



# THE ERIE COUNTY LEGISLATURE

Session No. 19

July 7, 2005

George A. Holt, Jr.  
*Chairman*

Lynn M. Marinelli  
*Majority Leader*

Michael H. Ranzenhofer  
*Minority Leader*

Kevin M. Kelley  
*Clerk of the Legislature*

---

## ROLL CALL

---

INVOCATION – Mr. Smith

---

PLEDGE OF ALLEGIANCE – Mr. Swanick

---

RULES OF THE LEGISLATURE FOR 2005

---

TABLED ITEMS

---

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

---

MINUTES OF PREVIOUS MEETING

---

PUBLIC HEARING

---

## MISCELLANEOUS RESOLUTIONS

DeBENEDETTI	Honoring Ms. Catherine Urbanski Upon Her Retirement From ECMC's Dept. of Medicine
HOLT & SMITH	In Memory of Warren L. "Fat Cat" Lewis
SMITH & HOLT	Honoring Major A. Rasheed Mohammed - First Muslim Chaplain In The History of U.S. Armed Forces

---

## 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 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 7-1 3/30/2005	SMITH	The Local Law To Retain Jobs in NYS	
LL INT 8-1 5/3/2005	HOLT, SMITH, DeBENEDETTI, & MARINELLI	A LL In Relation To Minority- Owned Business and Women- Owned Business Utilization Commitment By Persons Or Firms Contracting With EC For Supplies, Materials Equipment, Insurance, Professional or Other Consultant Services.	Government Affairs

**COMMITTEE REPORTS**

REPORT NO. 8	ENERGY & ENVIRONMENT
REPORT NO. 9	FINANCE & MANAGEMENT
REPORT NO. 7	COMMUNITY SERVICES
REPORT NO. 7	GOVERNMENT AFFAIRS

**LEGISLATOR RESOLUTIONS:**

**REFERENCE**

INTRO 19-1	CHASE, ET AL	Eden Agricultural Districts (No. 2,3,4) (8-Year Review)
INTRO 19-2	MARINELLI	District Office Adjustment
INTRO 19-3	MARINELLI	Response To Illegal Personnel Action

**COMMUNICATIONS DISCHARGED FROM COMMITTEE:**

**SUSPENSION OF THE RULES:**

<b><u>COMMUNICATIONS FROM ELECTED OFFICIALS:</u></b>			<b><u>REFERENCE</u></b>
COMM. 19E-1	COUNTY CLERK	Semi-Annual Report of Receipts and Disbursements of Mortgage Tax Monies Collected From 9/1/04 - 4/30/05	Finance & Management
COMM. 19E-2	COUNTY EXECUTIVE	Appointment to ECC Board of Trustees	
COMM. 19E-3	MARINELLI	Request For Certified Copies of the 2005 Erie County Budget	Government Affairs
COMM. 19E-4	COMPTROLLER	Completion of May 2005 Month-End Closing Completed on SAP	R&F
COMM. 19E-5	COUNTY EXECUTIVE	Bond Resolution to Raise \$3.5 Million for Risk Retention Fund	R&F
COMM. 19E-6	COMPTROLLER	Letter to Legislature Re: Comptroller's Obligation To Process Payments To DPW Independent Contractors In Accordance With Legal Opinion of County Attorney	Finance & Management
COMM. 19E-7	DISTRICT ATTORNEY	DA's Office - Restoration of Vacant Positions	Public Safety
COMM. 19E-8	COUNTY EXECUTIVE	DPW - Ability To Fill Building Guards Positions In Accordance With Civil Service Law	Economic Development
COMM. 19E-9	COUNTY EXECUTIVE	DEP - Community Development Block Grant (CDBG) - Restoration of Clerk Typist Position	
COMM. 19E-10	COUNTY EXECUTIVE	DPW - Highways - Award of Consultant Construction Contracts - Entering into Agreements	Economic Development

COMM. 19E-11	COUNTY EXECUTIVE	CPS - Professional Services - EM Systems, Inc.	
COMM. 19E-12	COUNTY EXECUTIVE	DPW - Restoration of Assistant Architect Position	Economic Development
COMM. 19E-13	COUNTY EXECUTIVE	DA's Office - Crimes Against Revenue Program Grant	Public Safety
COMM. 19E-14	COUNTY EXECUTIVE	DA's Office - Operation IMPACT Grant	Public Safety
COMM. 19E-15	COUNTY EXECUTIVE	Appointments/Reappointments - Erie County Environmental Management Council	
COMM. 19E-16	COUNTY EXECUTIVE	Health - Grant Positions Restoration	Community Services
COMM. 19E-17	COUNTY EXECUTIVE	Parks - County Parks Staffing	
COMM. 19E-18	COUNTY EXECUTIVE	Senior Services - Authorization To Amend The Expanded In-Home Services For The Elderly Program and the Community Services for the Elderly Grant Budgets	Community Services
COMM. 19E-19	COUNTY EXECUTIVE	Senior Services - Authorization to Establish State Pharmaceutical Assistance Program Grant	Community Services
COMM. 19E-20	COUNTY EXECUTIVE	Senior Services - Authorization to Recreate Positions Reimbursed by Federal & State Funded Programs	Community Services
COMM. 19E-21	COUNTY EXECUTIVE	Probation & Youth Detention Services - Adjustments in Staff	Public Safety
COMM. 19E-22	COUNTY EXECUTIVE	Social Services - Request for Position Restorations & Fills	
COMM. 19E-23	COUNTY EXECUTIVE	Health - Transfer of Funds	Community Services
COMM. 19E-24	COUNTY EXECUTIVE	DPW - Addition of Eight Laborer RPT's Fully Funded by the Office of Courts Administration	Economic Development
COMM. 19E-25	COUNTY EXECUTIVE	Assistant Veterans Service Officer - Restoration of Position	Community Services
COMM. 19E-26	COUNTY EXECUTIVE	Probation & Youth Detention Services - Adjustment in YDDP & SDDP Youth Contracts	
COMM. 19E-27	COUNTY EXECUTIVE	Social Services - Non-Residential Domestic Violence Contracts	Community Services
COMM. 19E-28	COUNTY EXECUTIVE	ECSD Nos. 2 & 4 - Engineer Term Agreement - Work Order: MPI-1, Legislative Comm. 21E-33	Energy & Environment

COMM. 19E-29	COUNTY EXECUTIVE	Senior Services - Authorization to Transfer Taken Out of Service Vans	Community Services
COMM. 19E-30	COUNTY EXECUTIVE	CPS - Contract with Tiburon, Inc.	
COMM. 19E-31	COUNTY EXECUTIVE	DPW - Limiting Overhead and Profit for Consultant Contracts	Economic Development
COMM. 19E-32	COUNTY EXECUTIVE	DPW - Town of Evans Portion of Shore Line Trail - Lake Shore Road CR 111 - Town of Evans	Economic Development
COMM. 19E-33	COUNTY EXECUTIVE	Health - Medical Examiner Division: Division of Criminal Justice Services - National Forensic Sciences Improvement Act - 10/1/04 - 9/30/06	Community Services
COMM. 19E-34	COUNTY EXECUTIVE	Southtowns Sewage Treatment Agency - Engineer Term Agreement	Energy & Environment
COMM. 19E-35	COUNTY EXECUTIVE	ECSD No. 6 - Engineer Term Agreement - Work Order: DA-2	Energy & Environment
COMM. 19E-36	COUNTY EXECUTIVE	Social Services - Reallocation of Prior Year Funds	Community Services
COMM. 19E-37	COUNTY EXECUTIVE	Social Services - Preventive Services Contract Reallocation	Community Services
COMM. 19E-38	COUNTY EXECUTIVE	DPW - Formal Abandonment of Portion of Big Tree Road - Town of Wales	Economic Development
COMM. 19E-39	COUNTY EXECUTIVE	Senior Services - Authorization to Contract with a New Dietician Consultant	Community Services
COMM. 19E-40	COUNTY EXECUTIVE	Senior Services - Authorization to Amend the Elder Abuse Prevention (Title VII) and the Long Term Care Ombudsman Program Grant Budgets	Community Services
COMM. 19E-41	COUNTY EXECUTIVE	Emergency Services - Proposal for the Adoption of the National Incident Management System (NIMS) to Meet the Homeland Security Presidential Directive	Public Safety
COMM. 19E-42	COUNTY EXECUTIVE	Grant Programs - Authorization to Contract	Community Services
COMM. 19E-43	COUNTY EXECUTIVE	ECSD No. 1 - Release of Easement - French Road - Town of Cheektowaga	
COMM. 19E-44	COUNTY EXECUTIVE	ECSD No. 6 - SSTA - Disinfective Improvements - Contract No. 6ST-A - Change Order No. 1 - Summit Construction Group	Energy & Environment
COMM. 19E-45	COMPROLLER	RAN Expected To Close During Week of 7/11/05	R&F

COMM. 19E-46	COUNTY EXECUTIVE	Award of Contract - Comm. 12E-42 - ECSD No. 2 - Herr Rd., Buffalo Beach & Shorecliff - Pumping Station Modification Project	
COMM. 19E-47	COUNTY EXECUTIVE	Appropriation of \$3.5 Million for Risk Retention Fund	
COMM. 19E-48	COUNTY EXECUTIVE	DPW - Proposed Acceptance & Use of NYSERDA's Financial Incentive Award	Economic Development
COMM. 19E-49	COUNTY EXECUTIVE	DEP - No-Cost Budget Revision for the Rebuild WNY Initiative	Energy & Environment
COMM. 19E-50	COUNTY EXECUTIVE	Probation & Youth Detention Services - Adjustment in YDDP & SDDP Youth Contracts	R&F
COMM. 19E-51	COUNTY EXECUTIVE	Continuation of Two Law Clerk Positions in the Dept. of Law	
COMM. 19E-52	COUNTY EXECUTIVE	Proposed ECSD No. 8 - EC Sewer Agency Report - Village of East Aurora/Town of Aurora	
COMM. 19E-53	COMPTROLLER	Apportionment & Distribution of 4% Sales Tax for April, May & June 2005	Finance & Management
COMM. 19E-54	COUNTY CLERK	Resolution Regarding Filling Vacancies In The County Clerk's Office	
COMM. 19E-55	COUNTY EXECUTIVE	Probation & Youth Detention Facility - Establish Prime Time Program Using Available State Aid	
COMM. 19E-56	COUNTY EXECUTIVE	ECC South Campus - 2005, Building 3 HVAC Upgrades	Economic Development
COMM. 19E-57	SHERIFF	Personnel Adjustments	

**COMMUNICATIONS FROM THE DEPARTMENTS:**

**REFERENCE**

COMM. 19D-1	COUNTY ATTORNEY	Notification of Lawsuit - Mohr & Ward v. John Greenan, Et Al	Government Affairs
COMM. 19D-2	BECPL	Agenda For Board of Trustees Meeting Held 6/16/05	R&F
COMM. 19D-3	PARKS, RECREATION, & FORESTRY	Monitoring Report for the Erie County Golf Courses - May 2005	Energy & Environment
COMM. 19D-4	DISS	DISS Fleet Services Audit for Period 9/1/03 - 8/31/04	Government Affairs
COMM. 19D-5	CLERK OF THE LEGISLATURE	Notice of Informational Meeting of the Community Services Committee and Public Hearing Regarding ECC 2005-06 Budget On 6/28/05	RFP

COMM. 19D-6	COUNTY ATTORNEY	Mohr et al. v. Greenan et al.	Government Affairs
COMM. 19D-7	ECC	Notice of Board of Trustees Meeting To Be Held On 6/29/05	R&F
COMM. 19D-8	BUDGET, MANAGEMENT, & FINANCE	BMR For The Period Ending 4/30/05	Finance & Management
COMM. 19D-9	SOCIAL SERVICES	Letter to Kennedy Re: Blueprint For Change Progress	Community Services
COMM. 19D-10	CLERK OF THE LEGISLATURE	Letter to Holt Re: Legislator Chase's Absence From 6/28 & 6/28 Committee Meetings & Special Session	RFP
COMM. 19D-11	COUNTY ATTORNEY	Certified Copy of LL No. 6 - 2005	RFP
COMM. 19D-12	COUNTY ATTORNEY	Certified Copy of LL No. 7 - 2005	RFP
COMM. 19D-13	ECC	Agenda of Monthly Meeting Held 6/29/05	R&F
COMM. 19D-14	PARKS, RECREATION, & FORESTRY	Monitoring Report for the Erie County Golf Courses - June 2005	Energy & Environment
COMM. 19D-15	COUNTY ATTORNEY	Redeployment of Resources - Department of Law	Finance & Management

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:**

**REFERENCE**

COMM. 19M-1	NFTA	Annual 17A Report	Economic Development
COMM. 19M-2	EC Environmental Management Council	Notice & Agenda of Meeting Held 6/17/05	R&F
COMM. 19M-3	NYS Supreme Court	Order to Show Cause - Mohr, et al vs. Greenan, et al	R&F
COMM. 19M-4	Erie-Niagara Regional Partnership	Agenda for Meeting Held 6/24/05	R&F
COMM. 19M-5	NYS Supreme Court	Subpoena Duces Tecum - Mohr, et al vs. Greenan, et al	Government Affairs
COMM. 19M-6	ECWA	Comprehensive Annual Financial Report For Year Ending 12/31/04	Energy & Environment
COMM. 19M-7	John J. Canavan	Request For Consideration As Interim Comptroller	R&F
COMM. 19M-8	Congresswoman Slaughter	Receipt of Certified Resolution	R&F
COMM. 19M-9	Buffalo Niagara Convention Center	Request For Written Commitment of 2006 Funding	Economic Development
COMM. 19M-10	NFTA	Annual Data Request & Related Documents for FYE 2005	Economic Development

COMM. 19M-11	ECIDA	Notice of Board of Directors Meeting To Be Held 7/11/05	R&F
COMM. 19M-12	ECWA	2004 Annual Report	Energy & Environment
COMM. 19M-13	NFTA	Minutes From Board Meeting Held 5/23/05	R&F

**MEMORIAL RESOLUTIONS:**

**ADJOURNMENT:**