

**ERIE COUNTY LEGISLATURE
MEETING NO. 2
JANUARY 29, 2009**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Ms. Miller-Williams.

The Pledge of Allegiance was led by Mr. Walter.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Number 1 from 2009. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

Item 5 – CHAIR MARINELLI directed that the agenda be taken out of order and the fifth item for consideration would be INTRO 2-5.

GRANTED.

MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 13

RE: Support for the UB 2020
Flexibility and Economic
Growth Act
(INTRO 2-5)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LOUGHRAN, MARINELLI, WHYTE, MILLS,
MILLER-WILLIAMS, WALTER, GRANT, REYNOLDS & RATH**

WHEREAS, the UB 2020 Flexibility and Economic Growth Act proposes changes in state law to give UB more freedom from state regulations which in turn will allow the university to make significant progress in its ambitious strategic plan, UB 2020; and

WHEREAS, specifically, this legislation will provide regulatory relief to the University at Buffalo in the areas of tuition policy, capital project financing, construction delivery, land

acquisition and disposition, public-private partnerships and procurement of goods and services to enhance the University at Buffalo's academic standing as a world class higher education institution and serve as a catalyst to stimulate the Western New York economy; and

WHEREAS, UB 2020 is the university's plan to become a leading research and academic institution. Under this plan the university population could increase by as much as 40%, including an additional 13,000 new students and workers in downtown Buffalo. Further, under this plan promises that all three campuses would undergo expansion and renovation; and

WHEREAS, on January 16, 2009 at the UB Gateway building in downtown Buffalo, hundreds of UB believers joined UB President John Simpson and the New York State legislative delegation in a rally of enthusiastic support for the UB 2020 Flexibility and Economic Growth Act introduced by Assemblyman Robin Schimminger and Senator William T. Stachowski; and

WHEREAS, this legislature can advance this important cause by adding its voice to the growing movement to tell Albany that we want common sense reforms in state policies that will unshackle our university and release its full potential as an economic engine for all of Western New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature enthusiastically supports the UB 2020 Flexibility and Economic Growth Act; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Paterson and to the leadership of the New York State Senate and Assembly; and be it further

RESOLVED, that this resolution be intended to invite all interested individuals to lend their voice to a movement that must succeed if Western New York is to succeed by joining UBbelievers at URL <http://www.ubconnect.org>.

MS. WHYTE moved to amend the resolution by adding Et Al Sponsorship. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

MISCELLANEOUS RESOLUTIONS

Item 6 – MS. IANNELLO presented a resolution Congratulating Kevin Koch on Election as Grand Island Deputy Fire Chief.

Item 7 – MS. IANNELLO & CHAIR MARINELLI presented a resolution Congratulating Chief Michael R. Iannello, Ellwood Volunteer Fire Co.

Item 8 – MS. IANNELLO & CHAIR MARINELLI presented a resolution Congratulating 1st Assistant Chief Jamie Olson, Ellwood Volunteer Fire Co.

Item 9 – MS. IANNELLO & CHAIR MARINELLI presented a resolution Congratulating 2nd Assistant Chief Gary Stuff, Ellwood Volunteer Fire Co.

Item 10 – MS. IANNELLO & CHAIR MARINELLI presented a resolution Congratulating Captain Steve Stirling, Ellwood Volunteer Fire Co.

Item 11 – MS. IANNELLO & CHAIR MARINELLI presented a resolution Congratulating Captain Brian Nigro, Ellwood Volunteer Fire Co.

Item 12 – CHAIR MARINELLI presented a resolution Honoring the Life and Contributions of Rev. James P. Higgins.

Item 13 – CHAIR MARINELLI, MR. KOZUB, MR. KENNEDY, MR. MAZUR, MR. WROBLEWSKI & MR. MILLS presented a resolution Congratulating Three-Time Grammy Nominees Jerry Darlak & The Touch.

Item 14 – MS. IANNELLO presented a resolution Honoring the Life of Margaret W. Peterangelo.

Item 15 – CHAIR MARINELLI & MS. GRANT presented a resolution Congratulating Buffalo on its Designation as One of America's 2009 Dozen Distinctive Destinations by the National Trust for Historic Preservation.

Item 16 – MS. IANNELLO presented a resolution Congratulating Greg Butcher on Election as Grand Island Fire Chief.

Item 17 – MR. REYNOLDS presented a resolution Honoring Klispie Sales and Service on Their 75th Years of Doing Business in the Town of Hamburg and Erie County.

Item 18 – MS. IANNELLO presented a resolution Congratulating Matt Osinski on Election as Grand Island First Assistant Fire Chief.

Item 19 – MS. IANNELLO presented a resolution Congratulating Chris Soluri on Election as Grand Island Second Assistant Fire Chief.

Item 20 – MS. KONST presented a resolution Recognizing Paul Welker on His 50 Years of Service to the Lancaster Ambulance Corps.

Item 21 – MR. KOZUB presented a resolution Celebrating the Centennial of the City of Lackawanna (1909 - 2009).

Item 22 – MR. RATH presented a resolution Celebrating 100 Years of Nichols Hockey.

Item 23 – MS. MILLER-WILLIAMS presented a resolution Congratulating June W. Hoeflich on Her Retirement as President and Chief Executive Officer of Sheehan Health Network.

Item 24 – MR. REYNOLDS presented a resolution Honoring Aileen Hoak for Being Recognized as the Buffalo News Women's Runner of the Year for 2008.

Item 25 – MR. REYNOLDS presented a resolution Honoring Town of Eden Chief Patrick Howard for the Exemplary Standard of Service that He Has Exhibited in Both His Personal and Professional Life and Wishes Him a Long and Happy Retirement.

Item 26 – MS. IANNELLO & CHAIR MARINELLI presented a resolution Honoring the Life of Alessio Alagna.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twenty one items by adding five for MS. IANNELLO, and by including Et Al Sponsorship. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above twenty six items as amended. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 27 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 28 – CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2008 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 29 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 30 – CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 31 – MR. MAZUR presented the following report, moved to separate item Number 1-b, and moved to approve the balance of the report. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 14

JANUARY 15, 2009	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10D-5 (2008)
EXECUTIVE DIRECTOR - COMMISSION ON THE STATUS OF WOMEN: Letter & Memorandum Concerning Need for Child Drop Off Center in the Rath Building
(5-0)
 - b. INTRO 11-3 (2008)
MARINELLI & MAZUR: Legislature's Recommendations to Governor for Appointment to the Erie County Medical Center Corporation Board of Directors
(5-0)
 - c. COMM. 26M-6 (2008)
COLUCCI & GALLAHER, P.C.: Agenda Materials for ECMCC Meeting Held 11/20/08
(5-0)
 - d. COMM. 1D-1 (2009)
COMMISSIONER OF HEALTH: Agenda Items for Board of Health Meeting to be Held 1/8/09
(5-0)
 - e. COMM. 1M-15 (2009)
COLUCCI & GALLAHER, P.C.: Agenda Items for ECMCC Meeting Held on 12/18/08
(5-0)
2. COMM. 23E-8 (2008)
COUNTY EXECUTIVE
WHEREAS, a Senior Fiscal Analyst (position 00008788) assigned to Fiscal Management Cost Center 1201060 actually works in Youth Detention Cost Center 1252010; and

WHEREAS, the vacant Supervisor of Accounts (position 50016664) in Youth Detention Cost Center 1252010 is needed in Financial Record Services Cost Center 1202060); and

WHEREAS, this title exchange will help make revenue claiming easier and more timely and accurate; and

WHEREAS, no employees are being transferred or relocated and job functions will not change; and

WHEREAS, there is no impact to the 2008 Adopted Budget or the 2009 Executive Recommended Budget.

NOW, THEREFORE, BE IT

RESOLVED, that position 00008788 be reassigned to Youth Detention (SAP Cost Center 1252010); and be it further

RESOLVED, that vacant position 50016664 be reassigned to Financial Record Services (SAP Cost Center 1202060); and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Commissioner of Personnel, the Erie County Comptroller and the Director of the Division of Budget and Management.
(5-0)

3. COMM. 26E-9 (2008)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a revised grant award from the New York State Department of Health, Bureau of Community Environmental Health and Food Protection, Center for Environmental Health in the amount of \$532,810, which includes funds for enhancement of inspection activities in the "Erie County Lead Poisoning Primary Prevention Pilot Program;" and

WHEREAS, the purpose of the Lead Poisoning Primary Prevention Pilot Program is to identify and address lead hazards in high risk zip codes in Erie County in order to prevent at-risk children from becoming lead poisoned; and

WHEREAS, this will be accomplished through neighborhood surveys, home paint inspections and lead risk assessments, provision of services, distribution of intervention products for hazard control, and education and outreach for property owners and tenants in Erie County; and

WHEREAS, in order to meet the increased requirements of this program it will be necessary to create one full-time position of Senior Investigating Public Health Sanitarian, JG X, two full-time positions of Investigating Public Health Sanitarian, JG VIII, and one full-time position of Junior Education Specialist – Environmental Health, JG VII; and

WHEREAS, the County desires to subcontract with Environmental Education Associates, Inc. for an amount not to exceed \$15,000 for the period 10/1/08 to 9/30/09 for the purpose of providing periodic training courses for lead safe work practices and for clearance sampling and reporting.

NOW, THEREFORE, BE IT

RESOLVED, that one full-time position of Senior Investigating Public Health Sanitarian, JG X, two full-time positions of Investigating Public Health Sanitarian, JG VIII and one full-time position of Junior Education Specialist – Environmental Health, JG VII are hereby created as indicated on B100 numbers 4223, 4224 and 4225 respectively.

The following personnel detail is hereby submitted:

Title: Senior Investigating Public Health Sanitarian

JG: X

Step: 0

Annual Salary: \$37,886

Annual Benefits: \$15,533

Fiscal Impact on the budget for the remaining portion of the fiscal year: none

County's Share: 0

Whether the position is filled from civil service preferred list, (or in the case of no preferred list) from a Civil Service list: Yes

Title: Investigating Public Health Sanitarian

JG: VIII

Step: 0

Annual Salary: \$32,841

Annual Benefits: \$13,465

Fiscal Impact on the budget for the remaining portion of the fiscal year: none

County's Share: 0

Whether the position is filled from civil service preferred list, (or in the case of no preferred list) from a Civil Service list: Yes

Title: Junior Education Specialist – Env. Health

JG: VII

Step: 0

Annual Salary: \$30,587

Annual Benefits: \$12,669

Fiscal Impact on the budget for the remaining portion of the fiscal year: none

County's Share: 0

Whether the position is filled from civil service preferred list, (or in the case of no preferred list) from a Civil Service list: Yes

Grant	# of Pos.	Position	JG/Step	Action	Budgeted
127LEADPRIMARY0809					
	1	Sr. Inv. Pub. Health San.	X 0	Add	\$37,886
	2	Inv. Pub. Health San.	VIII 0	Add	\$65,682
	1	Jr. Educ. Spec. Env. Health	VII 0	Add	\$30,587

Appropriations:

Current

Amended

<u>Account</u>	<u>Description</u>	<u>Budget</u>	<u>Changes</u>	<u>Budget</u>
500000	Full Time Salaries	\$96,547	\$134,155	\$230,702
502000	Fringe Benefits	\$44,506	\$ 55,132	\$ 99,638

Revenues:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Changes</u>	<u>Amended Budget</u>
409000	State Aid Revenues	\$316,733	\$189,287	\$506,020

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with Environmental Education Associates, Inc. for an amount not to exceed \$15,000 for the period 10/1/08 – 9/30/09 for the purpose of providing periodic training courses for lead safe work practices and for clearance and sampling; and be it further

RESOLVED, that the subcontract with Environmental Education Associates, Inc. is a special service which must be provided immediately and continuously and was originally proposed to the granting agency and is now expected by the granting agency to complete the grant deliverables and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Office of the Comptroller, the Department of Personnel, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, M.D., Commissioner of Health, 9th Floor Rath Building.
(5-0)

4. COMM. 28E-5 (2008)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Department of Social Services continues to conduct Requests for Proposals for many contracted purchase of service requirements, and three RFP selection processes have recently been completed; and

WHEREAS, based on selection committee review and quantitative scoring of proposals received, current providers were selected for Visitation Services, while there are changes proposed to Parenting Training and Respite Services allocations; and

WHEREAS, Visitation Services are provided to biological families to facilitate communication and relationships to enable children in foster placement to return home, Respite Services are critical for the permanency of children in events of biological or foster parent emergency or short-term absence, and Parenting Training is often court ordered in instances of child abuse and neglect for teaching appropriate parental skills and responsibilities; and

WHEREAS, the budget appropriation amounts with community providers for Parenting Training and Respite Services need to be revised from adopted budget amounts; and

WHEREAS, this resolution reallocates funds among providers, and as such there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following adjustments are made in the 2009 adopted budget:

	2009 Adopted Budget	RFP Revision	2009 Adjusted Budget
Parenting Training			
516010 Catholic Charities	0	79,998	79,998
516010 Gateway	0	35,521	35,521
516010 HUB	0	35,521	35,521
516010 Salvation Army	146,040	-146,040	0
516010 EPIC	<u>5,000</u>	<u>-5,000</u>	<u>0</u>
total	151,040	0	151,040
Respite Services			
516010 Gateway	141,339	-77,776	63,563
516010 Hopevale	0	100,000	100,000
516010 Joan A Male	<u>184,472</u>	<u>-22,224</u>	<u>162,248</u>
total	325,811	0	325,811

*Community Action Organization Parenting Training is unchanged from the original 2009 budget allocation.

and be it further

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services are authorized to execute contracts with the above providers in amounts not to exceed above adjusted budget detail; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.

(5-0)

5. COMM. 1E-14 (2009)
COUNTY EXECUTIVE

WHEREAS, the New York State Office for Aging has notified the Department of Senior Services (Department) that the Department has been awarded a \$21,000 grant for the Performance Outcomes Measures Project (POMP), tenth phase, for the period September 30, 2008 to July 31, 2009; and

WHEREAS, the Department desires to use the POMP grant funds to maintain and support the case management system that will compile the POMP statistical results and to cover the cost of POMP-related meetings and conferences coordinated by the New York State Office for the Aging; and

WHEREAS, the POMP grant budget needs to be established; and

WHEREAS, local match is not required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the POMP funds from New York State Office for Aging; and be it further

RESOLVED, that the budget for the POMP grant, 163POMP0809, be established as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
409000	State Aid	\$21,000
	TOTAL REVENUE	<u>\$21,000</u>
APPROPRIATIONS		
510100	Out of Area Travel	\$4,000
516020	Software Support & Modifications	17,000
	TOTAL APPROPRIATIONS	<u>\$21,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office and the Department of Senior Services.

(5-0)

6. COMM. 1E-16 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Weatherization Referral and Packaging (WRAP-SOFA) grant for the period October 1, 2008 to September 30, 2009; and

WHEREAS, the New York State Office for Aging has notified the Department of Senior Services (Department) that the WRAP-SOFA grant period has been adjusted to coincide with the state fiscal year ending March 31, 2009; and

WHEREAS, the grant allocation will not be adjusted for the shortened program year; and

WHEREAS, the Department desires to allocate more of the WRAP-SOFA grant funds to provide weatherization services to HEAP-eligible seniors, enabling the seniors to remain independent and in the community; and

WHEREAS, the WRAP-SOFA grant budget needs to be revised; and

WHEREAS, WRAP-SOFA is a 100% federally funded program.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the WRAP-SOFA grant, 163WRAP-SOFA0809, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
414000 Federal Aid	\$306,421	\$14,035	\$320,456
TOTAL REVENUE		<u>\$14,035</u>	
APPROPRIATIONS			
500000 Full Time-Salaries	\$157,410	-\$79,188	\$78,222
502000 Fringe Benefits	67,009	-33,709	33,300
505000 Office Supplies	1,000	1,000	2,000
510000 Local Mileage Reimbursement	7,000	700	7,700
530000 Other Expenses-Weatherization	70,802	125,232	196,034
TOTAL CHANGE		<u>\$14,035</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office and the Department of Senior Services.

(5-0)

7. COMM. 1E-17 (2009)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Department of Social Services requests authorization to create the position of Assistant Commissioner to manage the Division of Public Health Insurance; and

WHEREAS, this position has been necessitated by the recent restructuring of the Department of Social Services into five (5) major operating Divisions. A senior level manager is required comparable to that in the other Divisions and will assure the same level of operations leadership and accountability; and

WHEREAS, a senior level manager that fully understands the complexity of NYS Public Health Insurance programs as well as the needs of applicants and department staff will be essential in leading this new Division to efficiently and effectively meet the needs of recipients through cost effective practices, efficient use of resources and consistent compliance with state and federal regulations; and

WHEREAS, our Public Health Insurance Division needs a centralized management to specifically focus on and effectively coordinate operations with community providers and the New York State Department of Health that maximize benefits to all eligible citizens in a timely manner; and

WHEREAS, there is no County fiscal impact as this position will be fully reimbursed with Federal and State Medicaid administrative funds with 50% from State Aid Social Services Administration and 50% from Federal Aid Social Services Administration.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Social Services is authorized to create the position of Assistant Commissioner, B-100 #4161; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2009 Adopted Budget:

Department of Social Services, Fund 110, Department 120

		Current Budget	Changes	Amended Budget
	REVENUES			
407540	State Aid - Soc Serv Admin	27,973,025	58,878	28,031,903
411540	Federal Aid – Soc Serv Admin	34,135,769	<u>58,879</u>	34,194,648
	TOTAL REVENUE CHANGE		<u>117,757</u>	

		Current Budget	Changes	Amended Budget
	APPROPRIATIONS			
500000	Full-Time Salaries	69,653,560	87,798	69,741,358
502000	Fringe	32,082,815	<u>29,959</u>	32,112,774
	TOTAL APPROPRIATION CHANGE		<u>117,757</u>	

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Commissioner of Personnel, the Erie County Comptroller and the Director of the Division of Budget and Management.

(4-1) Legislator Reynolds voted in the negative.

8. COMM. 1E-19 (2009)
COUNTY EXECUTIVE

WHEREAS, the purpose of the Comprehensive Adoption Services Program is to coordinate services to children with a goal of adoption as well as those who were adopted through the Erie County Department of Social Services; and

WHEREAS, this program will support adoption finalizations and prevent adoption disruptions and dissolutions by providing comprehensive adoption-sensitive services to reduce stress, stabilize family crises and provide advocacy and support; and

WHEREAS, there are currently over 300 children awaiting adoption in Erie County and over 100 of these children lack an identified adoptive resource; and

WHEREAS, this program will establish a post-adoption resource center which is accessible and consumer driven and provides strength based family centered practices to adopted children and their families; and

WHEREAS, subsequent to the submittal of the 2009 Executive Recommended Budget, the Department conducted a competitive procurement Request for Proposals (RFP) process to receive and evaluate proposals for the Comprehensive Adoption Services Program; and

WHEREAS, based on their review, the RFP Evaluation Committee recommended the contract be awarded to Hillside Children's Center rather than Children Awaiting Parents as anticipated in the Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into and execute a contract for the Hillside Children's Center Comprehensive Adoption Services Program; and be it further

RESOLVED, that the following budget amendments are made to the 2009 Adopted Budget:

<u>Account</u>	<u>Title</u>	<u>Adopted Budget</u>	<u>Change</u>	<u>Amended Budget</u>
516010	Children Awaiting Parents	60,000	(60,000)	0
516010	Hillside Children's Center	0	<u>60,000</u>	60,000
			<u>-0-</u>	

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.

(5-0)

9. COMM. 1E-22 (2009)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Health has reduced the amount of its annual grant award to the Erie County Department of Health to operate the Childhood Lead Poisoning Prevention Program; and

WHEREAS, the emphasis of lead poisoning prevention is shifting from case management of lead poisoned children to primary prevention of lead poisoning focused on eliminating hazards in the environment before children are poisoned; and

WHEREAS, the Division of Public Health Laboratories, Epidemiology and Environmental Health has recently reorganized the management structure of the Environmental section to more effectively provide services; and

WHEREAS, in order to effectively and efficiently operate the Childhood Lead Poisoning Prevention grant and to stay within the allotted funds and to bring staffing into line with the overall Environmental section management, it will be necessary to make a staffing adjustment which will create an Assistant Supervising Public Health Nurse, JG N3, Step 1, and delete a Nurse Coordinator Lead Poisoning Prevention Program, JG N5, Step B; and

WHEREAS, funds are available in the Childhood Lead Poisoning Prevention Program grant.

NOW, THEREFORE, BE IT

RESOLVED, that one full-time position of Assistant Supervising Public Health Nurse, JG N3, Step 1, is created and one full-time position of Nurse Coordinator Lead Poisoning Prevention Program, JG N5, Step B, position number 00006637 is hereby deleted as indicated on B100 # 3923.

Cost Center	No. of	Position	JG	Step	Action	FY08-09 Budget	FY08-09 Cost
1273038	1	Asst. Supv..Pub. Health Nurse	N3	1	Add		
1273038	1	Nurse Coordinator - Lead Poisoning Prevention Program	N5	B	Delete		

The following personnel detail is hereby submitted:

Title: Assistant Supervising Public Health Nurse

JG: N3

Salary Step: 1

Annual Salary: \$39,140

Fiscal Impact on the budget for the remaining portion of the fiscal year: \$6,523

County's Share: \$0

Fringe Benefit Cost: \$16,212

Position to be filled from civil service or preferred list: Civil service list

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, Department of Personnel, the Office of the Comptroller, the Division of Budget and

Management, the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner, in the Department of Health, 9th Floor, Rath Building.
(5-0)

**THOMAS J. MAZUR
CHAIR**

MR. MAZUR moved to amend item Number 1-b. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RE: Legislature's Recommendations
to Governor for Appointment to
the Erie County Medical Center
Corporation Board of Directors
(INTRO 11-3, 2008)

Delete the resolution in its entirety and replace with the following:

**A RESOLUTION TO BE SUBMITTED
BY LEGISLATORS MARINELLI & MAZUR**

WHEREAS, in 2003, the New York State Legislature passed the Home Rule Message of the Erie County Legislature to create the Erie County Medical Center Corporation, and part of that legislation permits the Erie County Legislature to recommend three individuals to the Governor for appointment to the Board of Directors of the Erie County Medical Center Corporation; and

WHEREAS, on June 19, 2003, the Erie County Legislature passed, and on July 1, 2003, the Erie County Executive signed, Local Law Number 5 (2003) which granted the Chair of the Legislature one (1) recommendation to the Governor, the Majority Caucus of the Legislature one (1) recommendation to the Governor, and the Minority Caucus of the Legislature one (1) recommendation to the Governor.

NOW, THEREFORE, BE IT

RESOLVED, that the recommendations of the Erie County Legislature to the Governor of New York State, the Honorable David A. Paterson, for appointment to the Board of Directors of the Erie County Medical Center Corporation will be as follows:

Chair's Recommendation:
Thomas P. Malecki, CPA
190 South Woodside Dr.
Alden, NY 14004

Term Expires:
February 29, 2012

Majority Caucus Recommendation:
Frank B. Mesiah
78 Crescent Ave.
Buffalo, NY 14214

Term Expires:
April 4, 2013

Minority Caucus Recommendation:
Richard Brox
119 Westfield Rd.
Amherst, NY 14226

Term Expires:
February 28, 2013

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Governor Paterson; the Majority Leader of the New York State Senate, the Honorable Malcolm A. Smith; the Speaker of the New York State Assembly, the Honorable Sheldon Silver; the Erie County Executive, the Honorable Chris Collins; and to Ms. Pat Grasha, Erie County Medical Center Corporation Board of Directors' Office.

MR. MAZUR moved to approve the resolution as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 32 – MS. GRANT presented the following report, moved to separate item Number 4, and moved to approve the balance of the report. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 15

JANUARY 15, 2009	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR IANNELLO.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 23M-9 (2008)
BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Agenda Items for Board of Trustees
Meeting to be Held on 11/20/08
(6-0)
 - b. COMM. 1M-7 (2009)
BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Agenda Items for Meeting Held
12/18/08
(6-0)
2. COMM. 26E-14 (2008)
COUNTY EXECUTIVE

WHEREAS, Erie Community College has identified a need for a capital project involving the renovation and upgrade of several academic labs at North Campus, which was not included as part of the original capital project budget approved by Erie County; and

WHEREAS, there currently exists a balance of approximately \$1,060,000 in ECC's capital chargeback account; and

WHEREAS, the renovation and upgrade will create state-of-the-art academic labs providing an enhanced teaching and learning environment, increasing student retention and enrollment while addressing some long-standing infrastructure needs; and

WHEREAS, all costs incurred up to \$800,000 for this project will be paid out of ECC's capital chargeback account without utilizing operating funds; and

WHEREAS, on November 19, 2008 the ECC Board of Trustees approved the capital project to be submitted for sponsor approval.

NOW, THEREFORE, BE IT

RESOLVED, that the ECC Board of Trustees approved a capital project involving the renovation and upgrade of several academic labs at North Campus at a cost estimated not to exceed \$800,000 to be funded by the Erie Community College Capital Chargeback Fund; and be it further

RESOLVED, that pending Erie County Legislative approval, such project, along with corporate donations, will be submitted to New York State for 50% state aid reimbursement, with such reimbursement being placed back into the capital chargeback account; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, President of Erie Community College, the Chairman of the Board of Trustees, the Erie County Director of Budget, Management of Finance, the Erie County Comptroller, the Department of Law and the Erie County Commissioner of Public Works.

(6-0)

3. COMM. 26E-15 (2008)
COUNTY EXECUTIVE

WHEREAS, the State University of New York (SUNY) has proposed a Statewide Community College Capital Reinvestment Study modeled after a similar study completed for the four-year SUNY institutions, which was not included as part of the original capital project budget approved by Erie County; and

WHEREAS, there currently exists a balance of approximately \$1,060,000 in ECC's capital chargeback account; and

WHEREAS, the Capital Reinvestment Study will develop a model that can be utilized by ECC to develop capital priorities, assist the local sponsor and the college in determining the college's on-going capital facility needs and substantiating those needs to both the sponsor and the State; and

WHEREAS, all costs incurred up to \$15,000 for this project will be paid out of ECC's capital chargeback account without utilizing operating funds; and

WHEREAS, on November 19, 2008 the ECC Board of Trustees approved the capital project to be submitted for sponsor approval.

NOW, THEREFORE, BE IT

RESOLVED, that the ECC Board of Trustees approved a capital project involving the participation in a Statewide Community College Capital Reinvestment Study at a cost estimated not to exceed \$15,000 to be funded by the Erie Community College Capital Chargeback Fund; and be it further

RESOLVED, that pending Erie County Legislative approval, ECC will enter into a Participatory Agreement with SUNY for completion of the study with ECC paying 50% of its share at an amount not to exceed \$15,000; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, President of Erie Community College, the Chairman of the Board of Trustees, the Erie County Director of Budget, Management of Finance, the Erie County Comptroller, the Department of Law and the Erie County Commissioner of Public Works.

(6-0)

4. INTRO 1-2 (2009)

MARINELLI, WHYTE, KONST, REYNOLDS,
KENNEDY, GRANT, MAZUR & LOUGHRAN

AS AMENDED

WHEREAS, the 2009 Budget proposed by the County Executive recommended funding amounts for most cultural organizations at levels reduced from the amounts requested by these vitally important institutions during the ECCRAB (Erie County Cultural Resources Advisory Board) process and less than they received in 2008; and

WHEREAS, on December 1, 2008, the Erie County Legislature determined that it was appropriate to fund these cultural institutions at a level which brought the 2009 cultural grants to 95% of the funding level each organization received in 2008; and

WHEREAS, these funding restorations were offset by more than sufficient cuts in other areas of the budget proposed by the County Executive; and

WHEREAS, on December 8, 2008, the County Executive vetoed most of the funding restorations made by the Erie County Legislature for cultural institutions, an action that was reversed by the Erie County Legislature on December 9, 2008 pursuant to Section 2608 of the Erie County Charter; and

WHEREAS, two cultural institutions were inadvertently omitted during the override votes—Arts in Education Institute of WNY and Big Orbit Gallery; and

WHEREAS, it was and continues to be the stated intent of the Erie County Legislature to provide funding for these two organizations in 2009 at a level that is 95% of the operational support they received from Erie County in 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the Budget Director is directed to adjust Fund 110, (Cultural Resource Advisory Board), Fund Center 133020, Account No. 516000-Arts in Education Institute of WNY, Inc be increased from \$5,000 to \$9,500 to reflect the Erie County Legislature's stated intent that this organization be funded for 2009 at a level that is 95% of the operational support they received from Erie County in 2008; and be it further

RESOLVED, that the Budget Director is directed to adjust Fund 110, (Cultural Resource Advisory Board), Fund Center 1333020, Account No. 516000, Big Orbit Gallery be increased from \$15,000 to \$16,285 to reflect the Erie County Legislature's stated intent that this organization be funded for 2009 at a level that is 95% of the operational support they received from Erie County in 2008; and be it further

RESOLVED, that the Erie County Legislature affirms that there are available funds for this purpose in the 2009 Erie County Budget as adopted by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be delivered to the County Executive, the Office of the Comptroller, the Budget Director, the County Attorney, the Commissioner of the Department of Environment and Planning, the Erie County Fiscal Stability Authority and the directors of the Arts in Education Institute of WNY, Inc. and the Big Orbit Gallery.

(6-0)

**BETTY JEAN GRANT
CHAIR**

MS. GRANT moved to amend item Number 4 by adding MS. MILLER-WILLIAMS and MS. IANNELLO as Co-Sponsors. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MS. GRANT moved to approve item Number 4 as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 33 – MR. WROBLEWSKI presented the following report, moved to separate item Number 1-a, and moved to approve the balance of the report. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 16

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR IANNELLO.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 15-4 (2008)
WHYTE: Exploring the Link Between Illiteracy, Lead Exposure & Below Grade Level Achievement and Juvenile Delinquency, Detention and Incarceration Rates
(5-0)
 - b. COMM. 19E-19 (2008)
COUNTY EXECUTIVE: Appointment of Acting Commissioner of Probation
(5-0)
 - c. COMM. 19E-22 (2008)
SHERIFF: EC Sheriff's Office - Registered Nurses Payscale
(5-0)
 - d. INTRO 21-6 (2008)
IANNELLO, WROBLEWSKI, MILLS, MARINELLI, MILLER-WILLIAMS, REYNOLDS & RATH: Resolution Requesting Legislative Authority to Assess Administrative Fees Upon Certain Non-DWI Probationers
(5-0)
 - e. COMM. 21E-18 (2008)
COUNTY EXECUTIVE: Emergency Services - Accepting Reimbursement for Use of Emergency Services Training Facilities by Outside Organizations
(5-0)
2. COMM. 1E-18 (2009)
COUNTY EXECUTIVE
WHEREAS, Erie County is eligible to apply to the New York State Local Enhanced Wireless 911 Program for reimbursement of certain costs associated with the provision of Wireless 911 Services; and

WHEREAS, Erie County has received in 2008 \$542,469 from New York State under the Local Enhanced Wireless 911 Program; and

WHEREAS, Central Police Services requests that these funds be dedicated to upgrading the public safety communications system (400 Mhz) and infrastructure in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract and accept funds from the New York State Local Enhanced Wireless 911 Program in an amount not to exceed \$542,469; and be it further

RESOLVED, that the 2008 revenue and appropriation budgets in Capital Project A.00324 (business area 167 Emergency Services) be adjusted as follows:

<u>Revenue</u>	<u>Increase</u>
Acct. 409000 State Aid	\$542,469
<u>Appropriation</u>	<u>Increase</u>
Acct. 561410 Lab and Technical Equipment	\$542,469

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the County Comptroller, the Director of Budget and Management, the Department of Central Polices, c/o Florence Hollenbeck, 45 Elm Street, Buffalo, N.Y. 14203 and the Department of Emergency Services.

(5-0)

**TIMOTHY M. WROBLEWSKI
CHAIR**

CHAIR MARINELLI directed that item Number 1-a be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 34 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 17

JANUARY 15, 2009	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR IANNELLO.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5D-6 (2008)
COMMISSIONER OF PARKS, RECREATION & FORESTRY: Letter Concerning INTRO 3-21 (2008) - Regarding Snowboarding in Erie County Parks
(6-0)

- b. COMM. 23E-7 (2008)
COUNTY EXECUTIVE: EC Div. Sewerage Mgt., Engineering Service Agreement
(6-0)
- c. COMM. 23E-10 (2008)
COUNTY EXECUTIVE: EC Sewer Dist. 1-6 and 8, User Charge Rates
(6-0)
- d. COMM. 23E-12 (2008)
COUNTY EXECUTIVE: Creation of Open Item for Award of Sewer District Construction Contracts in EE Committee
(6-0)
- e. COMM. 23M-7 (2008)
NYS DEPT. OF ENVIRONMENTAL CONSERVATION: NY Fish, Wildlife & Marine Resource - Goals for 2010 - 9/16 to 10/15 - Ecosystem Protection
(6-0)
- f. COMM. 23M-8 (2008)
SCOTT TECHNOLOGIES, INC.: Fact Sheet - Brownfield Cleanup Program - 225 Erie St., Lancaster, NY
(6-0)
- g. COMM. 28E-7 (2008)
COUNTY EXECUTIVE: Sewerage Management - Capital Improvement Planning Process - Centralized Maintenance Mgt. System Services
(6-0)
- h. COMM. 1M-4 (2009)
NYS DEC: NYS Fish, Wildlife & Marine Resource Goals for 2010 - Ecosystem Protection
(6-0)

2. COMM. 2E-29 (2008)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, (the "District") has heretofore been established and an increase and improvement of facilities for such District has been authorized by the County Legislature of the County of Erie, New York; and

WHEREAS, such County Legislature has heretofore received a report and estimate of cost from County engineers (the Erie County Department of Environment and Planning), relating to a proposed modification of plans for such increase and improvement of the facilities of said District No. 3 which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of said District No. 3 in said County, consisting of

the replacement of the Southtowns Sewerage Treatment Plant's roof and the rehabilitation of treatment plant infrastructure, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$570,000, to be apportioned by the assessment and levy on the real property in (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, (v) the Village of Hamburg and (vi) the Village of Blasdell; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, it is now desired to call a public hearing to consider said modification of plans for such increase and improvement in accordance with the provisions of Section 253-b of the County Law.

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at the Erie County Legislature, 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 24th day of February, 2009, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon the aforesaid proposal for modification of plans for such increase and improvement of facilities of Erie County Sewer District No. 3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at Erie County Legislature, 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 24th day of February, 2009, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon a proposed modification of plans for increase and improvement of facilities of Erie County Sewer District No. 3 in said County (the "District").

The modification of plans for the increase and the improvement of the facilities consists of the replacement of the Southtowns Sewerage Treatment Plant's roof and the rehabilitation of treatment plant infrastructure, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Sewer Agency,

pursuant to a written report dated October 8, 2008, which also has been filed with said County Legislature.

The maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$570,000, to be apportioned by the assessment and levy on the real property in (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, (v) the Village of Hamburg and (vi) the Village of Blasdell; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

There will be no additional costs to properties serviced by the Sewer District for items such as connection charges of fees or the need to pay for connection to the sewer system due to said proposed modification of plans.

Dated: Buffalo, New York, _____, 2009.
(6-0)

3. 23E-13 (2008)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2009 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services is hereby authorized and directed to spread said 2009 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$ 857,498.43
Sewer District #2	\$ 155,741.96
Sewer District #3	\$1,041,952.44
Sewer District #4	\$ 527,382.60
Sewer District #5	\$ 341,772.60
Sewer District #6	\$1,162,898.44
Sewer District #8	\$ 606,427.25
	<u>\$4,693,673.72</u>

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Real Property Tax Services, the Director of Budget, the County Attorney and Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning.

(6-0)

4. COMM. 26E-10 (2008)
COUNTY EXECUTIVE

WHEREAS, Erie County prepared a 1996 plan entitled Erie County Farms for the Future: An Agricultural and Farmland Protection Strategy; and

WHEREAS, said plan contains outdated information and requires alignment with those policies defined in the Erie and Niagara Counties Framework for Regional Growth; and

WHEREAS, Erie County is desirous of applying for State assistance to update the 1996 plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to submit an application to the New York State Department of Agriculture and Markets for preparation of an Erie County Farmland Protection Plan in an amount not to exceed \$50,000; and be it further

RESOLVED, that said State monies will be matched with \$17,500 in federal Community Development Block Grant monies available to Erie County, and \$32,500 in in-kind services to be provided by the Erie County Department of Environment and Planning; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.

(6-0)

5. COMM. 28E-8 (2008)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 16 to Kandey Company, Inc. for the rehabilitation of existing sanitary sewers; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 16, Transit Road Sanitary Sewer Rehabilitation, in the final contract amount of \$481,863.59 which includes Change Order No. 1 (final), a decrease of \$3,493.41 in the Erie County Sewer District No. 5 Bond Account C.00035 and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 16, Transit Road Sanitary Sewer Rehabilitation between the County of Erie and Kandey Company, Inc., 19 Ransier Drive, West Seneca, New York 14224 is accepted in the amount of \$481,863.59, which includes Change Order No. 1 (final), a decrease of \$3,493.41 and return the unused portion to unallocated in the Erie County Sewer District No. 5 Bond Account C.00035; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Martin A. Polowy, Second Assistant, Erie County Attorney.

(6-0)

6. COMM. 28E-10 (2008)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. Laurence Heininger (Town Engineer, Town of Amherst, 5583 Main St., Williamsville, NY 14221) as a Member of the Board of Managers for Erie County Sewer District No. 5.

(6-0)

7. INTRO 1-10 (2009)
KOZUB, WHYTE, MILLS, MILLER-WILLIAMS,
KONST, REYNOLDS & LOUGHRAN

AS AMENDED

WHEREAS, the deepening national recession is receiving the immediate attention of President-elect Barack Obama and the Congressional Leadership; and

WHEREAS, the proposed federal economic stimulus package for 2009 includes a combination of tax cuts for businesses and individuals, as well as investments in various infrastructure projects such as roads and bridges and the development of alternative energy programs; and

WHEREAS, this Honorable Body commends government leaders in Washington D.C. for prioritizing the much-needed rehabilitation of roads and bridges as one key area of capital investment in the economic stimulus proposal now under consideration; and

WHEREAS, as the elected representatives of a number of urban and first-ring suburban communities with aging and deteriorating water and sewer systems, county legislators want to stress the importance of making strategic investments and improvements to "below-the-surface" infrastructure systems whose deterioration is not as visible to the eye; and

WHEREAS, the members of the Erie County Legislature believe the proposed federal economic stimulus program may provide the opportunity to address some of these very costly yet essential repairs to municipal water and sewer systems as an initial step toward consolidating or regionalizing these services once they are upgraded, thereby realizing substantial long-term cost savings.

NOW, THEREFORE, BE IT

RESOLVED, the members of the Erie County Legislature request that our elected federal representatives strongly advocate on behalf of water and sewer infrastructure improvements, including a build-out to the Outer Harbor of Buffalo, as underlying capital needs in the cities of Buffalo, Lackawanna and Tonawanda and the first-ring suburbs of Erie County's urban areas, thereby qualifying these capital projects – in addition to road and bridge rehabilitation – for investment under the proposed federal economic stimulus program now under development; and be it further

RESOLVED, that copies of this resolution be conveyed to President-elect Barack Obama, House Speaker Nancy Pelosi, Senate Majority Leader Harry Reid, U.S. Senators Charles Schumer and Hillary Clinton, and the members of the Western New York Congressional Delegation.
(6-0)

**DANIEL M. KOZUB
CHAIR**

Item 35 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 18

JANUARY 15, 2009	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6E-1 (2008)
COUNTY EXECUTIVE: Fact-Finding Report Between County of Erie and New York State Nurses Association
(6-0)
 - b. COMM. 11D-6 (2008)
COUNTY ATTORNEY: Letter Concerning Taxpayer Protection Law
(6-0)
 - c. INTRO 13-4 (2008)
REYNOLDS & KOZUB: Changing the Current EC Charter Sec. 202.2 by Increasing the Term of Office for Members of the County Legislature from Two to Four Years
(6-0)
 - d. COMM. 21M-9 (2008)
NYS NURSES ASSOCIATION: Letter Concerning Fact Finder's Report
(6-0)

- e. COMM. 23E-2 (2008)
MILLER-WILLIAMS: Letter to Public Employment Relations Board Concerning AFSCME Local 1095
(6-0)
- f. COMM. 23D-4 (2008)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
(6-0)
- g. COMM. 26M-11 (2008)
NYS PUBLIC EMPLOYMENT RELATIONS BOARD: Response to Letter from Government Affairs Committee Chair Barbara Miller-Williams
(6-0)
- h. COMM. 28M-2 (2008)
LEGAL AID BUREAU OF BUFFALO, INC.: 2007 Financial Statements, 2007 Annual Report and Annual Board of Directors' Minutes
(6-0)
- i. COMM. 28M-5 (2008)
LEGAL AID BUREAU OF BUFFALO, INC.: Monthly Reports & Monthly Activity Reports for October & November, 2008
(6-0)
- j. COMM. 28M-6 (2008)
NYS ASSOCIATION OF COUNTIES: Acknowledgement of Receipt of Certified Resolution
(6-0)
- k. COMM. 1E-9 (2009)
COMPTROLLER: Memorandum Concerning NYS Comptroller - New Regulations on Time Reporting
(6-0)
- k. COMM. 1D-2 (2009)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
(6-0)
- l. COMM. 1D-7 (2009)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
(6-0)
- m. COMM. 1M-1 (2009)
NIAGARA ERIE REGIONAL COALITION: Agenda Items for Meeting Held 12/12/08
(6-0)
- n. COMM. 1M-5 (2009)

MEALS ON WHEELS FOR WNY INC.: Legislature Budget Accountability Act - 2008
Close-Out Report
(6-0)

- o. COMM. 1M-10 (2009)
ERIE COUNTY SOIL & WATER CONSERVATION DISTRICT: Legislature Budget
Accountability Act - 2008 Close-Out Report
(6-0)
- p. COMM. 1M-11 (2009)
KEN-TON MEALS ON WHEELS: Legislature Budget Accountability Act - 2008 Close-Out
Report
(6-0)
- q. COMM. 1M-12 (2009)
OPERATION PETS: Legislature Budget Accountability Act - 2008 Close-Out Report
(6-0)
- r. COMM. 1M-17 (2009)
NIAGARA ERIE REGIONAL COALITION: Legislature Budget Accountability Act - 2008
Close-Out Report
(6-0)

2. RESOLVED, the following item is hereby received and filed and referred to the ENERGY & ENVIRONMENT COMMITTEE:

- a. INTRO 11-9 (2008)
MARINELLI, WHYTE, REYNOLDS, LOUGHRAN, IANNELLO, GRANT & MAZUR:
The Erie Niagara Framework for Regional Growth and the Establishment of an Erie County
Planning Board
(6-0)

3. INTRO 19-6 (2008)
MILLS & RATH
WHEREAS, the New York State Local Government Commission on Efficiency and
Competitiveness has made certain recommendations to the Governor which affect the operation of
local governments; and

WHEREAS, one of the recommendations of the Commission was to move all Registrar of
Vital Statistics' duties to the County level under the direction of the New York State Department of
Health; and

WHEREAS, New York State Department of Health has developed program bill
S.8184/A.11560 that would allow the Commission to consolidate the function of the local registrars
of vital statistics; and

WHEREAS, the Commissioner could consolidate these services without county legislature
approval; and

WHEREAS, local city, town and village Clerks have provided this service professionally and efficiently over the years; and

WHEREAS, losing this business would have a financial impact on the local governments;
and

WHEREAS, many citizens are under financial stress due to high fuel cost; and

WHEREAS, the County of Erie's geography would increase this burden since services would be located further from the residents; and

WHEREAS, the local Registrars presently charge \$10 per certified copy and the State proposes that the County will charge \$30 per certified copy; and

WHEREAS, the consolidation would negatively impact local governments and Erie County taxpayers.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie, in the interest of good government, opposes the consolidation of the function of local registrars of vital statistics; and be it further

RESOLVED, that a copy of this resolution be forwarded to Governor David Paterson, Erie County Executive Chris Collins, Senate Majority Leader Malcolm A. Smith, Assembly Speaker Sheldon Silver, Erie County Clerk Kathy Hochul, and members of the Western New York Delegation.

(6-0)

**BARBARA MILLER-WILLIAMS
CHAIR**

Item 36 – MS. KONST presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

JANUARY 15, 2009	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GRANT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

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

- a. INTRO 6-10 (2008)
MILLS: Assisting the Merchants of the Village of East Aurora During the Construction of Main Street
(5-0)
- b. INTRO 17-1 (2008)
RANZENHOFER: The Need for Property Tax Relief
(5-0)
- c. COMM. 17E-47 (2008)
KONST: 2008 Mid-Year Budget Hearings Summary Report
(5-0)
- d. COMM. 22E-2 (2008)
COMPTROLLER: 2008 Third Quarter Financial Report
(5-0)
- e. COMM. 26E-4 (2008)
MARINELLI: 2008 Budget Accountability Act Close-Out Report Notifications
(5-0)
- f. COMM. 1E-1 (2009)
COMPTROLLER: Requesting ECFSA Approval of Erie County Capital Borrowing
(5-0)
- g. COMM. 1E-6 (2009)
MARINELLI: Letter to Real Property Tax Services Director Concerning Property Tax Levy Legal Authority
(5-0)
- h. COMM. 1E-7 (2009)
COMPTROLLER: Erie County Payments - Bonded Capital Projects
(5-0)
- i. COMM. 1E-11 (2009)
COMPTROLLER: Report Detailing Apportionment & Distribution of 4.75% Sales & Compensating Use Tax
(5-0)
- j. COMM. 1D-3 (2009)
COUNTY ATTORNEY: Copy of Letter to County Executive - RE: Determination of Amount Required Real Property Tax Levy
(5-0)
- k. COMM. 1D-4 (2009)
DIRECTOR OF BUDGET & MANAGEMENT: Budget Monitoring Report for Period Ending 10/31/08 & 2008 Year-End Projection
(5-0)

- l. COMM. 1D-6 (2009)
DIRECTOR OF REAL PROPERTY TAX SERVICES: Letter to Legislature Chair
Concerning Property Tax Levy Legal Authority
(5-0)
- m. COMM. 1M-2 (2009)
TOWN OF CONCORD: Copy of Resolutions Supporting EC Soil & Water Conservation
District
(5-0)
- n. COMM. 1M-6 (2009)
SALLY ANN FRANZ: Letter Supporting Funding for Shakespeare in Delaware Park
(5-0)
- o. COMM. 1M-8 (2009)
TOWN OF CONCORD: Copy of Resolution in Opposition to Any Property Tax Increase in
the County
(5-0)

2. COMM. 19D-2 (2008)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received
applications for corrected tax billings and / or refunds for taxes previously paid in accordance with
New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached
listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 208325 through 208331, and 209001 through 209004,
inclusive be hereby approved or denied based upon the recommendation of the Director of Real
Property Tax Services and be charged back to the applicable towns and/or cities:

FISCAL YEAR	2008	Petition No.	208,325.00
	ASSESSOR	Cancel	\$1,333.27
S-B-L	125.13-2-7.4	146800 WEST SENECA	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,333.27	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$1,333.27	
	Relevy School	\$1,333.27	146801 WEST SENECA CENT

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL
DELETE ENTIRE PARCEL FROM THE TAX ROLL

FISCAL YEAR 2008 Petition No. 208,326.00

 ASSESSOR Refund \$730.23

S-B-L 54.34-1-6./4508 142289 AMHERST

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$730.23 Town/SpecialDist/School
Charge To : 142289 AMHERST \$730.23
 Relevy School \$730.23 142207 SWEET HOME CENTRAL

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR
REFUND TO BE ISSUED TO: RUTH O'BRIEN

FISCAL YEAR 2008 Petition No. 208,328.00

 OWNER Cancel \$0.00

S-B-L 80.05-7-9 142289 AMHERST

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 142289 AMHERST \$0.00

PETITION WAS DENIED MISSED OPPORTUNITY TO FILE A GRIEVANCE

FISCAL YEAR 2008 Petition No. 208,329.00

 ASSESSOR Refund \$1,085.37

S-B-L 56.08-9-5 142289 AMHERST

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,085.37 Town/SpecialDist/School
Charge To : 142289 AMHERST \$1,085.37
 Relevy School \$1,085.37 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED
REFUND TO BE ISSUED TO: JOHN J & MARIA R BODKIN

FISCAL YEAR 2008 Petition No. 208,330.00

ASSESSOR Refund \$564.71

S-B-L 79.07-1-17./7A 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$564.71 Town/SpecialDist/School
Charge To : 142289 AMHERST \$564.71
Relevy School \$564.71 142201 AMHERST CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: GINA MATTESON

FISCAL YEAR 2008 Petition No. 208,331.00

ASSESSOR Refund \$394.68

S-B-L 56.07-1-28 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$394.68 Town/SpecialDist/School
Charge To : 142289 AMHERST \$394.68
Relevy School \$394.68 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: FREDERIE M & DONNA HIRSH

FISCAL YEAR 2006 Petition No. 209,001.00

ASSESSOR Refund \$136.42

S-B-L 82.05-9-13 142289 AMHERST

Acct. No. 112 \$67.88 County
Acct. No. 132 \$68.54 Town/SpecialDist/School
Charge To : 142289 AMHERST \$68.54

RPTL 550(2): FAILED TO APPLY A COMBAT VET EXEMPTION
REFUND TO BE ISSUED TO: RITA & RICHARD WELLS

FISCAL YEAR 2007 Petition No. 209,002.00

ASSESSOR Refund \$141.61

S-B-L 82.05-9-13 142289 AMHERST

	Acct. No. 112	\$68.00	County
	Acct. No. 132	\$73.61	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$73.61

RPTL 550(2): FAILED TO APPLY A COMBAT VET EXEMPTION
REFUND TO BE ISSUED TO: RITA & RICHARD WELLS

FISCAL YEAR 2008	Petition No.	209,003.00
ASSESSOR	Refund	\$144.39

S-B-L 82.05-9-13 142289 AMHERST

	Acct. No. 112	\$74.41	County
	Acct. No. 132	\$69.98	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$69.98

RPTL 550(2): FAILED TO APPLY A COMBAT VET EXEMPTION
REFUND TO BE ISSUED TO: RITA & RICHARD WELLS

FISCAL YEAR 2008	Petition No.	209,004.00
ASSESSOR	Refund	\$544.66

S-B-L 41.64-1-8 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$544.66	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$544.66
	Relevy School	\$544.66	142203 WILLIAMSVILLE CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR
REFUND TO BE ISSUED TO: JONATHAN T KLEINHANS

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.

(5-0)

**KATHY KONST
CHAIR**

Item 37 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

JANUARY 22, 2009	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT EXCEPT, LEGISLATOR MILLER-WILLIAMS.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 22E-8 (2008)
COUNTY EXECUTIVE: Rath Building - 2008 - 1st & 16th Floor Renovations
(5-0)
 - b. COMM. 23E-18 (2008)
MARINELLI: Letters to WNY Congressional Delegation Concerning US Auto Industry
(5-0)
 - c. COMM. 23M-1 (2008)
NFTA: Minutes for Board Meeting Held 9/22/08
(5-0)
 - d. COMM. 26E-19 (2008)
KOZUB: Letters to WNY Congressional Delegation Concerning Domestic Auto Industry
(5-0)
 - e. COMM. 26M-4 (2008)
ECIDA: Notification of Board of Directors Meeting
(5-0)
 - f. COMM. 26M-8 (2008)
NFTA: Cash Flow Statements (Actual/Projected) for Periods of 4/1/08 - 3/31/09 and 10/1/08
- 9/30/09
(5-0)
 - g. COMM. 28M-1 (2008)
NFTA: NFTA Board Minutes
(5-0)
 - h. COMM. 28M-4 (2008)
NIAGARA COUNTY LEGISLATURE: Copy of Resolution Concerning Request for
Investigation of Gasoline Price Gouging

(5-0)

- i. COMM. 1M-13 (2009)
PUTNAM COUNTY LEGISLATURE: Copy of Resolution Supporting Continuation of Empire Zone Program
(5-0)
 - j. COMM. 1M-16 (2009)
NFTA: NFTA Board Minutes for Meeting Held 11/24/08
(5-0)
2. RESOLVED, the following item is hereby received and filed and referred to the FINANCE & MANAGEMENT COMMITTEE:

- a. COMM. 1D-10 (2009)
DIRECTOR OF INTERGOVERNMENTAL AFFAIRS: Real Estate/Space Utilization Quarterly Update
(5-0)

3. COMM. 26E-11 (2008)
COUNTY EXECUTIVE
WHEREAS, your honorable body previously authorized the county Executive to enter into contracts for the renovations at the Erie County Health Department "BB" Building; and

WHEREAS, contracts were awarded to Cloverbank Construction, Inc. and Wittburn Enterprises, Inc.; and

WHEREAS, the allotted contingency must be increased to complete the project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute change orders with Cloverbank Construction, Inc. and Wittburn Enterprises, Inc. to complete their contracts relating to the Erie County Health Department "BB" Building Renovations; and be it further

RESOLVED, that the construction contingency be increased by \$5,000.00 from \$62,000.00 to \$67,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP Project A.00028 – 2001 Renovation of "BB" Building; 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 Division of Budget, Management and Finance, and the Office of the Comptroller.

(4-0-1) Legislator Wroblewski abstained.

4. COMM. 26E-12 (2008)
COUNTY EXECUTIVE

WHEREAS, the County of Erie Department of Public Works, Division of Highways would like to close Contract FA704-05 with Concrete Applied Technologies Company (dba CATCO) and subsequently file final reimbursement claim with the New York State Department of Transportation for this locally administered Federal Aid Project; and

WHEREAS, the Erie County Legislature previously authorized this locally administered Federal Aid project for the replacement of Glen Avenue Bridges in the Town of Williamsville with the New York State Department of Transportation in the amount of \$1,820,000.00 via Comm. 26E-11 of December 2, 2004; entered an inter-municipal agreement for additional local improvements to the project with the Town of Williamsville in the amount of \$142,000.00 via Comm. 30E-29 of December 22, 2004; and awarded the construction of the project to Concrete Applied Technologies Company dba CATCO via Comm. 10E-24 of April 21, 2005; and

WHEREAS, in order to close out the contract a Change Order to CATCO in the amount of \$135,586.31 is due for construction schedule acceleration and increased field quantities; and

WHEREAS, the Change Order is within the agreement allowance and eligible as a 95% reimbursable federal aid and Marchiselli fund expense.

NOW, THEREFORE, BE IT

RESOLVED, that project SAP B.00007 revenues and appropriations be equally increased by the amount of \$135,587.00 for the purposes of closing the Glen Avenue Bridge Replacement project; and be it further

RESOLVED, that the Erie County Executive is authorized to execute a Change Order with Concrete Applied Technologies Company dba CATCO in the amount of \$135,586.31 from Project fund B.00007; and be it further

RESOLVED, that the County of Erie Department of Public Works is directed to close the contract upon execution of the final Change Order and file final claim with the New York State Department of Transportation; and be it further

RESOLVED, that three certified copies of this resolution be sent to Gerard J. Sentz, P.E., Commissioner of the Department of Public Works, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, and the Office of the County Attorney.

(5-0)

5. COMM. 26E-13 (2008)
COUNTY EXECUTIVE

WHEREAS, Kevin J. LoVullo, property owner at 1731 North Forest Road, CR 294, Amherst, New York, wishes to purchase a portion of highway right-of-way deemed no longer necessary due to road relocation from reconstruction in 1991; and

WHEREAS, Kevin J. LoVullo, being the adjacent property owner to the existing right-of-way will compensate the County of Erie for the agreed upon price of \$3,400.00 for 0.155± acre at the time of filing in the Erie County Clerk's Office.

NOW, THEREFORE, BE IT

RESOLVED, that for County purposes of transferring land no longer necessary for highway purposes, the County Executive is hereby authorized and directed to convey the following interest in the parcel of land herein described for and in consideration of the sum described herein for North Forest (CR 294), in the Town of Amherst:

PARCEL	OWNER	AREA	VALUE
422	County of Erie	0.155± acre	\$3,400.00

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)

6. COMM. 1E-20 (2009)
COUNTY EXECUTIVE

WHEREAS, the County is required to provide a multi-year Capital Improvement program pursuant to an agreement with the Botanical Gardens Society; and

WHEREAS, the Erie County Legislature has adopted Local Law, No. 5-2007 Green Buildings Act, requiring all new buildings to achieve the “Silver” standard of the LEED rating system for buildings; and

WHEREAS, your honorable body has previously authorized General Architectural/Engineering Agreements with the firms of Foit-Albert Associates and Robson & Woese, Inc. for providing Professional Architectural/Engineering Services; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue Agreements with Foit-Albert Associates and Robson & Woese, Inc. for providing Design Services so the building will achieve the “Silver” standard for the LEED building rating system.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue Agreements with Foit-Albert Associates and Robson & Woese, Inc. for providing Design Services for the new Growing House so the building will achieve the “Silver” standard of the LEED building rating system, including reimbursables, for an amount not to exceed \$150,000.00; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from SAP Project A.00291 – 2006 – Botanical Gardens Master Plan Reconstruction for an amount not to exceed \$150,000.00; 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 Division of Budget, Management and Finance, and the Office of the Comptroller.
(5-0)

7. COMM. 1E-21 (2009)
COUNTY EXECUTIVE

WHEREAS, the Town of Grand Island owns a vacuum sewer truck for which it no longer has need; and

WHEREAS, the Town has agreed to give the truck, which DPW needs, in exchange for DPW providing pavement striping services for the Town roads for a period of three years; and

WHEREAS, DPW has a need for a vacuum sewer truck which it currently does not possess.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the County Executive to enter into an inter-municipal agreement with the Town of Grand Island to receive a GMC vacuum sewer truck in exchange for three years of striping Town roads totaling 140,000 linear feet per year; 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 Division of Budget, Management and Finance, and the Office of the Comptroller.
(5-0)

**TIMOTHY M. KENNEDY
CHAIR**

LEGISLATOR RESOLUTIONS

Item 38 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 21

RE: Requesting the State Comptroller to
Resolve the Capital Borrowing
Deadlock Between the Erie County
Administration and the Erie County
Fiscal Stability Authority
(INTRO 2-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS KONST, REYNOLDS, MARINELLI, WHYTE,
KOZUB, KENNEDY, MILLER-WILLIAMS, GRANT, MAZUR,**

WROBLEWSKI, IANNELLO & LOUGHRAN

WHEREAS, the Erie County Legislature has annually carried out its charter duties by reviewing and approving a capital program of infrastructure investment in Erie County coupled with the borrowing authority to carry those projects forward; and

WHEREAS, members of this Honorable Body are represented on the Capital Projects Committee under the auspices of the county administration, providing legislative input to department heads in identifying priority projects for investment; and

WHEREAS, these projects address critically important public safety concerns and contractual obligations, as well as building repair/renovation and highway/bridge infrastructure needs throughout Erie County; and

WHEREAS, members of the Erie County Legislature have fielded complaints from vendors and contractors who do business with the county and are waiting for excessively long periods of time for payment, which puts their businesses at financial risk; and

WHEREAS, both in 2007 and 2008, a capital projects program was approved by the County Legislature, yet borrowing did not occur due to an impasse between policymakers in county government and the state-appointed Erie County Fiscal Stability Authority; and

WHEREAS, the failure to borrow funds for urgently needed capital projects poses a risk to public safety and health, and will result in higher costs in the future, whether through the escalating prices of materials or the interest owed to contractors and vendors accruing from the late payment for work already done; and

WHEREAS, these late payments are bringing added financial pressures on businesses that are already struggling under the weight of a stagnant economy and corresponding decrease in business; and

WHEREAS, in New York State, the State Comptroller gives final authorization for a municipality to borrow funds; and

WHEREAS, this authority provides a legitimate avenue for the State Comptroller to intervene in matters regarding municipal finance, especially when public safety and health, capital investment and fiscal health are threatened; and

WHEREAS, the failure of Erie County to borrow has put enormous strains on the county's operating budget, as the County Comptroller has advanced cash for urgently needed capital projects that were anticipated to be funded by the sale of bonds that has not occurred in 2007 or 2008; and

WHEREAS, policymakers in Erie County will be undertaking the development of a capital projects program and borrowing for 2009, which based on the lack of implementation of the plan for 2007 and 2008, would appear to be an exercise in futility and a disservice to the public.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature respectfully request that the State Comptroller resolve the nearly three-year-long deadlock between the Erie County Administration and the Erie County Fiscal Stability Authority that has resulted in the failure of Erie County to issue bonds to fund urgently needed capital investments; and be it further

RESOLVED, that certified copies be sent to the County Executive, the County Comptroller, Budget Director, County Attorney, members of the Erie County Fiscal Stability Authority, State Comptroller, WNY state delegation and New York State Governor's office.

MS. WHYTE moved to amend the resolution. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Delete the resolution in its entirety and replace with the following:

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MARINELLI, WHYTE, MILLS, KOZUB, KENNEDY,
MILLER-WILLIAMS, WALTER, KONST, GRANT, MAZUR,
WROBLEWSKI, IANNELLO, REYNOLDS, LOUGHRAN & RATH**

WHEREAS, the Erie County Legislature has annually carried out its Erie County Charter duties by reviewing and approving a capital program of infrastructure investment in Erie County coupled with the borrowing authority to carry those projects forward; and

WHEREAS, members of this Honorable Body are represented on the Capital Projects Committee under the auspices of the county administration, providing legislative input to department heads in identifying priority projects for investment; and

WHEREAS, these projects address critically important public safety concerns and contractual obligations, as well as building repair/renovation and highway/bridge infrastructure needs throughout Erie County; and

WHEREAS, failure of the county to borrow for these capital projects places many of them at risk of losing federal and state highway funds that have already been appropriated for these purposes; and

WHEREAS, members of the Erie County Legislature have fielded complaints from vendors and contractors who do business with the county and are waiting excessively long periods of time for payment, which puts their businesses at financial risk; and

WHEREAS, both in 2007 and 2008, a capital projects program was approved by the County Legislature, yet borrowing did not occur due to an impasse among those with the authority to undertake borrowing; and

WHEREAS, the failure to borrow funds for urgently needed capital projects poses a risk to public safety and health, and will result in higher costs in the future, whether through the escalating prices of materials or the interest owed to contractors and vendors accruing from the late payment for work already done; and

WHEREAS, these late payments are bringing added financial pressures on businesses that are already struggling under the weight of a stagnant economy and corresponding decrease in business; and

WHEREAS, in New York State, the State Comptroller gives final authorization for a municipality to borrow funds; and

WHEREAS, the State Comptroller, pursuant to Section 33 of the General Municipal Law, has the authority to review the accounts of agencies, including performance reviews, and to make recommendations regarding future fiscal practices; and

WHEREAS, this authority provides a legitimate avenue for the State Comptroller to intervene in matters regarding municipal finance, especially when public safety and health, capital investment and fiscal health are threatened; and

WHEREAS, since some projects must be addressed on an emergency basis, the failure of Erie County to borrow has also put enormous strains on the county's operating budget; and

WHEREAS, policymakers in Erie County will be undertaking the development of a capital projects program and borrowing for 2009, which based on the lack of implementation of the plan for 2007 and 2008, would appear to be an exercise in futility and a disservice to the public; and

WHEREAS, it is critically important that an informed decision be made no later than March 31, 2009 as to which entity should undertake the capital borrowing necessary to effectuate the county's Capital Projects Program for 2007 and 2008, as well as future capital projects to be approved; and

WHEREAS, the nearly three-year-old impasse requires that a final resolution that is in the best interests of the taxpayers of Erie County be a top priority for the State of New York, as New York State enacted the legislation that created the Erie County Fiscal Stability Authority; and

WHEREAS, the county would be well-served by a performance review, informed recommendations and final determination of the prudent course to take in the matter of financing and carrying out the county's pending and future capital projects plans.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature respectfully request that the State Comptroller conduct a Performance Review of the borrowing authority and practices of the Erie County Fiscal Stability Authority; and be it further

RESOLVED, that the Erie County Legislature also respectfully request upon completion of the Performance Review, that the State Comptroller make recommendations no later than March 31, 2009 to definitively resolve the nearly three-year-long deadlock that has prevented critically important capital projects in Erie County from moving forward; and be it further

Are hereby transferred from the County of Erie to the Village of Orchard Park for the purpose of furnishing their Village Hall; and be it further

RESOLVED, that none of these items are to be used for a purpose other than furnishing the Village of Orchard Park Offices; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Purchase, the County Executive's Representative for Intergovernmental Affairs and Village of Orchard Park Clerk-Treasurer Mary Beth Jensen.

Item 40 – CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 2-3 from WALTER, MILLS & RATH. Requesting the State Comptroller to Conduct a Performance Review of the Erie County Fiscal Stability Authority to Determine its Effectiveness and to Make Recommendations Regarding the Fiscal Impact of Any Proposed Financing Assistance to Erie County.

Item 41 – CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 2-4 from RATH, MILLS & WALTER. STAR Programs Application in Erie County & the Role of the Local State Delegation.

Item 42 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 23

RE: In Support of the Holy Family Senior
Housing Project
(INTRO 2-6)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS KENNEDY, KOZUB, GRANT & IANNELLO**

WHEREAS, the Erie County Legislature is committed to supporting the development of decent, safe, sanitary and affordable housing for residents of Erie County; and

WHEREAS, the Erie County Legislature is aware that one of the largest segments of the Western New York population are residents of retirement age; and

WHEREAS, the growing number of residents in Erie County who will reach retirement age in the next five years is increasing; and

WHEREAS, Erie County recognizes that there will be an unmet need for decent, safe, sanitary and affordable housing for these senior residents; and

WHEREAS, Erie County is committed to fostering the adaptive reuse of vacant property; and

WHEREAS, Delta Development as Agent for the Diocese of Buffalo, NY (Project Sponsor) is submitting an Application for the Unified Funding of Capital Projects to the NYS Division of Housing & Community Renewal (DHCR) in the 2009 Round and in conjunction with the Development of the Holy Family Senior Housing Project; and

WHEREAS, the proposed Holy Family Senior Project currently being developed by Delta Development of WNY, Inc and Living Communities, LLC will convert the former Holy Family Elementary School to 35 units of affordable housing for senior citizens in the South Buffalo area and this project will help to address this unmet need for senior housing; and

WHEREAS, in addition to the planned affordable housing units, the Holy Family Project plans in a second phase to house a permanent site for the South Buffalo Food Pantry currently being operated out of the old school building serving hundreds of families in the South Buffalo Community; and

WHEREAS, the Holy Family Senior Project can reduce its operating expenses with a Payment In Lieu of Taxes (P.I.L.O.T.) from Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support the continued development of decent, safe, sanitary and affordable housing for senior citizens in Western New York and specifically the Holy Family Project in South Buffalo; and be it further

RESOLVED, that the Erie County Legislature does hereby approve a Payment In Lieu of Taxes (P.I.L.O.T.) for the Holy Family Project.

MS. WHYTE moved to amend the resolution. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Delete the resolution in its entirety and replace with the following:

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS KENNEDY, KOZUB, GRANT, IANNELLO & WHYTE**

WHEREAS, the Erie County Legislature is committed to supporting the development of decent, safe, sanitary and affordable housing for residents of Erie County; and

WHEREAS, the Erie County Legislature is aware that one of the largest segments of the Western New York population are residents of retirement age; and

WHEREAS, the growing number of residents in Erie County who will reach retirement age in the next five years is increasing; and

WHEREAS, Erie County recognizes that there will be an unmet need for decent, safe, sanitary and affordable housing for these senior residents; and

WHEREAS, Erie County is committed to fostering the adaptive reuse of vacant property; and

WHEREAS, Delta Development as Agent for the Diocese of Buffalo, NY (Project Sponsor) is submitting an Application for the Unified Funding of Capital Projects to the NYS Division of Housing & Community Renewal (DHCR) in the 2009 Round and in conjunction with the Development of the Holy Family Senior Housing Project; and

WHEREAS, the proposed Holy Family Senior Project currently being developed by Delta Development of WNY, Inc and Living Communities, LLC will convert the former Holy Family Elementary School to 35 units of affordable housing for senior citizens in the South Buffalo area and this project will help to address this unmet need for senior housing; and

WHEREAS, in addition to the planned affordable housing units, the Holy Family Project plans in a second phase to house a permanent site for the South Buffalo Food Pantry currently being operated out of the old school building serving hundreds of families in the South Buffalo Community; and

WHEREAS, the Holy Family Senior Project can reduce its operating expenses with a Payment In Lieu of Taxes (P.I.L.O.T.) from Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support the continued development of decent, safe, sanitary and affordable housing for senior citizens in Western New York and specifically the Holy Family Project in South Buffalo; and be it further

RESOLVED, that the Erie County Legislature does hereby approve of a Payment In Lieu of Taxes (P.I.L.O.T.) for the Holy Family Project; and be it further

RESOLVED, that this legislative body wishes to invite Delta Development to a future meeting of this Legislature's Economic Development Committee to report on the project and how the P.I.L.O.T. made a difference for the success of this project; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this resolution to Bernadette Harlan, Director of Delta Development; U.S. Congressman Brian M. Higgins; N.Y.S. Assemblyman Mark J.F. Schroeder; City of Buffalo Mayor Byron W. Brown; and Buffalo Council Member Michael P. Kearns.

MS. WHYTE moved to approve the resolution as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 43 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 24

RE: Initiating a Legislative Investigation into
Erroneous 2009 Property Tax Bills
Issued by the Director of Real Property
Tax Services
(INTRO 2-7)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS KONST, WROBLEWSKI, MARINELLI,
REYNOLDS, WHYTE, IANNELLO, GRANT, KOZUB, KENNEDY,
MILLER-WILLIAMS, LOUGHRAN & MAZUR**

WHEREAS, on January 23, 2009, it was discovered that the Erie County Department of Real Property Tax Services produced and distributed Erie County property tax bills which were incorrect; and

WHEREAS, it is now clear that the department of Real Property Tax Services incorrectly charged twenty-five (25) municipalities in Erie County on their 2009 tax warrants for the community college chargeback amount; and

WHEREAS, the Director of Real Property Tax Services has accepted responsibility for the mistake and the Administration has taken steps to address the problems created for thousands of Erie County taxpayers; and

WHEREAS, due to the error made by the Administration, nearly all the 2009 tax warrants must be recalculated and recreated with the correct data and presented to the Legislature for certification; and

WHEREAS, the Erie County Legislature has the authority and responsibility to provide oversight of all county departments to insure that the services delivered to the taxpayers of Erie County are provided in an efficient and cost-effective manner.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does direct that the Director of Real Property Tax Services appear at the next meeting of the Erie County Legislature's Finance & Management Committee to address the following: (a) specific cause of the error in 2009 tax bills; (b) total number of taxpayers affected by this error by municipality; (c) solution or solutions implemented by the Administration to correct the error including corrective actions taken with financial institutions, escrow companies, etc; (d) total cost incurred by the county to correct the error and reissue appropriate tax bills; and be it further

RESOLVED , that the Director of Budget appear at the next meeting of the Erie County Legislature's Finance & Management Committee to specifically discuss the total amount of revenue lost for 2009 because of the issuance of incorrect property tax bills; and be it further

RESOLVED, that the Clerk of Erie County Legislature provide copies of this resolution to the County Executive, the County Comptroller, the Budget Director, the Director of Real Property Tax Services, the County Attorney and the Erie County Fiscal Stability Authority.

Item 44 – CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 2-8 from WHYTE, MARINELLI, REYNOLDS, IANNELLO, MAZUR, KOZUB, KENNEDY, MILLER-WILLIAMS, KONST, GRANT, WROBLEWSKI & LOUGHRAN. The Erie Niagara Framework for Regional Growth and the Strategic Development Act to Establish an Erie County Planning Board.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 45 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 28E-9 (2008). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 25

RE: Lab Corp of America Holdings
(COMM. 28E-9, 2008)

WHEREAS, DNA blood testing is used to establish the paternity and fiscal responsibility of putative fathers in Family Court proceedings conducted by the Erie County Department of Social Services Office of Child Support Enforcement; and

WHEREAS, these tests are necessary in cases where the custodial parent is on public assistance as well as cases where no public assistance is being provided; and

WHEREAS, compliance is a condition specifically enumerated in Judges' rulings; and

WHEREAS, there is no fiscal impact to this resolution as \$100,000 in unassigned funds for this purpose exist in account 516020 in the 2009 Recommended Budget and will be earmarked to Lab Corp of America Holdings.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to execute necessary contracts with Lab Corp of America Holdings for court ordered paternity testing; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Director of Purchasing, the Erie County Comptroller and the Director of the Division of Budget and Management.

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

CARRIED UNANIMOUSLY.

Item 46 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 1E-23 (2009). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 26

RE: Hyland Software Maintenance Contract
(COMM. 1E-23)

WHEREAS, the Department of Social Services is required to maintain records related to the administration of Medicaid, Food Stamps and Temporary Assistance programs consisting of eligibility documents and benefit disbursement detail; and

WHEREAS, these records are maintained in the OnBase optical imaging system designed and developed by Hyland Software; and

WHEREAS, OnBase software is critical to the Department's day to day operations; and

WHEREAS, OnBase is a proprietary optical imaging system of Hyland Software; and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to execute necessary contracts with Hyland Software; and be it further

RESOLVED, that as Hyland Software is the sole source and Federal GSA pricing is available to Erie County through contract # GS-35F-1427D, Section 19.08 County Charter requirement for Request for Proposals is hereby waived; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.

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

CARRIED UNANIMOUSLY.

Item 47 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 23E-20 (2008). MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 27

RE: Erie County Holding Center – Rooftop
Chiller Replacement
(COMM. 23E-20, 2008)

WHEREAS, a Certificate of Emergency was declared on October 17, 2008, requesting authorization for the replacement of the chiller at the Erie County Holding Center; and

WHEREAS, the chiller is over 20 years in age, is in poor mechanical condition and is beyond its useful life; and

WHEREAS, costs to repair the existing cooler continue to be incurred, as it is continually breaking down; and

WHEREAS, the existing chiller has two failed compressors and is therefore inoperative. As a result, the upper three floors of the facility are without cooling and present health and safety issues for the inmates and Sheriff's personnel; and

WHEREAS, if proper temperatures are not maintained within the Erie County Holding Center, the Commission on Corrections will close the affected cell areas and force the inmates to be relocated, having a financial impact on the County; and

WHEREAS, the purchase contract with Trane was approved by the Erie County Fiscal Stability Authority on November 3, 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Public Works is requesting that the Erie County Legislature authorize a transfer of funds in the amount of \$156,712.00 from Fund Center 14010 – Countywide Budget Accounts administered by Division of Budget; Account 415360 – Legal Settlements to SAP Account A.00104 to be used exclusively for the purchase of a new chiller at the Erie County Holding Center; and be it further

RESOLVED, in addition, funds are currently available in the following accounts:

SAP Account A.00104	\$ 84,413.00
SAP Account A.00076	<u>\$ 34,815.00</u>
Total Funds Currently Available	\$119,228.00

A transfer of funds, in addition to funds currently available, will fully fund the replacement cost for the project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP Accounts A.00104 and A.00076 for an amount not to exceed \$275,940.00; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward two certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance and the Office of the Comptroller.

MS. WHYTE moved to approve the item. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 48 – MS. WHYTE moved to reconsider COMM. 23E-20 (2008). MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 23E-20 (2008). MR. KENNEDY seconded. MR. WALTER abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 27

RE: Erie County Holding Center – Rooftop
Chiller Replacement
(COMM. 23E-20, 2008)

WHEREAS, a Certificate of Emergency was declared on October 17, 2008, requesting authorization for the replacement of the chiller at the Erie County Holding Center; and

WHEREAS, the chiller is over 20 years in age, is in poor mechanical condition and is beyond its useful life; and

WHEREAS, costs to repair the existing cooler continue to be incurred, as it is continually breaking down; and

WHEREAS, the existing chiller has two failed compressors and is therefore inoperative. As a result, the upper three floors of the facility are without cooling and present health and safety issues for the inmates and Sheriff's personnel; and

WHEREAS, if proper temperatures are not maintained within the Erie County Holding Center, the Commission on Corrections will close the affected cell areas and force the inmates to be relocated, having a financial impact on the County; and

WHEREAS, the purchase contract with Trane was approved by the Erie County Fiscal Stability Authority on November 3, 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Public Works is requesting that the Erie County Legislature authorize a transfer of funds in the amount of \$156,712.00 from Fund Center 14010 – Countywide Budget Accounts administered by Division of Budget; Account 415360 – Legal Settlements to SAP Account A.00104 to be used exclusively for the purchase of a new chiller at the Erie County Holding Center; and be it further

RESOLVED, in addition, funds are currently available in the following accounts:

SAP Account A.00104	\$ 84,413.00
SAP Account A.00076	<u>\$ 34,815.00</u>
Total Funds Currently Available	\$119,228.00

A transfer of funds, in addition to funds currently available, will fully fund the replacement cost for the project; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from SAP Accounts A.00104 and A.00076 for an amount not to exceed \$275,940.00; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward two certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance and the Office of the Comptroller.

MS. WHYTE moved to approve the item. MR. KENNEDY seconded. MR. WALTER abstained.

CARRIED. (14-0-1)

SUSPENSION OF THE RULES

Item 49 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-35 from LEGISLATOR WHYTE Re: Copy of Article, Titled "The Suburban Challenge"

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 50 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-36 from the COUNTY EXECUTIVE Re: COPS Reimbursement Funding

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 51 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-37 from the COUNTY EXECUTIVE Re: State Reimbursement Funding Cut Resolution

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 52 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-38 from LEGISLATOR WALTER Re: Lease for Legislative Office Space

RESOLUTION NO. 28

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with P & R Casilio Enterprises Inc. for Legislative office space for Raymond W. Walter, located at 8180 Main St., Clarence, New York for a monthly rate of \$700.

MS. WHYTE moved to approve the resolution. MR. MILLS seconded. MR. WALTER abstained.

CARRIED. (14-0-1)

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR KENNEDY

Item 53 – (COMM. 2E-1) Letter to County Executive Regarding Federal Economic Stimulus Package

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 54 – (COMM. 2E-2) Letter to Budget Director - RE: Closing-Out Capital Projects

Item 55 – (COMM. 2E-3) Letter to ECFSA Chair - RE: EC Borrowing Request - Failure to Act - Violation of Statute

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 56 – (COMM. 2E-4) Audit of the EC Division of Purchase for the Period 7/1/06 to 6/30/08

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 57 – (COMM. 2E-5) Appointment to the EC Citizens Budget Review Commission

Received, Filed & Printed.

January 13, 2009

Hon. Robert M. Graber
Clerk of the Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: Appointment to the Erie County Citizens Budget Review Commission

Dear Mr. Graber:

Effective immediately, I hereby appoint Jeffrey Majka, of 175 Argus Drive, Depew, NY 14043, to serve as my appointment on the Erie County Citizens Budget Review Commission.

Sincerely,

CHRIS COLLINS
Erie County Executive

cc: James Gambino
Clerk of the Erie County Citizens Budget Review Commission

Jeffrey Majka
Appointment

FROM LEGISLATOR WALTER

Item 58 – (COMM. 2E-6) Resignation from EC Legislature 21st Century Commission

Received, Filed & Printed.

January 8, 2009

Hon. Lynn M. Marinelli, Chair
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Resignation from 21st Century Commission

Dear Chair Marinelli:

I hereby resign my position on the 21st Century Commission.

It has been a privilege serving on the commission. I look forward to using the information that I learned while serving on the commission in my service as Erie County Legislator – 4th District.

Yours Truly,

Raymond W. Walter

cc: Dorothy Furtney, Clerk

FROM CHAIR MARINELLI

Item 59 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. CHAIR MARINELLI abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 29

RE: Lease for Legislative Office Space
(COMM. 2E-7)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with David J. Galbo for Legislative office space for Lynn M. Marinelli, located at 1701 Hertel Ave., Buffalo, New York for a monthly rate of \$650.

FROM THE COUNTY EXECUTIVE

Item 60 – (COMM. 2E-8) Shoreline Trail - Riverwalk Section - Signage and Park Furnishings System

Item 61 – (COMM. 2E-9) Solid Waste Responsibilities to be Incorporated into the EC Integrated Pest Management (IPM) Project

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 62 – (COMM. 2E-10) Audit 2009 Annual Action Plan for Community Development Block Grant, Emergency Shelter Grant, and Home Investment Partnership Program

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 63 – (COMM. 2E-11) CPS 2008 - 2009

Item 64 – (COMM. 2E-12) Traffic Safety Program Grant 2009

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

Item 65 – (COMM. 2E-13) Preparation of City of Tonawanda Tax Rolls & Bills

Item 66 – (COMM. 2E-14) Preparation of City of Lackawanna Tax Rolls & Bills

Item 67 – (COMM. 2E-15) Preparation of School District Tax Rolls & Bills

Item 68 – (COMM. 2E-16) Preparation of Village Tax Rolls & Bills

The above four items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 69 – (COMM. 2E-17) EC Sewer Dist. Nos. 2, 3, 4 & 6 - O'Brien & Gere Engineers - Engineering Services Agreement - Contract Close Out

Item 70 – (COMM. 2E-18) EC Sewer Districts - Engineering Agreement Close-Out (Inspection) - Greenman-Pederson, Inc.

Item 71 – (COMM. 2E-19) EC Sewer Districts - Engineering Agreement Close-Out (Design) - Greenman-Pederson, Inc.

The above three items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR IANNELLO

Item 72 – (COMM. 2E-20) Letter to Chair Marinelli Regarding Establishment of Green Actions Community Subcommittee

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 73 – (COMM. 2E-21) EC Sewer Districts - Engineering Agreement Close-Out (Design) - Malcolm Pirnie, Inc.

Item 74 – (COMM. 2E-22) Black Rock Canal Park - NYS Canal Corp. Funding Agreement

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR WHYTE

Item 75 – (COMM. 2E-23) Letter to President Obama - RE: Request for Financial Assistance

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 76 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 30

RE: Authorization to Reclassify Forensic
Mental Health Specialist I Position (EC
Dept. of Mental Health) from RPT to FT
Position
(COMM. 2E-24)

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health and chemical dependency services for the residents of Erie County; and

WHEREAS, the Erie County Department of Mental Health provides vital behavioral health services to youth at the Erie County Youth Services Center (secure detention); and

WHEREAS, the current RPT Forensic Mental Health Specialist I position assigned to the Youth Services Center will become vacant and it will be necessary that the position be filled in order to continue to provide vital services to youth at the secure detention facility; and

WHEREAS, the best qualified candidate selected from the authorized Civil Service list to fill the Forensic Mental Health Specialist I position is a current Erie County full time employee; and

WHEREAS, the Forensic Mental Health Specialist I position will need to be reclassified from RPT (regular part time) to a full time position in the Erie County 2009 Budget in order to be filled by the best qualified candidate.

NOW, THEREFORE, BE IT

RESOLVED, that the Forensic Mental Health Specialist I position within the Erie County Department of Mental Health:

Current RPT Position #: 51006536

Business Area: 124

Fund: 110

Cost Center: 1242020
Grant: Not Relevant
Function Area: 51010
B-100: 4291

be reclassified from a RPT (regular part time) to a full time position within the Erie County 2009 budget in order to be filled by the best qualified candidate; and be it further

RESOLVED, the Erie County Division of Budget and Management change the above referenced Forensic Mental Health Specialist I position from a RPT (regular part time) to full time position within the 2009 Erie County Budget; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, the Division of Budget and Management, and the Department of Personnel.

Item 77 – (COMM. 2E-25) Child Passenger Safety Program 2009

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 78 – (COMM. 2E-26) Semi-Annual Attendance Records - Board of Managers - EC Sewer Districts

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CHAIR MARINELLI

Item 79 – (COMM. 2E-27) Letter to Legislature Clerk Establishing Green Actions Community Subcommittee

Received, Filed & Printed.

January 26, 2009

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

Dear Mr. Graber:

Pursuant to Rule 3.02 of the Rules of Order of the Erie County Legislature, and at the request of Erie County Legislator Michele M. Iannello, you are hereby directed to establish a Green Actions Community Subcommittee under the auspice of the Energy & Environment Committee.

The membership of the Green Actions Community Subcommittee shall consist of the following:

Chair - Michele M. Iannello
Vice-Chair - Maria R. Whyte
Members - Daniel M. Kozub
Thomas A. Loughran
Kathy Konst
John J. Mills

Ex-Officio - Lynn M. Marinelli

Clerk - Paul M. Tarapacki

Any other members will be added at the Chair's discretion. Thank you for your attention to this matter.

Sincerely,

Lynn M. Marinelli
Chair, Erie County Legislature

FROM LEGISLATOR MILLS

Item 80 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WALTER seconded. MR. MILLS abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 31

RE: Lease for Legislative Office Space –
2008
(COMM. 2E-28)

RESOLVED, the Erie County Executive is hereby authorized to sign a Month-to-Month Lease Agreement (July 1, 2008 to December 31, 2008) with Dent-Law Inc. for Legislative office space for John J. Mills, located at 431 Main St., Lower Level North Side, East Aurora, New York for a monthly rate of \$475.

FROM THE COUNTY EXECUTIVE

Item 81 – (COMM. 2E-29) Project ACCESS - Office for the Disabled

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR MILLS

Item 82 – (COMM. 2E-30) Minority Appointment to EC Legislature 21st Century Commission

Received, Filed & Printed.

January 27, 2009

Hon. Lynn M. Marinelli
Chair, Erie County Legislature
92 Franklin Street – 4th Floor
Buffalo, New York 14202

Dear Chair Marinelli:

The Minority Caucus of the Erie County Legislature wishes to put forth the name of Michael McHale as our nominee to fill our available appointment on the 21st Century Commission. Mr. McHale's information is as follows:

Michael McHale, Esq.
14 Shenandoah
Buffalo, NY 14224
481-4243

Thank you for your consideration on this matter.

Sincerely,

John J. Mills
Minority Leader

FROM THE SHERIFF

Item 83 – (COMM. 2E-31) Erie County Sheriff's Office - Asset Forfeiture Funded Program
SAFS

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR MILLS

Item 84 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded. MR. MILLS abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 32

RE: Lease for Legislative Office Space –
2009
(COMM. 2E-32)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Dent-Law Inc. for Legislative office space for John J. Mills, located at 431 Main St., Lower Level North Side, East Aurora, New York for a monthly rate of \$525.

FROM LEGISLATOR WROBLEWSKI

Item 85 – (COMM. 2E-33) Letter to Legislature Clerk Concerning Abstention on COMM. 26E-11 (2008) - Economic Development Committee, Report No. 1

Received, Filed & Printed.

January 26, 2009

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

RE: ABSTENTION ON COMM. 26E-11 (2008)
ECONOMIC DEVELOPMENT COMMITTEE, REPORT NO. 1

Dear Mr. Graber:

Pursuant to Rule 2.21 of the Rules of Order of the Erie County Legislature and in accordance with Section 5b of Erie County Local Law No. 10 - 1989, my abstention to the above referenced communication was due to my private sector employment and to avoid any possible conflict of interest.

Sincerely,

Timothy M. Wroblewski
Erie County Legislator – 9th District

FROM LEGISLATOR MILLER-WILLIAMS

Item 86 – (COMM. 2E-34) Letter Concerning Economic Development Committee Absence for 1/22/09 Meeting

Received & Filed.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMMISSIONER OF SENIOR SERVICES

Item 87 – (COMM. 2D-1) Designation in the Event of Vacancy, Absence or Inability

Received and Filed.

FROM THE COMMISSIONER OF LABOR RELATIONS

Item 88 – (COMM. 2D-2) Designation in the Event of Vacancy, Absence or Inability

Received and Filed.

FROM THE COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS

Item 89 – (COMM. 2D-3) Designation in the Event of Vacancy, Absence or Inability

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE DIRECTOR OF THE DEPARTMENT
OF REAL ESTATE AND ASSET MANAGEMENT**

Item 90 – (COMM. 2D-4) Designation in the Event of Vacancy, Absence or Inability

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 91 – (COMM. 2D-5) Letter to County Executive Concerning Amendments to the 2009
Adopted Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF LABOR RELATIONS

Item 92 – (COMM. 2D-6) Designation in the Event of Vacancy, Absence or Inability -
Updated

Received and Filed.

FROM THE DIRECTOR OF SIX SIGMA

Item 93 – (COMM. 2D-7) Six Sigma Quarterly Status Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPUTY COUNTY EXECUTIVE

Item 94 – (COMM. 2D-8) Letter to NYS Dept. of Probation and Correctional Alternatives -
RE: EC Probation Director Position

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM CORNELL COOPERATIVE EXTENSION OF ERIE COUNTY

Item 95 – (COMM. 2M-1) Legislature Budget Accountability Act - 2008 Close-Out Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE LEGAL AID BUREAU OF BUFFALO, INC.

Item 96 – (COMM. 2M-2) Monthly Report and Monthly Activity Report for December
2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ASSEMBLYMAN SCHIMMINGER

Item 97 – (COMM. 2M-3) Letter to County Executive and Legislature Chair Concerning
Sales Tax Home Rule Requests

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 98 – (COMM. 2M-4) Agenda Items for Board of Trustees Meeting Held 1/15/09

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LIPSITZ GREEN SCIME CAMBRIA

Item 99 – (COMM. 2M-5) Copy of Judicial Order with Notice of Entry - RE: Marinelli v.
Collins, et al

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF TONAWANDA

Item 100 – (COMM. 2M-6) Copy of Town Board Resolution - RE: Request the County of
Erie to Make Direct Payment to the Town of the Town's Portion of the Sales Tax Revenue

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CENTER FOR TRANSPORTATION EXCELLENCE

Item 101 – (COMM. 2M-7) EC Mobility Manager Services: Year End Report (8/1/08 -
12/31/08)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NFTA

Item 102 – (COMM. 2M-8) Board Minutes for Meeting Held 12/22/08

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS PUBLIC SERVICE COMMISSION

Item 103 – (COMM. 2M-9) Notice Soliciting Informal Written Comments

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF HEALTH

Item 104 – (COMM. 2M-10) Acknowledgement of Receipt of, and Comments Offered Concerning EC Legislature Resolution Concerning Medicaid Payments to ECMCC

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM VIVE INC.

Item 105 – (COMM. 2M-11) Legislature Budget Accountability Act - 2008 Close-Out Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM FRANK B. MESIAH

Item 106 – (COMM. 2M-12) Letter Requesting Consideration for Appointment to ECMCC Board of Directors

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

ANNOUNCEMENTS

Item 107 – CHAIR MARINELLI announced that Legislator Grant has received, on behalf of the Legislature, an award from the Masten Jazz Festival for the strong support the festival has received from Erie County. Chair Marinelli further announced that the Buffalo Niagara Convention and Visitors Bureau has distributed to Legislators a plaque commemorating the designation of Buffalo as one of “America’s Dozen Distinctive Destinations” by the National Trust for Historic Preservation. The Chair also noted that there is a Regular Session of the Legislature next Thursday, February 5, 2009; and that on Monday, February 2, 2009 at 4:30 P.M., the 21st Century Commission will hold their next meeting.

Item 108 – MS. KONST announced that on Monday, February 2, 2009, the Legislature’s Finance & Management Committee will meet at 1:00 P.M. At that meeting the administration will be present to discuss the issues involving the mailing of erroneous property tax bills to some Erie County residents, as well as conduct other business.

MEMORIAL RESOLUTIONS

Item 109 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Rev. James P. Higgins, Gretchen Stringer, Josephine (Zuccaro) Spano, and Alessio “Big Al” Alagna.

Item 110 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Joan M. (Crehan) Bean.

Item 111 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Beverly Toohey, who died three years ago.

Item 112 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Darlene Jo (Markel) Craver, James G. Parkinson, Joan M. (Crehan) Bean, Brendan Patrick Pio Gallagher, Aidan Pustulka Hull, Frances H. Byrne, and Joyce G. Przybyl.

Item 113 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Angeline D. (DiMaio) Close.

Item 114 – Legislator Wroblewski requested that when the Legislature adjourns, it do so in memory of Amanda Hansen, Florian F. Jablonski Jr., John J. Conley, and Town of West Seneca Highway Superintendent Patrick Finnegan.

Item 115 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Margaret W. Peterangelo; and her father-in-law John B. Ward, who died one year ago.

Item 116 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Tim White, who was an AM 1400 Solid Gold broadcaster.

Item 117 – Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Mildred A. “Millie” Aronica, Antoinette J. (Napierski) Klyczek, and Joseph L. LoGalbo Jr.

Item 118 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Michael Barnes and Dewitt Kirkwood.

Item 119 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of William “E.” Holt, a family friend.

Item 120 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Sheridan Geer, former Town of Holland Supervisor, veteran and member of American Legion Post No. 607; long-time East Aurora resident Elmer Wittenrich, who served in World War II and who was a member of the American Legion in Elma; and Kevin McPhail, who died in a snowmobile accident.

ADJOURNMENT

Item 121 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MS. GRANT moved that the Legislature adjourn until Thursday, February 5, 2009 at 2:00 p.m. Eastern Standard Time. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, February 5, 2009 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE