: Reappointments to Erie County Traffic Safety Advisory Board

Dear Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Article 43, New York Vehicle and Traffic Law, Section 16-12, do hereby reappoint the following individuals to the Traffic Safety Advisory Board, for the term ending December 31, 2003.

John Sullivan - CHAIRPERSON
Director, Erie County Stop DWI Program
134 West Eagle Street, Room 5J2
Buffalo, NY 14202

Francina Cartoncia
Director, City of Buffalo Community Actions for Traffic Safety
515 City Hall
Buffalo, NY 14202

Dennis Murphy
Invest Lodging Services
238 South Cayuga Road
Williamsville, NY 14221

Mark Robinson
Director of External Affairs, Mercy Flight of Western New York
455 Delaware Avenue
Buffalo, NY 14202

Carol Siwek
Assistant Project Coordinator, Erie County Traffic Safety
134 West Eagle Street, Room 502

Buffalo, NY 14202

Anthony J. Billittier IV, MD
Erie County Commissioner of Health
Room 910 Rath Building
95 Franklin Street
Buffalo, NY 14202

Alan Black
Co-Director, Center for Transportation Injury Research
Veridian, Inc.
4455 Genesee Street
Buffalo, NY 14225

Lt. David Peck
Town of Tonawanda Police Department
1835 Sheridan Drive
Kenmore, NY 14223

George White
Traffic Supervisor, New York State Thruway Authority
3901 Genesee Street
Cheektowaga, NY 14225

Chief Mark Winters
President, Erie County Chief of Police Association
City of Tonawanda Police Department
200 Niagara Street
Tonawanda, NY 14150

Captain Enzo Villalta
Town of Amherst Police Department
500 John James Audubon Parkway
Amherst, NY 14228

James Barnack
Regional Traffic Engineer, New York State Department of Transportation
Donovan State Office Building
125 Main Street
Buffalo, NY 14203

Dorothy Bitner
Grand Island Traffic Safety board
2101 Baseline Road, Apt. 6
Grand Island, NY 14072

John Grela
Director of Public Safety, State University of New York at Buffalo
Bissell Hall
Amherst, NY 14260

Walter Korth
Lancaster Stone Products
P.O. Box 827
Buffalo, NY 14231

Wallace D. Smith
Vice President, AAA of Western and Central New York
100 International Drive
Buffalo, NY 14221

Respectfully submitted,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE
JAG:bmc
cc: Appointees

Item 69 – (Comm. 26E-39) ECSD No. 2 – Lakeview Pumping Station Elimination Bid Opening.

Item 70 – (Comm. 26E-40) ECSD No. 2 – 18 Mile Creek & Sweetland Pumping Station Improvements Bid Opening.

Item 71 – (Comm. 26E-41) ECSD No. 2 – West Pleasant Pumping Station Elimination Bid Opening.

Item 72 – (Comm. 26E-42) ECSD No. 4 – Contract Close-Out – MKS Plumbing Corporation.

The above four items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 73 – (Comm. 26E-43) USEPA Urban Air Toxics Prevention Grant.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 74 – (Comm. 26E-44) ECSD No. 2 – Delameter Road & Route 5 Sanitary Sewer Extension Bid Opening.

Item 75 – (Comm. 26E-45) ECSD No. 5 – Stahley Road Pumping Station Bid Opening.

Item 76 – (Comm. 26E-46) ECSD No. 6 – Saint Johns Place Storm Sewer Project Bid Opening.

Item 77 – (Comm. 26E-47) ECSD No. 5 – Farmington Woods – Hidden Oaks Subtrunk Sanitary Sewer Extension Bid Opening.

Item 78 – (Comm. 26E-48) ECSD No. 2 – Commercial Street Sanitary Sewer Extension Bid Opening.

Item 79 – (Comm. 26E-49) ECSD No. 5 Increase & Improvement of Facilities (2000) EC Sewer Agency Report.

Item 80 – (Comm. 26E-50) ECSD No. 6 – Sludge Filter Press Design Engineering Agreement – Change Order No. 1.

Item 81 – (Comm. 26E-51) ECSD Nos. 1-6 – User Charge Rates.

Item 82 – (Comm. 26E-52) ECSD Nos. 1-6 – User Charges 2001.

The above nine items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 83 – (Comm. 26E-53) Health – Revised Immunization Action Plan 11/1/99 – 3/31/01.

Received and referred to the HEALTH COMMITTEE.

Item 84 – (Comm. 26E-54) Health – Supplemental Aid to Localities Grant Medical Examiner's Toxicology Laboratory 4/1/00 – 3/31/02.

Received and referred to the PERSONNEL AD HOC COMMITTEE.

Item 85 – (Comm. 26E-55) Health – WNY Coalition for Diabetes Prevention 4/1/00 – 3/31/01.

Item 86 – (Comm. 26E-56) Health – Public Health Lab Agreement with Monroe County.

Item 87 – (Comm. 26E-57) Health – Training & Technical Assistance for County Health Departments 12/1/00 – 6/30/01.

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

Item 88 – (Comm. 26E-58) Downtown Pedestrian Transit Mall Special District.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 89 – (Comm. 26E-59) Preparation of School District Tax Rolls & Bills.

RECEIVED, FILED & PRINTED.

November 1, 2000

The Honorable
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

RE: Preparation of School District Tax Rolls & Bills

Your Honorable Body:

Please receive, act upon and print the attached billing for the preparation of 2000-2001 School District Tax Rolls at your meeting on November 30, 2000.

Pursuant to the amended Erie County Tax Act, the Director of Budget and Management and/or successor to Commissioner of Finance, as directed by Section 4-3.1, herewith certifies to the Erie County Legislature that the statement and apportionment attached is the total cost of material and labor in making and spreading School District Tax Rolls, together with the apportionment to each School District benefited for the year 2000-2001.

Respectfully,

Joel A. Giambra
Erie County Executive

JAG/ms
Attach.

TO THE ERIE COUNTY LEGISLATURE:

STATEMENT, MATERIALS AND LABOR IN PRODUCING SCHOOL DISTRICT TAX BILLS
AND THE SPREADING OF ASSOCIATED COSTS:

TAX BILLS	\$9,100.00
TAX ROLL PAPER	500.00
INDEX PAPER	40.00
SEPARATORS	0.00
TAX ROLL COVERS	0.00
DATA PROCESSING CHARGES	22,426.57
WAGES	27,619.20
TOTAL	<u>\$59,685.77</u>

263,138.00 PARCELS 0.22682307 COST PER PARCEL

AKC 1 OUT OF COUNTY		\$45.00
CITY OF TONAWANDA		45.00
ATT1 & SCC1 FLAT CHARGE @	\$45.00 EACH	90.00

GRAND TOTAL TO SPREAD=> \$59,865.77

SCHOOL DISTRICT	CODE	PARCELS	COST
ALDEN CENTRAL SCHOOL DISTRICT,#1	AC-1	4678	\$1,061.08
AKRON CENTRAL SCHOOL DISTRICT	AKC1	3368	808.94
AMHERST CENTRAL SCHOOL DISTRICT	AM-1	9129	2,070.67
SWEET HOME CENTRAL SCHOOL DISTRICT	AM-7	10813	2,452.64
ATTICA CENTRAL SCHOOL DISTRICT	ATT1	0	45.00
EAST AURORA UNION FREE DIST #1	AU-1	5802	1,316.03
CHEEKTOWAGA CENTRAL SCHOOL DIST #1	CH-1	8069	1,830.24
UNION FREE SCHOOL DIST #2 (MARYVALE)	CH-2	7449	1,689.61
UNION FREE SCHOOL DIST #3 (CLEV-HILL)	CH-3	4606	1,044.75
UNION FREE SCHOOL DIST #9 (SLOAN)	CH-9	5181	1,175.17
CLARENCE CENTRAL SCHOOL DISTRICT	CLC 1	9918	2,249.63
SPRINGVILLE-GRIFFITH INSTITUTE	CNC1	6359	1,442.37
DEPEW UNION FREE SCHOOL DISTRICT	DUFC	6819	1,546.71
EDEN CENTRAL SCHOOL DISTRICT #1	EC-1	4704	1,066.98
FRONTIER CENTRAL SCHOOL DIST #4	FR-4	15307	3,471.98
GRAND ISLAND CENTRAL SCHOOL DIST	GIC1	8375	1,899.64
GOWANDA CENTRAL SCHOOL DISTRICT	GOC1	1386	314.38
HAMBURG CENTRAL SCHOOL DISTRICT	HC-1	9880	2,241.01
HOLLAND CENTRAL SCHOOL DISTRICT	HDC1	3398	770.74
IROQUOIS CENTRAL SCHOOL DISTRICT #1	IRC1	7506	1,702.53
LACKAWANNA CENTRAL SCHOOL DIST	LK-1	6999	1,587.53
LANCASTER CENTRAL SCHOOL DIST #1	LC-1	16271	3,690.64
LAKE SHORE CENT. EVANS-BRANT SCHOOLS	LC-1	10435	\$2,366.90
NORTH COLLINS CENTRAL SCHOOL DIST #1	NCC1	2401	544.60
ORCHARD PARK CENTRAL SCHOOL #1	OPC1	12835	2,911.27
PIONEER CENTRAL SCHOOL DISTRICT	PC-1	881	199.83
SILVER CREEK CENTRAL SCHOOL DIST #1	SCC1	0	45.00
KENMORE-TONAWANDA UNION FREE SCHOOL	UNF1	26473	6,004.69
WILLIAMSVILLE CENTRAL SCHOOL DIST	WMC3	26306	5,966.81
WEST SENECA CENTRAL SCHOOL DISTRICT	WSC1	21294	4,829.97
CITY OF TONAWANDA SCHOOL DISTRICT	TCSD	6496	1,518.44
TOTALS		263,138.00	\$59,865.77

Item 90 – (Comm. 26E-60) Preparation of City of Tonawanda Tax Rolls & Bills.

RECEIVED, FILED & PRINTED.

November 1, 2000

The Honorable
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

RE: Preparation of City of Tonawanda Tax Rolls & Bills

Your Honorable Body:

Please receive, act upon and print the following billing for the preparation of City of Tonawanda City Tax Rolls and Bills for the year 2000 at your meeting on November 30 , 2000.

Pursuant to the amended Erie County Tax Act, the Director of Budget and Management and/or successor to Commissioner of Finance as directed by Section 3-2.2, herewith certifies to the Erie County Legislature that the attached statement and apportionment is the total cost of material and labor in making and spreading City of Tonawanda City Tax Rolls and Bills.

Respectfully,

JOEL A. GIAMBRA
Erie County Executive

JAG/ms
Attach.

TO HONORABLE ERIE COUNTY LEGISLATURE

PREPARATION OF TONAWANDA CITY TAXES

Tax Bills	\$ 240.00
Tax Rolls, Assessment Roll and Worksheets	235.00
Wages	963.80
Data Processing Time	<u>1,570.79</u>
Total Cost	\$ 3,009.59

Item 91 – (Comm. 26E-61) Preparation of Village Tax Rolls & Bills.

RECEIVED, FILED & PRINTED.

November 1, 2000

The Honorable
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

RE: Preparation of Village Tax Rolls & Bills

Your Honorable Body:

Please receive, act upon and print the attached billing for the preparation of Village Tax Rolls and Bills for the year 2000-2001 at your meeting on November 30, 2000.

Pursuant to the amended Erie County Tax Act, the Director of Budget and Management and/or successor to the Commissioner of Finance, as directed by Section 3-2.2, herewith certifies to the Erie County Legislature that the attached statement and apportionment is the total cost of material and labor in making and spreading the Village Tax Rolls and Bills.

Respectfully,
JOEL A. GIAMBRA
Erie County Executive

JAG/ms
Attach.

TO: HONORABLE ERIE COUNTY LEGISLATURE

PREPARATION OF VILLAGE TAXES

Tax Bills	\$ 3,100.00
Tax Roll, Assessment Roll, and Worksheets	1,558.52
Wages	3,893.54
Data Processing Time	5,579.98
TOTAL COST	\$ 14,132.04

Cost per Parcel=> 0.399052

<u>VILLAGE</u>	<u>PARCEL COUNT</u>	<u>COST</u>	<u>TOTAL BILLING</u>
Akron	1,128	\$ 450.13	\$ 450.13
Alden	870	347.18	347.18
Angola	949	378.70	378.70
Blasdell	1,180	470.88	470.88
Depew	6,654	2,655.29	2,655.29
East Aurora	2,597	1,036.34	1,036.34

Farnham	213	85.00	85.00
Gowanda	1,127	449.73	449.73
Hamburg	3,671	1,464.92	1,464.92
Kenmore	5,687	2,269.41	2,269.41
Lancaster	4,322	1,724.70	1,724.70
North Collins	532	212.30	212.30
Orchard Park	1,176	469.29	469.29
Sloan	1,606	640.88	640.88
Springville	1,599	638.08	638.08
Williamsville	2,103	839.21	839.21
TOTAL	35,414	\$14,132.04	\$14,132.04

Item 92 – (Comm. 26E-62) Preparation of City of Lackawanna Tax Rolls & Bills.

RECEIVED, FILED & PRINTED.

November 1, 2000

The Honorable
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

RE: Preparation of City of Lackawanna Tax Rolls & Bills

Your Honorable Body:

Please receive, act upon and print the following billing for the preparation of City of Lackawanna City Tax Rolls and Bills for the year 2000 at your meeting on November 30, 2000.

Pursuant to the amended Erie County Tax Act, the Director of Budget and Management and/or successor to Commissioner of Finance as directed by Section 3-2.2, herewith certifies to the Erie County Legislature that the attached statement and apportionment is the total cost of material and labor in making and spreading City of Lackawanna City Tax Rolls and Bills.

Respectfully,

JOEL A. GIAMBRA
Erie County Executive

JAG/ms
Attach.

TO HONORABLE ERIE COUNTY LEGISLATURE

PREPARATION OF LACKAWANNA CITY TAXES

Tax Bills	\$ 260.00
Tax Rolls, Assessment Roll and Worksheets	510.00
Wages	2,418.64
Data Processing Time	1,570.79
Total Cost	\$ 4,759.43

Item 93 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 490

Re: Authorization for Empire Zone
Sales Tax Exemptions &
Refunds/Credits. (Comm. 26E-63)

RESOLUTION

of the

Legislature of the County of Erie, providing exemptions from sales and compensating use taxes for receipts from sales of, and consideration given or contracted to be given for, or for the use of, property and services exempt from State sales and compensating use taxes pursuant to subdivision (z) of section 1115 of the New York Tax Law, pursuant to the authority of Article 29 of the Tax Law of the State of New York.

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

SECTION 1. Section six of the Erie County Sales and Use Tax Resolution being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, Page 666, as amended, is amended by adding a new subdivision (h) to read as follows:

(h) For the period beginning March 1, 2001, and ending February 28, 2002, receipts from sales of and consideration given or contracted to be given for, or for the use of, property and services exempt from state sales and compensating use taxes pursuant to subdivision (z) of section 1115 of the New York Tax Law shall also be exempt from sales and compensating use taxes imposed in this jurisdiction.

SECTION 2. This resolution shall take effect March 1, 2001, and shall apply to sales made, services rendered and uses occurring during the period commencing March 1, 2001, and ending February 28, 2002, in accordance with the applicable transitional provisions in sections 1106, 1216 and 1217 of the New York Tax Law.

RESOLUTION

of the

Legislature of Erie County, providing a refund or credit of sales and compensating use taxes on tangible personal property used in constructing, expanding or rehabilitating certain industrial or commercial real property located in an empire zone, pursuant to Chapter 686 of the Laws of 1986 and Chapter 63 of the Laws of 2000, to the extent such tangible personal property becomes an integral component part of the real property, pursuant to Article 29 of the Tax Law of the State of New York.

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

SECTION 1: Subdivision (a) of section twelve of the Erie County Sales and Use Tax Resolution being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, Page 666, as amended, is amended to read as follows:

SECTION 12: Refunds or credits based on proof of certain uses.

(a) Subject to the conditions and limitations provided for herein, a refund or credit shall be allowed for a tax paid pursuant to subdivision (a) of section two or section four (1) on the sale or use of tangible personal property if the purchaser or user, in the performance of a contract, later incorporates that tangible personal property into real property located outside this taxing jurisdiction, (2) on the sale or use of tangible personal property purchased in bulk, or any portion thereof, which is stored and not used by the purchaser or user within this taxing jurisdiction if that property is subsequently reshipped by such purchaser or user to a point outside this taxing jurisdiction for use outside this taxing jurisdiction, (3) on the sale to or use by a contractor or subcontractor of tangible personal property if that property is used by him solely in the performance of a pre-existing lump sum or unit price construction contract, (4) on the sale or use within this taxing jurisdiction of tangible personal property, not purchased for resale, if the use of such property in this taxing jurisdiction is restricted to fabricating such property (including incorporating it into or assembling it with other tangible personal property), processing, printing or imprinting such property and such property is then shipped to a point outside this taxing jurisdiction for use outside this taxing jurisdiction, (5) on the sale to or use by a veterinarian of drugs or medicine if such drugs or medicine are used by such veterinarian in rendering services, which are exempt pursuant to subdivision (f) of section six of this enactment, to livestock or poultry used in the production for sale of tangible personal property by farming or if such drugs or medicine are sold to a person qualifying for the exemption provided for in paragraph (6) of subdivision (a) of section six of this enactment for use by such person on such livestock or poultry, or (6) on the sale of tangible personal property purchased for use in constructing, expanding or rehabilitating industrial or commercial real property (other than property used or to be used exclusively by one or more registered vendors primarily engaged in the retail sale of tangible personal property) located in an area designated as an empire zone pursuant to article eighteen-B of the general municipal law, but only to the extent that such property becomes an integral component part of the real property. (For the purpose of clause (3) of the preceding sentence, the term "pre-existing lump sums or unit price construction contract" shall mean a contract

for the construction of improvements to real property under which the amount payable to the contractor or subcontractor is fixed without regard to the costs incurred by him in the performance thereof, and which (i) was irrevocably entered into prior to the date of the enactment of this enactment or the enactment of a law increasing the rate of tax imposed under this enactment, or (ii) resulted from the acceptance by a governmental agency of a bid accompanied by a bond or other performance guaranty which was irrevocably submitted prior to such date.) Where the tax on the sale or use of such tangible personal property has been paid to the vendor, to qualify for such refund or credit, such tangible personal property must be incorporated into real property as required in clause (1) above, reshipped as required in clause (2) above, used in the manner described in clauses (3), (4), (5) and (6) above within three years after the date such tax was payable to the commissioner of taxation and finance by the vendor pursuant to section eleven hundred thirty-seven of the tax law. Where the tax on the sale or use of such tangible personal property was paid by the applicant for the credit or refund directly to such commissioner, to qualify for such refund or credit, such tangible personal property must be incorporated into real property as required in clause (1) above, reshipped as required in clause (2) above, used in the manner described in clauses (3), (4), (5) and (6) above within three years after the date such tax was payable to such commissioner by such applicant pursuant to article twenty eight of the tax law. An application for a refund or credit pursuant to this section must be filed with such commissioner within the time provided by subdivision (a) of section eleven hundred thirty-nine of the tax law. Such application shall be in such form as such commissioner may prescribe. Where an application for credit has been filed, the applicant may immediately take such credit on the return which is due coincident with or immediately subsequent to the time that he files his application for credit. However, the taking of the credit on the return shall be deemed to be part of the application for credit and shall be subject to the provisions in respect to applications for credit in section eleven hundred thirty-nine of the tax law as provided in subdivision (e) of such section. With respect to a sale or use described in clause (3) above where a pre-existing lump sum or unit price construction contract was irrevocably entered into prior to the date of the enactment of this enactment or the bid accompanied by the performance guaranty was irrevocably submitted to the governmental agency prior to such date, the purchaser or user shall be entitled to a refund or credit only of the amount of the taxes imposed by this enactment if enacted later than the date of such contract or bid, or of the amount reflecting an increase in the rate of tax enacted later than said date, as the case may be, but only to the extent that all such sales and use taxes paid on such sale or use under the aggregate statewide and local taxes imposed under article twenty-eight and by authority of article twenty-nine exceeded an amount computed by applying against such sale or use the aggregate of the rates of statewide and local sales and use taxes that were in effect at the time such contract was entered into or such bid was submitted.

SECTION 2. This resolution shall take effect on March 1, 2001.

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

CARRIED UNANIMOUSLY.

ADD, following SECTION 2:

SECTION 3. The Commissioner of the Erie County Department of Environment and Planning and the Director of the Erie County Division of Budget, Management and Finance shall be

required to submit to the Erie County Legislature, in writing, no later than September 30, 2001 an interim report of activity, benefit and cost of the aforementioned program both to the businesses involved and to the County of Erie.

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

CARRIED UNANIMOUSLY.

FROM THE SHERIFF

Item 94 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 491

Re: Asset Forfeiture Grant
Appropriations. (Comm. 26E-64)

WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on December 1, 1994, and

WHEREAS, there are adequate funds available for distribution to the Sheriff's Office in the Asset Forfeiture Trust Account, and

WHEREAS, there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that \$17,000 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Grant, Project #493, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE ASSET FORFEITURE GRANT - PROJECT #493

<u>REVENUE</u>	<u>Increase</u>
502 Forfeiture Crime Proceeds	<u>17,000</u>
Total Revenue	<u>17,000</u>
<u>APPROPRIATION</u>	<u>Increase</u>
826 Miscellaneous Expense	12,000
830 Contractual Services	500

932	Office Furniture & Equipment	<u>4,500</u>
	Total Appropriations	<u>17,000</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 95 – MS. PEOPLES presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 492 Re: Weapons & Ordnance K-9 Unit.
(Comm. 26E-65)

WHEREAS, procedures have been established by Resolution #Comm. 6E-13 adopted on April 29, 1999, and

WHEREAS, there are adequate funds available for distribution to the Sheriff's Office in the K-9 Unit Trust Account, and

WHEREAS, there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that \$10,000 in available balances in the K-9 Unit Trust Fund is hereby transferred to the Erie County Sheriff's Office Budget to be used for the purchase of a 2001 Ford Expedition to be assigned to the Weapons & Ordnance K-9 Unit, and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE - Department #150

<u>REVENUE</u>		<u>Increase</u>
521	Other Unclassified Revenue	<u>10,000</u>
	Total Revenue	<u>10,000</u>
 <u>APPROPRIATION</u>		 <u>Increase</u>
930	Automotive Equipment	<u>10,000</u>

Total Appropriations 10,000

and be it further

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

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECMC

Item 96 – (Comm. 26D-1) Minutes of Finance Committee Meeting Held 10/6/00 & Financial Statements for 9/00.

Received and referred to the HEALTH COMMITTEE.

FROM ECC

Item 97 – (Comm. 26D-2) Notice of Meetings Held 11/21/00 & 11/29/00.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 98 – (Comm. 26D-3) Notice of County Executive Public Hearing for Local Law Intro No. 7 – 2000.

RECEIVED, FILED & PRINTED.

November 13, 2000

VIA HAND DELIVERY

Laurie A. Manzella
Clerk of the Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

RE: NOTICE OF PUBLIC HEARING
LOCAL LAW INTRO. NO. 7-2000

Dear Laurie:

Enclosed herein is a copy of the Public Hearing Notice for the above captioned Local Law Intro. No. 7-2000, which was adopted by the Erie County Legislature on November 2, 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
First Assistant County Attorney

SMB/
cc Enc.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing Wednesday, November 22, 2000 at 11:00 a.m., concerning:

A LOCAL LAW in relation to support of the Buffalo and Erie County Public Library.

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 November 2, 2000, the Erie County Legislature adopted Erie County Local Law Introduction Number 7 of 2000. 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 ECMC

Item 99 – (Comm. 26D-4) Notice of Meeting Held 11/9/00 & Minutes of Meeting Held 10/12/00.

Received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 100 – (Comm. 26D-5) Notice of Meeting Held 11/16/00 & Minutes of Meeting Held 10/19/00.

Received and filed.

FROM ECC

Item 101 – (Comm. 26D-6) Enrollment Information.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM DEP

Item 102 – (Comm. 26D-7) SEQR – Scoby Hill Road Dam & Property Transfer, Town of Concord.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 103 – (Comm. 26D-8) Notices of Claim.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECMC

Item 104 – (Comm. 26D-9) Notice of Special Meeting of Board of Managers Held 11/21/00.

Received and filed.

FROM YOUTH SERVICES

Item 105 – (Comm. 26D-10) Non-Secure Detention Proposed Sites.

Received and referred to the SOCIAL SERVICES COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 106 – (Comm. 26M-1) Minutes of Region 9 Meeting Held 9/7/00.

Received and filed.

FROM THE EIGHTH DISTRICT DENTAL SOCIETY

Item 107 – (Comm. 26M-2) Copy of Letter to Legislator Dusza Re: Fluoridated Water.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM NYSEA GRANT

Item 108 – (Comm. 26M-3) Report on Recreation Conflicts & Compatibility Between Motorboat, Personal Watercraft & Coastal Land Owners Along NY's Great Lakes.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM SONIA R EFRON

Item 109 – (Comm. 26M-4) Copy of Letter to County Executive Re: Support for Lawn Pesticide & Notification Act.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ARTHUR EFRON

Item 110 – (Comm. 26M-5) Copy of Letter to County Executive Re: Support for Lawn Pesticide Notification Act.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM JEFFREY J DOSCH

Item 111 – (Comm. 26M-6) Copy of Letter to County Executive Re: Support for Lawn Pesticide Notification Act.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM RUTH KIRSTEIN

Item 112 – (Comm. 26M-7) Copy of Letter to County Executive Re: Support for Lawn Pesticide Notification Act.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM SONIA R EFRON

Item 113 – (Comm. 26M-8) Duplicate of Comm. 26M- 4.

Received and filed.

FROM THE AMERICAN CANCER SOCIETY

Item 114 – (Comm. 26M-9) Support for Comm. 19E-6.

Received and referred to the HEALTH COMMITTEE.

FROM ASSEMBLYMAN HIGGINS

Item 115 – (Comm. 26M-10) Small Boat Harbor Beach Development Project.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM THE TOWN OF NEWSTEAD

Item 116 – (Comm. 26M-11) Copy of Letter to NYS Thruway Authority Re: Williamsville Toll Barrier.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE GRAYCLIFF CONSERVANCY

Item 117 – (Comm. 26M-12) Update on Project at Graycliff Estate in Derby.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE VILLAGE OF SLOAN

Item 118 – (Comm. 26M-13) Funding Request for Sewer Problem.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE WEST VALLEY CITIZEN TASK FORCE

Item 119 – (Comm. 26M-14) Minutes of Meeting Held 9/25/00.

Received and filed.

FROM THE BOYS & GIRLS CLUBS OF BUFFALO

Item 120 – (Comm. 26M-15) Program Model for Youth Detention Center.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM MR & MRS SALVATORE FRISICARO

Item 121 – (Comm. 26M-16) Letter to Legislator Peoples Re: Landlord/Tenant Housing Regulations.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF WEST SENECA

Item 122 – (Comm. 26M-17) Certified Resolution Re: 800 MHz Radio System.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM OTB

Item 123 – (Comm. 26M-18) Minutes of Meeting Held 8/24/00 & 9/28/00.

Received and filed.

FROM THE ECIDA

Item 124 – (Comm. 26M-19) Notice of Meeting Held 11/15/00.

Received and filed.

FROM THE NYS BOARD OF REAL PROPERTY SERVICES

Item 125 – (Comm. 26M-20) List of Certified 2000 State Equalization Rates.
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE WOMEN'S PAVILLION PAN AM 2001

Item 126 – (Comm. 26M-21) Progress Report on 2000 Funding.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 127 – (Comm. 26M-22) Notice of Meeting Held 11/16/00 & Minutes of Meeting Held 10/19/00.

Received and referred to the HEALTH COMMITTEE.

FROM THE NYS BOARD OF REAL PROPERTY SERVICES

Item 128 – (Comm. 26M-23) List of Certified 2000 State Equalization Rates.

Item 129 – (Comm. 26M-24) List of Certified 2000 Class Equalization Rates.

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

FROM THE BOYS & GIRLS CLUBS OF BUFFALO

Item 130 – (Comm. 26M-25) Duplicate of Comm. 26M-15.

Received and filed.

FROM THE NFTA

Item 131 – (Comm. 26M-26) 17A Report & Capital Expenditure Reports for 2nd Quarter of Fiscal Year Ending 3/31/01.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY WORKFORCE INVESTMENT BOARD

Item 132 – (Comm. 26M-27) Agreement Between Chief Elected Officials & Buffalo & Erie County Workforce Investment Board.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYS BOARD OF REAL PROPERTY SERVICES

Item 133 – (Comm. 26M-28) Certificate of Equalization Rates for 2000 Assessment Rolls for Municipalities in Erie County.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE EC PUBLIC BENEFIT OVERSIGHT COMMITTEE

Item 134 – (Comm. 26M-29) Report on 2001 County Public Benefit Funding Requests.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY WORKFORCE DEVELOPMENT CONSORTIUM

Item 135 – (Comm. 26M-30) Letter Appointing Legislator Marinelli to Workforce Board.

Received and filed.

FROM THE NYS OFFICE OF CHILDREN & FAMILY SERVICES

Item 136 – (Comm. 26M-31) Operating Certificate for Youth Detention Building No. 4.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY WORKFORCE DEVELOPMENT CONSORTIUM

Item 137 – (Comm. 26M-32) Letter Appointing Legislators Peoples to Workforce Board.

Received and filed.

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 138 – (Comm. 26M-33) Notice of Meeting Held 11/21/00 & Minutes of Meeting Held 10/17/00.

Received and filed.

FROM CONGRESSMAN QUINN

Item 139 – (Comm. 26M-34) Acknowledgement of Receipt of Resolution.

Received and filed.

FROM DELOITTE & TOUCHE

Item 140 – (Comm. 26M-35) Buffalo & Erie County Regional Development Corporation – Financial Statements for Years Ended 12/31/99 & 12/31/98.

Item 141 – (Comm. 26M-36) Advanced Training Center of Buffalo & Erie County – Financial Statements for Years Ended 12/31/99 & 12/31/98.

Item 142 – (Comm. 26M-37) Buffalo & Erie County Industrial Land Development Corporation – Financial Statements for Years Ended 12/31/99 & 12/31/98.

Item 143 – (Comm. 26M-38) ECIDA & Affiliates – Single Audit of Federal, State & Local Financial Award Programs for Year Ended 12/31/99.

Item 144 – (Comm. 26M-39) ECIDA – Financial Statements for Years Ended 12/31/99 & 12/31/98.

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

FROM ASSEMBLYMAN BURLING

Item 145 – (Comm. 26M-40) Acknowledgement of Receipt of Resolutions.

Received and filed.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 146 – (Comm. 26M-41) Letter Re: Audit for 1/1/99 to 8/31/00.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CARE MANAGEMENT COALITION

Item 147 – (Comm. 26M-42) Copy of Letter to Youth Services Re: Community Concerns
Re: Non-Secure Detention Services.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM HOPEVALE

Item 148 – (Comm. 26M-43) Copy of Letter to Youth Services Re: Community Concerns
Re: Non-Secure Detention Services.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM BERKSHIRE FARM CENTER & SERVICE FOR YOUTH

Item 149 – (Comm. 26M-44) Copy of Letter to Youth Services Re: Community Concerns
Re: Non-Secure Detention Services.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM GREATER REFUGE TEMPLE OF CHRIST

Item 150 – (Comm. 26M-45) Copy of Letter to Youth Services Re: Community Concerns
Re: Non-Secure Detention Services.

Received and referred to the SOCIAL SERVICES COMMITTEE.

FROM CSEA LOCAL 815

Item 151 – (Comm. 26M-46) Letter to Legislator Fisher Re: ECMC 2001 Funding.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM GOVERNOR PATAKI

Item 152 – (Comm. 26M-47) Acknowledgement of Receipt of Resolution.

Item 153 – (Comm. 26M-48) Acknowledgement of Receipt of Resolutions.

Item 154 – (Comm. 26M-49) Acknowledgement of Receipt of Resolution.

The above three items were received and filed.

FROM THE GENEVA B SCRUGGS COMMUNITY HEALTH CARE CENTER

Item 155 – (Comm. 26M-50) Copy of Resolution Re: Contract with Erie County Public Health Lab.

Received and referred to the HEALTH COMMITTEE.

FROM THE ASSOCIATION OF ERIE COUNTY GOVERNMENTS

Item 156 – (Comm. 26M-51) Certified Resolution Re: Budgetary Support Implementation of Master Plans.

Received and referred to the REGIONALISM AD HOC COMMITTEE.

FROM THE BOYS & GIRLS CLUBS OF BUFFALO

Item 157 – (Comm. 26M-52) Duplicate of Comm. 26M-15.

Received and filed.

FROM NYSDOH

Item 158 – (Comm. 26M-53) Response to Intro 20-5 Seeking an Amendment to Farmers Market Nutrition Program.

Received and referred to the SOCIAL SERVICES COMMITTEE.

MEMORIAL RESOLUTIONS

Item 159 – Legislator Peoples requested that when this legislature adjourns, it do so in memory of Willie Carnell.

Item 160 – Legislator Fisher requested that when this legislature adjourns, it do so in memory of Carl Perla, former Buffalo Council Member.

ADJOURNMENT

Item 161 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. PEOPLES moved that the Legislature adjourn until **2 p.m. Thursday, December 7, 2000**. MR. MARSHALL seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until **Thursday, December 7, 2000 at 2 p.m. Eastern Standard Time**.

LAURIE MANZELLA
CLERK