



THE ERIE COUNTY LEGISLATURE

Session No. 17
September 11, 2008

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:

IANNELLO	Congratulating David Matthew McMichael Upon Being Named Eagle Scout in Boy Scout Troop 254, Grand Island, NY
IANNELLO	Honoring the Memory of Alice Champlin
IANNELLO	Honoring the Memory of Helen J. Coogan
IANNELLO	Congratulating Michael and Sally Iannello Upon the Occasion of Their 50th Wedding Anniversary
MARINELLI	Recognizing Anthony J. Baynes for His Outstanding Service as a Member and Chairman of the ECFA
MARINELLI & KENNEDY	Recognizing the Seventeenth Anniversary of Ukraine's Independence
KENNEDY	Honoring Sister Margaret Ann Coughlin
MILLS	Honoring Otis Clark Upon His 100th Birthday
RATH	Honoring Weinberg Campus Upon the Celebration of 15 Years at its Suburban Location
REYNOLDS	Honoring Town of Evans Police Chief Sam DeJohn
MILLER-WILLIAMS	Honoring the Memory of James D. Prude
MILLER-WILLIAMS	Honoring the Memory of Leonard C. Pleasant

LOCAL LAWS:

REFERENCE:

LL INT. 1-1 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 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 7/18/2007	IANNELLO, KONST, REYNOLDS & MILLS	Taxpayer Protection Law	Government Affairs
LL INT. 9-1 10/4/2007	RANZENHOFER	Repeal of LL No. 2-2006	Economic Development
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. 3-2 4/4/2008	IANNELLO, KONST, REYNOLDS, MILLS, GRANT & LOUGHRAN	Tax Payer Protection Law	Government Affairs
LL INT. 5-1 6/10/2008	MILLS	A Local Law to Change the Name of the Department of Environment and Planning to the Department of Economic Development, Environment and Planning and Update Position Titles	Energy & Environment

COMMITTEE REPORTS:

LEGISLATOR RESOLUTIONS:

REFERENCE:

Intro 17-1	RANZENHOFER	The Need for Property Tax Relief
Intro 17-2	KONST	Recognizing the Canadian Market for Shopping & Tourism in Erie County
Intro 17-3	IANNELLO, REYNOLDS & WHYTE	Integrating Bicycling and Walking Into Transportation, Climate, Energy, Safety and Health Policy Issues, Defined as 'Complete Streets'
Intro 17-4	IANNELLO, WROBLEWSKI, MILLER- WILLIAMS & REYNOLDS	Request to the ECFSa for an Efficiency Grant for Caseload Explorer
Intro 17-5	WHYTE	EC Lead Inspection Records
Intro 17-6	WHYTE	Investigation of Air Pollution and Negative Health Effects in Tonawanda and Riverside

Intro 17-7	MARINELLI, KOZUB, MILLER-WILLIAMS, KONST, MAZUR, REYNOLDS & RATH	Endorsing the Nomination of the International Joint Commission (IJC) for a Prestigious Stockholm Water Prize
Intro 17-8	MILLS	New York State Retaining Jurisdiction Over the Route 219 Bridge Over Cattaraugus Creek
Intro 17-9	MILLS, MARINELLI, KOZUB, MAZUR & MILLER-WILLIAMS	Bringing the Tribute of American Veterans to Erie County
Intro 17-10	RATH	Acknowledging the Fourth Monday in September in the Year 2008 as Family Day - A Day to Eat Dinner With Your Children
Intro 17-11	KONST & KOZUB	Authorizing the Necessary and Regular Maintenance of the Erie County Forest
Intro 17-12	MARINELLI, KONST, KOZUB, MILLER- WILLIAMS & REYNOLDS	Calling for a FERC Investigation Into Price Gouging in Utility Costs Unfairly Shouldered By New York State's Consumers of Electricity
Intro 17-13	RATH	Declaring 2009 the Year of Our Shared Waters in the Bi-National Niagara Area

COMMUNICATIONS DISCHARGED FROM COMMITTEE:

SUSPENSION OF THE RULES:

COMMUNICATIONS FROM ELECTED OFFICIALS:

REFERENCE:

COMM. 17E-1	COMPTROLLER	Establishment of Whistleblower Policy	Government Affairs
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COMM. 17E-2	MARINELLI, WHYTE, MILLS, KOZUB, KENNEDY, MILLER- WILLIAMS, KONST, GRANT, MAZUR, WROBLEWSKI, IANNELLO, REYNOLDS, RANZENHOFER & RATH	Letter to Governor Paterson Urging Passage of S.8571	R&F
COMM. 17E-3	COMPTROLLER	Risk Assessment of Erie County Government	Finance & Management
COMM. 17E-4	COMPTROLLER	Supplement to the EC Comprehensive Annual Financial Report for Year Ending 12/31/2007	Finance & Management
COMM. 17E-5	RANZENHOFER	Request for Consideration of Property Tax Relief Resolution	R&F
COMM. 17E-6	COMPTROLLER	Interim Financial Report for the Six Months Ended June 30, 2008	Finance & Management
COMM. 17E-7	COMPTROLLER	Letter to ECFSA Demand for Data and Threat of Sanctions Concerning 2008 Bond Anticipation Note	Finance & Management
COMM. 17E-8	MARINELLI	EC Legislature 21st Century Commission	RFP
COMM. 17E-9	MARINELLI	Letter for Change of 9/25/2008 Session to 9/18/2008 Due to NYSAC Conference	RFP
COMM. 17E-10	WROBLEWSKI	Letter to Governor Concerning the Fiscal Challenges of the State	Finance & Management
COMM. 17E-11	REYNOLDS	Letter to The Oishei Foundation Supporting a Grant Application for the Buffalo Niagara Intelligence Network	Economic Development
COMM. 17E-12	REYNOLDS	Letter to The Baird Foundation Supporting a Grant Application for the Buffalo Niagara Intelligence Network	Economic Development
COMM. 17E-13	RANZENHOFER	EC Legislature 21st Century Commission	R&F
COMM. 17E-14	COMPTROLLER	Management Letter for EC Year Ending 12/31/2007	Finance & Management
COMM. 17E-15	WHYTE	EC Legislature 21st Century Commission	R&F
COMM. 17E-16	COUNTY EXECUTIVE	Notice of Public Hearing - ECSD 2009 Assessment Rolls	Energy & Environment
COMM. 17E-17	COMPTROLLER	Fire Training Facility Capital Project	Public Safety

COMM. 17E-18	WHYTE	Appointment to EC Legislature 21st Century Commission	RFP
COMM. 17E-19	MARINELLI	Revised 2008 Schedule of Legislative Session	RFP
COMM. 17E-20	DISTRICT ATTORNEY	DA Office - BESAFE Grant	Government Affairs
COMM. 17E-21	COUNTY CLERK	Resolution Authorizing the County Executive to Execute a Grant Acceptance From Local Government Records Management Improvement Fund	Government Affairs
COMM. 17E-22	COMPTROLLER	Status of Municipal Bond Ratings for Erie County	Finance & Management
COMM. 17E-23	COUNTY EXECUTIVE	Framework for Regional Growth - Procedures Manual - Contract with Wendel Duchscherer	Energy & Environment
COMM. 17E-24	COUNTY EXECUTIVE	ECSD Nos. 3 & 4 - Engineer Term Agreement - Greenman-Pedersen, Inc. Work Order GPI-1	Energy & Environment
COMM. 17E-25	COUNTY EXECUTIVE	Notice of Adoption - ECSD 2009 Assessment Rolls	Energy & Environment
COMM. 17E-26	COUNTY EXECUTIVE	ECSD Nos. 1-4-5, 3 & 6 - Transfer of Funds & Technical Adjustment	Energy & Environment
COMM. 17E-27	COUNTY EXECUTIVE	Notice of Public Hearing - ECSD 2009 Assessment	Energy & Environment
COMM. 17E-28	COUNTY EXECUTIVE	ECSD Board of Managers Semi-annual Attendance Records	R&F
COMM. 17E-29	COUNTY EXECUTIVE	ECSD 1-6, 8 Section 270/271 Resolutions	Energy & Environment
COMM. 17E-30	COUNTY EXECUTIVE	ECSD Nos. 1, 3, 4, 5 & 6 - Engineer Term Agreement - Wendel Duchscherer- Work Order WD-1	Energy & Environment
COMM. 17E-31	COUNTY EXECUTIVE	Project ACCESS - Vehicle Purchase	
COMM. 17E-32	COUNTY EXECUTIVE	ECSD No. 6 - Wilmuth Avenue Pump Station Mechanical Bar Screen and Roof Replacement Contract No. 41E	Energy & Environment
COMM. 17E-33	COUNTY EXECUTIVE	Authorization to Enter Into Agreement for Construction of Disc Golf Course and To Accept Gift	Energy & Environment
COMM. 17E-34	COUNTY EXECUTIVE	Emergency Services - Sole Source Cellular Surveillance and Tracking Equipment	Public Safety

COMM. 17E-35	COUNTY EXECUTIVE	Emergency Services - Public Safety Interoperable Communications Grant	Public Safety
COMM. 17E-36	COUNTY EXECUTIVE	RPTS Additional Funds for Legal Publication	Finance & Management
COMM. 17E-37	COUNTY EXECUTIVE	Transfer of County Owned Inventory - Townline Road East	Finance & Management
COMM. 17E-38	COUNTY EXECUTIVE	Amend CSE and III-B Grant Budgets	Health & Human Services
COMM. 17E-39	COUNTY EXECUTIVE	Amend HIICAP Budget and Extend ORT Grant Contract	Health & Human Services
COMM. 17E-40	COUNTY EXECUTIVE	Amend Senior Aides and Senior Employment Grant Budget	Health & Human Services
COMM. 17E-41	COUNTY EXECUTIVE	Maple Road Rehabilitation - Request to Enter Into an Agreement and Accept Funds	Energy & Environment
COMM. 17E-42	COUNTY EXECUTIVE	ECSD No. 6 - Contract 34SA - Change Order No. 1	Energy & Environment
COMM. 17E-43	COUNTY EXECUTIVE	Construction Inspection Services - Donald Gallo Consultant Engineer, PC Contract Close Out	Energy & Environment
COMM. 17E-44	COUNTY EXECUTIVE	ECSD No. 3 - Engineer Term Agreement - Liro Engineers, Inc. Work Order LE-1	Energy & Environment
COMM. 17E-45	COUNTY EXECUTIVE	Engineering Services Contract - URS Corporation - Contract Close Out	Energy & Environment
COMM. 17E-46	COUNTY EXECUTIVE	Affordable Housing Agreement - Federal Home Loan Bank of NY and M&T	Energy & Environment
COMM. 17E-47	KONST	2008 Mid-Year Budget Hearings Summary Report	Finance & Management
COMM. 17E-48	COUNTY CLERK	Resolution Authorizing the Variable Minimum for Positions of Deputy County Clerk - Legal and Deputy County Clerk - Finance	
COMM. 17E-49	COUNTY EXECUTIVE	Declaration of Need for BAN	
COMM. 17E-50	COUNTY EXECUTIVE	Appointment of Commissioner of Personnel	

<u>COMMUNICATIONS FROM THE DEPARTMENTS:</u>			<u>REFERENCE:</u>
COMM. 17D-1	SOCIAL SERVICES	Response to Comptroller Concerning DSS Audit Internal Controls Over Cash Receipts, Cash Disbursements and Near Cash Equivalents	Health & Human Services
COMM. 17D-2	PUBLIC WORKS	Rules & Regulations Adopted by DPW Commissioner Concerning LL No. 2-2006 NYS Certified Worker Training Programs	Energy & Environment
COMM. 17D-3	REAL PROPERTY TAX SERVICES	2008 Annual Report of RPTS	Finance & Management
COMM. 17D-4	ENVIRONMENT & PLANNING	Summary of ECSD Rates	Energy & Environment
COMM. 17D-5	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 17D-6	CLERK OF THE LEGISLATURE	Changing Date of Legislature Session	RFP
COMM. 17D-7	BUDGET & MANAGEMENT	Budget Monitoring Report for Period Ending 6/30/2008	Finance & Management
COMM. 17D-8	LEGISLATURE MAJORITY COUNSEL	Letter Concerning the AFSCME Local 1095 Collective Bargaining Impasse Resolution	R&F
COMM. 17D-9	CENTRAL POLICE SERVICES	Response to Audit of CPS Internal Controls Over Computers & Related Devices	Public Safety
COMM. 17D-10	HEALTH	EC Sexuality Transmitted Diseases, HIV and Hepatitis C Statistics	Health & Human Services
COMM. 17D-11	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 17D-12	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 17D-13	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 17D-14	CLERK OF THE LEGISLATURE	Record of the 7/11/2008 EC Legislature Quarterly Chairs' & Liaisons' Meeting	R&F
COMM. 17D-15	BUDGET & MANAGEMENT	Budget Monitoring Report for Period Ending 7/31/2008	Finance & Management
COMM. 17D-16	COUNTY ATTORNEY	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 17D-17	BUDGET & MANAGEMENT	Fire Training Facility Capital Project	Public Safety

COMM. 17D-18	COUNTY ATTORNEY	Position on Intro 15-6 Concerning AFSCME Contract Impasse	Finance & Management
<u>COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:</u>			<u>REFERENCE:</u>
COMM. 17M-1	EC BAR ASSOCIATION AID TO INDIGENT PRISONERS SOCIETY INC. - ASSIGNED COUNSEL PROGRAM	Quarterly Report of the Assigned Counsel Program For the 2nd Quarter of 2008	R&F
COMM. 17M-2	ALBANY LAW REVIEW	Regionalism Revisited: The Effort to Streamline Governance in Buffalo and Erie County, NY	Government Affairs
COMM. 17M-3	EC BAR ASSOCIATION AID TO INDIGENT PRISONERS SOCIETY INC. - ASSIGNED COUNSEL PROGRAM	Assigned Counsel Panel as of 6/30/2008	R&F
COMM. 17M-4	BUFFALO NIAGARA PARTNERSHIP	Letter Supporting the Establishment of an Erie County Planning Board	Energy & Environment
COMM. 17M-5	NYS PUBLIC SERVICES COMMISSION	Notice Soliciting Comments in the Matter of Verizon's New York Inc.'s Network Review Plan	R&F
COMM. 17M-6	AMERICAN PLANNING ASSOCIATION - WNY SECTION	Letter Supporting the Establishment of an Erie County Planning Board	Energy & Environment
COMM. 17M-7	NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION	NYS Fish, Wildlife & Marine Resource Goals for 2010 - 5/15/2008-6/15/2008	Energy & Environment
COMM. 17M-8	CITY OF BUFFALO COMMON COUNCIL	Notice of Adopted Resolution Instituting a Ban on Smoking Within 50 Feet of Playgrounds in All City and County Parks	Energy & Environment
COMM. 17M-9	ASSEMBLYMEMBER JACK QUINN	Notice of Receipt of Certified Resolution	R&F
COMM. 17M-10	COLUCCI & GALLAHER, PC	ECMCC Board of Director Meeting Minutes for Meeting Held 7/24/2008	Health & Human Services
COMM. 17M-11	ASSEMBLYMEMBER JACK QUINN	Notice of Receipt of Certified Resolution	R&F
COMM. 17M-12	ASSEMBLYMEMBER JACK QUINN	Notice of Receipt of Certified Resolution	R&F
COMM. 17M-13	ASSEMBLYMEMBER JACK QUINN	Notice of Receipt of Certified Resolution	R&F
COMM. 17M-14	ASSEMBLYMEMBER JACK QUINN	Notice of Receipt of Certified Resolution	R&F

COMM. 17M-15	ASSEMBLYMEMBER JACK QUINN	Notice of Receipt of Certified Resolution	R&F
COMM. 17M-16	ASSEMBLYMEMBER JACK QUINN	Notice of Receipt of Certified Resolution	R&F
COMM. 17M-17	ASSEMBLYMEMBER JACK QUINN	Notice of Receipt of Certified Resolution	R&F
COMM. 17M-18	ASSEMBLYMEMBER JACK QUINN	Notice of Receipt of Certified Resolution	R&F
COMM. 17M-19	SENATOR MARY LOU RATH	Notice of Receipt of Certified Resolutions	R&F
COMM. 17M-20	NFTA	NFTA Board Minutes for Meeting Held 6/23/2008	R&F
COMM. 17M-21	TOWN OF PEMBROKE	Notice of Public Hearing Before the Town Board of Pembroke on Proposed LL#1-2008	R&F
COMM. 17M-22	NFTA	17A Report & Capital Expenditure Reports for 2nd Quarter of Fiscal Year Ending 3/31/09	Economic Development
COMM. 17M-23	NYS BOARD OF REAL PROPERTY SERVICES	List of Certified 2008 State Equalization Rates (8/5/2008)	Finance & Management
COMM. 17M-24	LEGAL AID BUREAU OF BUFFALO, INC.	Monthly Report and Monthly Activity Report for July 2008	R&F
COMM. 17M-25	ERIE COUNTY WATER AUTHORITY	2007 Annual Report (CD)	Energy & Environment
COMM. 17M-26	NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION	Reclassification of Lehigh Valley Railroad	Energy & Environment
COMM. 17M-27	BUFFALO NIAGARA RIVERKEEPER	Remedial Action Plan	Energy & Environment
COMM. 17M-28	MAYOR OF DENVER	Executive Orders Pertaining to Greenprint Denver Office and Sustainability Policy	Energy & Environment
COMM. 17M-29	NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION	NYS Fish, Wildlife & Marine Resource Goals for 2010 - 6/15/08- 7/15/2008	R&F
COMM. 17M-30	TOWN OF WALES	Certified Condominium Resolution Concerning Amending RPTL 339-y	R&F
COMM. 17M-31	OFFICE OF THE STATE COMPTROLLER	Report of Examination for the Emergency Communication System - Erie County	Public Safety
COMM. 17M-32	SENATOR MARY LOU RATH	Notice of Receipt of Certified Resolutions	R&F

COMM. 17M-33	SENATOR MARY LOU RATH	Notice of Receipt of Certified Resolutions	R&F
COMM. 17M-34	ECIDA BOARD OF DIRECTORS	Notice of Meeting on September 8, 2008	R&F
COMM. 17M-35	EC BAR ASSOCIATION AID TO INDIGENT PRISONERS SOCIETY INC. - ASSIGNED COUNSEL PROGRAM	2008 Program Report of the Assigned Counsel Program in Erie County	R&F
COMM. 17M-36	CITY OF BUFFALO DEPARTMENT OF ASSESSMENT & TAXATION	Transit Mall Service Charge Roll for 2009	Finance & Management
COMM. 17M-37	NYS BOARD OF REAL PROPERTY SERVICES	List of Certified 2008 State Equalization Rates (8/26/2008)	Finance & Management
COMM. 17M-38	COLUCCI & GALLAHER, PC	ECMCC Board of Director Meeting Minutes for Meeting Held 8/28/2008	Health & Human Services
COMM. 17M-39	NFTA	NFTA Board Minutes for Meeting Held on July 28, 2008	Economic Development
COMM. 17M-40	PARTNERSHIP FOR PUBLIC GOOD	Event Notice Concerning Buffalo Abandoned Housing Crisis	R&F
COMM. 17M-41	EC BOARD OF HEALTH	Notice of Meeting Agenda for September Meeting & Minutes of Meeting Held 7/8/2008	Health & Human Services
COMM. 17M-42	AUDIT COMMITTEE FOR ERIE COUNTY	Annual Report on the Year Ended December 31, 2006	Finance & Management

ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT: