



THE ERIE COUNTY LEGISLATURE

Session No. 17
September 10, 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. Kozub

PLEDGE OF ALLEGIANCE – Mr. Kennedy

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

MAZUR	Honoring David "Scrubby" Seweryniak for His 50 Years of Service as an Entertainer and His Dedication to Polish Culture
MARINELLI & KOZUB	Honoring the Life and Legacy of Russell Pawlak, Highlighted by His Passion for the Central Terminal
REYNOLDS & WROBLEWSKI	Honoring Capt. Kevin Caffery & Co-Pilot Art Litzinger for Rescuing Campers in Flooded Zoar Valley
KENNEDY	Celebrating the Italian Culture & Heritage of South Park Ave. & South Buffalo
IANNELLO	Congratulating Helen Rydzak on Her 90th Birthday
IANNELLO	Honoring Marion and Clarence Schultz on Their 60th Wedding Anniversary
IANNELLO	Memorial Resolution in Honor of Fred Korey, Coach for Hasek's Heroes
IANNELLO	Memorial Resolution for Cindy Giroux
MILLS	Recognizing the Outstanding Dedication of Warren E. Emblidge Jr. and the McCullagh Coffee Co. for Their Commitment and Enthusiasm to Create a "Green" Erie County
MILLS	Recognizing Edward McGrath Sr. for His Outstanding Commitment and Dedication to Little Loop Football in East Aurora

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. 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. 5-1 6/9/2009	MILLS, RATH & WALTER	A LL in relation to reducing the size 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. 9-1 7/06/2009	LOUGHRAN	A LL in relation to reducing the size of the Erie County Legislature	Government Affairs
LL INT. 10-1 8/06/2009	WROBLEWSKI & KENNEDY	A LL establishing Anti-Texting and/or Twittering While Driving Law	

COMMITTEE REPORTS:

REPORT NO. 9 PUBLIC SAFETY COMMITTEE

LEGISLATOR RESOLUTIONS:

REFERENCE:

INTRO 17-1	WHYTE	Reconfiguration of Cluster Areas of Senior Services Case Managers	
INTRO 17-2	MARINELLI & WHYTE	Appointment to Erie County Audit Committee	
INTRO 17-3	KOZUB	Showing the EC Legislature's Support in Keeping the Lackawanna Post Office Open	
INTRO 17-4	KOZUB, MARINELLI, WHYTE, MILLS, MILLER- WILLIAMS, WALTER, GRANT, MAZUR, IANNELLO, LOUGHRAN & RATH	Supporting the Construction of a High-Speed Rail Hub at Buffalo's Central Terminal	

INTRO 17-5	RATH, KENNEDY, MILLS, WALTER, MARINELLI, WHYTE, KOZUB, MILLER- WILLIAMS, MAZUR, IANNELLO, REYNOLDS & LOUGHRAN	Calling Upon NYS to More Equitably Allocate NYS Dept. of Transportation and Federal Stimulus Funds for Road & Bridge Repair
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COMMUNICATIONS DISCHARGED FROM COMMITTEE:

SUSPENSION OF THE RULES:

<u>COMMUNICATIONS FROM ELECTED OFFICIALS:</u>			<u>REFERENCE:</u>
COMM. 17E-1	WHYTE	Copy of Article Entitled, "Our Real Prison Problem"	Public Safety
COMM. 17E-2	KOZUB	Copy of Letter to County Executive Concerning Capital Borrowing Projects & Funding - Utilization of Local Design Professionals	Economic Development
COMM. 17E-3	COMPTRROLLER	Erie County 2008 Comprehensive Annual Financial Report	Finance & Management
COMM. 17E-4	COMPTRROLLER	Additional Intergovernmental Transfer/Disproportionate Share Payment to NYS	Health & Human Services
COMM. 17E-5	COMPTRROLLER	Pennsylvania Electric Motor Service	Energy & Environment
COMM. 17E-6	COMPTRROLLER	Salary Increase for Deputy County Executive	Government Affairs
COMM. 17E-7	COUNTY EXECUTIVE	Veto Message, LL Intro. No. 3-2009	
COMM. 17E-8	COMPTRROLLER	EC Financial Report for Period Ending 6/30/09	Finance & Management
COMM. 17E-9	KONST	Resignation From the Office of 5th District Erie County Legislator	RFP
COMM. 17E-10	MARINELLI	Appointment of Finance & Management Committee Chair	RFP
COMM. 17E-11	KONST	Letter to Legislator Kozub Concerning Energy & Environment Committee Informational Meeting	R&F
COMM. 17E-12	COMPTRROLLER	Letter Concerning June 2009 Sales Tax	Finance & Management
COMM. 17E-13	COUNTY EXECUTIVE	Approval Notification for LL Intro. No. 8-2009	R&F
COMM. 17E-14	COUNTY EXECUTIVE	Appointments to the EC Youth Services Board	Health & Human Services
COMM. 17E-15	MARINELLI	Appointment to the Niagara Erie Regional Coalition Board	RFP
COMM. 17E-16	COMPTRROLLER	Copy of the External Auditor's (Deloitte & Touche LLP) Management Letter for EC, Year Ended 12/31/08	Finance & Management
COMM. 17E-17	WROBLEWSKI	Copy of Letter to County Executive Concerning City of Buffalo Cellblock Agreement	Public Safety

COMM. 17E-18	IANNELLO	Copy of Letter to Congresswoman Slaughter Regarding the Closing of Village of Kenmore Post Office Branch	Economic Development
COMM. 17E-19	IANNELLO	Copy of Letter to Senator Schumer Regarding the Closing of Village of Kenmore Post Office Branch	Economic Development
COMM. 17E-20	IANNELLO	Copy of Letter to Senator Gillibrand Regarding the Closing of Village of Kenmore Post Office Branch	Economic Development
COMM. 17E-21	COUNTY EXECUTIVE	Appointment of Emergency Services Deputy Commissioner	Public Safety
COMM. 17E-22	KOZUB	Letter to Chair Marinelli - Absence from Special Session Held 8/25/09	RFP
COMM. 17E-23	REYNOLDS	Finance & Management Committee - Summary Report of the 2009 Mid-Year Budget Hearings	Finance & Management
COMM. 17E-24	DISTRICT ATTORNEY	District Attorney's Office - 2009 Recovery Act Justice Assistant Grant	
COMM. 17E-25	DISTRICT ATTORNEY	District Attorney's Office - Operation IMPACT VI Grant	
COMM. 17E-26	DISTRICT ATTORNEY	District Attorney's Office - Victim Witness Assistance Grant	
COMM. 17E-27	DEMOCRATIC CAUCUS	Appointment of Diane M. Terranova to Fill Vacancy in the 5th Legislative District	
COMM. 17E-28	REYNOLDS	Copy of Letter to Assoc. of EC Governments Concerning Drainage in the 12th Legislative District	Finance & Management
COMM. 17E-29	COUNTY EXECUTIVE	Extension & Imposition of Additional .75% Sales and Compensating Use Tax	
COMM. 17E-30	COUNTY EXECUTIVE	Property Transfer to Williamsville Central Schools	
COMM. 17E-31	COUNTY EXECUTIVE	929 South Park Ave. - NYS DMNA Depot	
COMM. 17E-32	COUNTY EXECUTIVE	Award of Construction Contract & Change Order for Construction Inspection Services - 2009 Capital Overlay Contract	
COMM. 17E-33	COUNTY EXECUTIVE	Transfer of Funds for Furthering Swipe Card System200	
COMM. 17E-34	COUNTY EXECUTIVE	ECSD #2 - Engineer Term Agreement - Wendel - Duchscherer - Work Order	Energy & Environment

COMM. 17E-35	COUNTY EXECUTIVE	ECSD #3 & #6 - Engineer Term Agreement - Liro Engineers, Inc. - Work Order	Energy & Environment
COMM. 17E-36	COUNTY EXECUTIVE	Back to School Payment to Temporary Assistance Cases	Health & Human Services
COMM. 17E-37	COUNTY EXECUTIVE	ECC Request to Utilize the Capital Chargeback Acct. for City Campus Academic Lab & Library Improvements	Finance & Management
COMM. 17E-38	COUNTY EXECUTIVE	ECSD #1-#6 & #8 - Section 270/271 Resolutions	Energy & Environment
COMM. 17E-39	COUNTY EXECUTIVE	Semi-Annual Attendance Records - Board of Managers - ECSDs'	Energy & Environment
COMM. 17E-40	COUNTY EXECUTIVE	Chestnut Ridge Park - 2009 - Casino Building Roof Replacement & Exterior Façade Work	Energy & Environment
COMM. 17E-41	COUNTY EXECUTIVE	Notice of Public Hearing - ECSDs' 2010 Assessment Rolls	Energy & Environment
COMM. 17E-42	COUNTY EXECUTIVE	Notice of Adoption - ECSDs' 2010 Assessment Rolls	Energy & Environment
COMM. 17E-43	COUNTY EXECUTIVE	ECSD #4 - Contract No. 39 - Contract Close Out	Energy & Environment
COMM. 17E-44	COUNTY EXECUTIVE	ECSD #3 & #6 - Amended License Agreements Between Buffalo & Pittsburgh, Inc. and EC	Energy & Environment
COMM. 17E-45	COUNTY EXECUTIVE	EC Division of Sewer Management - ECSD #2 - Engineering Agreement - Stearns & Wheler, LLC - Change Order #1	Energy & Environment
COMM. 17E-46	COUNTY EXECUTIVE	ECSD # 3,#4 & #5 - Engineer Term Agreement - Greenman-Peterson, Inc. - Work Order GPI-2	Energy & Environment
COMM. 17E-47	COUNTY EXECUTIVE	Dept. of Social Services - Medicaid Staff Additions	Health & Human Services
COMM. 17E-48	COUNTY EXECUTIVE	Employee Subsidized Wage Stimulus Grants	Government Affairs
COMM. 17E-49	COUNTY EXECUTIVE	EC Court Building - 2009 - Roof Replacement	Economic Development
COMM. 17E-50	COUNTY EXECUTIVE	Juvenile Accountability Block Award (JABG) - From NYS Dept. of Criminal Justice Services - Amendment to COMM. 14E-15 (2008)	Public Safety
COMM. 17E-51	COUNTY EXECUTIVE	Dept. of Social Services - International Institute Interpreter Services Contract	Health & Human Services

COMM. 17E-52	COUNTY EXECUTIVE	Rental Car Charges to Out of Area Travel Account	Government Affairs
COMM. 17E-53	COUNTY EXECUTIVE	Sewerage Management - Local Gov. Efficiency Grant Application (2009)	Energy & Environment
COMM. 17E-54	KOZUB	Letter to Chair Marinelli - Absence from Public Safety Committee Meeting Held 9/1/09	R&F

COMMUNICATIONS FROM THE DEPARTMENTS:

REFERENCE:

COMM. 17D-1	COUNTY ATTORNEY	Notice of Public Hearing Held 7/22/09 - LL Intro. No. 3-2009	R&F
COMM. 17D-2	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 17D-3	ENVIRONMENT & PLANNING COMMISSIONER	Project Description - Negative Declaration of Elimination Project of Aurora Pump Station - Lancaster & Cheektowaga	Energy & Environment
COMM. 17D-4	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 17D-5	MEDICAL DIRECTOR	Board of Health Agenda Items for Meeting Held 8/13/09, and Minutes for Meeting Held 5/7/09	Health & Human Services
COMM. 17D-6	COMPTROLLER'S OFFICE	Copy of Review of Time and Attendance Data for Employees Within the EC Dept. of Personnel for 1/1/07 - 12/31/08	Government Affairs
COMM. 17D-7	COUNTY ATTORNEY	Pennsylvania Electric Motor Service	Energy & Environment
COMM. 17D-8	COUNTY ATTORNEY	Notice of Public Hearing Held 7/23/09 - LL Intro. No. 8-2009	R&F
COMM. 17D-9	MAJORITY COUNSEL	Copy of Letter to County Attorney Concerning FOIL Requests	Community Enrichment
COMM. 17D-10	COMMISSIONER OF SOCIAL SERVICES	Response Letter to Legislator Konst Concerning Financial Reports	Health & Human Services
COMM. 17D-11	MAJORITY COUNSEL	FOIL Request - Notice of Appeal	Community Enrichment
COMM. 17D-12	EC COMPTROLLER'S OFFICE	EC Dept. of Mental Health Audit of Payroll Transactions for 1/1/07 - 12/31/08	Health & Human Services
COMM. 17D-13	ENVIRONMENT & PLANNING COMMISSIONER	Project Description - Negative Declaration of EC Highways Cistern Installation Project - Ellicott Rd., West Falls	Economic Development

COMM. 17D-14	ENVIRONMENT & PLANNING COMMISSIONER	Project Description - Negative Declaration of Botanical Gardens Cistern Installation Project - South Park Ave., Buffalo	Energy & Environment
COMM. 17D-15	CLERK OF THE LEGISLATURE	Quarterly Chairs' & Liaisons' Meeting Agenda & Reports	R&F
COMM. 17D-16	COMMISSIONER OF PERSONNEL	Salary Increment for Deputy County Executive	Government Affairs
COMM. 17D-17	DIRECTOR OF BUDGET & MANAGEMENT	BMR Report - Period Ending 6/30/09	Finance & Management
COMM. 17D-18	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 17D-19	COUNTY ATTORNEY	Freedom of Information Law Request	Community Enrichment
COMM. 17D-20	COUNTY ATTORNEY	Transmittal of New Claim Against Erie County	Government Affairs
COMM. 17D-21	COUNTY ATTORNEY	Transmittal of New Claim Against Erie County	Government Affairs
COMM. 17D-22	COUNTY ATTORNEY	Letter to Legislator Wroblewski Concerning Inability to Attend Public Safety Informational Meeting Held 8/19/09	Public Safety
COMM. 17D-23	HEALTH COMMISSIONER	Dept. of Health Special Needs Division - Petty Cash Fund	Health & Human Services
COMM. 17D-24	DIRECTOR OF REAL ESTATE	Real Estate/Space Utilization - Efficiency Grant - Quarterly Update	Government Affairs
COMM. 17D-25	COMMISSIONER OF PERSONNEL	Response to Copy of Review of Time and Attendance Data for Employees within the EC Dept. of Personnel for 1/1/07 - 12/31/08	Government Affairs
COMM. 17D-26	CLERK OF THE LEGISLATURE	Notice of EC Legislature Public Safety Committee Meeting Held 9/1/09	R&F
COMM. 17D-27	EC HISTORIAN	Progress Report for Projects Completed or In-Progress - 8/15/09	Community Enrichment
COMM. 17D-28	ENVIRONMENT & PLANNING COMMISSIONER	Project Description - Negative Declaration of South Main St. Waterline Improvements - Village of Angola	Energy & Environment
COMM. 17D-29	ENVIRONMENT & PLANNING COMMISSIONER	Project Description - Negative Declaration of WTP/WWTP Remediation & Asbestos Abatement - Niagara Shore Dr. & Niagara St. - Tonawanda	Economic Development

COMM. 17D-30	COUNTY ATTORNEY	Letter to Legislator Wroblewski Concerning Inability to Attend Public Safety Informational Meeting Held 9/1/09	Public Safety
COMM. 17D-31	DEPUTY COMPTROLLER	Letter to Chair Marinelli Concerning Appointment to the Audit Committee	R&F
COMM. 17D-32	COUNY ATTORNEY	Letter to Legislator Grant Concerning US DOJ v. EC and EC Sheriff	Public Safety
COMM. 17D-33	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 17D-34	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

REFERENCE:

COMM. 17M-1	NYSDEC	Region 9 Fish & Wildlife Highlights - 1/15/09 - 3/15/09	Energy & Environment
COMM. 17M-2	BUFFALO & EC PUBLIC LIBRARY	Agenda Items for Meeting Held 7/16/09	Community Enrichment
COMM. 17M-3	FULTON COUNTY BOARD OF SUPERVISORS	Copy of Resolution Opposing Various Proposed Anti-Gun Legislation in NYS - Passed 7/13/09	Public Safety
COMM. 17M-4	FULTON COUNTY BOARD OF SUPERVISORS	Copy of Resolution Opposing NYS Assembly Bill A-1747 & NYS Senate Bill S-3344 - Local Correctional Facilities With-in the Definition of Hospital Under Jurisdiction of the NYSDOH - Passed 7/13/09	Public Safety
COMM. 17M-5	AFSCME - LOCAL 1095	Copy of Letter to Chair Marinelli Concerning Intro. 15-6 (2008)	Government Affairs
COMM. 17M-6	NAACP	Letter Requesting Answers to the Findings of Two Comptroller Audits Regarding EC Correctional Facility and the EC Holding Center	Public Safety
COMM. 17M-7	SENIORS AT NORTHWEST BUFFALO COMMUNITY CENTER	Copy of Petition Protesting Action of EC Senior Services Relocating Two Caseworkers to the North Buffalo Community Center	Health & Human Services
COMM. 17M-8	SENATOR THOMPSON	Copy of Letter to Governor Paterson Re: Proposed Sale of Southtowns Connector by NFTA	Government Affairs
COMM. 17M-9	ECFSA	Copy of Letter to Chair Marinelli Concerning Status Change from Control to Advisory Status	Finance & Management

COMM. 17M-10	SCHOHARIE CO. BOARD OF SUPERVISORS	Resolution Passed by Schoharie County Board of Supervisors - Requesting NYS to Take Back Local Share of Medicaid	Health & Human Services
COMM. 17M-11	U.S. DEPT. OF JUSTICE - ASSIST. ATTORNEY GENERAL	Copy of Letter to County Executive - CRIPA Investigation of the EC Holding Center & EC Correctional Facility	Public Safety
COMM. 17M-12	NYSDEC	Region 9 Fish & Wildlife Highlights - 5/16/09 - 6/15/09	Energy & Environment
COMM. 17M-13	EC BAR ASSOCIATION AID TO INDIGENT PRISONERS - ASSIGNED COUNSEL PROGRAM	Report for Second Quarter of 2009	Government Affairs
COMM. 17M-14	EC BAR ASSOCIATION AID TO INDIGENT PRISONERS - ASSIGNED COUNSEL PROGRAM	Financial Report for 1/1/09 - 6/30/09 & Copy of Minutes of Each Meeting of Board of Directors	Government Affairs
COMM. 17M-15	NEWSTEAD TOWN BOARD	Copy of Resolution Adopted on 7/27/09 - Process of Updating the EC Tax Act from 1997	Finance & Management
COMM. 17M-16	COLUCCI & GALLAHER, P.C.	ECMCC Agenda Items for Board of Directors' Meeting Held 7/29/09	Health & Human Services
COMM. 17M-17	NFTA	Agenda Items & Minutes from NFTA Board Meeting Held 6/22/09	Economic Development
COMM. 17M-18	SENATOR VOLKER	Letter Acknowledging Receipt of Certified Resolutions	R&F
COMM. 17M-19	LAUX SPORTING GOODS	Letter Concerning Opposition To America's Affordable Health Choices Act	Health & Human Services
COMM. 17M-20	LANCASTER TOWN BOARD	Copy of Resolution Adopted 8/3/09 Concerning EC Tax Act	Finance & Management
COMM. 17M-21	NYS DOT	Copy of Resolution Regarding the Abandonment of West River Service Rd. - Grand Island	Economic Development
COMM. 17M-22	NYS BOARD OF REAL PROPERTY SERVICES	Certification of County Equalization Rates for 2009 Assessment Rolls for Municipalities in EC	Finance & Management
COMM. 17M-23	GOVERNOR PATERSON	Appointment of Thomas Malecki to Position of ECMCC Director - Term Expiring 3/30/12	Health & Human Services
COMM. 17M-24	NY POWER AUTHORITY	SEQR Notice of Determination - Niagara Ice Boom Storage - City of Buffalo	Energy & Environment

COMM. 17M-25	DAVID A. CARR, P.E.	Letter Supporting Kathy Konst as Commissioner of Environment & Planning	R&F
COMM. 17M-26	SENATOR VOLKER	Letter Acknowledging Receipt of Certified Resolutions	R&F
COMM. 17M-27	NYSDEC	Public Notice - Inactive Hazardous Waste Disposal Site Classification - 1079 Clinton St., Buffalo	Economic Development
COMM. 17M-28	CONCORD TOWN BOARD	Copy of Resolution Adopted on 8/13/09 - Process of Updating the EC Tax Act from 1997	Finance & Management
COMM. 17M-29	ALDEN HIGHWAY SUPERINTENDENT	Letter Concerning the Price of Salt	Government Affairs
COMM. 17M-30	NYSDEC	Region 9 Fish & Wildlife Highlights - 6/16/09 -7/15/09	Energy & Environment
COMM. 17M-31	SCHOHARIE CO. BOARD OF SUPERVISORS	Resolution Encouraging Immediate Relief for Dairy Farmers	Energy & Environment
COMM. 17M-32	SENATOR VOLKER	Letter Acknowledging Receipt of Certified Resolutions	R&F
COMM. 17M-33	ECIDA	Letter Requesting Confirmation of Attendance at Meeting to be Held 9/14/2009	R&F
COMM. 17M-34	COLUCCI & GALLAHER, P.C.	ECMCC Agenda Items for Board of Directors Meeting Held 8/26/09	Health & Human Services
COMM. 17M-35	BUFFALO DEPT. OF ASSESSMENT & TAXATION	2010 Transit Mall Service Charge Roll	Finance & Management
COMM. 17M-36	CAYUGA COUNTY LEGISLATURE CLERK	Copy of Resolution Urging Senators Schumer & Gillibrand and Congressman Arcuri to Oppose Any "Carciieri Fix"	R&F
COMM. 17M-37	EC DEMOCRATIC COMMITTEE	Letter to Chair Marinelli Concerning 5th District Committeemen Endorsement of Diane M. Terranova	RFP
COMM. 17M-38	NFTA	Agenda Items & Minutes from NFTA Board Meeting Held 7/27/09	Economic Development

ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT: