

**MEETING NO. 1
JANUARY 8, 2008**

ERIE COUNTY LEGISLATURE

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MEETING NO. 1
JANUARY 8, 2008**

The Legislature was called to order by the Clerk of the Legislature.

The Roll being duly called by Mr. Robert M. Graber, Clerk of the Legislature, the following Legislators answered to wit:

1 st District Daniel M. Kozub	2 nd District Timothy M. Kennedy
3 rd District Barbara Miller-Williams	4 th District Michael H. Ranzenhofer
5 th District Kathy Konst	6 th District Maria R. Whyte
7 th District Betty Jean Grant	8 th District Thomas J. Mazur
9 th District Timothy M. Wroblewski	10 th District Michele M. Iannello
11 th District Lynn M. Marinelli	12 th District Robert B. Reynolds, Jr.
13 th District John J. Mills	14 th District Thomas A. Loughran
15 th District Edward A. Rath, III	

An Invocation was held, led by Mr. Kozub.

The Pledge of Allegiance was led by Mr. Kennedy.

Item 1 – Mr. Graber called for nominations for the Office of Chairperson of the Legislature for the year 2008.

MS. IANNELLO placed in nomination for Chairperson of the Legislature ROBERT B. REYNOLDS, JR. MR. KOZUB seconded.

We, the undersigned, support Robert B. Reynolds, Jr. for Chairman of the Erie County Legislature.

Name

Date

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Betty Jean Grant	1-8-08
Michele M. Iannello	1-8-08
Daniel M. Kozub	1-8-08
Thomas A. Loughran	1-8-08
Robert B. Reynolds	1-8-08
Maria R. Whyte	1-8-08

Mr. Graber asked if there were any other nominations for the Office of Chairperson of the Legislature for 2008.

MR. WROBLEWSKI placed in nomination for Chairperson of the Legislature LYNN M. MARINELLI. MS. MILLER-WILLIAMS seconded.

MS. MARINELLI moved that nominations be closed. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

The Clerk of the Legislature directed that a roll call vote be taken.

VOTES for MARINELLI: MILLS, RANZENHOFER, RATH, KONST, MARINELLI, MAZUR, MILLER-WILLIAMS and WROBLEWSKI. VOTES for REYNOLDS: GRANT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, REYNOLDS and WHYTE. VOTE: MARINELLI-8 – REYNOLDS-7.

MS. MARINELLI having received the required number of votes cast was declared duly elected CHAIRPERSON OF THE ERIE COUNTY LEGISLATURE for the year 2008.

Item 2 – CHAIRPERSON MARINELLI directed that the Rules of Legislature for 2008 be tabled.

Item 3 – CHAIRPERSON MARINELLI called for nominations and election of the Clerk of the Legislature for the year 2008.

MR. KOZUB placed in nomination for Clerk of the Legislature Robert M. Graber. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

We, the undersigned, representing a Majority of the members of the Democratic Caucus in the Erie County Legislature do hereby nominate **ROBERT M. GRABER** as Clerk of the Erie County Legislature for 2008.

1 st District Daniel M. Kozub	2 nd District Timothy M. Kennedy
3 rd District Barbara Miller-Williams	5 th District Kathy Konst

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6 th District Maria R. Whyte	7 th District Betty Jean Grant
8 th District Thomas J. Mazur	9 th District Timothy M. Wroblewski
10 th District Michele M. Iannello	11 th District Lynn M. Marinelli
12 th District Robert B. Reynolds, Jr.	14 th District Thomas A. Loughran

We, the undersigned, representing a Majority of the members of the Minority Caucus in the Erie County Legislature do hereby nominate **ROBERT M. GRABER** as Clerk of the Erie County Legislature for 2008.

MICHAEL H. RANZENHOFER – 4th District

JOHN J. MILLS – 13th District

EDWARD A. RATH, III – 15th District

MR. KOZUB moved for the approval of ROBERT M. GRABER as Clerk of the Legislature for 2008. MR. REYNOLDS seconded.

CHAIRPERSON MARINELLI directed that a roll call vote be taken.

AYES: MILLS, RANZENHOFER, RATH, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS, WHYTE and WROBLEWSKI. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

Item 4 – CHAIRPERSON MARINELLI called for designation of Majority Leader of the Legislature for 2008.

MR. REYNOLDS presented a petition designating MARIA R. WHYTE as Majority Leader of the Legislature for 2008.

CHAIRPERSON MARINELLI directed that the petition be Received, Filed and Printed.

We, the undersigned, support Maria Whyte for Majority Leader of the Erie County Legislature.

Name
Robert B. Reynolds

Date
1-6-08

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Michele M. Iannello	1-6-08
Thomas A. Loughran	1-6-08
Maria R. Whyte	1-6-08
Betty Jean Grant	1-6-08
Daniel M. Kozub	1-6-08
Timothy M. Kennedy	1-8-08

Item 5 – CHAIRPERSON MARINELLI called for designation Minority Leader of the Legislature for 2008.

MR. MILLS presented a petition designating JOHN J. MILLS as Minority Leader of the Legislature for 2008.

CHAIRPERSON MARINELLI directed that the petition be Received, Filed and Printed.

We, the undersigned members of the Erie County Legislature, pursuant to the rules of the Erie County Legislature, do hereby designate **JOHN J. MILLS** as Minority Leader of the Erie County Legislature effective for a period of one year.

MICHAEL H. RANZENHOFER
4TH District

JOHN J. MILLS
13th District

EDWARD A. RATH, III
15TH District

Item 6 - Designation of Newspapers was tabled.

Item 7 – No tabled items.

Item 8 – No items for reconsideration from previous meeting.

Item 9 – Minutes of previous meeting were tabled.

Item 10 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 11 – MS. IANNELLO presented a resolution In Remembrance of Russell J. Grisanti.

Item 12 – MR. MILLS presented a resolution Honoring Eagle Scout Cory Los Schumacher.

Item 13 – MR. MILLS presented a resolution Honoring Eagle Scout Matthew Miller.

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Item 14 – MS. KONST presented a resolution Honoring Thomas T. Kazmierczak for his Accomplishments as Executive Director of the Lancaster Opera House.

Item 15 – MS. IANNELLO presneted a resolution Honoring Michael Mahaney Upon His Retirement as Executive Director of the Erie County Library System.

MS. WHYTE moved for consideration of the above five items. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above five items for Et Al Sponsorship. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above five items as amended. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 16 - CHAIRPERSON MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the PERSONNEL COMMITTEE.

GRANTED.

Item 17 - CHAIRPERSON MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 - CHAIRPERSON MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

None

LEGISLATOR RESOLUTIONS

Item 20 - CHAIRPERSON MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 1-1 from REYNOLDS & KOZUB Re: Water Conservation Due to Global Warming and Water Consumption

Item 21 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 1

RE: Technical Adjustment to the Legislature
2008 Budget (INTRO 1-1)

**A RESOLUTION SUBMITTED BY
LEGISLATORS MARINELLI & IANNELLO**

MS. WHYTE moved to amend the item. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget amendments to the Legislature's 2008 Adopted Department Budget, all of which can be effectuated while keeping within the Legislature's Adopted appropriation for 2008, and be it further

RESOLVED, that the 2008 Erie County Budget be amended as follows to adjust for the technical corrections in the Personal Services Budget, and be it further

RESOLVED, that the following changes shall be made which shall be effective JANUARY 9, 2008:

Fund Center 100 Cost Center 1005017 District Office Staff-

DELETE (1) Administrative Assistant Legislature PT Position Number 51003057 Job Group 10 Step 2.

ADD (1) Administrative Assistant Legislature RPT Job Group 10 Step 2.

DELETE (1) Senior Secretarial Assistant Leg Dis OF Rep, 51004580 RPT Job Group 6 Step 3.

ADD (1) Senior Secretarial Assistant Leg Dis OF Rep, PT Job Group 6 Step 3;

and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Personnel Commissioner, and the Budget Director.

MS. WHYTE moved to approve the item as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 22 - CHAIRPERSON MARINELLI directed that the following item be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 1-3 from IANNELLO Re: Maintaining the Name Crosby Field

Item 23 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 2

RE: Designation of Authorized Tourism
Promotion Agency for Erie County for 2007-
2008 (INTRO 1-4)

**A RESOLUTION SUBMITTED BY LEGISLATORS
MARINELLI and IANNELLO**

WHEREAS, the promotion, development and expansion of the tourist travel, report and vacation business are vital and necessary concerns to the citizens of Erie County, since such tourism business strengthens the county's vital and necessary opportunities, and promotes the general welfare of county residents; and

WHEREAS, the New York State Legislature, in 1977, recognizing the value of local and state involvement and assistance in tourism promotion, enacted the New York State Tourism Protection Act; and

WHEREAS, this Tourism Protection Act authorizes the state's Department of Commerce to initiate a program of matching state funds for non-profit tourist promotion agencies designated by county legislative bodies as agencies authorized to apply for and receive grants for recognized media advertising programs; and

WHEREAS, the Buffalo Niagara Convention and Visitors Bureau, a non-profit tourism promotion association, has begun to bring together many new segments of the county, servicing the tourism industry in a coordinated effort.

NOW, THEREFORE, BE IT

RESOLVED, that the Buffalo Niagara Convention and Visitors Bureau, having been designated as the authorized tourism promotion agency for Erie County in 1974, is hereby re-designated as such for 2007-2008; and be it further

RESOLVED, that this Honorable Body does hereby request that the Buffalo Niagara Convention and Visitors Bureau make the appropriate application to the Commissioner of the New York State Department of Commerce for state matching funds to assist said tourism promotion agency in the financing of a recognized media advertising program, as defined and set fourth in the New York State Tourism Protection Act; and be it further

RESOLVED, that officials of the Convention and Visitors Bureau are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the aforementioned state matching fund grants and other matters relating to the furtherance of tourist activities within Erie County and Western New York; and be it further

RESOLVED, that certified copies of this resolution be sent to Charles Gargano, Commissioner of the New York State Department of Economic Development (30 South Pearl Street, Albany, NY 12245), Richard Geiger and David Lacki of the Buffalo-Niagara Convention and Visitors Bureau (617 Main Street, Suite 200, Buffalo, New York 14203-1496), State Assembly Tourism, Arts and Sports Development Committee Chairman Steve Englebright (LOB 712, Albany, NY 12248), State Senate Tourism, Recreation and Sports Development Committee Chairman Mary Lou Rath (LOB 310, Albany, NY 12248), and to Erie County Executive Chris Collins.

Item 24 – MR. KOZUB presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 3

RE: Status of Snowplow Agreement with the City of Lackawanna (INTRO 1-5)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR KOZUB**

WHEREAS, Erie County enters into agreements with municipalities throughout the County to plow roads that pass through municipalities; and

WHEREAS, the City of Lackawanna has two (2) County roads that pass through the City; and

WHEREAS, the City of Lackawanna has long plowed those roads and the County has reimbursed the City for the cost of plowing; and

WHEREAS, the City of Lackawanna recently reviewed its financial records and discovered that they were not reimbursed for the cost of snow plowing in 2005, 2006 and 2007; and

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WHEREAS, the Legislature requests that the City of Lackawanna and the Department of Public works to work cooperatively to determine why the City of Lackawanna was not paid for plowing in 2005, 2006 and 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the Commissioner of Public Works and a representative from the City of Lackawanna come to a meeting of the Government Affairs Committee to determine whether there is a snowplow contract in place for Lackawanna and if payment is due to Lackawanna for 2005, 2006 and 2007; and be it further

RESOLVED, that the Clerk of the Legislature is instructed to send certified copies of this resolution to the County Executive, Erie County Commissioner of Public Works and the Mayor of the City of Lackawanna.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 25 – MS. MILLER-WILLIAMS moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of COMM. 17E-2. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 4

RE: Tow Path Park - Phase II - Improvements –
Bid Construction Award

MR. KENNEDY moved to amend the item. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

WHEREAS, the County has received a \$300,000 grant from the New York State Office of Parks, Recreation and Historic Preservation for partial funding of the Erie County Tow Path Park - Phase II Improvements, and

WHEREAS, Your Honorable Body has previously authorized the County Executive to enter into an Architectural/Engineering Services Agreement with Towbridge & Wolf Landscape Architects, LLP for professional design and engineering services for Erie County Tow Path Park Improvements - Phase II, and

WHEREAS, the Department of Public Works has received bids for the Erie County Tow Path Park Improvements -Phase II on November 27, 2007, and

WHEREAS, the Department of Public Works and the architect/engineer are recommending award to the lowest responsible bidders for the Erie County Tow Path Park Improvements - Phase II.

NOW, THEREFORE, BE IT

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RESOLVED, that the County Executive be authorized to enter into contracts for the Erie County Tow Path Park Improvements - Phase II work as follows:

General Construction Work

Visone Construction, Inc.

Base Bid Award	\$446,868.00
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Electrical Construction Work

O'Connell Electric Co., Inc.

Base Bid Award	\$ 47,500.00
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Total Contracts Award	\$494,368.00
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and be it further,

RESOLVED, that the Commissioner of Environment & Planning be authorized to issue a Supplemental Agreement to Towbridge & Wolf Landscape Architects, LLP for the Construction Administration Phase of the work increasing their fee by \$20,000.00 to an amount not to exceed \$118,000.00, and be it further,

RESOLVED, that the sum of \$69,300.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the contingency fund, and be it further,

RESOLVED, that deduct change orders will result in these funds being returned to the contingency fund, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP Project A.00250, Tow Path Park Improvements -Phase II in an amount not to exceed \$586,668.00, and be it further,

RESOLVED, that two certified copies of this Resolution be sent to the Department of public Works, Office of the Commissioner; and one copy each to the Office of the County Executive, the Department of Environment & Planning, the Division of Budget, Management & Finance, and the Office of the Comptroller.

MR. KENNEDY moved to approve the item as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

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Item 26 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-33 from the DISTRICT ATTORNEY Re: 2008 Recruitment and Retention Grant Revisions

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 27 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-34 from the DISTRICT ATTORNEY Re: Salary Changes

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 28 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-35 from the COMPTROLLER Re: Audit of the Sale, Purchase and Operation Agreement Between Erie County and ECMCC For The Period 1/1/05 - 6/30/07

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 29 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1M-18 from ECMC Re: ECMCC Audit by Comptroller Mark C. Poloncarz

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 30 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-36 from the COUNTY EXECUTIVE Re: Interim Appointment of Senior Services Commissioner

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 31 – MR. WROBLEWSKI moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-37 from MARINELLI Re: 2008 Committee Assignments

Received, Filed and Printed.

2008 Committee Assignments

Finance & Management

Chairperson: Kathy Konst
 Vice-Chairperson: Robert B. Reynolds Jr.
 Members: Betty Jean Grant
 Maria R. Whyte
 John J. Mills
 Clerk: John Calvin Davis

Health and Human Services

Chairperson: Thomas J. Mazur
 Vice-Chairperson: Barbara Miller-Williams
 Members: Thomas A. Loughran
 Betty Jean Grant
 Edward A. Rath, III
 Clerk: Paul P. Henderson

Government Affairs

Chairperson: Barbara Miller-Williams
 Vice-Chairperson: Maria R. Whyte
 Members: Daniel M. Kozub
 Michele M. Iannello
 John J. Mills
 Clerk: Kevin J. Hosey

Economic Development

Chairperson: Timothy M. Kennedy
 Vice-Chairperson: Kathy Konst
 Members: Timothy M. Wroblewski
 Robert B. Reynolds Jr.
 Barbara Miller-Williams
 Edward A. Rath, III
 Clerk: James C. Gambino

Energy & Environment

Chairperson: Daniel M. Kozub
 Vice-Chairperson: Thomas A. Loughran
 Members: Kathy Konst
 Maria R. Whyte
 John J. Mills
 Clerk: Paul M. Taracki

Public Safety

Chairperson: Timothy M. Wroblewski
 Vice-Chairperson: Daniel M. Kozub
 Members: Timothy M. Kennedy
 Michele M. Iannello
 John J. Mills
 Clerk: Brian C. Bray

Community Enrichment

Chairperson: Betty Jean Grant
 Vice-Chairperson: Thomas A. Loughran
 Members: Robert B. Reynolds Jr.
 Timothy M. Kennedy
 Thomas J. Mazur

Clerk: Michael H. Ranzenhofer
Jeremey C. Rosen

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 32 – (COMM. 1E-1) Intro 22-2 (2007) - Legislature Requests for Information concerning Surplus Computers and Related Components and County-Owned Assets

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 33 – (COMM. 1E-2) Letter to Operation Pets Program Re: 2008 Budget Accountability Act

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE

Item 34 – (COMM. 1E-3) Letter to Cooperative Extension Service Re: 2008 Budget Accountability Act

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 35 – (COMM. 1E-4) Letter to Meals on Wheels for WNY Re: 2008 Budget Accountability Act

Item 36 – (COMM. 1E-5) Letter to Ken-Ton Meals on Wheels Re: 2008 Budget Accountability Act

The above two items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 37 – (COMM. 1E-6) Letter to Erie County Soil & Water Conservation Re: 2008 Budget Accountability Act

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 38 – (COMM. 1E-7) Letter to Alden Meals on Wheels Re: 2008 Budget Accountability Act

Item 39 – (COMM. 1E-8) Letter to Vive La Casa Re: 2008 Budget Accountability Act

The above two items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

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Item 40 – (COMM. 1E-9) Letter to Buffalo Niagara Film Commission Re: 2008 Budget Accountability Act

Item 41 – (COMM. 1E-10) Letter to Buffalo Niagara Convention Center Re: 2008 Budget Accountability Act

Item 42 – (COMM. 1E-11) Letter to Buffalo Niagara Convention & Visitors Bureau Re: 2008 Budget Accountability Act

The above three items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 43 – (COMM. 1E-12) Letter to Niagara Erie Regional Coalition Re: 2008 Budget Accountability Act

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 44 – (COMM. 1E-13) Veto of Local Law Intro No. 10-2007

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 45 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 5

RE: Appointment of Records Management Officer (COMM. 1E-14)

RESOLVED, the Erie County Legislature does hereby approve the appointment of Kathleen C. Hochul, Erie County Clerk as the Records Management Officer of Erie County.

FROM THE COMPTROLLER

Item 46 – (COMM. 1E-15) Apportionment and Distribution of Net Collections From The Local Four and Three Quarter Percent (4.75%) Sales and Compensating Use Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 47 – (COMM. 1E-16) Copy of Letter to Roger Kelly Re: Appointment of Erie County Representative to Erie County Greenway Fund Standing Committee

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 48 – MR. KENNEDY presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 6

RE: Adjustment in the Office of the County Executive, Office of Advocacy and Division of Budget & Management (COMM. 1E-17)

RESOLVED, that the County Executive is hereby authorized to delete the following:

1. Two Special Aides (County Executive) PT Job Group 11.
2. One Secretarial Assistant County Executive PT Job Group 8.
3. One Secretarial Assistant County Executive RPT Job Group 8.
4. Secretarial Assistant County Executive Job Group 8,

and be it further

RESOLVED, that the County Executive is hereby authorized to create:

1. Two Junior Administrative Consultants Job Group 9.
2. One Secretary to the Deputy County Executive Job Group 8.
3. One Secretarial Assistant County Executive Job Group 6,

and be it further

RESOLVED, that a variable minimum step 3 is approved for one (1) Senior Executive Assistant County Executive, and be it further

RESOLVED, that the County Executive is hereby authorized to delete in the Office of Public Advocacy the following positions:

1. One Public Health Educator (PT) Job Group 8
2. One Outreach Worker Veteran Services (PT) Job Group 7,

and be it further

RESOLVED, that the County Executive is authorized to create in the Office of Public Advocacy the following positions:

1. One Receptionist Job Group 3
2. One Investigative Aide Job Group 7,

and be it further

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RESOLVED, that the stand alone Office of Veterans Affairs reporting directly to the Deputy County Executive is hereby created, subject to the approval of an appropriate Local Law, and be it further

RESOLVED, that the positions of Veterans Service Officer and two Assistant Service Officer are hereby transferred from the Office of Public Advocacy to the newly created Office of Veteran Affairs, and be it further

RESOLVED, so as to be in compliance with State and Federal Law, the title of Veterans Service Officer is changed to Director of Veterans Affairs, and be it further

RESOLVED, that the Budget Director is requested to report back to the Erie County Legislature within 30 days of the passage of this resolution with necessary line item appropriations to fund office operations, and be it further

RESOLVED, that the County Executive is authorized to delete in the Division of Budget and Management:

1. One Senior Management Consultant (CE) Job Group 16.
2. One Management Consultant (CE) Job Group 14,

and be it further

RESOLVED, that the County Executive is authorized to create in the Division of Budget and Management two Management Consultant (CE) Job Group 15 positions, and be it further

RESOLVED, that a variable minimum step 1 is approved for the position Senior Budget Consultant, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Budget Director, Commissioner of Personnel, County Executive, Commissioner of Public Advocacy, and Veterans Service Officer.

Item 49 – MS. WHYTE moved to send the following item to the GOVERNMENT AFFAIRS COMMITTEE. MR. REYNOLDS seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: IANNELLO, KOZUB, LOUGHRAN, REYNOLDS, WHYTE and WROBLEWSKI.
NOES: MILLS, RANZENHOFER, RATH, GRANT, KENNEDY, KONST, MARINELLI, MAZUR and MILLER-WILLIAMS. (AYES: 6; NOES: 9)

FAILED.

MR. MAZUR presented the following item and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

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CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, RATH, GRANT, IANNELLO, KENNEDY, KONST, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS, WHYTE and WROBLEWSKI. NOES: KOZUB. (AYES: 14; NOES: 1)

CARRIED.

RESOLUTION NO. 7

RE: Establish a Six Sigma Office (COMM. 1E-18)

WHEREAS, Efficiency Grant funds have been requested to create a Six Sigma Office within Erie County Government; and

WHEREAS, these funds will allow for the creation of one (1) Senior Executive Assistant Job Group 22 (MC 01 pay scale) and the purchase of software; and

WHEREAS, the Director of Six Sigma Implementation will work with the Administration and Department Heads to measure, analyze, improve and control the delivery of services provided by Erie County; and

WHEREAS, the application of Six Sigma practices has been highly successful in many governmental agencies; most notably the City of Ft. Wayne, Indiana.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to create one (1) Senior Executive Assistant JG 22 (MC 01 pay scale) pending the approval of efficiency grant funds, and be it further

RESOLVED, that the Director of Budget and Management and the Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept the funds, not to exceed \$200,000 in 2008, from the Fiscal Stability Authority into the appropriate efficiency grant account; and be it further

RESOLVED; that certified copies of this resolution be sent to the Office of the County Executive; two (2) copies to the Personnel Department; the Division of Budget and Management; and the Office of the Comptroller.

Item 50 – (COMM. 1E-19) Appointment of Deputy County Executive

Received, Filed and Printed.

The Honorable Erie County Legislature
95 Franklin Street
Buffalo, New York 14202

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Dear Honorable Members:

Pursuant to my authority under the Erie County Charter, I hereby appoint Mark A. Davis to the position of Deputy County Executive.

Thank you for your attention in this matter.

Sincerely,

Chris Collins
Erie County Executive

Item 51 – (COMM. 1E-20) Designation Pursuant to Erie County Charter Section 304

Received, Filed and Printed.

Mr. Robert Graber, Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, New York 14202

Re: DESIGNATION PURSUANT TO ERIE COUNTY CHARTER SECTION 304

Dear Mr. Graber:

Pursuant to Erie County Charter Section 304, I Chris Collins, County Executive of the Count of Erie hereby designate and appoint the following department or executive division heads, hereinafter named to perform the duties of the County Executive during my absence and the absence of Deputy County Executive Mark A. Davis.

The Order of succession of such individuals to act as and for me, as Erie County Executive, in my absence and the absence of Deputy County Executive Mark A. Davis shall correspond to the number proceeding the name and title of each of the following individuals:

1. Dr. Anthony J. Billittier, Erie County Commissioner of Health
2. John W. Greenan, Erie County Commissioner of Personnel

This Designation shall continue in effect until revoked or modified by me and shall be effective upon filing of same with you as Clerk of the Erie County Legislature.

Sincerely,

Chris Collins
Erie County Executive

Item 52 – (COMM. 1E-21) Appointment of Commissioner of Emergency Services

**MEETING NO. 1
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ERIE COUNTY LEGISLATURE

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 53 – (COMM. 1E-22) Appointment of Commissioner of Public Works

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 54 – (COMM. 1E-23) Appointment of Purchasing Director

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 55 – (COMM. 1E-24) Appointment of Commissioner of Parks, Recreation & Forestry

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 56 – (COMM. 1E-25) Appointment of Director of Budget and Management

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 57 – (COMM. 1E-26) Appointment of Commissioner of Health

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 58 – (COMM. 1E-27) Appointment of Commissioner of Environment & Planning

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR RANZENHOFER

Item 59 – (COMM. 1E-28) Notice of Absence for 12/31/07 Special Session

Received, Filed and Printed.

January 3, 2008

Chairwoman Lynn M. Marinelli
Erie County Legislature
Old County Hall – 4th Floor
92 Franklin Street
Buffalo, NY 14202

Dear Chairwoman Marinelli,

I was unable to attend the special session of the Erie County Legislature scheduled on Monday, December 31, 2007 at 11:30 a.m. in the Erie County Legislature Chambers.

I was out of town for a previously scheduled commitment, and due to the short notice of the special session, I was unable to attend.

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ERIE COUNTY LEGISLATURE

Sincerely,

MICHAEL H. RANZENHOFER
Erie County Legislature – 4th District

FROM LEGISLATOR KONST

Item 60 – (COMM. 1E-29) Notice of Absence for 12/31/07 Special Session

Received, Filed and Printed.

January 2, 2008

Robert M. Graber
Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, N.Y. 14202

Dear Mr. Graber,

Please be advised that due to a previously scheduled occasion out of town on the date of the Special Session of the Erie County Legislature held on December 31, 2007, I was not available to attend this meeting.

Thank you for your prompt attention of this matter, as reflected in the official legislative record.

Sincerely,

Kathy Konst
Erie County Legislator – 5th District

FROM THE COUNTY EXECUTIVE

Item 61 – MS. WHYTE moved to send the following item to Committee. MR. REYNOLDS seconded.

CHAIRPERSON MARINELLI directed that a roll-call vote be taken.

AYES: IANNELLO, KOZUB, LOUGHRAN, REYNOLDS and WHYTE. NOES: MILLS, RANZENHOFER, RATH, GRANT, KENNEDY, KONST, MARINELLI, MAZUR, MILLER-WILLIAMS and WROBLEWSKI. (AYES: 5; NOES: 10)

FAILED.

MR. KENNEDY moved to approve the item. MR. RANZENHOFER seconded. MR. LOUGHRAN and MR. REYNOLDS voted in the negative.

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ERIE COUNTY LEGISLATURE

CARRIED. (13-2)

RESOLUTION NO. 8

RE: Creating a Space Utilization Position
(COMM. 1E-30)

FROM LEGISLATOR WHYTE

Item 62 – (COMM. 1E-31) Notice of Possible Absence During Week of January 14

Received, Filed and Printed.

January 3, 2008

Robert Graber
Clerk, Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Dear Mr. Graber:

I write to inform you that I have been summoned for Jury Duty the week of January 14, 2008. I will not know details of my duty until that date but it is very possible it will interfere with our committee meetings schedule and Legislative session on the 17th.

I will keep you informed of any changes and details as I become aware of them.

Sincerely,

Maria Whyte
6th District Legislator

FROM LEGISLATOR IANNELLO

Item 63 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MS. IANNELLO abstained.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 89

RE: Lease Agreement for Legislative Office
Space (COMM. 1E-32)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Cheryl M. Rowe for Legislative office space for Michele Iannello, located at 2809 Euclid Avenue, Kenmore, New York (Side Store Front) for a monthly rate of \$650.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPARTMENT OF HEALTH

Item 64 – (COMM. 1D-1) Notice for Board of Health Meeting

Received and filed.

FROM THE DIVISION OF INFORMATION & SUPPORT SERVICES

Item 65 – (COMM. 1D-2) Reply to Intro 22-2

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 66 – (COMM. 1D-3) Proposed Agenda Meeting Held 12/20/07

Received and filed.

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 67 – (COMM. 1D-4) Energy & Environment Committee

Received and filed.

FROM THE DEPARTMENT OF LAW

Item 68 – (COMM. 1D-5) Transmittal of New Claims Against Erie County

Received and filed.

FROM THE DEPARTMENT OF BUDGET, MANAGEMENT & FINANCE

Item 69 – (COMM. 1D-6) BMR for 10-Month Period Ending 10/31/07

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 70 – (COMM. 1D-7) Copy of Letter to ECFSA Re: Revised Four-Year Plan for FY 2008-11

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPARTMENT OF LAW

Item 71 – (COMM. 1D-8) Transmittal of New Claims Against Erie County

Received and filed.

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ERIE COUNTY LEGISLATURE

FROM THE COMMISSIONER OF HEALTH

Item 72 – (COMM. 1D-9) Appointment of a Clinical Laboratory Director

Received, Filed and Printed.

December 27, 2007

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Mr. Graber,

I am writing to ask that the following be placed on the agenda for the next meeting of the Erie County Legislature.

Per Erie County Charter, Article 5, Section 505 that states "...T he county, including the cities, towns, villages and special districts situated therein shall continue to be a county laboratory district. There shall be in the department an Erie county laboratory headed by a director. The commissioner of health shall appoint as laboratory director...", I, hereby appoint Scott J. Zimmerman DrPH, MPH to the position of Director of the Erie County Public Health Laboratories, effective January 1, 2008.

Sincerely,

Dr. Anthony J. Billittier IV, FACEP
Commissioner of Health

FROM THE CLERK OF THE LEGISLATURE

Item 73 – (COMM. 1D-10) Agenda Items Received and Filed on 12/31/07

Received, Filed and Printed.

January 3, 2008

TO: Erie County Legislators

FROM: Robert M. Graber, Clerk

REFERENCE: Agenda Items Received and Filed on 12/31/07

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ERIE COUNTY LEGISLATURE

In accordance with Section 5.05 of the Erie County Legislature's 2007 Rules of Order, please be advised that the attached list represents all items (Local Laws, Resolutions, Departmental and Miscellaneous Communications) that have been removed from the agenda of the Legislature (including all Committee Agendas) as of December 31, 2007.

All of these items were clocked-in on or before December 31, 2006. Items clocked-in after that date remain on the Legislature's agenda.

Attachment – List of Received and Filed Items

Cc: Erie County Executive
Erie County Clerk
Erie County Comptroller
Erie County District Attorney
Erie County Sheriff
Other Interested Parties

Item Number	Year	From	Title
COMM. 11D-3	2006	COUNTY ATTORNEY	Niagara Power Project Relicensing Settlement Agreement
COMM. 14E-11	2006	COUNTY EXECUTIVE	Parks - Forest Management Plan Contractual Agreement
COMM. 14E-4	2006	COMPTRROLLER	Copy of Letter to Loughran Re: Park Superintendent Housing
COMM. 15D-12	2006	PURCHASE	Copy of Letter to Deputy Comptroller Re: Response to the Comptroller Review of the Timber Harvest RFP and Contract
COMM. 15E-13	2006	COMPTRROLLER	Audit of the City of Buffalo Parks Agreement
COMM. 15E-5	2006	COMPTRROLLER	Review of Dept. of Parks, Recreation and Forestry - Forest Management Plan and Timber Harvest
COMM. 15M-19	2006	EMS ADVISORY BOARD	Support for Placement of the EMS Division in the Erie County Dept. of Health
COMM. 15M-21	2006	AMHERST TOWN BOARD	Certified Resolution Re: Merge AIDA with the ECIDA
COMM. 15M-32	2006	CSEA	Indoor Air Quality Review and Mold Inspection for the Erie County Probation Dept.
COMM. 20E-5	2006	COUNTY EXECUTIVE	DEP - Variable Minimum
COMM. 20M-11	2006	ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL	Logging Operations at Erie County Forest

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COMM. 22E-13	2006	COUNTY EXECUTIVE	Fact-Finding Report Between COE and AFSCME Local 1095
COMM. 22E-23	2006	COUNTY EXECUTIVE	Sewerage Management - Personnel Request
COMM. 25M-3	2006	FRIENDS OF THE ERIE COUNTY FOREST	A Management Plan for the Erie County Forest
INTRO 11-3	2006	LOCKLEAR, KONST & IANNELLO	Implementing Transparency Reforms Applicable to the Legislature
INTRO 14-8	2006	MAZUR	Erie County Fiscal Stability Authority
INTRO 15-6	2006	LOUGHRAN	Reforming the Erie County Government RFP Process
INTRO 25-1	2006	REYNOLDS	Immediate Removal of Lackawanna Toll Barrier
INTRO 5-1	2006	RANZENHOFER, WEINSTEIN & MILLS	Resolution in Support of Review of the "Taylor Law"
INTRO 5-10	2006	KENNEDY, REYNOLDS & KONST	Supporting Increased Hydropower Allocation for the Delphi Corporation
INTRO 5-6	2006	KONST, LOCKLEAR, IANNELLO, MILLS & WEINSTEIN	Review of Highway/Bridge Engineer Contract
INTRO 7-10	2006	IANNELLO, KONST & LOCKLEAR	Amendment of Erie County Legislative ""Rules of Order"" Regarding Establishment of Evening and ""Off Site" Legislative Sessions
INTRO 7-4	2006	MINORITY CAUCUS	Electronic Permitting
INTRO 8-11	2006	MAZUR	Improving Economic Services in Erie County
INTRO 8-3	2006	RANZENHOFER, MILLS & WEINSTEIN	Resolution to Terminate Sales Tax Revenue Distribution Agreement of December 30, 1977
LL INT 4-1	2006	KONST, IANNELLO & LOCKLEAR	A Charter Law to Reforming County Government by Limiting the Terms of Office of Elected County Legislators
LL INT 5-1	2006	KONST, IANNELLO & LOCKLEAR	A Charter Law to Reforming County Government by Limiting the Terms of Office of Elected County Executive
LL INT 6-1	2006	LOCKLEAR, KONST, RANZENHOFER, MILLS & WEINSTEIN	A LL Amending Article III of the EC Charter to Redefine the Positions of County Executive and Deputy County Executive in the Spirit of Charter Revision Commission Recommendations
LL INT 8-1	2006	RANZENHOFER, WEINSTEIN, MILLS	A LL Requiring Businesses to Verify that their Employees are Legally Eligible to be Employed in the USA & EC

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE FIRE ADVISORY BOARD

Item 74 – (COMM. 1M-1) Fire Training Facilities

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE CITY OF BUFFALO - DEPT. OF ECONOMIC DEVELOPMENT,
PERMIT & INSPECTION SERVICES**

Item 75 – (COMM. 1M-2) Acquisition of 300 Manhattan Street

Received and filed.

FROM NORM SKULSKI, RICK RHODES & HENRY MAZUREK

Item 76 – (COMM. 1M-3) Requesting the Erie County Legislature to Petition the US GSA to Name the New Federal Courthouse "Lt. Colonel Matt Urban Courthouse"

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE ERIE COUNTY FISCAL STABILITY AUTHORITY

Item 77 – (COMM. 1M-4) 2007 Capital Program and Bonding

Received and filed.

FROM THE ESSEX COUNTY BOARD OF SUPERVISORS

Item 78 – (COMM. 1M-5) Copy of Certified Resolution Re: Supporting Federal Medicaid County Protection Act of 2007

Received and filed.

FROM NYS ASSEMBLYPERSON MIKE COLE

Item 79 – (COMM. 1M-6) Receipt of Certified Resolution

Received and filed.

FROM THE ERIE CANAL HARBOR DEVELOPMENT CORPORATION

Item 80 – (COMM. 1M-7) Environment Record for Site Preparation Activities at 125 and 140 Main Street, Buffalo, New York

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Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 81 – MR. RANZENHOFER moved to reconsider COMM. 1E-30. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 8

RE: Creating a Space Utilization Position
(COMM. 1E-30)

MR. RANZENHOFER moved to amend the item. MR. RATH seconded. MR. LOUGHRAN, MR. KOZUB, MR. REYNOLDS and MS. IANNELLO voted in the negative.

CARRIED. (11-4)

WHEREAS, Efficiency Grant funds have been requested to create a Space Utilization Position within Erie County Government; and

WHEREAS, these funds will allow for the creation of one (1) Senior Executive Assistant Job Group 22 (MC 01 pay scale), and

WHEREAS, the Director of Space Utilization will be tasked with consolidating and optimizing office space in both county owned and rented space thus reducing rental, maintenance and associated costs to the County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to create one (1) Senior Executive Assistant JG 22 (MC 01 pay scale) pending the approval of efficiency grant funds, and be it further

RESOLVED, that the Director of Budget and Management and the Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept the funds, not to exceed \$160,000, in 2008 from the Fiscal Stability Authority into the appropriate efficiency grant account; and be it further

RESOLVED; that certified copies of this resolution be sent to the Office of the County Executive; two (2) copies to the Personnel Department; the Division of Budget and Management; and the Office of the Comptroller.

MR. RANZENHOFER moved to approve the item. MR. KENNEDY seconded. MR. LOUGHRAN, MR. KOZUB, MS. IANNELLO, MR. REYNOLDS and MS. GRANT voted in the negative.

CARRIED. (10-5)

FROM THE BUFFALO COMMON COUNCIL

Item 82 – (COMM. 1M-8) Copy of Letter to BECPL Executive Director Re: Calling Upon the Erie County Library Board to Restore Library Services to the City of Buffalo with its Additional Funding of \$1.6 Million

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYS FISH AND WILDLIFE MANAGEMENT BOARD

Item 83 – (COMM. 1M-9) Region 9 FWMA Board Minutes

Received and filed.

FROM NYS STATE SENATOR RATH

Item 84 – (COMM. 1M-10) Receipt of Certified Resolution

Received and filed.

FROM THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Item 85 – (COMM. 1M-11) NFTA Board Minutes for Meeting Held 11/26/07

Item 86 – (COMM. 1M-12) Annual Operating Budget for FY Ending 3/31/09

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS SHERIFFS' ASSOCIATION

Item 87 – (COMM. 1M-13) Jail Inmate Telephone Service

Item 88 – (COMM. 1M-14) Credit Card Bail Payment Programs to County Jails

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM JOAN LILLIS

Item 89 – (COMM. 1M-15) Appointment to the Board of Directors for ECMC Corporation

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NIAGARA ERIE REGIONAL COALITION

Item 90 – (COMM. 1M-16) 2007 Year End Report of the Niagara Erie Regional Coalition

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF TRANSPORTATION

Item 91 – (COMM. 1M-17) US Route - Section V - NY Route 39 to NY Route 17 - Erie & Cattaraugus Counties - PIN 5101.53

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 92 - Legislator Konst requested that when the Legislature adjourns, it do so in memory of Harry T. Gwitt, Jr.

Item 93 - Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Richard J. Kwiatkowski.

Item 94 - Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of John M. Granville.

Item 95 - Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Rita Pat Marino.

Item 96 - Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Matthew G. Horan.

Item 97 - Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Ann B. Coon.

Item 98 - Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Peter F. Balbuzoski.

ADJOURNMENT

Item 99 - At this time, there being no further business to transact, Chairperson Marinelli announced that the Chair would entertain a Motion to Adjourn.

MS. GRANT moved that the Legislature adjourn until Thursday, January 17, 2008 at 2 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Chairperson Marinelli declared the Legislature adjourned until Thursday, January 17, 2008 at 2 p.m. Eastern Standard Time.

**ROBERT M. GRABER
CLERK OF THE LEGISLATURE**

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ERIE COUNTY LEGISLATURE
