



THE ERIE COUNTY LEGISLATURE

Session No. 8

April 23, 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. Reynolds

PLEDGE OF ALLEGIANCE – Mr. Mills

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

MAZUR	Honoring the Memory of Ralph C. Jones
KENNEDY	Memorial Resolution for Antoinette J. (Cucinotta) Sciandra
IANNELLO	Congratulating Elderwood Health Care at Riverwood for Being Named Business of the Year by the Grand Island Chamber of Commerce
IANNELLO	Congratulating John's Pizza and Subs for Being Named Small Business of the Year by the Grand Island Chamber of Commerce
IANNELLO	Congratulating Calvin R. VanderMey on Being Named Civic Person of the Year by the Grand Island Chamber of Commerce
IANNELLO	Congratulating Grand Island American Legion Post for Being Named Organization of the Year by the Grand Island Chamber of Commerce
IANNELLO	Congratulating Angela Maria Diebold for Being Named Community Service Person of the Year by the Grand Island Chamber of Commerce
IANNELLO	Congratulating Kathleen M. Fik for Being Named Educator of the Year by the Grand Island Chamber of Commerce
IANNELLO	Congratulating Anthony J. Gorney on His Election as Chief of the Kenmore Volunteer Fire Company for 2009-2010
IANNELLO	Congratulating Brendan J. Kiefer on His Election as First Assistant Chief for the Kenmore Volunteer Fire Company for 2009-2010
IANNELLO	Congratulating Chief Todd S. Bieron on His Election as Second Assistant Chief for the Kenmore Volunteer Fire Company for 2009-2010

IANNELLO	Congratulating Jeffrey C. Tamsen on His Election as Firemanic Captain for the Kenmore Volunteer Fire Company for 2009-2010
IANNELLO	Congratulating Shannon Whitney for Being Elected Firemanic Captain for the Kenmore Volunteer Fire Company for 2009-2010
IANNELLO	Memorial Resolution for Richard R. Quider
KENNEDY	Honoring the Memory of Dennis J. O'Connor
IANNELLO	Celebrating Earth Day - April 22, 2009 - With the Launch of the Green Generation Campaign
MARINELLI	Congratulating Mehrl F. King, Erie County Commissioner of Jurors, on His Retirement
MARINELLI	Congratulating James Tuppen on His Retirement from the Erie County Department of Law
IANNELLO	A Proclamation Declaring April as Child Abuse Prevention Month in Erie County
MAZUR & KENNEDY	Remembering the Life and Contributions to the Community of Rev. S. Theodore Berg, Pastor Emeritus of St. Teresas Church
KOZUB	Honoring Rev. Dr. David Gordon Persons for the Exemplary Standard of Service that He Has Exhibited in His Personal, Professional and Spiritual Life, and Wishing Him A Long & Happy Retirement
REYNOLDS	Proclaiming April 28, 2009 as Workers Memorial Day in the County of Erie and Asking All New Yorkers to Remember Workers Killed, Injured or Disabled on the Job
REYNOLDS	Recognizing May 3 to May 9, 2009 as Municipal Clerks Week in Erie County and Further Extend Appreciation to All Municipal Clerks for the Vital Services They Perform
WALTER	Recognizing Wendell B. Butler for His Hard Work, Dedication and Service to the Boy Scouts of America in Achieving the Rank of Eagle Scout
WALTER	Recognizing Michael Joseph Hanley for His Hard Work, Dedication and Service to the Boy Scouts of America in Achieving the Rank of Eagle Scout
MILLS	Recognizing Grace Gentner for Her Years of Dedication, Commitment and Service to the Concord Historical Society
MILLS	Recognizing John Zabawa's 30 Years of Service to the EC Dept. of Public Works
REYNOLDS	Honoring the 2008 "The Boners" Softball Team as the Defending Champions of the Over 40 Buffalo Softball League
MARINELLI, MILLS, KOZUB, KENNEDY, MILLER-WILLIAMS, KONST, GRANT, MAZUR, WROBLEWSKI, IANNELLO, REYNOLDS & LOUGHRAN	Congratulating Marcia E. Olszewski on Her Retirement from EC Social Services

MILLS

Congratulating Dennis J. Mill on Being Named Orchard Park
Republican Committee 2009 Republican of the Year

KONST

Honoring Our Lady of Pompeii on Their Centennial

LOCAL LAWS:

REFERENCE:

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. 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. 1-1
4/9/2009

WHYTE, MARINELLI,
GRANT, MAZUR,
MILLER-WILLIAMS &
KENNEDY

A Local Law Entitled, "The Strategic
Development Act" for the Creation of
an Erie County Planning Board

COMMITTEE REPORTS:

REPORT NO. 5

COMMUNITY ENRICHMENT COMMITTEE

REPORT NO. 5

ENERGY & ENVIRONMENT COMMITTEE

REPORT NO. 6

FINANCE & MANAGEMENT COMMITTEE

REPORT NO. 5

HEALTH & HUMAN SERVICES COMMITTEE

REPORT NO. 4

GOVERNMENT AFFAIRS COMMITTEE

REPORT NO. 5

PUBLIC SAFETY COMMITTEE

LEGISLATOR RESOLUTIONS:

REFERENCE:

INTRO 8-1

REYNOLDS

Notice of Proposal and Public
Hearing for 8 Year Review of Collins
Agricultural Dist. And the 2008 30-
Day Open Enrollment Period

INTRO 8-2

REYNOLDS

Requesting Real Property Tax
Services to Provide Update and Final
Tally Received as a Result of the May
6, 2009 Foreclosure Sale

INTRO 8-3	WHYTE & MILLS	Erie County Jury Board
INTRO 8-4	MAZUR & REYNOLDS	Demanding Transparency and Public Accountability for the Administration's Decision to Terminate EC's Administration of the Federal WIC Program
INTRO 8-5	KOZUB, MILLS, KENNEDY, WALTER, KONST, GRANT, WROBLEWSKI, REYNOLDS & RATH	Opposition to Bill S. 3598 Raising Age Restrictions for Hunters in NYS
INTRO 8-6	RATH, MILLS & WALTER	The Necessity of Wicks Law Reform
INTRO 8-7	RATH & WALTER	Opposing NYS Assembly Bill A. 1789, Requiring Prevailing Wage Be Paid on Any Project Financed by an Industrial Development Agency
INTRO 8-8	KONST, MILLS, MILLER-WILLIAMS, WROBLEWSKI, IANNELLO, REYNOLDS & RATH	Removal of EC Motor Vehicle Use Taxes
INTRO 8-9	IANNELLO & KONST	Requesting that the Erie County Fiscal Stability Authority Deny Job Request Authorization Concerning DISS Chief Information Officer Position
INTRO 8-10	MARINELLI, WHYTE, GRANT, KOZUB & MILLER-WILLIAMS	Olmsted Parks Reserve Fund
INTRO 8-11	IANNELLO, WHYTE, REYNOLDS, MARINELLI & KOZUB	Recognizing the Solar 2009 Convention in Buffalo
INTRO 8-12	KOZUB	Requesting an Expedited Review and Update of the Federal Flood Zone Map for EC, and a Change in the Outdated Inclusion of Certain Communities in Lackawanna

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

SUSPENSION OF THE RULES:

COMMUNICATIONS FROM ELECTED OFFICIALS:

REFERENCE:

COMM. 8E-1	COMPTROLLER	Erie County's 1% Sales and Compensating Use Tax Revenue Sharing with Local Governments	Finance & Management
COMM. 8E-2	COMPTROLLER	Erie County Payment - Tonawanda Creek Bonded Capital Project	Finance & Management
COMM. 8E-3	COMPTROLLER	Review of Rath Building Garage Parking	Government Affairs
COMM. 8E-4	COMPTROLLER	Copy of Letter to Acting Probation Director & CPS Commissioner Concerning 2009 Audit of Erie County Dept. of Probation	Public Safety
COMM. 8E-5	MARINELLI	Copy of Letter to Commissioner of Environment & Planning Concerning 2009 Cultural Funding Contracts	Community Enrichment
COMM. 8E-6	COMPTROLLER	Refrigerator Payment Request	Finance & Management
COMM. 8E-7	COUNTY EXECUTIVE	Veto Message Concerning Local Law Intro. No. 3 - 2008, Tax Payer Protection Law	
COMM. 8E-8	COUNTY EXECUTIVE	Veto Message Concerning Local Law Intro. No. 8 - 2008, Lowest Responsible Bidder Requirements	
COMM. 8E-9	MARINELLI	Reappointment/Appointment of Commissioner of the EC Water Authority	
COMM. 8E-10	COUNTY EXECUTIVE	Agreement As To Form - Bond Anticipation Note (BAN)	
COMM. 8E-11	COUNTY EXECUTIVE	Capital Borrowing - Bond Anticipation Note (BAN)	
COMM. 8E-12	COUNTY EXECUTIVE	Budget/Staff Adjustments	

COMM. 8E-13	COUNTY EXECUTIVE	Acceptance of ECFSA Grant - Personnel Office Civil Service Automation	Government Affairs
COMM. 8E-14	COUNTY EXECUTIVE	Acceptance of Efficiency Grant Funds from ECFSA for NYSNA Contracts	Government Affairs
COMM. 8E-15	COUNTY EXECUTIVE	SEQR - Dingens Street Storm Sewer Trunkline Extension	
COMM. 8E-16	COUNTY EXECUTIVE	Appointments/Reappointments to the EC Mental Hygiene Community Services Board	Health & Human Services
COMM. 8E-17	COUNTY EXECUTIVE	Transfer of Funds for Purchase of Internet Mapping Software	Energy & Environment
COMM. 8E-18	COUNTY EXECUTIVE	CPS - Statewide Automated Fingerprint Identifications System (SAFIS) Agreement	Public Safety
COMM. 8E-19	COUNTY EXECUTIVE	Revise 2008 Nutrition Grant (CIL Allocation)	Health & Human Services
COMM. 8E-20	COUNTY EXECUTIVE	Conveyance of Excess Highway Right-of-Way, Legion Drive, Village of Hamburg	Economic Development
COMM. 8E-21	COUNTY EXECUTIVE	ECSD No. 3 - Agreement With the Mount Vernon Sewer Dist.	Energy & Environment
COMM. 8E-22	COUNTY EXECUTIVE	ECSD No. 3 - Village of Blasdell/Town of Hamburg Sanitary Sewer Rehab Project - Bid Opening	Energy & Environment
COMM. 8E-23	COUNTY EXECUTIVE	ECSD/WNY Council on Occupational Safety & Health - Proposed Agreement	Energy & Environment
COMM. 8E-24	COUNTY EXECUTIVE	ECSD Nos. 2 & 6 - Engineer Term Agreement - DiDonato Associates	Energy & Environment
COMM. 8E-25	COUNTY EXECUTIVE	Sherwood Greenway - Town of Tonawanda: Receipt of Deed Conveyance from NYS DOT	Economic Development
COMM. 8E-26	COMPROLLER	Vehicle Purchase - Dept. of Social Services	Health & Human Services

COMMUNICATIONS FROM THE DEPARTMENTS:

REFERENCE:

COMM. 8D-1	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 8D-2	DEPUTY COUNTY EXECUTIVE	Letter Responding to Legislators' Questions Raised About WIC Program	Health & Human Services

COMM. 8D-3	PLANNER, DEPARTMENT OF ENVIRONMENT & PLANNING	Dingens Storm Sewer Truckline Extension - SEQR Solicitation Notification	Economic Development
COMM. 8D-4	COMMISSIONER OF ENVIRONMENT & PLANNING	Copy of Letter Concerning 2009 Public Benefit Services Contract	Community Enrichment
COMM. 8D-5	MEDICAL DIRECTOR	Board of Health Agenda Items for Meeting Held 1/8/09, and Agenda for Meeting Scheduled for 5/7/09	Health & Human Services
COMM. 8D-6	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 8D-7	COMMISSIONER OF CPS & ACTING PROBATION DIRECTOR	Copy of Letter to County Comptroller Concerning 2009 Audit of Erie County Dept. of Probation	Public Safety
<u>COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:</u>			<u>REFERENCE:</u>
COMM. 8M-1	COLUCCI & GALLAHER, PC	ECMCC Agenda Items for Meeting Held 3/25/09	Health & Human Services
COMM. 8M-2	COOPERATIVE EXTENSION OF ERIE COUNTY	Legislature Budget Accountability Act Report	Government Affairs
COMM. 8M-3	HAL D. PAYNE	Copy of Letter to County Executive Concerning ECCRAB Appointment	Community Enrichment
COMM. 8M-4	ECIDA	Copy of 2008 Annual Report for ECIDA and Affiliates	Economic Development
COMM. 8M-5	ECIDA	Notification of ECIDA Annual Membership Meeting	Economic Development
COMM. 8M-6	NYS DEC	NYS Nonattainment Area Recommendation for the 2008 Revised Ozone National Ambient Air Quality Standard	Energy & Environment
COMM. 8M-7	NIAGARA COUNTY LEGISLATURE	Copy of Resolution Regarding Relocation of the Buffalo Bills	Economic Development
COMM. 8M-8	SENECA ONE REALTY LLC	Copy of Resolution Asking the NYS Legislature to Reject Gov. Paterson's "Sweep" of NY Power Authority Funds as a Hidden Tax on Power Customers	Economic Development
COMM. 8M-9	SENATOR VOLKER	Acknowledgement of Receipt of Certified Resolutions	R&F
COMM. 8M-10	ANTHONY VITIELLO	Letter Expressing Interest in Position of Commissioner of EC Water Authority	Energy & Environment

COMM. 8M-11	SALVATORE J. LOTEPIPIO	Letter Expressing Interest in Position of Commissioner of EC Water Authority	Energy & Environment
COMM. 8M-12	SYLVESTER HAROLD	Letter Expressing Interest in Position of Commissioner of EC Water Authority	Energy & Environment
COMM. 8M-13	BUFFALO & EC PUBLIC LIBRARY	Agenda Items for Meeting Held 4/16/09	Community Enrichment
COMM. 8M-14	EC BAR ASSOCIATION AID TO INDIGENT PRISONERS - ASSIGNED COUNSEL PROGRAM	Report for First Quarter of 2009	Government Affairs
COMM. 8M-15	ARTS COUNCIL	Legislature Budget Accountability Act Report	Community Enrichment
COMM. 8M-16	EL MUSEO	Legislature Budget Accountability Act Report	Community Enrichment
COMM. 8M-17	BUFFALO ARTS STUDIO	Legislature Budget Accountability Act Report	Community Enrichment
COMM. 8M-18	MUSICAL FARE	Legislature Budget Accountability Act Report	Community Enrichment
COMM. 8M-19	LEGAL SERVICES FOR THE ELDERLY, DISABLED OR DISADVANTAGED OF WNY	Copy of Annual Report for 2008	Government Affairs
COMM. 8M-20	BUFFALO & ERIE COUNTY PUBLIC LIBRARY	Public Access Computer Statistics	Community Enrichment
COMM. 8M-21	BUFFALO OLMSTED PARKS CONSERVANCY	Proposed Utilization of Olmsted Reserve Fund	Energy & Environment
COMM. 8M-22	ARTHUR J. GIACALONE	Creation of an EC Planning Board - Ways to Make a Great Idea More Effective	Energy & Environment
COMM. 8M-23	ANTHONY ARMSTRONG	Testimony Regarding Strategic Development Act	Energy & Environment
COMM. 8M-24	JOAN K. BOZER	Urging EC Legislature to Re-Establish the EC Planning Board	Energy & Environment
COMM. 8M-25	BUFFALO NIAGARA RIVERKEEPER	Urging EC Legislature to Support Strategic Development Act and Create EC Planning Board	Energy & Environment
COMM. 8M-26	SAM MAGAVERN	Report - "Missing the Target: How Economic Dev. Programs Have Failed to Revive Buffalo's Most Challenged Neighborhoods"	Energy & Environment

COMM. 8M-27	NIAGARA DISTRICT COUNCILMEMBER RIVERA	Letter of Support for the Strategic Development Act and the Creation of an EC Planning Board	Energy & Environment
COMM. 8M-28	ASSEMBLYMEMBER HOYT	Statement Supporting the Strategic Development Act and the Creation of an EC Planning Board	Energy & Environment
COMM. 8M-29	EMPIRE STATE FUTURE	Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board	Energy & Environment
COMM. 8M-30	HOWARD ZEMSKY	Written Statement Supporting the Strategic Development Act and the Creation of an EC Planning Board	Energy & Environment
COMM. 8M-31	COALITION FOR ECONOMIC JUSTICE	Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board	Energy & Environment
COMM. 8M-32	CENTER FOR TRANSPORTATION EXCELLENCE	Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board	Energy & Environment
COMM. 8M-33	KATY DUGGAN-HAAS	Written Statement Supporting the Strategic Development Act and the Creation of an EC Planning Board	Energy & Environment
COMM. 8M-34	CIMINELLI DEV. CO., INC.	Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board	Energy & Environment
COMM. 8M-35	WNY APOLLO ALLIANCE	Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board	Energy & Environment
COMM. 8M-36	GEORGE R. GRASSER, PRESIDENT - PARTNERS FOR A LIVABLE WNY	Written Statement Supporting the Strategic Development Act and the Creation of an EC Planning Board	Energy & Environment
COMM. 8M-37	MAX WILLIG	Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board	Energy & Environment
COMM. 8M-38	ANDREW J. RUDNICK, BUFFALO NIAGARA PARTNERSHIP	Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board	Energy & Environment

ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT: