



THE ERIE COUNTY LEGISLATURE

Session No. 7

April 22, 2010

Barbara Miller-Williams
Chair

Maria R. Whyte
Majority Leader

John J. Mills
Minority Leader

Robert M. Graber
Clerk of the Legislature

ROLL CALL

INVOCATION – Ms. Bove

PLEDGE OF ALLEGIANCE – Mr. Rath

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

BOVE	Recognizing John A. Heck Upon the Occasion of Achieving the Rank of Eagle Scout, Boy Scout Troop #409, West Seneca
MAZUR	In Memory of the Life of John C. Norton
DIXON	Honoring Bobbie Kagle on Her Installation as President of the Buffalo Niagara Association of Realtors
MAZUR	Congratulating Ryan Carr Upon His Achievement of Earning the Rank of Eagle Scout, Boy Scout Troop #54
MAZUR	Congratulating David P. Queeno, Jr. Upon His Achievement of Earning the Rank of Eagle Scout, Boy Scout Troop #54
DIXON	Honoring Matt DePeters for Competing in the 2010 Winter Olympics
HARDWICK	Congratulating Judge Joseph J. Cassata on the Opening of a Mental Health Court in the City of Tonawanda
MARINELLI	Congratulating Sue Agos Quinn Upon the Occasion of Her Retirement After 33 Years of Service to the Residents of EC
HARDWICK	Congratulating Taylor Dawidowicz for Being a Hero in Getting Emergency Medical Attention for Her Mother
MILLER-WILLIAMS	On the Occasion of the First Annual Banquet of the Buffalo United Front
MILLER-WILLIAMS	On the Occasion of the Celebration of Earth Day in EC, April 22, 2010
MILLER-WILLIAMS	Recognizing the Work of the Joan A. Male Family Center in Preventing Child Abuse & Neglect

MILLS	Congratulating Arthur Popiel for 50 Years of Outstanding Service as a Fireman in the East Aurora Volunteer Fire Company
MILLS	Congratulating M. Donald Pritchard on Being the Recipient of the 2010 Willis G. Gregory Memorial Award in Recognition of His Outstanding Contributions to the Profession of Pharmacy & to His Community
MILLS	Congratulating Donald Holmwood on Being Named Republican of the Year by the Orchard Park Republican Committee
WHYTE	Recognizing April 28, 2010 as National Workers' Memorial Day
MILLER-WILLIAMS	Recognizing April 18, 2010 as Days of Remembrance in Memory of the Victims of the Holocaust
MILLER-WILLIAMS	Honoring the 2010 Mary B. Talbert Civic & Cultural Club Scholarships Community Award Winners
GRANT	Honoring St. Augustus Scholars Program Award Winners
MILLER-WILLIAMS	Honoring St. Augustus Scholars Program Award Winners
MILLER-WILLIAMS	In Memory of Sgt. Frank J.A. World
MILLER-WILLIAMS	Honoring Buffalo's Middle College High School Upon Winning the Class C Championship in Glen Falls
MILLER-WILLIAMS	Recognizing the 10th Anniversary for Choppers for Charity & Hogs Against Hunger Food Bank of WNY Motorcycle RUN-CAR & Bike Show

LOCAL LAWS:

REFERENCE:

LL INT. 4-1 6/5/2009	KENNEDY	A LL in relation to reducing the size of the Erie County Legislature and changing the term of office for members of the Erie County Legislature	Government Affairs
LL INT. 6-1 6/9/2009	MILLS, RATH & WALTER	A LL in relation to limiting the terms of office of Erie County elected officials	Government Affairs
LL INT. 7-1 6/11/2009	KONST & IANNELLO	A LL to Reform the Erie County Charter by Limiting the Term of Office that an Elected County Legislator Can Hold	Government Affairs
LL INT. 1-1 1/19/2010	MAZUR, WHYTE, KENNEDY & MILLER-WILLIAMS	A LL in relation to requiring chain food service establishments to display calorie content values for menu items	Health & Human Services
LL INT. 2-1 1/25/2010	MARINELLI & WHYTE	A LL in relation to reducing the size of the Erie County Legislature	Government Affairs

LL INT. 3-1 3/23/2010	MARINELLI, WHYTE, GRANT, LOUGHRAN, MILLER-WILLIAMS, MILLS, KENNEDY, MAZUR, BOVE, HARDWICK, DIXON & RATH	A LL Entitled The "Consumer Protection & Law Enforcement Assistance Act"	Public Safety
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LL INT. 4-1 4/19/2010	BOVE, MILLER- WILLIAMS, MILLS, KOZUB, KENNEDY & DIXON	A LL Entitled "EC Community Corrections Advisory Board" in Relation to Establishing the Erie County Community Corrections Advisory Board	
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COMMITTEE REPORTS:

REPORT NO. 4 HEALTH & HUMAN SERVICES COMMITTEE

REPORT NO. 4 PUBLIC SAFETY COMMITTEE

REPORT NO. 3 ECONOMIC DEVELOPMENT COMMITTEE

REPORT NO. 3 ENERGY & ENVIRONMENT COMMITTEE

LEGISLATOR RESOLUTIONS:

REFERENCE:

INTRO 7-1	MILLER-WILLIAMS, BOVE, LOUGHRAN, MILLS, KOZUB, KENNEDY, WALTER, FUDOLI, WHYTE, MARINELLI, DIXON & RATH	Resolution in Support of UB 2020 & the Public Higher Education Empowerment & Innovation Act
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INTRO 7-2	MARINELLI, WHYTE, MILLER-WILLIAMS, KOZUB, GRANT, BOVE & LOUGHRAN	Running County Government in Accordance with Legal Requirements & Budget & Management Practices
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INTRO 7-3	RATH, MILLS, WALTER, FUDOLI, BOVE, MARINELLI & DIXON	Opposing the Repeal of NYS Tax Law Section 1115(n)
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INTRO 7-4	WALTER, MILLS, RATH, DIXON & FUDOLI	Opposing the Imposition of a Community Agreement on the Canal Side Project
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INTRO 7-5	KOZUB	Appointments to the Erie County Fisheries Advisory Board
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COMMUNICATIONS DISCHARGED FROM COMMITTEE:

SUSPENSION OF THE RULES:

COMMUNICATIONS FROM ELECTED OFFICIALS:

REFERENCE:

COMM. 7E-1	COMPTROLLER	Opening of Medicaid Health Clinic in Chemung County	Health & Human Services
COMM. 7E-2	COMPTROLLER	Copy of Report Detailing the Apportionment & Distribution of Net Collections from the Local (4.75%) Sales and Compensation Use Tax for EC for the Months of 12/2009 - 1/2010 & 2/2010	Finance & Management

COMM. 7E-3	MILLER-WILLIAMS	Letter to Legislator Kozub Concerning Appointment/Re-Appointment of Commissioner to the EC Water Authority	Energy & Environment
COMM. 7E-4	MILLER-WILLIAMS	Letter to Clerk Regarding the Expiration of the Term of Commissioner of the EC Water Authority	Energy & Environment
COMM. 7E-5	DIXON	Letter to Clerk Concerning Absence From Session No. 7, 4/22/2010	RFP
COMM. 7E-6	FUDOLI	Letter to Clerk Concerning Absence From Session No. 7, 4/22/2010	RFP
COMM. 7E-7	MILLER-WILLIAMS	Letter to Assembly Member Schimminger Regarding 1% Sales Tax Rate Extension	Finance & Management
COMM. 7E-8	COMPTROLLER	Review of the 2010 Cultural & Public Benefit Funding Process	Finance & Management
COMM. 7E-9	COMPTROLLER	Energy Efficiency & Conservation Grant - US Department of Energy Comptroller Investigation into Whistleblower Reports	Government Affairs
COMM. 7E-10	COMPTROLLER	Medicaid Waiver for Traumatic Brain Injury Program	Health & Human Services
COMM. 7E-11	COUNTY EXECUTIVE	Establishment of Fee-for-Service Rates & Medical Malpractice Coverage	Health & Human Services
COMM. 7E-12	COMPTROLLER	\$110 Million Refunding Bond Resolution - County Executive Request for Authorization for Refunding by ECFSA	
COMM. 7E-13	COUNTY EXECUTIVE	2009 Year-End Designations	Finance & Management
COMM. 7E-14	COUNTY EXECUTIVE	2009 Year-End Reserve Fund for Payment of Bonded Indebtedness	Finance & Management
COMM. 7E-15	COUNTY EXECUTIVE	2009 Year-End Tax Stabilization Reserve Fund	Finance & Management
COMM. 7E-16	COUNTY EXECUTIVE	Declaration of Need	
COMM. 7E-17	COUNTY EXECUTIVE	Department of Emergency Services - Acceptance of FY09 Citizen Corps Grant Program	Public Safety
COMM. 7E-18	COUNTY EXECUTIVE	ECC City Campus - HVAC Equipment, Controls, Lighting & Plumbing Renovations	

COMM. 7E-19	COUNTY EXECUTIVE	ECC - City Campus - Masonary, Roof & Exterior Restoration	
COMM. 7E-20	COUNTY EXECUTIVE	Buffalo & EC Botanical Gardens - New Growing House - Contract Amendments	
COMM. 7E-21	COUNTY EXECUTIVE	Copy of Six Sigma Status Report	Government Affairs
COMM. 7E-22	COUNTY EXECUTIVE	Highway Fuel Tank Spill Prevention Control & Countermeasure (SPCC) Plans, Phase II - Wendel Duchscherer	Economic Development
COMM. 7E-23	COUNTY EXECUTIVE	Application to NYS Affordable Housing Corporation (AHC) - Housing Rehabilitation - City of Lackawanna & Town of Evans	Economic Development
COMM. 7E-24	COUNTY EXECUTIVE	NYS DOT Federal Aid Bridge Painting Project; Five (5) Bridges, Various Towns, EC	Economic Development
COMM. 7E-25	COUNTY EXECUTIVE	Authorization to Allow the EC Department of Mental Health to Establish a 2010 Contract Agency Appropriation & Contract Agency Account for Hope of Buffalo, Inc., in the Amount of \$70,000	
COMM. 7E-26	COUNTY EXECUTIVE	ECMCC - 2010 - Demolition of Certain Existing Buildings	
COMM. 7E-27	COUNTY EXECUTIVE	Fire Training Academy - Phase 3 - New Storage / Training Building & Concrete Cover Over Retention Basin	
COMM. 7E-28	COUNTY EXECUTIVE	Ralph Wilson Stadium - 2010 - Site Work Improvements	
COMM. 7E-29	COUNTY EXECUTIVE	MJW Corporation, Inc. Contracts - Homeland Security	Public Safety
COMM. 7E-30	COUNTY EXECUTIVE	Medical Reserve Corps Grant - 1/22/10 - 7/31/10	Health & Human Services
COMM. 7E-31	COUNTY EXECUTIVE	Agreement - ECSD No. 8 - NYS Office of Parks, Recreation & Historic Preservation, Knox Farm State Park	Energy & Environment
COMM. 7E-32	COUNTY EXECUTIVE	Establish Omnibus Senior Employment Program Grant Budget	Health & Human Services
COMM. 7E-33	COUNTY EXECUTIVE	Amend III-C-1 Grant Budget	Health & Human Services

COMM. 7E-34	COUNTY EXECUTIVE	Amend Title III-B, III-D & III-E Grant Budgets	Health & Human Services
COMM. 7E-35	COUNTY EXECUTIVE	Amend CSE & EISEP Grant Budgets	Health & Human Services
COMM. 7E-36	COUNTY EXECUTIVE	EC Record Storage & Surplus Warehouse Currently Located on ECMCC Campus	Government Affairs
COMM. 7E-37	COUNTY EXECUTIVE	Request for Proposals - South Buffalo (Hillview) Pumping Station Relocation Project	Economic Development
COMM. 7E-38	COUNTY EXECUTIVE	Acceptance of Donated Equipment	Government Affairs
COMM. 7E-39	COUNTY EXECUTIVE	Grant Programs - Authorization to Contract - EC Budget Book "B"	Finance & Management
COMM. 7E-40	COUNTY EXECUTIVE	Water Quality Management Planning, 4/1/09 - 3/31/14	Energy & Environment

COMMUNICATIONS FROM THE DEPARTMENTS:

REFERENCE:

COMM. 7D-1	COUNTY ATTORNEY	Transmittal of New Claims Against EC	Government Affairs
COMM. 7D-2	COUNTY ATTORNEY	Transmittal of New Claims Against EC	Government Affairs
COMM. 7D-3	COMPTROLLER'S OFFICE	EC Department of Public Works - Highway Division Audit of Road & Bridge Related Construction Contracts for the Period 1/1/2005 - 12/31/2008	Economic Development
COMM. 7D-4	COUNTY ATTORNEY	Transmittal of New Claims Against EC	Government Affairs
COMM. 7D-5	COUNTY ATTORNEY	Legislature General Matters (Public Safety Committee Request)	Public Safety
COMM. 7D-6	EC BOARD OF ELECTIONS	Letter to Legislature Regarding Election Law, Section 3 - 420	Government Affairs
COMM. 7D-7	DIRECTOR OF REAL ESTATE	Copy of Quarterly Update - Real Estate/Space Utilization Initiative - March 2010	Government Affairs

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

REFERENCE:

COMM. 7M-1	BUFFALO SOCIETY OF NATURAL SCIENCES	EC Legislature Budget Accountability Act - 2009 Close-Out Report	Community Enrichment
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COMM. 7M-2	DORETHA FANNING	Letter to Legislature Concerning Health Care Cuts & Sugar Tax	Health & Human Services
COMM. 7M-3	HON. JOHN M. CURRAN, J.S.C.	Copy of Settlement Agreement Between ECMCC and EC	Health & Human Services
COMM. 7M-4	FRANK SWIATEK	Letter Expressing Interest in Position of Commissioner of EC Water Authority	Energy & Environment
COMM. 7M-5	ECMCC	Copy of Annual Report	Health & Human Services
COMM. 7M-6	NFTA	Copy of Revised Five Year Capital Plan for Fiscal Years Ending 3/31/2011 - 2015 & the Annual Operating Budget for Fiscal Year End 2011	Economic Development
COMM. 7M-7	PATRICK HOOKER	Letter to Legislature Regarding Funds in the Sum of \$50,000 Awarded to Assist in its Agricultural & Farmland Protection Planning Program	Energy & Environment
COMM. 7M-8	EC BAR ASSN. - AID TO INDIGENT PRISONERS SOCIETY INC. - ASSIGNED COUNCEL PROGRAM	Quarterly Report for the 1st Quarter of 2010	Government Affairs
COMM. 7M-9	NYSDEC	Fact Sheet - Brownfield Cleanup Program - Phase IA Business Park Site Available for Public Comment	Energy & Environment
COMM. 7M-10	NYSDEC	Fact Sheet - Brownfield Cleanup Program - Phase II Business Park Site in Lackawanna	Energy & Environment
COMM. 7M-11	HALLWALLS, INC.	2010 Budget Accountability Act Submission	Community Enrichment
COMM. 7M-12	ESSEX COUNTY BOARD OF SUPERVISORS	Copy of Resolution Calling on Governor Paterson to Enforce the Collection of Sales Tax on Tobacco Sold on Indian Land	Government Affairs
COMM. 7M-13	BUFFALO & EC PUBLIC LIBRARY	Minutes of Meeting held 4/5/2010	Community Enrichment
COMM. 7M-14	ROBIN SCHIMMINGER	Letter to Chair Miller-Williams Acknowledging the Receipt of a Certified Resolution	R&F

COMM. 7M-15	JOHN ELMORE	Letter Expressing Interest in Position of Commissioner of EC Water Authority	Energy & Environment
COMM. 7M-16	DAVID BUXTON	Letter Expressing Interest in Position of Commissioner of EC Water Authority	Energy & Environment
COMM. 7M-17	JOHN O'DONNELL	Letter Expressing Interest in Position of Commissioner of EC Water Authority	Energy & Environment
COMM. 7M-18	HORMOZ MANSOURI	Letter Expressing Interest in Position of Commissioner of EC Water Authority	Energy & Environment
COMM. 7M-19	NYS PUBLIC SERVICE COMMISSION	Notice of Public Hearings Concerning Electric & Gas Rates	Energy & Environment
COMM. 7M-20	HILLARY CLARKE	Letter of Appreciation to Legislator Whyte for Showing Support of Calorie Posting in EC	Health & Human Services
COMM. 7M-21	JOANNE HORTMAN	Letter Expressing Interest in Position of Commissioner of EC Water Authority	Energy & Environment

ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT: