

MARCH 19, 2009

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 4

ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

a. COMM. 5E-1 (2009)

**MARINELLI:** Federal Stimulus Dollars Disbursement  
(5-0) Chair Marinelli not present for vote.

b. COMM. 5M-3 (2009)

**NFTA:** Minutes from NFTA Board Meeting Held 1/20/09  
(5-0) Chair Marinelli not present for vote.

c. COMM. 5M-4 (2009)

**ECIDA:** Notification of ECIDA Board Meeting to be Held 3/9/09  
(5-0) Chair Marinelli not present for vote.

2. INTRO 5-6 (2009)

**WHYTE, REYNOLDS, KENNEDY, AS AMENDED**  
**MARINELLI, MILLER-WILLIAMS, IANNELLO,**  
**KOZUB, GRANT, MAZUR, WROBLEWSKI & LOUGHRAN**

WHEREAS, in 1935, the United States established, by law, that workers must be free to form unions; and

WHEREAS, the freedom to form or join a union is internationally recognized by the 1948 Universal Declaration of Human Rights as a fundamental human right; and

WHEREAS, the free choice to join with others and bargain for better wages and benefits is essential to economic opportunity and good living standards; and

WHEREAS, unions benefit communities by strengthening living standards, stabilizing tax bases, promoting equal treatment and enhancing civic participation; and

WHEREAS, states in which more people are union members are states with higher wages, better benefits and better schools; and

WHEREAS, union workers receive better wages and benefits, with union workers earning 29 percent more than workers without a union, 35 percent more likely to have access to health insurance, and are four times more likely to have access to a guaranteed defined benefit pension; and

WHEREAS, unions help raise workers' pay and narrow the income gap for minorities and women, by increasing median weekly earnings by 31 percent for union women workers, 31 percent for African-American workers, 50 percent for Latino workers, 9 percent for Asian American workers; and

WHEREAS, workers across the nation are routinely denied the freedom to form unions and bargain for a better life, with 25 percent of private-sector employers illegally firing at least one worker for union activity during organizing campaigns; and

WHEREAS, 77 percent of the public believes it is important to have strong laws protecting the freedom for workers to make their own decision about having a union, and 58 percent of workers would join a union if they had the chance; and

WHEREAS, employers often refuse to bargain fairly with workers after forming a union by dragging out first contract bargaining for up to two years in 45 percent of successful campaigns; and

WHEREAS, each year millions of dollars are spent to frustrate workers' efforts to form unions, and most violations of workers' freedom to choose a union occur behind closed doors, with 78 percent of employers forcing employees to attend mandatory anti-union meetings; and

WHEREAS, when the right of workers to form a union is violated, wages fall, race and gender pay gaps widen, workplace discrimination increases and job safety standards disappear; and

WHEREAS, a worker's fundamental right to choose a union free from coercion and intimidation is a public issue that requires public policy solutions, including legislative remedies; and

WHEREAS, the Employee Free Choice Act has been introduced in the U.S. Congress in order to restore workers' freedom to join a union; and

WHEREAS, The Employee Free Choice Act will safeguard workers' ability to make their own decisions with these abuses, provide for first contract mediation and arbitration, and establish meaningful penalties when employers violate workers' rights.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature supports the Employee Free Choice Act which would authorize the National Labor Relations Board to certify a union as the bargaining representative

when a majority of employees voluntarily sign authorizations designating that union to represent them; provide for first contract mediation and arbitration; and establish meaningful penalties for violations of a worker's freedom to choose a union; and be it further

RESOLVED that we urge President Barack Obama and the United States Congress to pass the Employee Free Choice Act to protect and preserve for America's workers their freedom to choose for themselves whether or not to form a union; and be it further

RESOLVED that certified copies of this Resolution go to President Barack Obama, House Speaker Nancy Pelosi, Senate Majority Leader Harry Reid, New York State Senators Chuck Schumer and Kirsten Gillibrand, and all members of the WNY Congressional Delegation.

(4-2) Legislators Konst and Rath voted in the negative.

3. COMM. 5E-19 (2009)

**COUNTY EXECUTIVE**

WHEREAS, a project for reconstruction of BR 215-RR1, Seneca Street Bridge, over Norfolk Southern Railroad, West Seneca, Erie County, PIN 5755.25 (the "Project") was authorized by this honorable body on May 19, 2005 via Communication 8E-36; and

WHEREAS, in order to facilitate the reconstruction of the bridge, it will be necessary for the County to acquire by permanent easement or temporary easement, portions of real property in the vicinity of the bridge;

PORTIONS OF TAX MAP SBL NUMBERS

TOWNSHIP

134.13-2-21.11	West Seneca
134.13-4-3.11	West Seneca
134.13-4-5.1	West Seneca
134.13-4-6	West Seneca
134.13-4-7	West Seneca
134.14-4-30	West Seneca
134.17-3-8	West Seneca
134.17-3-9	West Seneca
134.17-3-11	West Seneca
134.18-1-1	West Seneca

such property to be acquired by the County is herein referred to as the "Subject Properties;" and

WHEREAS, in order to acquire the permanent easement or temporary easement for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation

for the real property interests to be acquired and to thereafter make a written offer to purchase the real property interests for the respective just compensation amounts; and

WHEREAS, the acquisitions of the portions of the Subject Properties are de minimis in nature so that the public interest will not be prejudiced by the reconstructed bridge and other general improvements to the subject section of Seneca Street (CR 215); and

WHEREAS, the work authorized in the 1999 Federal Aid Road and Bridge Project Program (SAP B.00007) has been completed and funds are available; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject actions; and be it further

RESOLVED, that the sum of \$94,000.00 has previously been appropriated from the 1999 Federal Aid Road and Bridge Project Program (SAP B.00007) via County Resolution 8E-36 adopted May 19, 2005 and made available to cover the cost of Right-of-Way acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire easement title to the aforementioned Subject Properties for the purpose of reconstructing and improving the aforementioned Seneca Street Bridge (BR 215-RR1) Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real property to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring interests in portions of their respective parcel of real property by permanent easement or temporary easement, which acquisitions are necessary for the Seneca Street Bridge (BR 215-RR1) reconstruction project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Properties; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget, Management and Finance and the Office of the Commissioner.  
(5-0) Chair Marinelli not present for vote..

4. COMM. 5E-21 (2009)  
**COUNTY EXECUTIVE**

WHEREAS, as the result of high water of December 26 to 28, 2008 a large logjam formed at Mill Street Bridge over Cattaraugus Creek, BR 82-1, BIN 3228370; requiring emergency removal to protect the bridge and to reduce the possibility of ice jam flooding; and

WHEREAS, this bridge is jointly owned and maintained by Cattaraugus and Erie Counties, the two County Department of Public Works, Division of Highways have agreed to share the cost of the repairs; and

WHEREAS, Cattaraugus County Department of Public Works has said that they will pay Erie County half of the cost of the logjam removal as their share.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County be authorized to accept payment from Cattaraugus County for their share of the emergency logjam removal in an amount not to exceed \$8,447.06; and be it further

RESOLVED, that the 2009 Road Fund item for Road and Bridge Maintenance, Revenues Fund 210, Cost Center 1231010, Account 466000 and Expense Fund 210, Cost Center 1231010, Account

516020 be equally increased by the amount of \$8,447.06 for the purposes of future road and bridge maintenance; and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.  
(5-0) Chair Marinelli not present for vote.

**TIMOTHY M. KENNEDY**  
**CHAIR**