



# THE ERIE COUNTY LEGISLATURE

Session No. 5

March 12, 2009

Lynn M. Marinelli  
*Chair*

Maria R. Whyte  
*Majority Leader*

John J. Mills  
*Minority Leader*

Robert M. Graber  
*Clerk of the Legislature*

## ROLL CALL

## INVOCATION – Mr. Wroblewski

## PLEDGE OF ALLEGIANCE – Ms. Iannello

## TABLED ITEMS

## ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

## MINUTES OF PREVIOUS MEETING

## PUBLIC HEARING

## MISCELLANEOUS RESOLUTIONS:

MILLS, RATH & WALTER	Congratulating Erie County Department of Public Works Commissioner Jerry Sentz on Being Named the Erie/Niagara Chapter of the NYS Society of Professional Engineers 2009 Engineering Manager of the Year
GRANT	In Memory of Loretta L. Renford
WHYTE	Honoring Legislator Michele M. Iannello Upon Completion of Studies at the Dennis A. Pelletier County Government Institute and Cornell University
MARINELLI	Celebrating the 75th Anniversary of Buffalo Amherst Business and Professional Women (BPW)
MAZUR	Congratulating Sister Mary Stanisla Mendel on Her 100th Birthday
MARINELLI	March is Women's History Month
MARINELLI	Congratulating Maria Whyte on Receiving the 2008 Civic Recognition Award of the Forest District Civic Association
MARINELLI & WHYTE	Congratulating Paul Indelicato on Receiving the 2008 Service to Community Award of the Forest District Civic Association
MARINELLI & WHYTE	Congratulating Tim Lyman on Receiving a 2008 Grant-Amherst Business Association Award
MARINELLI & WHYTE	Congratulating Lou Ruszczyk on Receiving a 2008 Grant-Amherst Business Association Award
MARINELLI & WHYTE	Congratulating Doreen DeBooth on Receiving a 2008 Grant-Amherst Business Association Award

MARINELLI & WHYTE	Congratulating Roman Zabinski on Receiving a 2008 Grant-Amherst Business Association Award
MARINELLI & WHYTE	Congratulating Tovie L. Asarese on Receiving a 2008 West Side Business & Taxpayers’ Association Community Service Award
MARINELLI & WHYTE	Congratulating Judith S. Einach on Receiving a 2008 West Side Business & Taxpayers’ Association Work Horse Award
IANNELLO	Honoring the Memory of Robert J. Lask
IANNELLO	Congratulating Zachary Stephen Adams for attaining the Rank of Eagle Scout
IANNELLO	Honoring the Memory of Angeline Castiglione
IANNELLO	Honoring the Memory John R. Hughes
IANNELLO	Congratulating Dr. Andrew Harbison for Being Named a Distinguished Alumnus of Grand Island High School
IANNELLO	Congratulating Major Kevin “Buzz” Erker for Being Named a Distinguished Alumnus of Grand Island High School
IANNELLO	Congratulating James P. Kennedy, Jr. for Being Named a Distinguished Alumnus of Grand Island High School
WHYTE	Welcoming Father Roy Bourgeois to Buffalo
MILLS	Honoring Dave Brogan for His Role in UB Football History
WALTER	Honoring Richard E. Forrestel on Receiving the Lincoln Leadership Award from the Newstead Republican Committee
IANNELLO, MARINELLI, WHYTE, KOZUB, KENNEDY, MILLER-WILLIAMS, MAZUR, GRANT, REYNOLDS & LOUGHRAN	Recognizing Kathy Callan for Her Distinguished Service to the Erie County Democratic Committee
IANNELLO	Congratulating Lil Carpenter on Her 101 <sup>st</sup> Birthday

<u><b>LOCAL LAWS:</b></u>		<u><b>REFERENCE:</b></u>	
LL INT. 2-1 3/18/2008	RANZENHOFER, MILLS & RATH	A LL Requiring Businesses to Verify that Employees are Legally Eligible to be Employed in the US and Erie County	Economic Development
LL INT. 3-2 4/4/2008	IANNELLO, KONST, REYNOLDS, MILLS, GRANT & LOUGHRAN	Tax Payer Protection Law	Government Affairs
LL INT. 5-1 6/10/2008	MILLS	A LL to Change the Name of the Department of Environment and Planning to the Department of Economic Development, Environment and Planning and Update Position Titles	Energy & Environment

LL INT. 8-1 11/21/2008	KENNEDY, WHYTE, REYNOLDS, KOZUB, LOUGHRAN, IANNELLO, MILLER-WILLIAMS & GRANT	A LL to Strengthen and Encourage Lowest Responsible Bidder Requirements for Erie County Contracts	Economic Development
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**COMMITTEE REPORTS:**

REPORT NO. 4 FINANCE & MANAGEMENT COMMITTEE

REPORT NO. 3 HEALTH & HUMAN SERVICES COMMITTEE

REPORT NO. 3 ECONOMIC DEVELOPMENT COMMITTEE

REPORT NO. 3 PUBLIC SAFETY COMMITTEE

REPORT NO. 3 COMMUNITY ENRICHMENT COMMITTEE

REPORT NO. 3 ENERGY & ENVIRONMENT COMMITTEE

**LEGISLATOR RESOLUTIONS:** **REFERENCE:**

INTRO 5-1	MARINELLI & WHYTE	Legislature Personnel Adjustment, District Office Staff, 6th District
INTRO 5-2	MAZUR	Determining the Public Health and Safety Impact of Tethering Dogs for Excessive Amounts of Time
INTRO 5-3	MILLS & REYNOLDS	Re-Appointments to the Erie County Soil and Water Conservation District Board of Directors
INTRO 5-4	MARINELLI, KONST, WHYTE, REYNOLDS, GRANT, MILLER- WILLIAMS, MAZUR & WROBLEWSKI	2009 Capital Borrowing
INTRO 5-5	MILLS, MARINELLI & WALTER	Opposing Taxation of Participatory Sports
INTRO 5-6	WHYTE, REYNOLDS, KENNEDY, MARINELLI, MILLER-WILLIAMS & IANNELLO	Employee Free Choice Act

INTRO 5-7	IANNELLO, WHYTE, KOZUB, REYNOLDS, MARINELLI, MILLER- WILLIAMS, GRANT & WROBLEWSKI	Spending of Federal Economic Renewal Grants to Purchase American Made Products and Services in Erie County
INTRO 5-8	RATH, MILLS, MARINELLI, WALTER, MILLER-WILLIAMS, GRANT & IANNELLO	Urging Passage of “Jilly’s Law”
INTRO 5-9	MARINELLI, MAZUR, WHYTE, MILLER- WILLIAMS, GRANT, IANNELLO, REYNOLDS & LOUGHRAN	Urging NYS to Reform Third Party Billing and County Reimbursement for the Early Intervention Program
INTRO 5-10	MARINELLI, WHYTE, MILLS, MILLER- WILLIAMS, GRANT, WALTER, MAZUR, IANNELLO, REYNOLDS & LOUGHRAN	Urging NYS to Support the General Public Health Works Program for Local Public Health Initiatives, as Well as Medical Examiners and EMS
INTRO 5-11	WROBLEWSKI	Support for Amanda’s Law
INTRO 5-12	MARINELLI, KENNEDY, MILLS, MILLER- WILLIAMS, WALTER & GRANT	Calling for the Re-Authorization of Authority Granted Countywide Industrial Development Agency Financing of Civic Facilities
INTRO 5-13	MARINELLI, KENNEDY, WHYTE, MILLS, MILLER- WILLIAMS, WALTER, GRANT, WROBLEWSKI, IANNELLO, REYNOLDS & LOUGHRAN	Urging the Governor and the NYS Legislature to Restore Local Transportation Funding
INTRO 5-14	KENNEDY	Placing High-Speed Rail on the Fast Track for Federal Stimulus Funding
INTRO 5-15	MILLS, RATH & WALTER	Requesting NYS Reimbursement Through SEMO
INTRO 5-16	MARINELLI, WROBLEWSKI, WHYTE, MILLS, MILLER- WILLIAMS, WALTER, KONST, GRANT, REYNOLDS & LOUGHRAN	Urging the State Legislature and the Governor to Relieve Counties from the Staggering Expenses Associated with Housing Parole Violators in County Jails
INTRO 5-17	MARINELLI, MILLS, MILLER-WILLIAMS, WALTER, GRANT, REYNOLDS & LOUGHRAN	Supporting Governor Paterson’s Proposal to Reform the Indigent Legal Services Fund Maintenance of Effort Provision Affecting Counties

**COMMUNICATIONS DISCHARGED FROM COMMITTEE:**

**SUSPENSION OF THE RULES:**

**COMMUNICATIONS FROM ELECTED OFFICIALS:** **REFERENCE:**

COMM. 5E-1	MARINELLI	Federal Stimulus Dollars Disbursement	Economic Development
COMM. 5E-2	MILLER-WILLIAMS	Notification of Absence for Committee Meetings, 3/5/09, Due to Military Duty	R&F
COMM. 5E-3	MARINELLI, WHYTE & KOZUB	Copy of Letter to County Executive & Buffalo Mayor Concerning Intermunicipal Parks Agreement	Energy & Environment
COMM. 5E-4	IANNELLO	Lease for Legislative Office Space	
COMM. 5E-5	KONST	Notification of Absence for Committee Meetings, 3/5/09	R&F
COMM. 5E-6	IANNELLO	Letter to Commissioner of Environment & Planning Concerning Tonawanda Coke Plant	Health & Human Services

COMM. 5E-7	COMPTROLLER	Results of Erie County Comptroller's Office Tip Line Investigation	Energy & Environment
COMM. 5E-8	DISTRICT ATTORNEY	District Attorney's Office Restructure	
COMM. 5E-9	COUNTY EXECUTIVE	ECSD No. 2 - Pumping Station Modifications Project - Contract Close Out - Kandey Company, Inc.	Energy & Environment
COMM. 5E-10	COUNTY EXECUTIVE	Revise III-C-1 Nutrition Grant	Health & Human Services
COMM. 5E-11	COUNTY EXECUTIVE	Appointments to the Erie County Environmental Management Council	Energy & Environment
COMM. 5E-12	COUNTY EXECUTIVE	Appointment to the Erie County Board of Health	Health & Human Services
COMM. 5E-13	COUNTY EXECUTIVE	Appointment to the Erie County Medical Center Corporation Board of Directors	Health & Human Services
COMM. 5E-14	COUNTY EXECUTIVE	ECSD Nos. 1, 4 & 5 - Pumping Station Generator Replacement/Office General Installation - Contract Close-Out - Frey Electric Construction Company	Energy & Environment
COMM. 5E-15	COUNTY EXECUTIVE	Rules & Regulations for Erie County Sewer Districts	Energy & Environment
COMM. 5E-16	COUNTY EXECUTIVE	ECSD No. 2 - Pumping Modifications Project - Contract Close Out - O'Connell Electric Company	Energy & Environment
COMM. 5E-17	COUNTY EXECUTIVE	ECSD No. 4 - Professional Services Agreement, Overflow Retention Facility Upgrades - Change Order No. 1	Energy & Environment
COMM. 5E-18	COUNTY EXECUTIVE	Revise Van Sponsorship Fees	Government Affairs
COMM. 5E-19	COUNTY EXECUTIVE	Right-of-Way Acquisition - Reconstruction of Seneca St. Bridge - West Seneca	Economic Development
COMM. 5E-20	COUNTY EXECUTIVE	Sale of County Owned Inventory - Buell St. & Cummings Rd., Newstead	Government Affairs
COMM. 5E-21	COUNTY EXECUTIVE	Request to Receive Funds from Cattaraugus County - Emergency Logjam Removal by Dept. of Public Works	Economic Development
COMM. 5E-22	COUNTY EXECUTIVE	Erie County Clean School Bus Initiative Phase 3	Energy & Environment
COMM. 5E-23	COUNTY EXECUTIVE	Juvenile Accountability Block Grant Award from NYS DCJS	Public Safety

COMM. 5E-24	COUNTY EXECUTIVE	Framework for Regional Growth - Web Mapping Application - Contract with Buffalo Computer Graphics	Energy & Environment
COMM. 5E-25	COUNTY EXECUTIVE	Purchase of Caseload Explorer	
COMM. 5E-26	COUNTY EXECUTIVE	DWI Victim Impact Panel Fee	
COMM. 5E-27	COUNTY EXECUTIVE	Re-Appointment to the NYS Region 9 Fish & Wildlife Management Board	Energy & Environment
COMM. 5E-28	COUNTY EXECUTIVE	Resolution Calling on State Legislature to Oppose Proposed Executive Budget that Would Result in a Cost Shift of Millions of Dollars to Counties	Health & Human Services

**COMMUNICATIONS FROM THE DEPARTMENTS:**

**REFERENCE:**

COMM. 5D-1	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 5D-2	COUNTY ATTORNEY	Competitive Bid Contracts Awarded by the Division of Purchase	Energy & Environment
COMM. 5D-3	DEPUTY COMPTROLLER - AUDIT & CONTROL	Dept. of Probation - Audit of Cash Receipts & Disbursements, 1/1/06 - 9/30/08	Government Affairs
COMM. 5D-4	COUNTY ATTORNEY	Letter to Erie County Legislature Concerning Local Law Intro 3 of 2008	Government Affairs

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:**

**REFERENCE:**

COMM. 5M-1	MAYOR OF THE CITY OF LACKAWANNA	Letter in Opposition to the Establishment of an Erie County Planning Board	Energy & Environment
COMM. 5M-2	SENECA COUNTY BOARD OF SUPERVISORS	Copy of Resolution Urging Governor Paterson to Collect Sales & Excise Taxes on Cigarette Purchases by Non-Indians	Finance & Management
COMM. 5M-3	NFTA	Minutes from NFTA Board Meeting Held 1/20/09	Economic Development
COMM. 5M-4	ECIDA	Notification of ECIDA Board Meeting to be Held 3/9/09	Economic Development
COMM. 5M-5	CITY OF BUFFALO COMMON COUNCIL	Request for Legislature Response to Common Council Item, Entitled, "Day Care Tax Penalty"	Health & Human Services

COMM. 5M-6	NYS BANKING DEPARTMENT	Notice of Hearing Concerning NYS's Banking Development District Program	Government Affairs
COMM. 5M-7	ERIE COUNTY WATER AUTHORITY TREASURER	Letter to Chair Marinelli Concerning Reappointment to the ECWA Board of Commissioners	Energy & Environment
COMM. 5M-8	YOUNG AUDIENCES ARTS FOR LEARNING	2008 Annual Report	Finance & Management

**ANNOUNCEMENTS:**

**MEMORIAL RESOLUTIONS:**

**ADJOURNMENT:**