



THE ERIE COUNTY LEGISLATURE

Session No. 9

May 20, 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. Marinelli

PLEDGE OF ALLEGIANCE – Mr. Kennedy

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

DIXON	Honoring Craig Waliczekhas for Persevering to Attain His GED & Enroll at ECC
MAZUR	In Memory of the Life of Phyllis Norton
KOZUB	Honoring the Memory of Labor Leader John P. "Jack" Fahey
MAZUR	Memorial Resolution for Marlene Strader
MAZUR	Memorial Resolution for Beverly Nix Meier
MARINELLI	Declaring May 22, 2010 Buffalo Zoo Jamboree Day to Mark the Institution's 135 Years of Service
DIXON	Honoring Anna Mae Knack for 32 Years of Service as Administrative Assistant for the Town of Eden
HARDWICK	Honoring Katherine Meyer for Her Commitment to Bettering the City of Tonawanda and County of Erie.
HARDWICK	Honoring Thomas Matuszek for Being a True Hero in the Town of Tonawanda
HARDWICK	Honoring Melissa Kanalley for Being a Dedicated Student Athlete and Her Commitment to the D'Youville College Spartans
HARDWICK	Honoring Timothy Burton for His Dedicated Service to the Youth of the City of Tonawanda
MILLS	Congratulating Michael Werner of Troop 285, on Obtaining the Rank of Eagle Scout
MILLS	Congratulating Brandon Whitworth of Troop 285, on Obtaining the Rank of Eagle Scout

MILLS	Congratulating Brendan M. Conron of Troop 599, on Obtaining the Rank of Eagle Scout
MILLS	Congratulating Michael DeSantis of Troop 599, on Obtaining the Rank of Eagle Scout
MILLS	Congratulating Armen M. Tatoian of Troop 599, on Obtaining the Rank of Eagle Scout
RATH, WALTER & LOUGHRAN	Congratulating David Stapleton of David Homes on Receiving the Amherst Chamber of Commerce Community Stewardship Award
RATH, WALTER & LOUGHRAN	Congratulating Hearing Evaluation Services of Buffalo, Inc. on Receiving the Amherst Chamber of Commerce Award for Excellence
RATH, WALTER & LOUGHRAN	Congratulating Senator Michael H. Ranzenhofer on Receiving the Amherst Chamber of Commerce Business Advocate of the Year Award
RATH, WALTER & LOUGHRAN	Congratulating Deborah Tangelder on Receiving the Amherst Chamber of Commerce President's Award
RATH, WALTER & LOUGHRAN	Congratulating Dash's Markets on Receiving the Amherst Chamber of Commerce "At Your Service" Award
RATH, WALTER & LOUGHRAN	Congratulating Katherine Lucas on Receiving the Amherst Chamber of Commerce Champions Award
RATH, WALTER & LOUGHRAN	Congratulating William M. McGowan on Receiving the Amherst Chamber of Commerce Small Business Person of the Year Award
WHYTE	Recognizing the Black Rock Heritage Garden on the Occasion of Their Designation as an International Art of Peace Garden
WHYTE	Honoring Bruce Kogan as an Award Recipient from the Buffalo Brunch 2010
WHYTE	Honoring Kitty Lambert as an Award Recipient from the Buffalo Brunch 2010
WHYTE	Honoring RiverRock Baseball's 50th Anniversary Season
MILLER-WILLIAMS	Honoring Buffalo Police Officer Nadine Wilson Upon Her Retirement After 26 1/2 Years of Service
MAZUR	Honoring the Town of Lancaster Youth Bureau 2010 Hall of Fame Winners

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
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	Public Safety

COMMITTEE REPORTS:

REPORT NO. 5 HEALTH & HUMAN SERVICES COMMITTEE

REPORT NO. 4 ENERGY & ENVIRONMENT COMMITTEE

REPORT NO. 4 ECONOMIC DEVELOPMENT COMMITTEE

REPORT NO. 3 FINANCE & MANAGEMENT COMMITTEE

REPORT NO. 5 PUBLIC SAFETY COMMITTEE

REPORT NO. 2 GOVERNMENT AFFAIRS COMMITTEE

REPORT NO. 3 COMMUNITY ENRICHMENT COMMITTEE

LEGISLATOR RESOLUTIONS:

REFERENCE:

INTRO 9-1	WALTER	Transfer of Beeman Creek Park to the Town of Clarence
INTRO 9-2	MILLER-WILLIAMS & MARINELLI	Establishing Rate of Pay for Election Inspectors
INTRO 9-3	RATH	Opposing Cuts to Tax Incentives Offered to Locate and/or Expand Businesses in NY State
INTRO 9-4	DIXON	Opposing Wind Farms in Lake Erie
INTRO 9-5	WHYTE, GRANT, MARINELLI, LOUGHRAN, KOZUB & MAZUR	Empowering Citizen Voices in Effective Public Safety
INTRO 9-6	BOVE, MILLER-WILLIAMS, MILLS, KOZUB, WALTER, FUDOLI, HARDWICK, MARINELLI, DIXON & RATH	Enrolling EC-Owned Cell Phones with "Wireless Amber Alerts"
INTRO 9-7	MARINELLI, WHYTE & GRANT	The Important Role ECC Plays in Our Region's Competitiveness in the Global Economy

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

SUSPENSION OF THE RULES:

<u>COMMUNICATIONS FROM ELECTED OFFICIALS:</u>			<u>REFERENCE:</u>
COMM. 9E-1	MARINELLI	Letter to Clerk of Legislature - Absence From Committee Meetings Held 5/11	R&F
COMM. 9E-2	COMPTROLLER	First Quarter 2010 Financial Report	Finance & Management
COMM. 9E-3	COMPTROLLER	Certificate of Determination Relative to the Sale & Issuance of Bonds	Finance & Management
COMM. 9E-4	COMPTROLLER	Copy of Audited Financial Statements & Management Letter for ECC for Fiscal Year Ended 8/31/09	Community Enrichment
COMM. 9E-5	RATH	Letter to Clerk of Legislature - Absence From Committee Meetings Held 5/11/2010	R&F
COMM. 9E-6	COMPTROLLER	Salary Increases for EC Health Commissioner	Health & Human Services
COMM. 9E-7	COMPTROLLER	First Quarter 2010 Sales Tax Revenues	Finance & Management
COMM. 9E-8	MILLER-WILLIAMS, WHYTE, KOZUB, KENNEDY, GRANT, MAZUR, BOVE, MARINELLI & LOUGHRAN	Letter to NYS Representatives Concerning TANF Funding	Health & Human Services
COMM. 9E-9	COUNTY EXECUTIVE	Ontario Street Boat Launch/Black Rock Canal Park - Grant Agreement	Economic Development
COMM. 9E-10	COUNTY EXECUTIVE	Pollution Prevention, Recycling & Reuse - Technical Assistance Project Contracts for Engineering Feasibility Studies for Partner Companies	Energy & Environment
COMM. 9E-11	COUNTY EXECUTIVE	Payment in Lieu of Taxes (PILOT) Agreement for St. Martin Village Housing - City of Buffalo Affordable Housing	
COMM. 9E-12	COUNTY EXECUTIVE	Appointment to the EC Commission on the Status of Women Advisory Board	Community Enrichment
COMM. 9E-13	COUNTY EXECUTIVE	WNY Stormwater Coalition Local Ordinance Project	Energy & Environment
COMM. 9E-14	COUNTY EXECUTIVE	Assistant Commissioner/Administration Variable Minimum	Health & Human Services
COMM. 9E-15	COUNTY EXECUTIVE	Buffalo & EC Botanical Gardens - Improvements to Houses No. 2 & No. 3 - NYS Office of Parks, Recreation & Historic Preservation	Economic Development

COMM. 9E-16	COUNTY EXECUTIVE	ECSD No. 3 Contract - Boston Valley Pumping Station Generator Replacement & Flood Mitigation - Bid Opening	Energy & Environment
COMM. 9E-17	COUNTY EXECUTIVE	EC Sewer Districts/WNY Council on Occupational Safety & Health Proposed Agreement	Energy & Environment
COMM. 9E-18	COUNTY EXECUTIVE	ECSD No. 3 - Contract No. 23 - Bid Opening	Energy & Environment
COMM. 9E-19	COUNTY EXECUTIVE	ECSD No. 5 - CRA Infrastructure & Engineering, Inc. Agreement - Merger Feasibility Study - Change Order No. 2	Energy & Environment
COMM. 9E-20	COUNTY EXECUTIVE	Right-of-Way Acquisition - Pavement Rd. Railroad Bridges, Town of Lancaster	Economic Development
COMM. 9E-21	COUNTY EXECUTIVE	ECSD No. 3 Engineering Term Agreement - CHA Work Order	Energy & Environment
COMM. 9E-22	COUNTY EXECUTIVE	ECSD No. 8 Engineering Term Agreement - CHA Work Order	Energy & Environment
COMM. 9E-23	COUNTY EXECUTIVE	ECSD No. 6 Contract No. 45 - Bid Opening	Energy & Environment
COMM. 9E-24	COUNTY EXECUTIVE	Sherwood Greenway Trail - Maintenance Agreement	Energy & Environment
COMM. 9E-25	COUNTY EXECUTIVE	Elmwood Ave. Signal Replacement Project - NYSDOT Supplemental Agreement No. 2	Economic Development
COMM. 9E-26	COUNTY EXECUTIVE	Award of Construction Contract - Change Order for Engineering & Construction Inspection Services - Elmwood Ave. Traffic Signal Replacements - Village of Kenmore & Town of Tonawanda	Economic Development
COMM. 9E-27	COUNTY EXECUTIVE	Ralph Wilson Stadium - 2010 - Phase II - Miscellaneous Improvements - A/E Fees	Economic Development
COMM. 9E-28	COUNTY EXECUTIVE	Child Passenger Safety Program 2010	Public Safety
COMM. 9E-29	COUNTY EXECUTIVE	Intermunicipal Agreement - EC Water Authority - Indian Church Rd. Repaving Project	Economic Development
COMM. 9E-30	COUNTY EXECUTIVE	Intermunicipal Agreement - Town of Lancaster - William Street Repaving Project	Economic Development

COMM. 9E-31	COUNTY EXECUTIVE	ECSD No. 4 Professional Services Agreement with CRA Infrastructure & Engineering, Inc. - Vanderbilt Pumping Station, Depew Pumping Station & Overflow Retention Facility Upgrades - Change Order No. 2	Energy & Environment
COMM. 9E-32	COUNTY EXECUTIVE	Lean Six Sigma & Culture Change Training & Consultation	Government Affairs
COMM. 9E-33	COUNTY EXECUTIVE	Sale Approval - County-Owned Properties Sold at Public Auction on 5/12/2010	Finance & Management
COMM. 9E-34	COUNTY EXECUTIVE	Authorization to Enter into Agreement for Construction of Two Disc Golf Courses & Gift Acceptance	Energy & Environment
COMM. 9E-35	COUNTY EXECUTIVE	Acceptance of Grant from the Erie-Niagara Tobacco-Free Coalition	Health & Human Services
COMM. 9E-36	COUNTY EXECUTIVE	EC Division of Sewerage Management - EC Sewer Districts - 3 - Year Engineer Agreements - Change Order No. 1	Energy & Environment
COMM. 9E-37	COUNTY EXECUTIVE	Consultant Services for Tax Map Conservation Project	Government Affairs
COMM. 9E-38	COUNTY EXECUTIVE	Grant Budget Revision - WNY Stormwater Coalition: Public Education & Illicit Discharge Project	Energy & Environment
COMM. 9E-39	DISTRICT ATTORNEY	District Attorney's Office Investigative Task Force Grant	
COMM. 9E-40	DISTRICT ATTORNEY	District Attorney's Office Asset Forfeiture Appropriations	
COMM. 9E-41	COUNTY EXECUTIVE	ECC - Health Sciences Building	Community Enrichment

COMMUNICATIONS FROM THE DEPARTMENTS:

REFERENCE:

COMM. 9D-1	DIRECTOR OF BUDGET & MANAGEMENT	Copy of Vacancy Report	Finance & Management
COMM. 9D-2	DIRECTOR OF BUDGET & MANAGEMENT	Copy of (BMR) Budget Monitoring Report	Finance & Management
COMM. 9D-3	DEPARTMENT OF ENVIRONMENT & PLANNING	Aurora Highway Garage Modifications	Economic Development
COMM. 9D-4	DEPARTMENT OF ENVIRONMENT & PLANNING	E. Concord Highway - Storage/Office Building Construction	Economic Development

COMM. 9D-5	COUNTY ATTORNEY	Transmittal of New Claims Against EC	Government Affairs
COMM. 9D-6	ECC	Copy of 2010 - 2011 ECC Budget	Community Enrichment
COMM. 9D-7	DIRECTOR OF BUDGET & MANAGEMENT	Letter to Legislature Concerning Comm. 7E-14 (2009) & 7E-15 (2009) Currently in the Finance & Management Committee	Finance & Management
COMM. 9D-8	DEPARTMENT OF PUBLIC WORKS	ECDPW - Division of Highways - Audit of Road & Bridge Related Construction Contracts for 1/1/05 - 12/31/08, Departmental Comments	Economic Development
COMM. 9D-9	MAJORITY CHIEF OF STAFF	Disclosure Notification to Legislature Clerk	R&F
<u>COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:</u>			<u>REFERENCE:</u>
COMM. 9M-1	FRANK E. SWIATEK	Letter to Legislature Regarding Accomplishments as Chair of the EC Water Authority	Energy & Environment
COMM. 9M-2	NYS PUBLIC SERVICE COMMISSION	Letter to Legislature Regarding Program for Transmitting Documents Electronically	Government Affairs
COMM. 9M-3	ECIDA	Confirmation of Attendance from Meeting Held 5/10/2010	R&F
COMM. 9M-4	INTERCOUNTY ASSOCIATION OF WNY	Copy of Agenda from Meeting Held 5/14/2010	Government Affairs
COMM. 9M-5	ECMCC	Packet of Materials from Regular Meeting of the Board of Directors Held 3/2/2010	Health & Human Services
COMM. 9M-6	NFTA	Copy of Cash Flow Statements for the Period 4/1/09 - 3/31/10 & Projected Cash Flow for the Period 4/1/10 - 3/31/11	Economic Development
COMM. 9M-7	CORNELL COOPERATIVE EXTENSION	Copy of 2009 - 2012 Strategic Plan of Work & 2009 - 2010 Business Plan	Community Enrichment
COMM. 9M-8	PRO PUBLICA	Article Entitled "Small County Jail in Upstate NY Has Big Problems With Suicides"	Public Safety
COMM. 9M-9	ECMCC	Packet of Materials from Regular Meeting of the Board of Directors Held 5/4/2010	Health & Human Services
COMM. 9M-10	NYSDEC	Additional Investigation Activities to Begin Around the Leica Site in Town of Cheektowaga	Energy & Environment

COMM. 9M-11	NFTA	Minutes From Meeting Held 3/22/2010	Economic Development
COMM. 9M-12	EMPIRE STATE DEVELOPMENT	Empire State Development Corporation Findings Statement: Canal Side Project	Economic Development
COMM. 9M-13	NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE	Letter to Legislature Concerning the "EC Community Corrections Advisory Board"	Public Safety
COMM. 9M-14	ECIDA	Information on Meeting Held 4/13/2010 on Audit of Payment in Lieu of Taxes "PILOT"	Finance & Management
COMM. 9M-15	NFTA	Notice of Proposed Rule Making	Economic Development
COMM. 9M-16	MAYOR BROWN	Letter to Commissioners of the Board of Elections Concerning New Voting Process	Government Affairs
COMM. 9M-17	FULTON COUNTY BOARD OF SUPERVISORS	Resolution Urging Governor to Delay Provisions of Leandra's Law	R&F
COMM. 9M-18	GLORIA M. LAUGHLIN	Letter to Legislature Regarding the "EC Community Corrections Advisory Board"	Public Safety
COMM. 9M-19	BUFFALO & EC PUBLIC LIBRARY	Minutes of Meeting Held 4/15/2010	Community Enrichment

ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT: