

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 8**  
**APRIL 14, 2011**

The Legislature was called to order by Chair Miller-Williams.

All members present.

An Invocation was held, led by Ms. Dixon.

The Pledge of Allegiance was led by Mr. Mills.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Number 7 from 2011. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. MAZUR presented a Memorial Resolution Honoring the Memory of Adolph J. "Al" Wiercioch.

Item 6 – MS. BOVE presented a resolution Congratulating Winchester Elementary on Being Named a 2011 Champion of Character School by the Academy for Character Education.

Item 7 – MR. MAZUR presented a resolution Congratulating Ms. Edith Brown Upon the Occasion of Her 80th Birthday on 4/15/2011.

Item 8 – MR. MILLS presented a resolution Congratulating Andrew Colton Nason of Troop No. 524, on Obtaining the Rank of Eagle Scout.

Item 9 – MR. MAZUR presented a Memorial Resolution In Remembrance of Anna M. Palisnato.

Item 10 – MR. MILLS & MS. DIXON presented a resolution Honoring Keith Ayers, 1st Assistant Chief, North Collins Volunteer Fire Company for His Heroism & Risking His Life Battling a Fire in Morton's Corners.

Item 11 – MS. WHYTE presented a resolution Welcoming Ms. Cecilia Zarate-Laun to EC for the WNY Peace Center's Latin American Solidarity Committee's 30th Annual Latin American Event.

Item 12 – MS. WHYTE presented a resolution Recognizing the Niagara Frontier Radio Reading Service's "200,000 Hours of Radio Readings" Milestone.

Item 13 – MR. RATH presented a resolution Honoring Main-Transit Fire Department on 75 Years of Service to the Community.

Item 14 – MR. RATH presented a resolution Congratulating the Williamsville Girl's Ice Hockey Team on Its Inaugural Season.

Item 15 – CHAIR MILLER-WILLIAMS, MS. WHYTE, MR. MILLS, MR. KOZUB, MR. WHALEN, MR. WALTER, MR. FUDOLI, MS. GRANT, MR. MAZUR, MS. BOVE, MR. HARDWICK, MS. MARINELLI, MS. DIXON, MR. LOUGHRAN & MR. RATH presented a Memorial Resolution Honoring the Life of Army Sgt. Michael S. Lammerts.

Item 16 – MR. HARDWICK presented a resolution Honoring Jon Roth on Receiving the 2011 Athletic Administrator of the Year Award.

Item 17 – MR. HARDWICK & MS. MARINELLI presented a resolution Honoring the Town of Tonawanda on Its 175th Anniversary.

Item 18 – MR. HARDWICK presented a Memorial Resolution Honoring the Life of Trooper Kevin P. Dobson.

Item 19 – MR. HARDWICK presented a resolution Honoring the Miracle League of Grand Island & WNY on Its Groundbreaking Celebration of Its Barrier Free Baseball Field.

Item 20 – MR. MAZUR presented a Memorial Resolution In Remembrance of Anna A. Anthony.

Item 21 – MS. MARINELLI presented a resolution Celebrating National Library Week.

Item 22 – CHAIR MILLER-WILLIAMS presented a resolution Congratulating the CAO Head Start Program at Memorial Temple During the Week of the Young Child Celebration.

Item 23 – MR. KOZUB presented a resolution Honoring Judge Robert Russell for His Outstanding Leadership, Vision & Compassion in Creating the Veterans' Treatment Court.

Item 24 – MR. MAZUR presented a resolution Congratulating & Expressing Heartfelt Appreciation to the 2011 Volunteer Honorees of Meals on Wheels for WNY, Inc.

Item 25 – MR. FUDOLI & MR. MAZUR presented a resolution Congratulating Emily Law from Depew Middle School for Winning First Place in the "Freedom in America" Essay Contest Sponsored by the Lancaster-Depew Sertoma Club.

Item 26 – MR. FUDOLI & MR. MAZUR presented a resolution Congratulating Samantha Sosnowski from Depew Middle School for Winning First Place in the "Freedom in America" Poster Contest Sponsored by the Lancaster-Depew Sertoma Club.

Item 27 – MS. DIXON presented a resolution Congratulating Trevor S. Schmidt, Troop No. 578 in Derby, for Earning the Rank of Eagle Scout.

Item 28 – MS. DIXON presented a resolution Congratulating Benjamin J. Rutkowski, Troop No. 400 in Hamburg, for Earning the Rank of Eagle Scout.

Item 29 – MS. DIXON presented a resolution Congratulating Michael J. Raab, Troop No. 400 in Hamburg, for Earning the Rank of Eagle Scout.

Item 30 – MS. DIXON presented a resolution Congratulating Kevin W. Eisenried, Troop No. 400 in Hamburg, for Earning the Rank of Eagle Scout.

MS. WHYTE moved for consideration of the above twenty-six items. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twenty-six items by including Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above twenty-six items as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 31 – MS. WHYTE moved to reconsider Miscellaneous Resolutions. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to include one additional resolution sponsored by herself. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above twenty-seven items as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 32 – CHAIR MILLER-WILLIAMS directed that Local Law No. 1 (Print #1) 2010 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 33 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 34 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 35 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 36 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 37 – MS. BOVE presented the following report, moved to separate item Numbers 2 & 3, and moved to approve the balance of the report. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 58

March 28, 2011	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR HARDWICK.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 4M-12 (2011)  
SENATOR GALLIVAN: “Copy of Letter to Comptroller Concerning Sales & Compensating Use Tax”  
(5-0)
  - b. COMM. 6E-1 (2011)  
COMPTROLLER: “EC Fund Balance & Extension of the One Percent Sales Tax”

(5-0)

- c. COMM. 6E-28 (2011)  
WHYTE: "Letter to ECFA Chairman Concerning a Follow-Up to Meeting with the Legislature's Finance & Management Committee"  
(5-0)
- d. COMM. 6D-2 (2011)  
DIRECTOR OF BUDGET & MANAGEMENT: "Letter Concerning January Budget Monitoring Report"  
(5-0)
- e. COMM. 6D-5 (2011)  
DIRECTOR OF BUDGET & MANAGEMENT: "Copy of EC 2011 Adopted Budget"  
(5-0)
- f. COMM. 7D-1 (2011)  
COMPTROLLER'S OFFICE: "Letter to Commissioner of Personnel Concerning Rate of Pay for the EC Attorney"  
(5-0)
- 2. COMM. 6E-3 (2011)  
COMPTROLLER  
BOND RESOLUTION DATED APRIL 19, 2007.

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2007 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$75,606,700, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$51,471,700 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND THE EXPENDITURE OF \$1,200,000 IN COUNTY CURRENT FUNDS AVAILABLE OR TO BE AVAILABLE, AND AUTHORIZING THE ISSUANCE OF \$22,935,000 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS."

is hereby amended to read as follows:

BOND RESOLUTION DATED \_\_\_\_\_, 2011, AMENDING THE BOND RESOLUTION ADOPTED APRIL 19, 2007.

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2007 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH

PROJECTS IS \$75,856,700, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$51,471,700 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND THE EXPENDITURE OF \$1,200,000 IN COUNTY CURRENT FUNDS AVAILABLE OR TO BE AVAILABLE, AND AUTHORIZING THE ISSUANCE OF \$23,185,000 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.”

Section (B). Row 4 of the schedule attached to Resolution 120-2007 of said County duly adopted by the Legislature on April 19, 2007 is hereby amended to read as follows:

	A	A-1	B	C	D	F	G	
Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference
4	RATH BUILDING LOW RISE ELEVATOR MODERNIZATION	S	750,000	750,000	\$0	10 yrs., par. 13	This project will provide for the refurbishment and modernization of the low-rise passenger elevators and the loading dock freight elevators. Replacement parts are becoming difficult to obtain and downtime has resulted in inadequate services and inefficiency	P. B233 & B236

Section (C). The amendments of the bond resolution set forth in Sections A and B of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

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

3. COMM. 6E-4 (2011)  
COMPTROLLER  
BOND RESOLUTION DATED FEBRUARY 4, 2010.

“BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2010 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$74,629,139, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$29,429,139 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND THE EXPENDITURE OF \$4,200,000 IN COUNTY CURRENT FUNDS AVAILABLE OR TO BE AVAILABLE, AND AUTHORIZING THE ISSUANCE OF \$41,000,000 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.”

is hereby amended to read as follows:

BOND RESOLUTION DATED \_\_\_\_\_, 2011, AMENDING THE  
BOND RESOLUTION ADOPTED FEBRUARY 4, 2010.

“BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2010 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$74,734,139, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$29,429,139 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND THE EXPENDITURE OF \$4,200,000 IN COUNTY CURRENT FUNDS AVAILABLE OR TO BE AVAILABLE, AND AUTHORIZING THE ISSUANCE OF \$41,105,000 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE

**TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.”**

Section (B). Row 24 of the schedule attached to Resolution 25-2010 of said County duly adopted by the Legislature on February 4, 2010 is hereby amended to read as follows:

	A	A-1	B	C	D	F	G	
Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference
24	2010 JAIL MANAGEMENT DIVISION FOOD SERVICE AND EQUIPMENT	S	405,000	405,000	\$0	5 yrs., par. 32	This project will replace the food preparation equipment at the Holding Center and Correctional Facility. Most of the equipment is twenty to thirty years old. The space is insufficient and the equipment is undependable when faced with the demand to produce approximately 4,200 meals daily.	P. B-107, 114, 118 & 119

Section (C). The amendments of the bond resolution set forth in Sections A and B of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

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

**BARBARA MILLER-WILLIAMS**  
**CHAIR**

MS. BOVE moved to approve item Number 2. MS. DIXON seconded.



CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS, MR. WHALEN and MS. WHYTE. NOES: None.  
(AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

MS. BOVE moved to approve item Number 3. MR. MILLS seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS, MR. WHALEN and MS. WHYTE. NOES: None.  
(AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

Item 38 – MS. BOVE presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 59

March 28, 2011	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR WALTER.  
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6E-8 (2011)  
WHYTE: “Copy of Letter from OTB President & CEO Concerning the OTB Consolidation”  
(5-0)
  - b. COMM. 6E-27 (2011)  
WHYTE: “Letter to Chairman of EC Reapportionment Commission Concerning the History of EC Reapportionment Commission”  
(5-0)
  - c. COMM. 6D-1 (2011)  
COUNTY ATTORNEY: “Transmittal of New Claim Against EC”  
(5-0)

- d. COMM. 6M-8 (2011)  
GENESEE COUNTY LEGISLATURE CLERK: "Copy of Resolution Concerning Opposition to the Usurpation of the Assets of the Western Off-Track Betting Corporation"  
(5-0)
- e. COMM. 6M-12 (2011)  
BUFFALO COMMON COUNCIL: "Copy of Resolution Concerning Opposition to the Usurpation of the Assets of the Western Off-Track Betting Corporation"  
(5-0)
- f. COMM. 6M-18 (2011)  
DIRECTOR, WESTERN-REGION OFF-TRACK BETTING CORPORATION: "Copy of Resolution Concerning Opposition to the Usurpation of the Assets of the Western Off-Track Betting Corporation"  
(5-0)
- g. COMM. 6M-19 (2011)  
PRESIDENT & CEO, WESTERN REGION OFF-TRACK BETTING CORPORATION: "Letter to Chair Miller-Williams Concerning Proposed Consolidation of Regional OTB Corporations"  
(5-0)
- h. COMM. 6M-22 (2011)  
STEUBEN COUNTY LEGISLATURE: "Copy of Resolution Opposing State Takeover of WNY Off-Track Betting Corporation"  
(5-0)
- i. COMM. 6M-24 (2011)  
INTERCOUNTY ASSOCIATION OF WNY: "Meeting Schedule for 2011, and Agenda Items for Meeting to be Held 3/18/11"  
(5-0)

**CHRISTINA W. BOVE**  
**CHAIR**

Item 39 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 60

March 29, 2011	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS WALTER & GRANT.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 6M-20 (2011)  
EDEN TOWN CLERK: "Copy of Resolution Opposing Spay/Neuter Surcharges for Altered Dogs"  
(3-0)
2. COMM. 6E-23 (2011)  
COUNTY EXECUTIVE  
WHEREAS, the Office for the Disabled has been conducting a county-wide effort focused on handicapped parking education, advocacy and enforcement; and

WHEREAS, the educational program is designed to promote parking availability for persons with disabilities through the cooperative efforts of the Erie County Office for the Disabled, efforts of law enforcement, other government agencies, the business community, as well as all forms of media, and involves informational and educational components, as well as enforcement efforts designed to increase compliance and cooperation; and

WHEREAS, as specified in the New York State Laws of 1999 of the Vehicle and Traffic Laws, Chapter 497, Article 45 1809-b and 1203-g, every county shall establish a handicapped parking education program for the purpose of providing education, advocacy and increased public awareness of handicapped parking laws; and

WHEREAS, in order to fund educational programs and related initiatives, the statute provides for the imposition of a mandatory surcharge for violations relating to handicapped parking spaces, a portion of which are remitted to the County. These monies must be used to fund handicapped parking education initiatives, training and enforcement programs; and

WHEREAS, the Erie County Office for the Disabled, with approval from the New York State Commission on Quality of Care and Advocacy for Persons with Disabilities, support the transfer of fine revenue to the Erie County Office for Disabled, for the purpose of funding attendance at the 45th National ADA Conference; and

WHEREAS, funds are available in prior year reserves, Account 310030, Reserve-Handicapped Parking Education.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to appropriate funds from Account 310030, Reserve-Handicapped Parking Education, for this educational purpose as follows:

Office for the Disabled  
Fund Center 16100

ACCOUNT	REVENUE	<u>Increase</u>
406890	Handicapped Parking Surcharge	\$3,350.00

ACCOUNT	EXPENSE	<u>Increase</u>
510100	Out of Area Travel	\$1,500.00
510200	Training and Education	<u>\$1,850.00</u>
		\$3,350.00

and be it further

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

(3-0)

**THOMAS J. MAZUR**  
**CHAIR**

Item 40 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 61

March 29, 2011	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KOZUB.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6E-20 (2011)  
COUNTY EXECUTIVE: "ECSM - Engineering Service Agreement"  
(4-0)
  - b. COMM. 6M-4 (2011)  
NYSDEC: "Fact Sheet: Cleanup Action to Begin at Polymer Applications Site - Town of Tonawanda"  
(4-0)
2. COMM. 6E-11 (2011)  
COUNTY EXECUTIVE  
WHEREAS, the Department of Parks, Recreation and Forestry is responsible for identifying and funding necessary capital projects at Chestnut Ridge Park; and

WHEREAS, the Chestnut Ridge Conservancy (CRC), a 501 c 3 corporation, wishes to contribute to the success of Chestnut Ridge Park; and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry and the CRC have agreed on a scope for the involvement of the CRC at Chestnut Ridge Park; and

WHEREAS, the taxpayers of Erie County will have a direct benefit of any help that the CRC can supply to Chestnut Ridge Park.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby authorizes the Commissioner of the Erie County Department of Parks, Recreation and Forestry and the County Executive to enter into an agreement (attached) with the Chestnut Ridge Conservancy; and be it further

RESOLVED, that certified copies of this resolution be delivered to the County Executive, the County Comptroller, the County Attorney, the Director of Budget and Management and to the Commissioner of the Department of Parks, Recreation and Forestry.  
(4-0)

3. COMM. 6E-16 (2011)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, provides financial aid for stormwater compliance assistance projects; and

WHEREAS, the State of New York, through its Department of Environmental Conservation, granted Erie County \$1,055,969 to commence the WNY Stormwater Coalition: MS4 Mapping Project; and

WHEREAS, the local match will be provided by Erie County DEP staff and the Western New York Stormwater Coalition membership in in-kind services; and

WHEREAS, it is necessary that a contract by and between the people of the State of New York, herein called the "State", and Erie County be executed for such State aid; and

WHEREAS, the County of Erie herein called the "Municipality," after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project," is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the New York State Department of Environmental Conservation to accept and implement the WNY Stormwater Coalition: MS4 Mapping Project in an amount not to exceed \$1,055,969 in grant resources; and be it further

RESOLVED, that Chris Collins, County Executive, or such person's successor in office, is the representative authorized to act on behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance; and be it further

RESOLVED, that the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and be it further

RESOLVED, that this Resolution take effect immediately; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the County Comptroller; the Commissioner of the Department of Environment and Planning; the Director of the Division of Budget and Management; and the County Attorney.  
(4-0)

4. COMM. 6E-18 (2011)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to private businesses to assist them in identifying ways to reduce waste and save money; and

WHEREAS, the New York State Department of Economic Development (NYSDER) granted Erie County \$230,501 to coordinate a Pollution Prevention, Reuse and Recycling Technical Assistance Program (P2R2TAP) for businesses in the seven Western New York counties; and

WHEREAS, as part of the P2R2TAP grant SAP# (162PP\_ASSIST0709) work plan and contract with the NYSDER, it is necessary for Erie County to enter into an agreement with API Heat Transfer, Inc., an identified project partner for up to \$30,000; and

WHEREAS, API Heat Transfer, Inc. will be required to work in accordance with a work plan approved by DEP and provide a 100 percent match.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with API Heat Transfer, Inc. for an amount not to exceed \$30,000 to conduct an engineering feasibility study; and be it further

RESOLVED, that this Resolution take effect immediately; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the County Comptroller; the Commissioner of the Department of Environment and Planning; the Director of the Division of Budget and Management; and the County Attorney.  
(4-0)

**THOMAS J. MAZUR**  
**CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 41 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 62

RE: Expressing Support for the City of  
Buffalo Providing Funding to Cultural  
Groups in the City of Buffalo  
(INTRO 8-1)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, since Erie County has been unwilling to provide vital funding for several small and medium sized cultural groups located in the City of Buffalo despite the efforts of the Democratic Majority in the Erie County legislature; and

WHEREAS, since 2000 the City of Buffalo has not provided support to cultural groups located in the City of Buffalo; and

WHEREAS, since the City of Buffalo now finds itself with a surplus of revenue thus providing an opportunity to fill the void created by the County's failure to fund certain cultural organizations; and

WHEREAS, the Common Council of the City of Buffalo has recently approved a one-time expenditure of \$300,000.00 to be spread among approximately 30 cultural organizations located in the City of Buffalo; and

WHEREAS, it is appropriate that both the public and private sector work in a harmonious manner to ensure that our cultural agencies are adequately funded.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does commend the Common Council of the City of Buffalo for its recent action in providing funding for cultural agencies located in the City of Buffalo and encourages the Mayor to ratify this expenditure as soon as possible; and be it further

RESOLVED, that the Erie County Legislature encourages continued dialogue between both the public and private sectors as we seek a long-term solution with respect to the funding of cultural organizations in Erie County; and be it further

RESOLVED, that certified copies of this resolution be sent to the Mayor of the City of Buffalo, the Common Council of the City of Buffalo and Mr. Randall Kramer of the Greater Buffalo Cultural Alliance.

MS. WHYTE moved to amend the resolution by adding Et Al Sponsorship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 42 – CHAIR MILLER-WILLIAMS directed that the following resolution be Received & Filed.

GRANTED.

INTRO 8-2 from MILLER-WILLIAMS, BOVE & WHALEN. Establish a Salary for the County Attorney.

Item 43 – MS. BOVE presented the following resolution and moved for immediate consideration. MR. WHALEN seconded.

CARRIED UNANIMOUSLY.

RE: Home Rule Request to the WNY  
Delegation of the NYS Legislature  
(INTRO 8-3)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR BOVE**

WHEREAS, the County of Erie has two individuals employed by the County of Erie and the Erie County Sheriff as Deputy Sheriffs in the Criminal Division; and

WHEREAS, both the employees were precluded from electing membership in the twenty-year retirement plan pursuant to Article 14-b of the New York State Retirement and Social Security Law (“RSSL”), sections 552 and 553 because they failed to receive notification of their eligibility to elect the twenty-year retirement plan until after their enrollment period had closed; and

WHEREAS, the State Retirement System has advised that in order to re-open the enrollment period to allow the two adversely impacted employees to elect the twenty-year plan, a bill would



need to be introduced in the Erie County Legislature, New York Assembly and New York Senate to allow for the re-opening of the enrollment period to allow Deputy Thomas Van Wie and Deputy Karen Ott-Kelly to elect the twenty-year retirement plan; and

WHEREAS, on March 21, 2011 Senate Bill S4163 was introduced in the New York State Senate to re-open the enrollment period to allow the two adversely impacted employees to elect the twenty-year plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the members of the New York State Senate and the New York Assembly who comprise the Western New York Delegation sponsor and introduce a bill to the collective membership of the Assembly and the Senate which would allow for the re-opening of the enrollment period to allow Deputy Thomas Van Wie and Deputy Karen Ott-Kelly to elect the twenty-year retirement plan; and be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation; the County Executive; the Sheriff; the Commissioner of Personnel and the Erie County Sheriff's Police Benevolent Association, Inc.

MS. BOVE moved to amend the resolution by adding CHAIR MILLER-WILLIAMS, MR. MILLS, MR. KOZUB, MR. WHALEN, MR. FUDOLI, MR. HARDWICK, MS. DIXON and MR. RATH as Co-Sponsors. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MS. BOVE moved to approve the resolution as amended. MR. MILLS seconded.

MR. WALTER moved to send the resolution to committee for further consideration. MS. MARINELLI seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. RATH, MR. WALTER, MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. NOES: MR. MILLS, MS. BOVE, CHAIR MILLER-WILLIAMS and MR. WHALEN. (AYES: 11; NOES: 4)

CARRIED.

CHAIR MILLER-WILLIAMS directed that the resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 44 – MR. HARDWICK presented the following resolution and moved for immediate consideration. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 63

RE: Supporting NYS Senate Bills S. 3900 & S. 3901 & Assembly Bills A. 6617 & A. 6285, Regulating Protests at Funerals (INTRO 8-4)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS HARDWICK, MILLS & DIXON**

WHEREAS, protestors have recently demonstrated at funerals of deceased military members, protesting military policies made by the Congress and President of the United States; and

WHEREAS, these protests are extremely hurtful to mourners and have the potential to create confrontational and violent situations; and

WHEREAS, such confrontational situations are a public safety hazard; and

WHEREAS, New York State Senate Bill S. 3901 and Assembly Bill A. 6295 establish regulations for protests at military funerals; and

WHEREAS, these regulations recognize free speech rights but also takes steps, including a buffer zone, in order to address public safety concerns; and

WHEREAS, New York State Senate Bill S. 3900 and Assembly Bill A. 6617 direct that the public be informed regarding regulations for protesting at military funerals, as well as amend New York State Penal Law §240.70, Criminal interference with health care services or religious worship in the second degree, and §240.71, Criminal interference with health care services or religious worship in the first degree, to include funeral services; and

WHEREAS, implementing these laws would allow protesters freedom of speech and permit families to mourn the loss of a loved one without unreasonable proximate hostility.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record in support of New York State Senate Bills S. 3900 and S. 3901 and Assembly Bills A. 6617 and A. 6285, regulating protests at funerals; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Andrew Cuomo, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver and the local delegation to the New York State Legislature.

MR. HARDWICK moved to amend the resolution by adding MR. KOZUB, MR. WHALEN, MS. GRANT, MS. BOVE and MR. RATH as Co-Sponsors. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

MR. HARDWICK moved to approve the resolution as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 45 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64

RE: Standard Work Day for Retirement  
Reporting Purposes - Filling of Vacancy  
(INTRO 8-5)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, the New York State and Local Employees' Retirement System requires that a standard work day be established for retirement credit purposes; and

WHEREAS, with the filling of a vacancy in the Erie County Legislature at the end of 2010, legislative action is required in order to meet requirements established by the NYS Comptroller's Office pursuant to Section 315.4 of the New York State and Local Employees' Retirement System.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby establishes the following as the standard work day for Erie County Legislator Timothy J. Whalen, appointed on December 14, 2010 to fill the unexpired term in the Legislature's 2<sup>nd</sup> District, and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by Legislator Whalen to the Clerk of the Legislature:

<u>Title</u>	<u>Name</u>	<u>Standard Work Day</u>	<u>Term Begins/Ends</u>	<u>Participates in Employer's Record Time Keeping System</u>	<u>Days/ Month (Based on of Activities)</u>
Legislator	Timothy J. Whalen	6	12/14/2010 – 12/31/2011	N	21.89

and be it further

RESOLVED, that a certified copy of this resolution be posted on the Legislature's website pursuant to rules promulgated by the New York State Comptroller, and a copy shall be transmitted by the Clerk of the Legislature to the Erie County Commissioner of Personnel and the State Comptroller.

Item 46 – MR. MILLS presented the following resolution and moved for immediate consideration and approval. MR. FUDOLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

RE: Orchard Park Conservation Easement  
"Add Back"  
(INTRO 8-6)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR MILLS**

WHEREAS, the Erie County Legislature adopted Local Law 1-2011 in accordance with Real Property Tax Law Section 491, authorizing the Town of Orchard Park to adopt a Local Law to create and implement Conservation Easement Agreement exemptions in order to promote open space in the Town; and

WHEREAS, said Local Law 1-2011 does not contain a mandatory provision requiring the County to "add back" the amount of the partial exemption; and

WHEREAS, as such, the Local Law was vetoed, necessitating the law to be resubmitted and passage of the present resolution to satisfy the intent of the Local Law; and

WHEREAS, Real Property Tax Law Section 844(1)(b)(ii) allows a County by resolution to adopt an "add back" provision for partial exemptions.

NOW, THEREFORE, BE IT

RESOLVED, pursuant to Real Property Tax Law Section 844(1)(b)(ii), the County does hereby adopt an "add back" provision for partial exemptions in regard to property exemptions granted by Local Law 1-2011, or any subsequent Local Law addressing the topic, authorizing the Town of Orchard Park to adopt a Local Law to create and implement Conservation Easement Agreement exemptions, pursuant to Real Property Tax Law Section 491; and be it further

RESOLVED, a copy of this resolution shall be sent to Joseph L. Maciejewski, Director of Erie County Real Property Services and to the Town Board of the Town of Orchard Park.

Item 47 – MS. DIXON presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

RE: Transfer of Surplus Property to the  
Town of Boston  
(INTRO 8-7)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR DIXON**

WHEREAS, Earlier this month the Town of Boston approached Erie County to ask for assistance in furnishing the town's new Recreation Center; and

WHEREAS, Supervisor Martin A. Ballowe indicated the need for a TV, DVD Player, computers and furniture; and

WHEREAS, the Town of Boston contacted my office to ask for a resolution supporting the transfer of ownership of two computers from Erie County to the Town of Boston; and

WHEREAS, because these items no longer serve a purpose for the County of Erie, I was pleased to sponsor this resolution to transfer the following items to the Town of Boston.

NOW, THEREFORE, BE IT

RESOLVED, that ownership of two laptop computers is hereby transferred from the County of Erie to the Town of Boston for the purpose of furnishing their new Recreation Center; and be it further

RESOLVED, that none of these items are to be used for a purpose other than furnishing the Town of Boston Recreation Center; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Purchase, the County Executive's Representative for Intergovernmental Affairs, and the Town of Boston Supervisor.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 48 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 7E-7 (2011). MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 67

RE: Rodent Control Program - EC Health  
Department  
(COMM. 7E-7, 2011)

WHEREAS, rodent control is an ongoing concern for certain municipalities within Erie County; and

WHEREAS, County rodent control programs are being transitioned to town and village programs; and

WHEREAS, Erie County seeks as to assist towns and villages with this transition; and

WHEREAS, funds are not currently available in the 2011 Budget for a rodent control program; and

WHEREAS, Erie County received Federal Medicaid assistance funds (FMAP) beyond anticipated amounts for 2010.

NOW, THEREFORE, BE IT

RESOLVED, that an increase in the 2010 budget is hereby authorized for the purpose of assisting the towns and villages in implementing rodent control programs, as follows:

Revenue	
Fund Center 120 Social Services	
Account 414030 – Federal Medical Assistance Percentage (FMAP)	\$70,000
Expense	
Fund Center 12730 Public Health Laboratory	
Account 505800 – Medical and Health Supplies	\$70,000

and be it further

RESOLVED, that authorization is hereby provided to reappropriate said funds from the 2010 budget into 2011 within the Health Department; and be it further

RESOLVED, that if Federal and/or State regulations require that the towns and villages make the purchases necessary for these programs the County Executive is hereby authorized to enter into any necessary agreements to accomplish this; and be it further

RESOLVED, that the Budget Director is hereby authorized to make any necessary budget changes to implement the above in the 2010 and 2011 budgets; and be it further

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

MR. LOUGHRAN moved to amend the item. MS. MARINELLI seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. GRANT, MR. LOUGHRAN, MS. MARINELLI and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KOZUB, MR. MAZUR, CHAIR MILLER-WILLIAMS and MR. WHALEN. (AYES: 4; NOES: 11)

FAILED.

MR. HARDWICK moved to amend the item. MR. MILLS seconded. MR. MAZUR voted in the negative.

CARRIED. (14-1)

Delete the First Resolved Clause in Its Entirety and Replace with the Following:

RESOLVED, that an increase in the 2010 budget is hereby authorized for the purpose of assisting municipalities in implementing rodent control programs, as follows:

Revenue	
Fund Center 120 Social Services	
Account 414030 – Federal Medical Assistance Percentage (FMAP)	\$70,000
Expense	
Fund Center 12730 Public Health Laboratory	
Account 505800 – Medical and Health Supplies	\$70,000

and be it further

MS. MARINELLI moved to approve the item as amended. MS. BOVE seconded. MR. MAZUR voted in the negative.

CARRIED. (14-1)

### **SUSPENSION OF THE RULES**

Item 49 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 8E-22 from LEGISLATOR RATH Re: Letter to NYS Assembly Member Peoples-Stokes Concerning ECC North Campus Center for Excellence Project

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

#### **FROM THE COUNTY EXECUTIVE**

Item 50 – (COMM. 8E-1) 2010 Year-End Designations

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

#### **FROM THE COMPTROLLER**

Item 51 – (COMM. 8E-2) Copy of Apportionment & Distribution of Net Collection from the 4.75% Sales & Compensating Use Tax for EC for the Months of 12/2010, 1/2011 & 2/2011, as Received from the State of NY

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR WHYTE

Item 52 – (COMM. 8E-3) Copy of Buffalo Central Terminal Master Plan 2011

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 53 – (COMM. 8E-4) Letter to Clerk of Public Safety Concerning Toolkit for Jail Reentry

Item 54 – (COMM. 8E-5) Letter to Community Corrections Advisory Board Concerning Toolkit for Jail Reentry

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

FROM THE DISTRICT ATTORNEY

Item 55 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 68

RE: M/C Extended Sick Leave Exemption  
(COMM. 8E-6)

WHEREAS, through a previously approved resolution Comm. (23E-8 [2005]), the Erie County Legislature approved the removal of Extended Sick Leave for Managerial Confidential employees; and

WHEREAS, the Extended Sick Leave policy was established for employees who completed continuous years of service and could be eligible to receive additional sick leave with pay as recommended by the employees' Department Head; and

WHEREAS, under the Extended Sick Leave policy, an said employee shall be eligible for the additional period of sick leave granted in accordance with the extended sick leave provision until the levels of sick leave they are entitled to are exhausted; and

WHEREAS, the District Attorney has a Managerial Confidential employee who is out on sick leave and will exhaust all of her accrued sick and other available leave time and is not yet ready to return to work; and

WHEREAS, the monies have been appropriated for 2011 for this employee's salary and the District Attorney does not intend to under-fill this position; and

WHEREAS, the District Attorney has good knowledge that the employee's prognosis is good and is expected to return to full time employment; and



NOW, THEREFORE, BE IT

RESOLVED, that the Personnel Department and the Budget Office is hereby authorized to grant a one-time exemption Comm. (23E-8 [2005]), allowing a Managerial Confidential employee of the District Attorney's Office extended sick leave; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County District Attorney, Erie County Comptroller, Erie County Personnel and the Director of Budget and Management.

Item 56 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69

RE: Asset Forfeiture Appropriations  
(COMM. 8E-7)

WHEREAS, the Erie County District Attorney's Office would like to purchase a Live Scan fingerprinting station to allow for quicker and more efficient processing of arrests made directly by our Office; and

WHEREAS, the District Attorney's Office needs to upgrade IRis, their victim service and referral software from version 2.3 to Version 4 to provide better services to those victims of crime; and

WHEREAS, the source of funds for the above mentioned items will be paid from the District Attorney's asset forfeiture proceeds, and it is necessary to transfer funds from the Erie County District Attorney's Asset Forfeiture Trust Fund prior to their being expended.

NOW, THEREFORE, BE IT

RESOLVED, that \$ 35,000 in available balances in the Erie County District Attorney's Assets Forfeiture Trust Fund are hereby transferred to the District Attorney's Assets Forfeiture Program, Funded Program "SAFDA"; and be it further

RESOLVED, that the following appropriations are hereby authorized:

DISTRICT ATTORNEY ASSET FORFEITURE PROGRAM  
BUSINESS AREA: 114  
COST CENTER: 1140010  
FUNDED PROGRAM /WBS ELEMENT: SAFDA

<u>Revenue</u>	
421550 Forfeiture Crime Proceeds	<u>\$ 35,000</u>
Total Revenue	<u>\$ 35,000</u>

<u>Appropriation</u>	
561410 Lab & Technical Equipment	<u>\$ 35,000</u>
Total Appropriations	<u>\$ 35,000</u>

and be it further

RESOLVED, that the Director of Budget and Finance is hereby authorized to adjust SAFDA budgets as necessary during the year in order for the District Attorney's Office to enhance its investigative, surveillance and prosecutorial efforts, as the forfeiture regulations dictate; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller and the Director of Budget and Management.

FROM THE COMPTROLLER

Item 57 – (COMM. 8E-8) 2011 Consolidated Bond Resolution

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 58 – (COMM. 8E-9) Ontario Street Boat Launch/Black Rock Canal Park - Multi-Modal Funding Agreement

Item 59 – (COMM. 8E-10) Federal-Aid Highway & Marchiselli-Aid Local Project Agreement with NYSDOT & Contract for Engineering Design Services for the Reconstruction of Savage Road Bridge over Dry Creek - Town of Sardinia

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

Item 60 – (COMM. 8E-11) DISS - Transfer of Funds - SAP Consultant Services

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 61 – (COMM. 8E-12) Department of Health - Division of the Medical Examiner - Establishment of a Variable Minimum

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 62 – (COMM. 8E-13) Appointment to the EC Fisheries Advisory Board for the Term Ending 12/31/2011

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 63 – (COMM. 8E-14) Appointments to the EC Council on the Disabled for the Terms Ending 12/31/2012

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 64 – (COMM. 8E-15) Right-of-Way Acquisition - Harris Hill Road Intersections at Wehrle Drive & Pleasant View Drive - Towns of Clarence & Lancaster

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 65 – (COMM. 8E-16) Chestnut Ridge Park Casino Building - Heating System Renovation Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 66 – (COMM. 8E-17) Grant Programs - Authorization to Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 67 – (COMM. 8E-18) Authorization to Hold a Public Auction for Sale of County Owned Real Estate

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 68 – (COMM. 8E-19) ECSD No. 6 - Bethlehem Steel - Property Assessment Lawsuit Settlement

Item 69 – (COMM. 8E-20) ECSD No. 1, 4 & 5 - Engineering Term Agreement - LiRo Engineers, Inc.

Item 70 – (COMM. 8E-21) FEMA - Geotechnical Engineering Services Project on Zoar Valley Road - Town of Concord

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

### **COMMUNICATIONS FROM THE DEPARTMENTS**

#### **FROM THE COUNTY ATTORNEY**

Item 71 – (COMM. 8D-1) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

#### **FROM THE COMPTROLLER'S OFFICE**

Item 72 – (COMM. 8D-2) Copy of Letter Concerning Waste, Fraud & Abuse Tip Line Communication

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 73 – (COMM. 8D-3) Review of EC Six Sigma Program

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 74 – (COMM. 8D-4) Copy of February Budget Monitoring Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 75 – (COMM. 8D-5) Transmittal of New Claim Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE BOARD OF ELECTIONS**

Item 76 – (COMM. 8D-6) Letter to Legislature Concerning Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE EC MEDICAL DIRECTOR**

Item 77 – (COMM. 8D-7) Minutes of Meeting Held 1/13/2011 & Agenda for a Meeting to be Held 4/28/2011

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM LAVONNE E. ANSARI, PH.D.**

Item 78 – (COMM. 8M-1) Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE CONCORD TOWN BOARD**

Item 79 – (COMM. 8M-2) Copy of Resolution Concerning Opposing Dog License Surcharge of \$1.00 for Spayed/Neutered Dogs

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE AMHERST TOWN BOARD**

Item 80 – (COMM. 8M-3) Copy of Resolution Concerning Appointments of Commissioners of the EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE FULTON COUNTY LEGISLATURE**

Item 81 – (COMM. 8M-4) Copy of Resolution Urging Governor Cuomo to Reject the 2011 NYS Mandate Relief Redesign Team Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM ECMCC**

Item 82 – (COMM. 8M-5) Copy of Annual Report (2010)

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE NFTA**

Item 83 – (COMM. 8M-6) Minutes of Meeting Held 2/28/2011

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE BUFFALO NIAGARA  
CONVENTION & VISITORS BUREAU**

Item 84 – (COMM. 8M-7) Letter of Response to Comptroller's Audit of Buffalo Niagara Convention & Visitors Bureau

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE RICHARDSON CENTER CORPORATION**

Item 85 – (COMM. 8M-8) Copy of Final Generic Environmental Impact Statement for Richardson Olmsted Complex Civic & Land Use Improvement Project

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM SOPHIE I. FEAL**

Item 86 – (COMM. 8M-9) Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM ROBERT J. REDEN**

Item 87 – (COMM. 8M-10) Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM KENNETH COLON**

Item 88 – (COMM. 8M-11) Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE NFTA**

Item 89 – (COMM. 8M-12) Copy of Five Year Capital Plan & Annual Operating Budget for Fiscal Year Ending 2012

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE DEPUTY NYS COMPTROLLER**

Item 90 – (COMM. 8M-13) Letter to Majority Leader Whyte Concerning Report Entitled "Federal Stimulus Program - Claims Processing Procedures in the Western Region of NYS"

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE BLACK LEADERSHIP FORUM**

Item 91 – (COMM. 8M-14) Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM SENATOR GALLIVAN**

Item 92 – (COMM. 8M-15) Letter to Legislature Concerning the Receipt of Resolution Dated 3/17/2011 Opposing State Consolidation of Regional Off Track Betting Corporations

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM RICHARD L. TACZKOWSKI**

Item 93 – (COMM. 8M-16) Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE ECIDA**

Item 94 – (COMM. 8M-17) Copy of 2010 Annual Audited Financial Statements & Management Letter & 2010 Public Authorities Report

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NFTA**

Item 95 – (COMM. 8M-18) Copy of Revised Five Year Capital Plan & Annual Operating Budget for Fiscal Year Ending 2012

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE ORLEANS COUNTY LEGISLATURE**

Item 96 – (COMM. 8M-19) Copy of Letter to Senator Schumer Asking for Support on House Bill H.R. 104 & Senate Bill S. 412, thus Providing Continuing Maintenance of Our Small Federal Harbors Throughout the Great Lakes

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM KENNETH E. MROZIK**

Item 97 – (COMM. 8M-20) Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

**ANNOUNCEMENTS**

Item 98 – CHAIR MILLER-WILLIAMS announced that the committee schedule has been distributed.

**MEMORIAL RESOLUTIONS**

Item 99 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of World War II Veteran Joseph Genco.

Item 100 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of David R. Hodges, Stuart Z. Becker, Thomas P. Collins, David John Wozniak, Milton A. Dexheimer, Mary Clair Hall, Trooper Kevin P. Dobson and James Herz.

Item 101 – Legislator Kozub requested that when the Legislature adjourns, it also do so in memory of Martin E. Toth; and with this year being the 150<sup>th</sup> anniversary of the Civil War, in

memory of all those who lost their lives in the war; and in memory of boxer Joe Louis, who died April 12, 1981.

Item 102 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Booth Mashi.

Item 103 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Gail G. (Goldenbaum) Zsebehazy.

### **ADJOURNMENT**

Item 104 - At this time, there being no further business to transact, CHAIR MILLER-WILLIAMS announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, April 28, 2011 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, April 28, 2011 at 2:00 p.m. Eastern Standard Time.

**ROBERT M. GRABER**  
**CLERK OF THE LEGISLATURE**