



THE ERIE COUNTY LEGISLATURE

Session No. 15
September 23, 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 – Mr. Kennedy

PLEDGE OF ALLEGIANCE – Ms. Bove

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

KENNEDY	Memorial Resolution in Memory of Billy James Mael
MAZUR	Honoring the Life of Gertrude (Williams) Ross
MARINELLI	Congratulating the Athletes, Staff & Volunteers of the Empire State Games for a Successful 2010 Summer Competition in Buffalo-Niagara
MAZUR	In Remembrance of the Life & Contributions to Our Community Made by Reverend Monsignor Robert C. Schwab
MILLS	Congratulating Griffins Mills Church in the Town of Aurora on Celebrating its 200 Year Anniversary
MILLS	Congratulating David Barus on His Induction into the NYS Outdoorsmen Hall of Fame
MILLS	Congratulating the Town of Colden in the Celebration of its Bicentennial
MAZUR	Honoring the Life of Robert J. Meier
HARDWICK, MARINELLI & LOUGHRAN	Honoring the James V. Ryan Paramedic Foundation on its 25th Anniversary
HARDWICK	Honoring the City of Tonawanda Public Library's Team 1 for Winning the Buffalo & EC Public Library's Battle of the Books
HARDWICK	Honoring Art & Mary Mallwitz on the 30th Anniversary of Mallwitz's Island Lanes

RATH	Commemorating the 100th Anniversary of the Williamsville Branch Library
DIXON	Honoring Sharen Trembath, Coordinator of the Great Lakes Beach Sweep, for 25 Years of Service
FUDOLI	Congratulating Jonathan D. Lewczyk Upon His Achievement of Earning the Rank of Eagle Scout

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
LL INT. 5-1 9/21/2010	RATH, DIXON, MILLS, WALTER, FUDOLI, HARDWICK, MILLER-WILLIAMS & MARINELLI	A LL Entitled "EC Silver Alert System"	

COMMITTEE REPORTS:

LEGISLATOR RESOLUTIONS:

REFERENCE:

INTRO 15-1	MARINELLI, WHYTE, KOZUB, GRANT, MAZUR & LOUGHRAN	Calling for Full Scale Review of EC Health Insurance System
INTRO 15-2	MARINELLI, WHYTE, KOZUB, GRANT, MAZUR & LOUGHRAN	Updating on Ethics Board & Compliance with Local Law
INTRO 15-3	DIXON	Supporting All Federal & State Efforts to Prevent the Asian Carp from Infiltrating the Great Lakes
INTRO 15-4	MILLER-WILLIAMS	Asking Board of Elections Commissioners Dennis Ward & Ralph Mohr to Appear Before the Government Affairs Committee to Answer Questions Regarding the 2010 Primary
INTRO 15-5	KOZUB	Supporting Renewable Energy Sources but Opposing Offshore Wind Farms in Lake Erie
INTRO 15-6	MILLER-WILLIAMS, LOUGHRAN, MILLS, KOZUB, WALTER, FUDOLI, BOVE, HARDWICK, MARINELLI, DIXON & RATH	NYS Tourism Act Re-Designation for 2010-2011
INTRO 15-7	MILLER-WILLIAMS, BOVE & MARINELLI	Encouraging the County Executive to Appoint Five (5) Members to the EC Board of Ethics
INTRO 15-8	HARDWICK	Release Restrictive Covenant on Properties Located on Long Road in the Town of Grand Island

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

SUSPENSION OF THE RULES:

COMMUNICATIONS FROM ELECTED OFFICIALS:

REFERENCE:

COMM. 15E-1	COUNTY EXECUTIVE	Veto Message Concerning 2009 Year-End Budget Balancing Amendments & Designations	
COMM. 15E-2	COMPTROLLER	Letter to Legislature Concerning 1% Sales & Compensating Use Tax	Finance & Management
COMM. 15E-3	COMPTROLLER	Letter to Legislature Requesting Special Legislature Session	R&F
COMM. 15E-4	COMPTROLLER	Additional 2010 Disproportionate Share Payment - ECMCC	Finance & Management
COMM. 15E-5	COMPTROLLER	Financial Report of EC for Six Months Ended 6/30/2010	Finance & Management
COMM. 15E-6	COMPTROLLER	County Comptroller Disclosure Statement	R&F
COMM. 15E-7	COMPTROLLER	Certificate of Determination by the County Comptroller Relative to \$45,000,000 Revenue Anticipation Note	Finance & Management
COMM. 15E-8	MILLER-WILLIAMS	Letter to Clerk of Legislature Concerning Change of Date of Regular Session	RFP
COMM. 15E-9	MILLER-WILLIAMS	Updated 2010 Schedule of Legislative Sessions	RFP
COMM. 15E-10	MILLER-WILLIAMS	Updated 2010 Schedule of Legislative Sessions - Invocation & Pledge Schedule	RFP

COMM. 15E-11	COUNTY EXECUTIVE	Award of Construction Contract - Execution of Contract for Engineering & Construction Inspection Services - Lakeshore Shoreline Trail Multi-Use Pathway - Phase 1 - Town of Evans	
COMM. 15E-12	COUNTY EXECUTIVE	EC Idling Reduction Grant Budget	
COMM. 15E-13	COUNTY EXECUTIVE	Appointments to the EC Board of Ethics	Government Affairs
COMM. 15E-14	COUNTY EXECUTIVE	Notice of Adoption - EC Sewer Districts - 2011 Assessment Rolls	Energy & Environment
COMM. 15E-15	COUNTY EXECUTIVE	Department of Central Police Services Forensic Laboratory Fees	
COMM. 15E-16	COUNTY EXECUTIVE	Payment in Lieu of Taxes (PILOT) Agreement for Main-Ferry Housing Affordable Housing Development	Economic Development
COMM. 15E-17	COUNTY EXECUTIVE	Payment in Lieu of Taxes (PILOT) Agreement for Commercial Wind Energy Conversion Systems - City of Lackawanna & Town of Hamburg	Economic Development
COMM. 15E-18	COUNTY EXECUTIVE	EC Sales & Use Tax Resolution Amendment	Finance & Management
COMM. 15E-19	COUNTY EXECUTIVE	2010 EC Dam Safety, Inspection & Design Engineering Services Award of Consultant Agreement	Economic Development
COMM. 15E-20	COUNTY EXECUTIVE	2010 EC Culvert Inspection & Design Award of Consultant Agreements	Economic Development
COMM. 15E-21	COUNTY EXECUTIVE	Semi-Annual Attendance Records - Board of Managers - EC Sewer Districts	Energy & Environment
COMM. 15E-22	COUNTY EXECUTIVE	EC Sewer Districts 1-6 & 8 - Section 270/271 Resolutions	Energy & Environment
COMM. 15E-23	COUNTY EXECUTIVE	EC Soil & Water Conservation District Agreement - Technical Services & Stream Bank Maintenance, Bridge & Culvert Scour Maintenance Program	Energy & Environment
COMM. 15E-24	COUNTY EXECUTIVE	EC Sewer District No. 3 - Contract No. 8 - EC Southtowns Energy Performance Contract - Contract Close-Out	Energy & Environment
COMM. 15E-25	COUNTY EXECUTIVE	EC Sewer District No. 2 - Engineer Term Agreement - Wendel-Duchscherer	Energy & Environment

COMM. 15E-26	COUNTY EXECUTIVE	EC Division of Sewerage Management - Engineering Service Agreement	Energy & Environment
COMM. 15E-27	COUNTY EXECUTIVE	EC Division of Sewerage Management - Engineering Service Agreement	Energy & Environment
COMM. 15E-28	COUNTY EXECUTIVE	Request to Accept American Recovery & Reinvestment Act of 2009 Funds	Health & Human Services
COMM. 15E-29	COUNTY EXECUTIVE	Notice of Public Hearing - EC Sewer Districts - 2011 Assessment Rolls	
COMM. 15E-30	COUNTY EXECUTIVE	Request to Contract with Buffalo Guidance Group LLC	Health & Human Services
COMM. 15E-31	COUNTY EXECUTIVE	Property Transfer Request	Government Affairs
COMM. 15E-32	COUNTY EXECUTIVE	Property Transfer Request	Government Affairs
COMM. 15E-33	COUNTY EXECUTIVE	Property Transfer Request	Government Affairs
COMM. 15E-34	COUNTY EXECUTIVE	Agreement with M&T Mortgage Corporation - Preferred Lender Status for EC First Time Home Buyer Program	Economic Development
COMM. 15E-35	COUNTY EXECUTIVE	EC Division of Sewerage Management - Engineering Service Agreement	Energy & Environment
COMM. 15E-36	COUNTY EXECUTIVE	Award of Construction Contract - Change Order for Engineering & Construction Inspection Services - Reconstruction of Youngs Road & Aero Drive Intersection - Town of Cheektowaga	Economic Development
COMM. 15E-37	MARINELLI	Letter to Commissioner Kathy Konst Concerning Waterfront Development	Economic Development
<u>COMMUNICATIONS FROM THE DEPARTMENTS:</u>			<u>REFERENCE:</u>
COMM. 15D-1	COUNTY ATTORNEY	Transmittal of New Claims Against EC	Government Affairs
COMM. 15D-2	CLERK OF ENERGY & ENVIRONMENT COMMITTEE	Letters to Legislature in Relation to Supporting Renewable Energy in EC	Energy & Environment
COMM. 15D-3	DIRECTOR OF BUDGET & MANAGEMENT	Budget Monitoring Report (BMR) for Period Ending 6/30/2010	Finance & Management

COMM. 15D-4	DIRECTOR OF BUDGET & MANAGEMENT	Vacancy Report as of 7/29/2010	Government Affairs
COMM. 15D-5	COUNTY ATTORNEY	Transmittal of New Claims Against EC	Government Affairs
COMM. 15D-6	COUNTY ATTORNEY	Transmittal of New Claims Against EC	Government Affairs
COMM. 15D-7	COUNTY ATTORNEY	Transmittal of New Claims Against EC	Government Affairs
COMM. 15D-8	COUNTY ATTORNEY	Transmittal of New Claims Against EC	Government Affairs
COMM. 15D-9	COUNTY ATTORNEY	Transmittal of New Claim Against EC	Government Affairs
COMM. 15D-10	COUNTY ATTORNEY	Transmittal of New Claims Against EC	Government Affairs
COMM. 15D-11	COUNTY ATTORNEY	Transmittal of New Claims Against EC	Government Affairs
COMM. 15D-12	COUNTY ATTORNEY	Transmittal of New Claims Against EC	Government Affairs
COMM. 15D-13	DIRECTOR OF BUDGET & MANAGEMENT	Vacancy Report as of 8/31/2010	Government Affairs
COMM. 15D-14	COUNTY ATTORNEY	Transmittal of New Claims Against EC	Government Affairs
COMM. 15D-15	CLERK OF FINANCE & MANAGEMENT COMMITTEE	Mid-Year Budget Hearings Report	Finance & Management
COMM. 15D-16	COUNTY ATTORNEY	Transmittal of New Claims Against EC	Government Affairs
COMM. 15D-17	CLERK OF LEGISLATURE	Change the Date of Regular Session	RFP
COMM. 15D-18	COMPTROLLER'S OFFICE	Review of the EC Board of Ethics for the Period 1/1/2007 - 12/31/2009	Government Affairs
COMM. 15D-19	MAJORITY COUNSEL	Letter to Chair Miller-Williams Concerning Alcoholic Beverage Control Law	Government Affairs
<u>COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:</u>			<u>REFERENCE:</u>
COMM. 15M-1	NFTA	Minutes of Meeting Held 7/28/2010	Economic Development

COMM. 15M-2	DORETHA FANNING	Letter to Clerk of Legislature Concerning a Better Investment Climate for Verizon Corporation in NYS	Economic Development
COMM. 15M-3	ORCHARD PARK TOWN CLERK	Copy of Resolution for Orchard Park & Angola Fire Districts Grant Application	Public Safety
COMM. 15M-4	NYSDEC	Fact Sheet: Brownfield Cleanup Program - Proposed Final Cleanup Plan for the 1132-1146 Seneca Street Site Available for Public Comment	Energy & Environment
COMM. 15M-5	NYSDEC	Fact Sheet: Brownfield Cleanup Program - Cleanup Activities to Begin at 1318 Niagara Street Site	Energy & Environment
COMM. 15M-6	NYS PUBLIC SERVICE COMMISSION	Letter to Clerk of Legislature Concerning Transmitting of Documents Electronically	Government Affairs
COMM. 15M-7	NFTA	17A Report & Capital Expenditure Reports for First Quarter of Fiscal Year Ending 3/21/2011	Economic Development
COMM. 15M-8	INTERCOUNTY ASSOCIATION OF WNY	Minutes of Meeting Held 8/20/2010	Government Affairs
COMM. 15M-9	CLERK OF THE BOARD OF SUPERVISORS OF FULTON COUNTY	Copy of Resolution Demanding that State Legislators Reduce Unfunded Mandates that Cause Local Property Tax Increases Prior to Imposing a Cap on Local Property Taxes	Finance & Management
COMM. 15M-10	NYS DEPARTMENT OF AGRICULTURE & MARKETS	Letter to Clerk of Legislature Regarding a Review of EC Agricultural District No. 13	Energy & Environment
COMM. 15M-11	DEPARTMENT OF THE ARMY	Letter to Clerk of Legislature Regarding Supplemental Reconnaissance Report & Great Lakes Navigation System Review	Energy & Environment
COMM. 15M-12	ECMCC	Minutes of Meeting Held 8/3/2010	Health & Human Services
COMM. 15M-13	ASSIGNED COUNSEL PROGRAM	Financial Report, List of Attorneys who are Currently on the Panel & Minutes of Each Meeting Held Between 1/1/10 - 6/30/10	Government Affairs
COMM. 15M-14	ASSIGNED COUNSEL PROGRAM	Quarterly Report for the Second Quarter of 2010	Government Affairs
COMM. 15M-15	NYSAC	Enacted 2010-2011 State Budget Impact on Counties Report	Finance & Management

COMM. 15M-16	NFTA	Minutes of Meeting Held 7/26/2010	Economic Development
COMM. 15M-17	CITY OF BUFFALO DEPARTMENT OF ASSESSMENT & TAXATION	Assessment Pursuant to Local Laws - Downtown Pedestrian/Transit Mall	Finance & Management
COMM. 15M-18	NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION	Region 9 Fish & Wildlife Monthly Highlights for 5/16/2010 - 6/15/2010	Energy & Environment
COMM. 15M-19	ECMCC	Minutes of Meeting Held 9/7/2010	Health & Human Services
COMM. 15M-20	BUFFALO & EC PUBLIC LIBRARY	Minutes of Meetings Held 7/15/2010 & 8/18/2010	Community Enrichment

ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT: