



# THE ERIE COUNTY LEGISLATURE

Session No. 10

May 29, 2008

Lynn M. Marinelli  
*Chair*

Maria R. Whyte  
*Majority Leader*

John J. Mills  
*Minority Leader*

Robert M. Graber  
*Clerk of the Legislature*

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## ROLL CALL

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INVOCATION – Ms. Whyte

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PLEDGE OF ALLEGIANCE – Ms. Konst

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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:

MILLS

Commending Lieutenant Jeff Greene on His Cross Country Bicycle Ride to Help the Red Cross

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IANNELLO

Memorial Resolution for Albert J. Massaro

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IANNELLO

Proclamation Naming May as Older Americans Month

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IANNELLO

Honoring Michael Hazen for 34 Years of Dedicated Service in the Tonawanda Building Department

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IANNELLO

Memorial Resolution In Remembrance of Filumena Wolf

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IANNELLO

Memorial Resolution In Remembrance of Theodore P. Jewell

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IANNELLO

Congratulating Donald Floss on Being Named Youth of the Year by the Erie-Niagara Sunrise Exchange Club

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IANNELLO

Congratulating Scott Matthew Chown on Being Named an Eagle Scout in Boy Scout Troop 630

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KONST

Honoring the Memory of Joanne (Germain) Horn of Lancaster, NY

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MAZUR

Honoring the Memory of Hattie M. Zimniewicz

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MAZUR

Honoring the Memory of Stella Lawkowski

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IANNELLO

A Resolution In Memory of Leatrice A. Miller

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IANNELLO

A Resolution Honoring John Percy, Town of Tonawanda Historian, for Receiving the Julia Reinstein Award As Outstanding Historian in NYS

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| MARINELLI & RATH  | Congratulating Tommy Radon on Setting A New Record for Ballroom Dance Instruction  |
| MARINELLI         | Congratulating Louise Cerrone on Her Retirement From the Erie County Attorney's Office   |
| MARINELLI         | Recognizing George Zimmerman for His Service to Erie County  |
| RANZENHOFER       | Congratulating Francis X. Carroll on Receiving the 2008 Lawyer of the Year Award   |
| MARINELLI         | Welcoming the Semi-Finalists Coming to Buffalo for the Joann Falletta International Guitar Concerto Competition June 9-13  |
| MARINELLI         | Congratulating BPS School #39 Students in the SPCA's TLC Program   |
| MILLS & MARINELLI | Congratulating the Roycroft Campus Corporation on the Impressive Story in the NY Times' Travel Section   |
| MARINELLI         | Congratulating the Buffalo Bandits, 2008 National Lacrosse League World Champions  |
| MILLER-WILLIAMS   | In Memory of Bishop LeRoy Anderson   |
| KENNEDY           | Celebrating the Life of James D. Griffin (1929-2008)   |
| REYNOLDS          | Honoring Elderwood Village at Rosewood Upon Their 10th Anniversary   |
| REYNOLDS          | Recognizing and Thanking the Ambassador of the Republic of Macedonia, Zoran Jolveski and the Skopje City Library Braka Miladinovci for Their Donation of 200 Books to the Hamburg Public Library and the Lackawanna Public Library |
| MILLER-WILLIAMS   | In Memory of Rhoda C. Brooks   |
| MILLER-WILLIAMS   | In Memory of Willie E. Rollison  |

**LOCAL LAWS:**

**REFERENCE:**

|                          |  |  |                      |
|--------------------------|--|--|----------------------|
| LL INT. 1-1<br>1/16/2007 | MILLS, RANZENHOFER & WEINSTEIN   | A LL Requiring Elected Officials to Resign From Office Upon Being Convicted of a Misdemeanor or Felony | Government Affairs   |
| LL INT. 3-2<br>6/28/2007 | IANNELLO, MARINELLI, REYNOLDS, KONST, LOUGHRAN, LOCKLEAR, RANZENHOFER, MILLS and WEINSTEIN | A LL Amending Article II, Section 202 of Local Law No. 7-2007, Known as the Erie County Charter        | Government Affairs   |
| LL INT. 8-1<br>7/18/2007 | IANNELLO, KONST, REYNOLDS & MILLS  | Taxpayer Protection Law  | Government Affairs   |
| LL INT. 9-1<br>10/4/2007 | RANZENHOFER  | Repeal of LL No. 2-2006  | Economic Development |

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| LL INT. 2-1<br>3/18/2008 | RANZENHOFER, MILLS<br>& RATH                             | A LL Requiring Businesses to Verify<br>that Employees are Legally Eligible to<br>be Employed in the US and Erie<br>County | Economic<br>Development |
| LL INT. 3-2<br>4/4/2008  | IANNELLO, KONST,<br>REYNOLDS, MILLS,<br>GRANT & LOUGHRAN | Tax Payer Protection Law  | Government<br>Affairs   |
| LL INT. 4-1<br>5/21/2008 | MILLS, RANZENHOFER<br>& RATH                             | A Local Law Relating to Leasing<br>Vacant Land at ECC South Campus to<br>West Herr Imports                                |                         |

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**COMMITTEE REPORTS:**

REPORT NO. 6 ENERGY & ENVIRONMENT COMMITTEE

REPORT NO. 8 HEALTH & HUMAN SERVICES COMMITTEE

REPORT NO. 8 COMMUNITY ENRICHMENT COMMITTEE

REPORT NO. 8 FINANCE & MANAGEMENT COMMITTEE

REPORT NO. 6 PUBLIC SAFETY COMMITTEE

REPORT NO. 6 GOVERNMENT AFFAIRS COMMITTEE

REPORT NO. 8 ECONOMIC DEVELOPMENT COMMITTEE

**LEGISLATOR RESOLUTIONS:**

**REFERENCE:**

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|            |                                |   |  |
|------------|--------------------------------|---|--|
| INTRO 10-1 | MARINELLI                      | 10th District Office Lease<br>Amendments  |  |
| INTRO 10-2 | MARINELLI, WHYTE &<br>REYNOLDS | Support of New York State Senate<br>Bill S.7171B, a Measure that Provides<br>for Net Energy Metering for<br>Commercial Solar Electric Generating<br>Systems |  |
| INTRO 10-3 | MARINELLI & WHYTE              | Bolstering Our Economy by<br>Recognizing the Value of the Olmsted<br>Parks and the Foresight of the 21st<br>Century Plan                                    |  |

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| INTRO 10-4  | WROBLEWSKI & KONST  | Opposing S. 4912-B, A Measure That Would Allow a Town Board to Establish A Fire Department Without Regard to Existing Independent and Village Fire Departments Already Within the Town |
| INTRO 10-5  | RATH & MILLS  | The Commission on Property Tax Relief's Proposal to Cap Property Tax Increases   |
| INTRO 10-6  | IANNELLO  | Requiring Public Accountability for Private Schools Receiving State Funds  |
| INTRO 10-7  | KOZUB, MARINELLI, WHYTE, MILLER-WILLIAMS, GRANT, MAZUR & REYNOLDS           | Funding for the Former Bethlehem Steel Site, Tecumseh Redevelopment Inc. & Gateway Port Rail Infrastructure Project  |
| INTRO 10-8  | IANNELLO, MARINELLI, WHYTE, KOZUB, MILLER-WILLIAMS, GRANT, MAZUR & REYNOLDS | Protecting Wetlands  |
| INTRO 10-9  | MAZUR, MARINELLI, KOZUB, MILLER-WILLIAMS, GRANT & REYNOLDS                  | Protecting the Erie County Taxpayers' Interest Regarding the Future of ECMC and Its Assets   |
| INTRO 10-10 | MARINELLI, WHYTE, REYNOLDS, KOZUB, MILLER-WILLIAMS, GRANT, MAZUR & IANNELLO | Encouraging "Green Collar" Jobs In Erie County   |

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**COMMUNICATIONS DISCHARGED FROM COMMITTEE:**

**SUSPENSION OF THE RULES:**

**COMMUNICATIONS FROM ELECTED OFFICIALS:**

**REFERENCE:**

|              |                   |   |                         |
|--------------|-------------------|---|-------------------------|
| COMM. 10E-1  | COMPTROLLER       | ECFSA Borrowing   | Finance & Management    |
| COMM. 10E-2  | DISTRICT ATTORNEY | District Attorney's Office - Asset Forfeiture Appropriations                                |                         |
| COMM. 10E-3  | WHYTE             | Information Concerning Veterans' Issues   | Government Affairs      |
| COMM. 10E-4  | WHYTE             | Letters Concerning Probation Department Employee Concerns                                   | Public Safety           |
| COMM. 10E-5  | COUNTY EXECUTIVE  | Appointment of Commissioner of Central Police Services                                      | Public Safety           |
| COMM. 10E-6  | COUNTY EXECUTIVE  | Appointment of Commissioner of Emergency Medical Services                                   | Public Safety           |
| COMM. 10E-7  | COUNTY EXECUTIVE  | Lease of Vacant Land to West Herr Imports LLC d/b/a West Herr Toyota of Orchard Park        |                         |
| COMM. 10E-8  | COUNTY EXECUTIVE  | Appointment to the Buffalo and Erie County Botanical Gardens Society Board of Directors     | Community Enrichment    |
| COMM. 10E-9  | COUNTY EXECUTIVE  | Appointment to the Buffalo & Erie County Public Library Board of Trustees                   | Community Enrichment    |
| COMM. 10E-10 | COUNTY EXECUTIVE  | Lease of Space on Cell Tower at Erie Community College North Campus                         |                         |
| COMM. 10E-11 | COUNTY EXECUTIVE  | 2007 Year-End Budget Balancing Amendments   |                         |
| COMM. 10E-12 | COUNTY EXECUTIVE  | Property Acquisition at Aero/Youngs Intersection and Intersection Improvements, Cheektowaga | Economic Development    |
| COMM. 10E-13 | COUNTY EXECUTIVE  | Department of Social Services, Food Stamp Bonus - Employee Training and Education           | Health & Human Services |
| COMM. 10E-14 | COUNTY EXECUTIVE  | Department of Central Police 2008-2009 Grant, Regional Crime Analysis Center                | Public Safety           |
| COMM. 10E-15 | COUNTY EXECUTIVE  | Department of Environment and Planning: 2008 Budget Adjustment - Accounting Personnel       | Energy & Environment    |
| COMM. 10E-16 | COUNTY EXECUTIVE  | Erie County Clean School Bus Initiative Phase II  | Energy & Environment    |
| COMM. 10E-17 | COUNTY EXECUTIVE  | Pollution Prevention Reuse Recycling Technical Assistance Grant Revision                    | Energy & Environment    |

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| COMM. 10E-18                                       | COUNTY EXECUTIVE | Erie County Sewer District Nos. 3/8 Transfer of Funds, Increase in Utility Costs                                   | Energy & Environment     |
| COMM. 10E-19                                       | COUNTY EXECUTIVE | Pollution Prevention for Hospitality Sector Businesses   | Energy & Environment     |
| COMM. 10E-20                                       | COUNTY EXECUTIVE | Amendatory Resolution for the Union Ship Canal Public Open Space Work  | Energy & Environment     |
| COMM. 10E-21                                       | COUNTY EXECUTIVE | Appointment of Erie County Budget Director   | Finance & Management     |
| COMM. 10E-22                                       | COUNTY EXECUTIVE | Appointment to the Erie County Commission on the Status of Women   | Community Enrichment     |
| COMM. 10E-23                                       | COUNTY EXECUTIVE | Appointment to Buffalo Society of Natural Sciences   | Community Enrichment     |
| COMM. 10E-24                                       | COUNTY EXECUTIVE | Erie Community College 2008-2009 Budget  | Community Enrichment     |
| COMM. 10E-25                                       | COUNTY EXECUTIVE | In Support of WNY Construction Jobs Through Support of the NYS Brownfields Cleanup Program                         |                          |
| COMM. 10E-26                                       | IANNELLO         | Amendment to Comm. 8E-27 (2008)  | Finance & Management     |
| COMM. 10E-27                                       | SHERIFF          | Erie County Sheriff's Office - Aviation Reserve Fund Transfer  | Public Safety            |
| COMM. 10E-28                                       | MARINELLI        | Time Change for Thursday's Regular Session of the Erie County Legislature  | RFP                      |
| COMM. 10E-29                                       | SHERIFF          | Erie County Sheriff's Office - "Selective Traffic Enforcement" Program (STEP)                                      | Public Safety            |
| COMM. 10E-30                                       | COUNTY EXECUTIVE | Create Deputy Chief Medical Examiner Postion   | Health & Human Services  |
| COMM. 10E-31                                       | MARINELLI        | Reappointment/Appointment of Commissioner to the Erie County Water Authority                                       |                          |
| COMM. 10E-32                                       | SHERIFF          | Erie County Sheriff's Office Pharmacy Services   |                          |
| COMM. 10E-33                                       | COUNTY EXECUTIVE | Supplemental Agreement with NYSDOT - Right-of-Way Incidentals and Acquisition - Maple Rd., Rehabilitation, Amherst | Economic Development     |
| <b><u>COMMUNICATIONS FROM THE DEPARTMENTS:</u></b> |                  |  | <b><u>REFERENCE:</u></b> |
| COMM. 10D-1  | COUNTY ATTORNEY  | Transmittal of New Claims Against Erie County  | Government Affairs       |

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| COMM. 10D-2  | BUFFALO & ERIE COUNTY PUBLIC LIBRARY                               | Agenda & Minutes of Board of Trustees Meeting Held on May 15, 2008                                      | Community Enrichment     |
| COMM. 10D-3  | COUNTY ATTORNEY  | Requesting a Legal Opinion from the County Attorney   | Government Affairs       |
| COMM. 10D-4  | COUNTY ATTORNEY  | Transmittal of New Claims Against Erie County   | Government Affairs       |
| COMM. 10D-5  | EXECUTIVE DIRECTOR - COMMISSION ON THE STATUS OF WOMEN             | Letter & Memorandum Concerning Need for Child Drop Off Center in the Rath Building                      | Government Affairs       |
| COMM. 10D-6  | CLERK OF THE LEGISLATURE   | Time Change for Thursday's Regular Session of the Erie County Legislature                               | RFP                      |
| COMM. 10D-7  | DEPUTY COMMISSIONER ENVIRONMENT & PLANNING                         | State Environmental Quality Review - Negative Declaration - Notice of Determination of Non-Significance | Energy & Environment     |
| COMM. 10D-8  | BUDGET DIRECTOR  | Information/Documentation for ECFAA Concerning Four-Year Financial Plan                                 | Finance & Management     |
| <b><u>COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:</u></b> |  |   | <b><u>REFERENCE:</u></b> |
| COMM. 10M-1  | NIAGARA ERIE REGIONAL COALITION                                    | Agenda & Minutes of Board Meeting Held on May 9, 2008   | Government Affairs       |
| COMM. 10M-2  | GOVERNOR'S OFFICE  | Acknowledgement of Receipt of Certified Resolution  | R&F                      |
| COMM. 10M-3  | NYS DEC  | NYS Fish, Wildlife & Marine Resource Goals for 2010 - Ecosystem Protection                              | Energy & Environment     |
| COMM. 10M-4  | NFTA   | NFTA Five-Year Capital and Operating Plan   | Economic Development     |
| COMM. 10M-5  | NYSAC  | NYSAC Weekly Wire Recap: State Throws Current County Budgets Out of Balance                             | Finance & Management     |
| COMM. 10M-6  | TOWN OF AMHERST  | To Support Recertification of the Amherst Agricultural District, EC #17, by the Erie County Legislature | Energy & Environment     |
| COMM. 10M-7  | NFTA   | NFTA Cash Flow Statements 4/07-3/08 and 4/08-3/09   | Economic Development     |
| COMM. 10M-8  | EC BAR ASSN - AID TO INDIGENT PRISONERS - ASSIGNED COUNSEL PROGRAM | EC Legislature Resolution Comm. 5E-24 (2004)  | Government Affairs       |

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| COMM. 10M-9  | PROGRESSIVE<br>DEMOCRATS OF<br>AMERICA                                       | Issues Concerning Iraq and Afghan<br>Wars and the Social Budget Impact   | Government<br>Affairs   |
| COMM. 10M-10 | ASSEMBLYMEMBER<br>QUINN  | Acknowledgement of Receipt of<br>Certified Resolution  | R&F                     |
| COMM. 10M-11 | PRESIDENT OF THE<br>BUFFALO COMMON<br>COUNCIL                                | City of Buffalo Common Council<br>2008-2009 Action Plan  | Government<br>Affairs   |
| COMM. 10M-12 | VILLAGE OF<br>WILLIAMSVILLE  | Certified Copy of Resolution Urging<br>NYS Passage of "NYS Property<br>Taxpayers Protection Act"   | Finance &<br>Management |
| COMM. 10M-13 | LEGAL AID BUREAU OF<br>BUFFALO, INC.   | Monthly Report and Monthly Activity<br>Report for April 2008   | Government<br>Affairs   |
| COMM. 10M-14 | NFTA   | Final Five-Year Capital Plan for<br>Fiscal Years Ending March 31, 2009-<br>2013  | Economic<br>Development |
| COMM. 10M-15 | CITY OF BUFFALO - NYS<br>DEC   | Update on Brownfield Site<br>Investigation, Cleanup and<br>Reconstruction of Franczyk Park,<br>Buffalo, NY   | Energy &<br>Environment |
| COMM. 10M-16 | SENATOR RATH   | Acknowledgement of Receipt of<br>Certified Resolution  | R&F                     |
| COMM. 10M-17 | VILLAGE OF EAST<br>AURORA  | Assisting Merchants of Village of<br>East Aurora - Construction of Main<br>Street  | Economic<br>Development |
| COMM. 10M-18 | LEGAL SERVICES FOR<br>THE ELDERLY,<br>DISABLED OR<br>DISADVANTAGED OF<br>WNY | 2007 Annual Report   | Government<br>Affairs   |
| COMM. 10M-19 | TERRANEXT  | Request for Comments Concerning<br>Proposed Cellular Antenna Rawland<br>Site   | Community<br>Enrichment |
| COMM. 10M-20 | ECFSA  | Certified Copy of Resolution -<br>Calling Upon the County to Request<br>ECFSA to Issue Bonds to Fund the<br>County's 2007 and 2008 Capital<br>Expenditures | Finance &<br>Management |
| COMM. 10M-21 | TOWN OF HOLLAND  | Certified Copy of Resolution<br>Concerning Revision of NY General<br>Municipal Law   | Government<br>Affairs   |

**ANNOUNCEMENTS:**

**MEMORIAL RESOLUTIONS:**

**ADJOURNMENT:**