



# THE ERIE COUNTY LEGISLATURE

Session No. 10

April 7, 2005

George A. Holt, Jr.  
*Chairman*

Lynn M. Marinelli  
*Majority Leader*

Michael H. Ranzenhofer  
*Minority Leader*

Kevin M. Kelley  
*Clerk of the Legislature*

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## ROLL CALL

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INVOCATION – Mr. Wroblewski

Rev. Thomas J. Quinlivan – Queen of Heaven Roman Catholic Church

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PLEDGE OF ALLEGIANCE – Mr. Weinstein

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RULES OF THE LEGISLATURE FOR 2005

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TABLED ITEMS

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ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

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MINUTES OF PREVIOUS MEETING

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PUBLIC HEARING

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## MISCELLANEOUS RESOLUTIONS

SMITH & HOLT	In the Memory of Defense Lawyer Johnnie Cochran
SMITH & HOLT	In the Memory of Bishop Edward D. Head
SMITH & HOLT	Recognizing Metro Community Development & Delavan Grider Community Center 2005 Funders Ball
McCARVILLE	In Memory of his Excellency Edward D. Head, Bishop and Faithful Leader of the Catholic Diocese of Buffalo From 1973 - 1995
McCARVILLE	In Thanksgiving for the Life and Service of Pope John Paul II
RANZENHOFER, WEINSTEIN, & CUSACK	Commemorating the 40th Anniversary of Consumer Credit Counseling Service of Buffalo, Inc.

## LOCAL LAWS

## REFERENCE

LL INT 10-1 7/8/2004	HOLT, MARINELLI, MINORITY CAUCUS, WROBLEWSKI	A LL Rel to Agreements for Management & Operation of Buffalo Zoological Gardens, Shea's, Kleinhans & Botanical Gardens	Community Services
LL INT 12-1 10/15/2004	WROBLEWSKI, MINORITY CAUCUS	A LL in Rel to Support of Buffalo & Erie County Public Library	

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LL INT 14-1 10/28/2004	SMITH, MAJORITY CAUCUS, WEINSTEIN, CHASE, RANZENHOFER, McCARVILLE	A LL in Rel to Regulation of Home Health Care Services Provided Pursuant to EC Contracts ADDITIONAL SPONSORS: SWANICK & MARSHALL
LL INT 15-1 11/10/2004	McCARVILLE, MINORITY CAUCUS	A LL Defining Lobbyists & Their Retention by Erie County
LL INT 17-1 11/17/2004	SMITH	A LL Defining How Large Retail Stores Will Be Regulated in Erie County
LL INT 18-2 1/5/2005	SMITH & KENNEDY	A LL to Prohibit the Possession and/or Use of "Photo Phones" in Private Areas.
LL INT 2-1 1/12/2005	KENNEDY	A LL in Relation To a Requirement for Worker Training Programs by Contractors & Subcontractors Under Contract With The County of Erie
LL INT 4-1 3/1/2005	MARINELLI, KENNEDY, KUWIK, DUSZA, & WROBLEWSKI	A LL Amending LL No. 1-1959, as Amended, Constituting The EC Charter Section 1802 Thereof; and the EC Administrative Code Section 18.02 Sub. F With Respect To The Duty Of The County Executive To Submit A Budget & Capital Program To The ECL
LL INT 4-2 3/30/2005	MARINELLI, KENNEDY, KUWIK, DUSZA, WROBLEWSKI, HOLT, SMITH, DEBENEDETTI, RANZENHOFER, WEINSTEIN, MCCA	A LL Amd, LL No. 1-1959 As Amd, Cons EC Charter Section 1802 & Adm Code 18.02 Sub F - Duty of CX to Submit a Budget & Capital Program to the ECL
LL INT 5-1 3/1/2005	MARINELLI, KENNEDY, KUWIK, DUSZA, & WROBLEWSKI	A LL Amending LL No. 1-1959, Constituting The EC Charter As Amended, In Relation to The Re- Establishment, Restructuring, & Reconvening of the EC Charter Revision Commission
LL INT 5-2 3/30/2005	MARINELLI, KENNEDY, KUWIK, DUSZA, WROBLEWSKI, HOLT, SMITH, DEBENEDETTI, RANZENHOFER, WEINSTEIN, MCCA	A LL Amd, LL No. 1-1959, Cons the EC Charter As Amd, - Re- establishment, Restructuring & Reconvening of the EC Charter Revision Commission.
LL INT 6-1 3/15/2005	SMITH & KENNEDY	A LL To Prohibit the Sale, Purchase, and Use of Alcohol Without Liquid (AWOL) Machines or Alcohol Vapor Devices Within Erie County
LL INT 7-1 3/30/2005	SMITH	The Local Law To Retain Jobs in NYS

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**COMMITTEE REPORTS**

REPORT NO. 3	ENERGY & ENVIRONMENT
REPORT NO. 4	FINANCE & MANAGEMENT
REPORT NO. 3	GOVERNMENT AFFAIRS
REPORT NO. 3	COMMUNITY SERVICES

**LEGISLATOR RESOLUTIONS:**

**REFERENCE**

INTRO 10-1	HOLT, ET AL	Eden Agricultural Districts (EC#2,3 &4) 8-Year Review
INTRO 10-2	CHASE	In Support of Federal Funding for Graycliff Conservancy
INTRO 10-3	WEINSTEIN & MARINELLI	In Support of Approving Replacement Power Legislation (S. 1136/A. 2715)
INTRO 10-4	RANZENHOFER & CUSACK	Request that Federal Government And/Or State of New York Assume Erie County and City of Buffalo Share of Financing for Bass Pro Superstore
INTRO 10-5	RANZENHOFER & CUSACK	The Forthcoming Bass Pro Superstore

**COMMUNICATIONS DISCHARGED FROM COMMITTEE:**

**SUSPENSION OF THE RULES:**

**COMMUNICATIONS FROM ELECTED OFFICIALS:**

**REFERENCE**

COMM. 10E-1	COMPTROLLER	Preparation of the 2005 Erie County Budget Monitoring Report (BMR)	Finance & Management
COMM. 10E-2	COMPTROLLER	Bond Resolution - Amending Bond Resolution Adopted 4/28/04 - Vaughn Street Bridget Project	Finance & Management
COMM. 10E-3	COMPTROLLER	Copy of Letter to DISS Director Re: SAP Ownership/Proprietary Information	Government Affairs
COMM. 10E-4	COMPTROLLER	Copy of Letter to DISS Director Re: Comm. 10D-9	Government Affairs
COMM. 10E-5	COUNTY CLERK	Letter to Chairman Holt Re: DMV Closings	Government Affairs
COMM. 10E-6	COUNTY CLERK	Letter to Chairman Holt Re: Request for Law Enforcement Presence Within DMV	Government Affairs
COMM. 10E-7	HOLT	Letter to Legislators, Comptroller, County Attorney, & Budget Director Re: Citizen's Budget Review Commission	Finance & Management
COMM. 10E-8	RANZENHOFER	Minority Caucus Appointment to the Citizens Budget Review Commission of Erie County	RFP
COMM. 10E-9	DEBENEDETTI	Copy of Letter to Interim Chief Financial Officer of ECMCC Re: Freedom of Information Law Request	Community Services

COMM. 10E-10	COMPTRROLLER	Parks, Recreation, & Forestry Review of Cash Collections for the Period 3/1/04 - 6/30/04	Finance & Management
COMM. 10E-11	COMPTRROLLER	Letter to Legislature Re: Finance Division Cashier Operations	Government Affairs
COMM. 10E-12	COMPTRROLLER	Letter to Legislature Re: Quarterly Distribution of Sales Tax to Cities, Towns, Villages, & School Districts	Finance & Management
COMM. 10E-13	COMPTRROLLER	Letter to Legislature Re: Notice of Closure of \$80 Million RAN	Finance & Management
COMM. 10E-14	COMPTRROLLER	Letter to Legislature Re: 2004 Investment Earnings	Finance & Management
COMM. 10E-15	DEBENEDETTI	Letter to Comptroller Re: 2004 Investment Earnings	Finance & Management
COMM. 10E-16	COMPTRROLLER	Letter to County Legislature Re: Bond Rating Downgrades	Finance & Management
COMM. 10E-17	COMPTRROLLER	Apportionment & Distribution of 4% Sales Tax for 3/05	Finance & Management
COMM. 10E-18	COMPTRROLLER	State Authorization to Arrange for the Underwriting and Private Sale of Bonds	Finance & Management
COMM. 10E-19	COMPTRROLLER	Letter to Legislator Smith Re: Questions Regarding RANs	Finance & Management
COMM. 10E-20	COMPTRROLLER	Double Fill Retirement Issue	
COMM. 10E-21	COMPTRROLLER	Letter to Legislature Re: Delays in Vendor Payments	Finance & Management
COMM. 10E-22	COUNTY EXECUTIVE	Establishment of a New Division of Billing & Receivables Management	Government Affairs
COMM. 10E-23	COUNTY EXECUTIVE	Award of Contract and Supplemental for Construction Inspection Services - Replacement of Glen Ave. Bridges 702& 704 - Erie County Project FA 704-5, NYS PIN 5755.26	Economic Development
COMM. 10E-24	COUNTY EXECUTIVE	Appointment to the EC Fire Advisory Board	
COMM. 10E-25	COUNTY EXECUTIVE	Appointment to the Buffalo & Erie County Public Library Board of Trustees	
COMM. 10E-26	COUNTY EXECUTIVE	Reappointment to the Buffalo & Erie County Public Library Board of Trustees	
COMM. 10E-27	COUNTY EXECUTIVE	Appointments to the Equal Employment Opportunity Advisory Committee	RFP

COMM. 10E-28	COUNTY EXECUTIVE	Probation & Youth Detention Services - Adjustment in Personnel Budget	Public Safety
COMM. 10E-29	COUNTY EXECUTIVE	Emergency Services - Request for Authorization for EC to Enter into an Agreement With the NYS Office of Technology for the Enhancement of Public Safety Communication for First Responders	
COMM. 10E-30	COUNTY EXECUTIVE	Social Services - Restoration of Daycare Funding	
COMM. 10E-31	COUNTY EXECUTIVE	Cooperative Agreement between EC and the FBI, Regional Computer Forensic Laboratory, National Program Office	Public Safety
COMM. 10E-32	COUNTY EXECUTIVE	Private Company Payroll Slot Charges	Government Affairs
COMM. 10E-33	COUNTY EXECUTIVE	DEP - 2005 NACO Indoor Air Quality Model County and Coalition Grant Program	Energy & Environment
COMM. 10E-34	COUNTY EXECUTIVE	DEP - NACO/NYSAC Indoor Air Quality Program Grant	Energy & Environment
COMM. 10E-35	COUNTY EXECUTIVE	Health - Public Health Regional Agreements	Community Services
COMM. 10E-36	COUNTY EXECUTIVE	Health - Public Health Preparedness Laboratory - Response Network 8/31/04 - 8-30/05 - SAP TITLE: HS127LRN0405	Community Services
COMM. 10E-37	COUNTY EXECUTIVE	Health - Public Health Preparedness/Response to Bioterrorism 8/31/04 - 8/30/05 SAP TITLE: HS127BT0405	Community Services
COMM. 10E-38	COUNTY EXECUTIVE	CPS - Urban Area Security Initiative (UASI) Grant Acceptance and Authorization FFY05	Public Safety
COMM. 10E-39	COUNTY EXECUTIVE	DEP - Funding for the Erie Canal Harbor through the Empire State Development Corporation	Economic Development
COMM. 10E-40	COUNTY EXECUTIVE	Senior Services - Authorization to Amend the Senior Employment & CSE Grant Budgets and Related Contracts, and Revise List of Authorized Home Care Providers	Community Services
COMM. 10E-41	COUNTY EXECUTIVE	ECSD No. 6 - Engineer Term Agreement - Work Order: DA-1	Energy & Environment
COMM. 10E-42	COUNTY EXECUTIVE	Sewerage Management - Personnel Request	Energy & Environment

COMM. 10E-43	COUNTY EXECUTIVE	ECSDs & Southtowns Sewage Treatment Agency - Transfer of Funds - 2005 Budget Corrections to SAP Mapping	Energy & Environment
COMM. 10E-44	COUNTY EXECUTIVE	ECSD No. 1 - DEP/DPW - Interdepartmental Agreement - Dated 11/13/03 - Closeout	Energy & Environment
COMM. 10E-45	COUNTY EXECUTIVE	ECSD No. 3 - Town of Hamburg - Proposed Agreement	Energy & Environment
COMM. 10E-46	COUNTY EXECUTIVE	Emergency Services - Emergency Double Fill	
COMM. 10E-47	COUNTY EXECUTIVE	DEP - People Community Housing Development Corporation - Birchfield Manor, West Seneca, NY	Energy & Environment
COMM. 10E-48	COUNTY EXECUTIVE	Health - Personnel Adjustment	Community Services
COMM. 10E-49	COUNTY EXECUTIVE	DEP - MOA: Revised First Amendatory Agreement - Erie Canalway Trail Project	Economic Development
COMM. 10E-50	COUNTY EXECUTIVE	ECSDs and Southtowns Sewage Treatment Agency - 2005 Budget Revision	Energy & Environment
COMM. 10E-51	COUNTY EXECUTIVE	ECSD No. 5/Heise-Brookhaven Sewage Works Corporation, and Town of Clarence - Proposed Service Agreements	Energy & Environment
COMM. 10E-52	COUNTY EXECUTIVE	DEP - Framework for Regional Growth - Consultant Contract Amendment with Hellmuth, Obata, and Kassabaum, Inc. (HOK)	Economic Development
COMM. 10E-53	COUNTY CLERK	Resolution Regarding 2005 Budget Appropriations for the Erie County Clerk's Office (Registrar & Auto Bureau)	
COMM. 10E-54	SHERIFF	Erie County Sheriff's Office - Personnel Adjustment	
COMM. 10E-55	COUNTY CLERK	Resolution Regarding 2005 Budget Appropriations for the Erie County Clerk's Office (Registrar & Auto Bureau) and Increase in Cover Fee	
COMM. 10E-56	COUNTY EXECUTIVE	Health - Emergency Double Fill - Supervising Accountant	Community Services

<b><u>COMMUNICATIONS FROM THE DEPARTMENTS:</u></b>			<b><u>REFERENCE</u></b>
COMM. 10D-1	VETERANS' SERVICES	Letter to Chairman Holt Re: Request For Restoration Of Asst. Veterans Services Officer Position	Government Affairs
COMM. 10D-2	ECMCC	Copy of Letter to Comptroller Re: Capital Fund Payments for ECMCC	Finance & Management
COMM. 10D-3	COUNTY ATTORNEY	Copy of Letter to Budget Director Re: Void Resolution Reducing 2005 Budget Appropriation for NFTA; NFTA Appropriation Statutorily Required and Fully Encumbered	Government Affairs
COMM. 10D-4	CLERK OF THE LEGISLATURE	Memo To Legislators Re: Meeting with DSS Commissioner on Cell Phones	R&F
COMM. 10D-5	DEP	SEQR - Solicitation for Lead Agency Status - Rush Creek Interceptor & Elimination of Pumping Stations & Blasdel Wastewater Treatment Plant	Energy & Environment
COMM. 10D-6	ECC	Minutes of Board of Trustees Meeting Held 2/23/05	R&F
COMM. 10D-7	COUNTY ATTORNEY	Transmittal of New Claim Against EC	Government Affairs
COMM. 10D-8	COUNTY ATTORNEY	Transmittal of New Claims Against EC	Government Affairs
COMM. 10D-9	DISS	Memo to Comptroller Re: Response to SAP Ownership/Proprietary Information 3/17/2005	Government Affairs
COMM. 10D-10	ECMCC	Annual Report 2004	Community Services
COMM. 10D-11	PERSONNEL	Letter to Legislature Re: Intro 8-4 (2005)	Finance & Management
COMM. 10D-12	DISS	Business Process Reengineering - Phase 2 for Y2005 - Y2007 Communication - No Approval Request at This Time	Government Affairs
COMM. 10D-13	COUNTY ATTORNEY	Filing Receipt From Dept. of State of LL No. 2 - 2005 - Citizens' Budget Review Commission	RFP
COMM. 10D-14	ECMCC	Minutes of Board of Directors Meeting Held 3/31/05	R&F
COMM. 10D-15	COUNTY ATTORNEY	Transmittal of New Claims Against EC	Government Affairs
COMM. 10D-16	DPW	Accomplishments of the Custodial Department	Economic Development

<b><u>COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:</u></b>			<b><u>REFERENCE</u></b>
COMM. 10M-1	ASSEMBLYPERSONS HOYT & PEOPLES	Letter to Legislature Re: NFTA Sales Tax Share	Finance & Management
COMM. 10M-2	NYS SUPREME COURT	Suit against ECL Re: Probation Department Layoffs	Government Affairs
COMM. 10M-3	MAYOR OF BUFFALO	Copy of Letter to NYPA Chair Re: Regional Cultural Asset Fund	Government Affairs
COMM. 10M-4	HARTER, SECREST & EMERY, LLP	Letter to Chairman Holt Re: Naples v. EC, Swarts v. EC, & Gallivan v. EC	Government Affairs
COMM. 10M-5	NYPA	Letter to Chairman Holt Re: Comm. 8E-56, Erie County Niagara Project Relicensing Settlement Offer from NYPA	Government Affairs
COMM. 10M-6	DAVE CORDERO	E-Mail sent to Legislators Re: Deputy Parks Commissioners	Energy & Environment
COMM. 10M-7	TOWN OF ELMA SUPERVISOR	Letter to Legislator Dusza Re: Elma Meadows Park & Golf Course	Energy & Environment
COMM. 10M-8	WEST SENECA AMERICORPS	Letter to Legislator Smith Re: TANF Pass-Through Money	Finance & Management
COMM. 10M-9	WORKING FOR DOWNTOWN	Letter to Chairman Holt Re: Public Safety Campus	Public Safety
COMM. 10M-10	GLOBALQUEST SOLUTIONS INC.	Copy of Letter to Comptroller Re: Comm. 10E-3	Government Affairs
COMM. 10M-11	NFTA	Payments Due NFTA	Government Affairs
COMM. 10M-12	SHARON S. TOWNSEND, EIGHTH JUDICIAL DISTRICT	Letter to County Attorney Re: Family Court Positions Within Law Department	R&F
COMM. 10M-13	NYS SECRETARY OF STATE	Receipt of Certificate of Appointment of Member of ECIDA	R&F
COMM. 10M-14	NFTA	NFTA Board Minutes for Meeting Held 2/28/05	R&F
COMM. 10M-15	NYS ENVIRONMENTAL FACILITIES CORPORATION	Summer Pool Conference Call Notice	Energy & Environment
COMM. 10M-16	TRANSIT WORKERS DISCUSSION GROUP	Our Challenge to County Government: Freeze the Debt! Hold a Referendum so the People can Decide!	R&F
COMM. 10M-17	ASSEMBLYMAN HOYT	Copy of Letter to NYPS Chair Re: Support of Regional Cultural Asset Fund	Government Affairs

COMM. 10M-18	NFTA	5-Year Capital Plan For FYs ending 3/31/06 - 3/31/10	Economic Development
COMM. 10M-19	ECIDA	Notice of Board of Directors Meeting To Be Held 4/11/05	R&F
COMM. 10M-20	NYSDEC	Fact Sheet: Urban Brownfields - Site Investigation of Six Lots on Ridge Rd. in Lackawanna	Energy & Environment
COMM. 10M-21	BUFFALO COUNCIL - AFL-CIO	Recommendations for Citizen's Budget Review Commission	
COMM. 10M-22	ECWA	Audited Financial Statements for Year Ending 12/31//04	Energy & Environment
COMM. 10M-23	TOWN OF TONAWANDA TOWN BOARD	Copy of Certified Resolution Re: Opposition to Greiner Commission Recommendations	Government Affairs
COMM. 10M-24	LAWRENCE W. SMITH & ASSOCIATES, INC.	Letter to Legislature Re: Communication #17E-14	Government Affairs

**MEMORIAL RESOLUTIONS:**

**ADJOURNMENT:**