



# THE ERIE COUNTY LEGISLATURE

Session No. 23  
September 15, 2005

George A. Holt, Jr.  
*Chairman*

Lynn M. Marinelli  
*Majority Leader*

Michael H. Ranzenhofer  
*Minority Leader*

Kevin M. Kelley  
*Clerk of the Legislature*

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## ROLL CALL

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INVOCATION – Mr. DeBenedetti

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PLEDGE OF ALLEGIANCE – Ms. Chase

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RULES OF THE LEGISLATURE FOR 2005

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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

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SMITH & HOLT	Congratulating Jerry Daniels Sr., Owner of Carl-Jeff Barbershop for Over 40 Years of Service & Dedication to the Residents of WNY
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SMITH & HOLT	In Memory of Clarence Dent
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SMITH & HOLT	In Memory of Joy Caron Flemming
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HOLT & SMITH	In Memory of Gary L. Milton
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HOLT & SMITH	In Memory of Arnold J. White
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MARINELLI	Congratulating Janet Beth Meiselman Upon Her 50th Birthday
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WROBLEWSKI	Congratulating Raymond & Anna Ernst of West Seneca Upon Their 75th Wedding Anniversary
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## LOCAL LAWS

## REFERENCE

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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
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LL INT 15-1 11/10/2004	McCARVILLE, MINORITY CAUCUS	A LL Defining Lobbyists & Their Retention by Erie County	
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LL INT 17-1 11/17/2004	SMITH	A LL Defining How Large Retail Stores Will Be Regulated in Erie County	
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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
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LL INT 7-1 3/30/2005	SMITH	The Local Law To Retain Jobs in NYS
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**REFERENCE**

**LEGISLATOR RESOLUTIONS:**

INTRO 23-1	WEINSTEIN	In Support of a Recall Provision in the New York State Constitution
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INTRO 23-2	WEINSTEIN	A Taxpayer Bill of Rights
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INTRO 23-3	WEINSTEIN	Cutting the Erie County Legislature From 15 to 9
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INTRO 23-4	WEINSTEIN	Term Limits for Erie County Legislators
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INTRO 23-5	KENNEDY	Access To and Improvements Of the Buffalo River and Development of a Buffalo River Park
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INTRO 23-6	SMITH	Erie County Fiscal Stability Authority
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INTRO 23-7	McCARVILLE, CHASE & SWANICK	Saving Cornell Cooperative Extension
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INTRO 23-8	SWANICK	Memorializing Resolution for State Authorization to Impose an Additional Three-Quarters of One Percent Sales Tax Rate
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INTRO 23-9	SWANICK	Memorializing Resolution for State Authorization to Impose an Additional One-Half of One Percent Sales Tax Rate
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INTRO 23-10	SWANICK	Memorializing Resolution for State Authorization to Impose an Additional One-Quarter of One Percent Sales Tax Rate
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INTRO 23-11	MARINELLI & KENNEDY	Appeal to NYS DOT for Environmental Review Related to the Replacement of the Buffalo Skyway Bridge
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**COMMUNICATIONS DISCHARGED FROM COMMITTEE:**

**SUSPENSION OF THE RULES:**

**COMMUNICATIONS FROM ELECTED OFFICIALS:**

**REFERENCE**

COMM. 23E-1	COMPTROLLER	Notice of Completion of \$80 Million RAN Sale	R&F
COMM. 23E-2	COMPTROLLER	Notice that June 05 Month-End Closing Has Been Completed	R&F
COMM. 23E-3	COMPTROLLER	ECC Audit by Deloitte & Touche LLP	R&F
COMM. 23E-4	COMPTROLLER	Certificate of Determination - Relative to the Terms, Form and Details of Sale and Issuance of \$2,660,483 EFC Sewer System Serial Bonds 2005-B	Energy & Environment
COMM. 23E-5	SHERIFF	Letter Stating Sheriff's Office is in Agreement With County Attorney's Memorandum Regarding Deletion of Vacant Positions	R&F
COMM. 23E-6	COMPTROLLER	Interim Financial Statements - For 6-Months Ended 6/30/05	Finance & Management
COMM. 23E-7	COUNTY EXECUTIVE	Letter to Marinelli Re: ECFSA	Government Affairs
COMM. 23E-8	COUNTY EXECUTIVE	Reduction in Benefits for Managerial Confidential Employees	Finance & Management
COMM. 23E-9	COUNTY EXECUTIVE	Veto Notice - Local Law Intro. 11-2005	

COMM. 23E-10	SHERIFF	Personnel Adjustments	
COMM. 23E-11	COUNTY EXECUTIVE	Health - Position Restorations	Government Affairs
COMM. 23E-12	COUNTY EXECUTIVE	Entering Intro Contract With City of Buffalo for Solid Waste Removal	Energy & Environment
COMM. 23E-13	COUNTY EXECUTIVE	Buffalo River Water Trail Project, Grant Authorization	Energy & Environment
COMM. 23E-14	COUNTY EXECUTIVE	DISS - SAP Plant Maintenance Implementation & Support for DPW, Parks Dept., Fleet Division & Division of Sewerage Management	Government Affairs
COMM. 23E-15	COUNTY EXECUTIVE	2005 Budget Adjustments DISS - Countywide Fuel	Government Affairs
COMM. 23E-16	COMPROLLER	Notice that July 05 Month-End Closing Has Been Completed	R&F
COMM. 23E-17	COUNTY EXECUTIVE	Appointment of County Attorney	
COMM. 23E-18	SHERIFF	Commission of Corrections - Variance No. 04-T-05 (Modified), Variance No. 01-V-08 (Revoked)	Public Safety
COMM. 23E-19	COUNTY EXECUTIVE	Appointment of DPW Commissioner	
COMM. 23E-20	MARSHALL	Appointment to Charter Revision Commission	RFP
COMM. 23E-21	MARINELLI	Letter to County Executive Re: Constituent Concerns	Government Affairs
COMM. 23E-22	DeBENEDETTI	Appointment to Charter Revision Commission	RFP
COMM. 23E-23	COUNTY EXECUTIVE	Authorization to Increase the 2005 Contracts with Prevent Focus Inc., and Jewish Family Services, Inc., by a Total of \$139,585, in NYS Office of Alcoholism & Substance Abuse Services State Aid Dollars	Community Services
COMM. 23E-24	COUNTY EXECUTIVE	ECSD No. 1 - Engineering Agreement Dated 2/3/00 - Greenman Pedersen, Inc. - Change Order No. 4	Energy & Environment
COMM. 23E-25	COUNTY EXECUTIVE	ECSD No. 4 & STSTA - Engineer Term Agreement - Work Order: GPI-5, Legislative Comm., 21E-33	Energy & Environment
COMM. 23E-26	COUNTY EXECUTIVE	Buffalo & EC Botanical Gardens, Houses 11 & 12 Reconstruction Contingency Fund Increase	Economic Development
COMM. 23E-27	COUNTY EXECUTIVE	DA's Office - Drug Court Program Grant	Public Safety

COMM. 23E-28	COUNTY EXECUTIVE	Senior Services - Authorization to Revise the Area Agency on Aging (III-B), and Other Budgets	Community Services
COMM. 23E-29	COUNTY EXECUTIVE	Contract Agreement - EC Diesel School Bus Education Initiative	Energy & Environment
COMM. 23E-30	COUNTY EXECUTIVE	Senior Services - Authorization to Amend the Protective Services for Adults (PSA) and Community Services Coordinator (CSC) Budgets	Community Services
COMM. 23E-31	COUNTY EXECUTIVE	Erie County Tribal Community Reducing Toxic Air Pollutants (RTAP) Project	Energy & Environment
COMM. 23E-32	COUNTY EXECUTIVE	Dunn Tire Park, County Lease - Capital Improvements	Economic Development
COMM. 23E-33	COUNTY EXECUTIVE	CPS - Establishment of EC Wireless E-911 Surcharge	Public Safety
COMM. 23E-34	COUNTY EXECUTIVE	Appointment to the ECSD No. 3 Board of Managers	RFP
COMM. 23E-35	COUNTY EXECUTIVE	DSS - Request for Position Vacancy Fills	Government Affairs
COMM. 23E-36	COUNTY EXECUTIVE	ECSSTA/ECSD No. 6 - Engineering Agreement Dated 6/1/02 - Stearns & Wheler, LLC - Change Order No. 7	Energy & Environment
COMM. 23E-37	COUNTY EXECUTIVE	ECSSTA - Siemens Building Technologies, Inc. - Energy Performance Contract	Energy & Environment
COMM. 23E-38	COUNTY EXECUTIVE	ECSD No. 2 - Engineering Agreement Dated 8/29/02 - URS Corp. - Change Order No. 4	Energy & Environment
COMM. 23E-39	COUNTY EXECUTIVE	Sewerage Management - Personnel Request	Energy & Environment
COMM. 23E-40	COUNTY EXECUTIVE	DPW - Addition of Two (2) Building Maintenance Mechanics	Government Affairs
COMM. 23E-41	COUNTY EXECUTIVE	Probation & Youth Detention Services - Creation and the Immediate Filling of a Payroll Clerk	Government Affairs
COMM. 23E-42	COUNTY EXECUTIVE	Appointment/Reappointments to EC Commission on the Status of Women	RFP
COMM. 23E-43	COUNTY EXECUTIVE	Probation & Youth Detention Services - Creation and the Immediate Filling of Six (6) Probation Officer Positions and One (2) Probation Supervisor Position	Public Safety

COMM. 23E-44	COUNTY EXECUTIVE	Contract Agreement - EC/City of Buffalo Door-to-Door Recycling Education Campaign	Energy & Environment
COMM. 23E-45	SHERIFF	Letter to County Executive & Kuwik Re: NYS COC Revocation of Inmate Housing Variances	Public Safety
COMM. 23E-46	COMPTROLLER	Letter to DeBenedetti & Wroblewski Re: City Park Payments	Energy & Environment
COMM. 23E-47	COUNTY EXECUTIVE	ECSD Nos. 1-6 - Section 270/271 Resolutions	Energy & Environment
COMM. 23E-48	COUNTY EXECUTIVE	Health - Enhanced Drinking Water Protection Program - Grant Revision	Community Services
COMM. 23E-49	COUNTY EXECUTIVE	ECSD No. 1 - Capital Project Close Out & Fund Transfer - Debt Service Fund	Energy & Environment
COMM. 23E-50	COUNTY EXECUTIVE	Notice of Public Hearing - ECSD - 2006 Assessment Rolls	Energy & Environment
COMM. 23E-51	COUNTY EXECUTIVE	Health - Acceptance of Donated Equipment for the Main-Transit Fire Dept.	Community Services
COMM. 23E-52	COUNTY EXECUTIVE	DEP/Sewerage Management - Engineering Agreement Closeout - Agreement Dated 5/5/03 - URS Corporation	Energy & Environment
COMM. 23E-53	COUNTY EXECUTIVE	Contract Amendment - Design/Construction Inspection Services - Erie Canalway Trail Project - Peter J. Smith & Company, Inc.	Energy & Environment
COMM. 23E-54	COUNTY EXECUTIVE	Semi-Annual Attendance Records - Board of Managers - ECSDs	R&F
COMM. 23E-55	COUNTY EXECUTIVE	Senior Services - Authorization to Revise Grant Budgets	Community Services
COMM. 23E-56	COUNTY EXECUTIVE	Health - Public Health Preparedness/Response to Bioterrorism - 8/31/04 - 8/30/05 SAP TITLE: HS127BT0405	Government Affairs
COMM. 23E-57	COUNTY EXECUTIVE	DSS - Request for Position Vacancy Fills - HEAP	Government Affairs
COMM. 23E-58	COUNTY EXECUTIVE	Health - Personnel Adjustments	Government Affairs
COMM. 23E-59	COUNTY EXECUTIVE	Senior Services - Authorization to Establish the Long Term Care Education and Outreach Program & State Pharmaceutical Assistance Program Grants	Community Services

COMM. 23E-60	COUNTY EXECUTIVE	Erie County FY 4-Year 2005 Financial Plan	Finance & Management
COMM. 23E-61	COUNTY EXECUTIVE	Revenue Enhancement and Cost Recovery Program to Implement the FY2005 Four-Year Financial Plan	Finance & Management
COMM. 23E-62	COUNTY EXECUTIVE	Probation & Youth Detention - Establishment of Prime Time Program and Authorization to Contract	Public Safety
COMM. 23E-63	COMPROLLER	Bond Resolution for Various Capital Projects	
COMM. 23E-64	HOLT	Copy of Letter to 8th Judicial District Administrative Judge Re: Law Library Board of Trustees	RFP

**COMMUNICATIONS FROM THE DEPARTMENTS:**

**REFERENCE**

COMM. 23D-1	COUNTY ATTORNEY	Notice of Public Hearing - Local Law Intro. No. 8-2005	RFP
COMM. 23D-2	COUNTY ATTORNEY	Notice of Public Hearing - Local Law Intro. No. 11-2005	RFP
COMM. 23D-3	COUNTY ATTORNEY	Leased Properties Report	Government Affairs
COMM. 23D-4	COUNTY ATTORNEY	CSEA vs. County of Erie, et al.	Government Affairs
COMM. 23D-5	ECC	Notice & Agenda of Meeting Held 8/24/05	R&F
COMM. 23D-6	ECC	Minutes of Meeting Held 6/29/05	R&F
COMM. 23D-7	COUNTY ATTORNEY	Transmittal of New Claim	R&F
COMM. 23D-8	PERSONNEL	Copy of Letter to NYS Dept. of Civil Service Re: Cancellation of EC Exam	R&F
COMM. 23D-9	BECPL	Copy of Agenda for Meeting Held 9/1/05	R&F
COMM. 23D-10	ECC	Notice of Special Meeting of the Board of Trustees Held 9/14/05	R&F
COMM. 23D-11	COUNTY ATTORNEY	Transmittal of New Claims	R&F
COMM. 23D-12	COUNTY ATTORNEY	Transmittal of New Claims	R&F
COMM. 23D-13	PARKS	Monthly Monitoring Report for Erie County Golf Courses for August	Energy & Environment

COMM. 23D-14	BECPL	Proposed Agenda for Meeting Held 9/1/05	R&F
COMM. 23D-15	COUNTY ATTORNEY	Copy of Letter to South Buffalo Community Center Re: Lease Between County of Erie and South Buffalo Community Center	Government Affairs
<b><u>COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:</u></b>			<b><u>REFERENCE</u></b>
COMM. 23M-1	ERIE COUNTY RECEIVERS & COLLECTORS	Letter to Marinelli Re: Proposed Amendments to the Erie County Tax Act	Government Affairs
COMM. 23M-2	AGRICULTURAL & FARMLAND PROTECTION BOARD	Agricultural District Requests as per Sec. 303-b of the NYS Agricultural District Law	R&F
COMM. 23M-3	TOWN OF COLDEN	Certified Resolution Re: NYS Thruway Authority Eliminate Tolls	R&F
COMM. 23M-4	BOARD OF HEALTH	Notice of Postponement of Public Hearing	R&F
COMM. 23M-5	NYS DOT	Transit Rd, Part 4, SH 1334, NY Route 78 From Aero to NY Route 5 - Towns of Amherst, Cheektowaga, Lancaster & Clarence	R&F
COMM. 23M-6	LEGAL AID BUREAU OF BUFFALO	Request to Retain 2004 Surplus	Community Services
COMM. 23M-7	EIGHTH JUDICIAL DISTRICT	Law Library Board of Trustees	R&F
COMM. 23M-8	TOWN OF MARILLI	Certified Resolution Re: Erie County Sheriff	R&F
COMM. 23M-9	TOWN OF BRANT	Certified Resolution Re: Erie County Sheriff	R&F
COMM. 23M-10	TOWN OF COLDEN	Certified Resolution Re: Erie County Sheriff	R&F
COMM. 23M-11	CONGRESSMAN HIGGINS	Copy of Letter to NYS DOT Re: Buffalo Skyway	R&F
COMM. 23M-12	WORKFORCE INVESTMENT BOARD, INC.	Request for Extension of Job Training Grant	Economic Development
COMM. 23M-13	TOWN OF EDEN	Certified Resolution Re: Saving Eden's Library	R&F
COMM. 23M-14	TOWN OF NEWSTEAD	Certified Resolution Re: Erie County Sheriff	R&F
COMM. 23M-15	AUDIT COMMITTEE FOR ERIE COUNTY	Annual Report for Year Ending 12/31/03	R&F



COMM. 23M-16	BUFFALO-NIAGARA PARTNERSHIP	A Plan for Moving On	Finance & Management
COMM. 23M-17	NFTA	17A Report and Capital Expenditure Reports for 1st Quarter of FY Ending 3/31/06	R&F
COMM. 23M-18	TOWN OF LANCASTER	Certified Resolution Re: Removal of Tolls	R&F
COMM. 23M-19	TOWN OF ELMA	Certified Resolution Re: Erie County Sheriff	R&F
COMM. 23M-20	NFTA	Minutes of Board Meeting Held 7/25/05	R&F
COMM. 23M-21	SHEILA FIGLIOTTI	Letter to Marinelli Re: Erie County Charter Revision Commission	R&F
COMM. 23M-22	CONGRESSMAN HIGGINS	Copy of Letter to Federal Energy Regulatory Commission Re: NYPA Application for Relicensing, Niagara Power Project	R&F
COMM. 23M-23	TOWN OF BOSTON	Certified Resolution Re: Erie County Sheriff	R&F
COMM. 23M-24	UNITED STATES ARMY	Active Duty Training for Swanick From 8/8/05 to 8/30/05	RFP

**MEMORIAL RESOLUTIONS:**

**ADJOURNMENT:**