

**ERIE COUNTY LEGISLATURE
MEETING NO. 2
JANUARY 21, 2010**

The Legislature was called to order by Chair Miller-Williams.

All members present.

An Invocation was held, led by Mr. Walter, who spoke of helping the people of Haiti, and read a short prayer.

The Pledge of Allegiance was led by Mr. Hardwick.

Item 1 – MR. KENNEDY moved to approve the Rules of the Legislature for 2010. MS. BOVE seconded.

MS. WHYTE moved to amend the Rules of the Legislature for 2010. MS. MARINELLI seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KENNEDY and CHAIR MILLER-WILLIAMS. (AYES: 6; NOES: 9)

FAILED.

MS. WHYTE moved to send the Rules of the Legislature for 2010 to committee for further consideration. MR. KOZUB seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KENNEDY and CHAIR MILLER-WILLIAMS. (AYES: 6; NOES: 9)

FAILED.

MS. MARINELLI moved to table the Rules of the Legislature for 2010. MR. KOZUB seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR.

RATH, MR. WALTER, MS. BOVE, MR. KENNEDY and CHAIR MILLER-WILLIAMS. (AYES: 6; NOES: 9)

FAILED.

CHAIR MILLER-WILLIAMS moved the previous question, and directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KENNEDY and CHAIR MILLER-WILLIAMS. NOES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. (AYES: 9; NOES: 6)

CARRIED.

RESOLUTION NO. 8

RE: Adopting Erie County Legislature's
Rules of the Legislature 2010

RESOLVED, the Erie County Legislature does hereby approve the Rules of the Legislature 2010 as follows:

**2010
RULES OF ORDER
ERIE COUNTY LEGISLATURE**

SECTION 1.00: ORGANIZATION

1.01 CHAIRPERSON:

Annually, the members of the Erie County Legislature shall meet to organize no later than the 8th day of January in each calendar year. At such meeting, or at a recessed meeting, the Legislature shall select a member of the Legislature as the Chair by an affirmative vote of at least a majority of the entire membership of the Legislature. Upon his or her election, the Chair shall immediately assume all of the duties and responsibilities of the office.

The Chair shall possess the following powers and perform the following duties:

1. To preside over all meetings of the full Legislature; call the Legislature to order, direct a call of the roll, and, except in the absence of a quorum, proceed to business in a manner prescribed by these rules;
2. To preserve order and decorum;
3. To execute on behalf of the Legislature contracts and/or contract amendments and other documents authorized by the County Legislature and to execute all contracts necessary for the day-to-day operation and administration of the County Legislature without additional Legislative authorization;

4. To decide all questions of order, subject to appeal of the Legislature as hereinafter provided;
5. To recess meetings;
6. If the Legislature is ready to go into Committee of the Whole, to name a Chairperson to preside over such committee;
7. To name an open meetings advisor from among the Legislators to advise the body on compliance with New York State Open Meetings and Freedom of Information laws;
8. To order that a public hearing be held at least five (5) days before a local law can be considered for a vote by the Legislature, unless the local law in question is accompanied by a certification of necessity for immediate passage;
9. To be a voting member ex-officio of all committees and to receive notice of all meetings thereof;
10. To serve as the Department Head of the Legislature, and to appoint and designate or terminate, within the budgetary appropriations, all officers and employees of the Legislature not required to be selected by other means under these Rules, or other State or County law;
11. To establish guidelines and criteria and approve the expenditure of funds in the budget of the Legislature for the printing and/or mailing of literature by members of the Legislature to their constituents within the appropriations therefore; provided, however, that no such literature shall be mailed at or delivered to any postal facility by such members during the period of forty-five (45) days immediately prior to a date of a primary or general election in which such member is included or involved as a candidate, whether such election is a special, primary, or runoff election, and as provided for in section 5.07 of these rules;
12. To establish independent committees, boards, and commissions to report to the Chair and/or Legislature, and appoint or remove the members thereof;
13. To cancel public hearings for which the underlying Local Law has been withdrawn;
14. Such other powers as may be set forth in more detail in these Rules or in state, federal, or local legislation.

1.02 MAJORITY AND MINORITY LEADERS:

Annually, the enrolled members of the two political parties which shall have the greatest number of members seated in the Legislature shall elect a leader of their respective parties. The leader of the political party whose membership of the Legislature constitutes a majority of the Legislature shall be known as the Majority Leader. The leader of the other party shall be known as

the Minority Leader. The Minority Leader shall have the responsibility to appoint and designate or terminate, within budgetary appropriations, which shall be allocated approximately proportionally, based on the number of members in the Minority Caucus, all officers and employees of the Legislature Minority.

For the purpose of complying with the provisions of Section 200, subdivision 1 of the County Law, in the event that neither the members of one party nor the other constitute a majority of the members of the County Legislature, the Chair of the Legislature shall designate one party leader as the Majority Leader and the other as the Minority Leader for the purpose of budgetary appropriation and other matters.

1.03 ACTING CHAIR:

In the absence of the Chair from any meeting of the Legislature, the designated Majority Leader shall become acting Chair with all the powers and duties of Chair for so long as the Chair is absent.

In the event of this occurrence, the Majority Leader shall not act in both capacities. The Majority Caucus shall designate an acting Majority Leader for so long as the Majority Leader is acting Chair.

SECTION 2.00: MEETINGS

2.01 REGULAR SESSION:

Regular sessions of the Legislature shall be held at least twice monthly, except in August, as designated by the Chair. The schedule of regular sessions shall be determined by the Chair who shall notify members of the Legislature concerning the same no later than January 1, of each year.

All regular sessions and all adjourned sessions shall be open for consideration of any matter, which in accordance with these rules, may be properly brought to the attention of the Legislature.

2.02 SPECIAL MEETINGS:

Special meetings shall be held at the call of the Clerk of the Legislature upon direction of the Chair or upon filing with the Clerk of the Legislature of a written request signed by a majority of the members of the Legislature. Notice in writing, stating the time, place and purpose of the special meeting shall be served personally, by facsimile (FAX) transmission, by mail or by affixing to the door of the premises of the residential address upon each member by the Clerk of the Legislature at least forty-eight (48) hours before the date and time fixed for holding the meeting, or a member may waive the service of the notice for such meeting in writing. Only business specified in the notice thereof may be transacted at a special meeting.

Service by facsimile transmission of the Notice of Special Meeting, pursuant to this section, is authorized and constitutes service upon each member at a facsimile telephone number provided to the Clerk by the member of the Legislature for that purpose. A confirmation record produced by the Clerk's facsimile machine or computer and an affidavit of service by the Clerk of the Legislature, shall be *prima facie* evidence that the Notice of Special Meeting and transmitted documents were served consistent with the date, time and place appearing on the confirmation record. Facsimile transmission of the Notice of Special Meeting may be transmitted at any time of the day or night, Monday through Friday, to the appropriate facsimile telephone number and will be deemed served upon receipt of the facsimile transmission, except that Notices of Special Meeting sent on a Friday shall be deemed duly served if the Clerk's confirmation record and affidavit demonstrate that facsimile transmissions for all members of the Legislature were completed by 5 p.m. on that Friday.

Nothing in this rule shall prohibit personal service of a Notice of Special Meeting on Friday after 5 p.m., or on a Saturday or a Sunday.

2.03 QUORUM:

A majority of the duly constituted membership of the Legislature shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

2.04 CHAIR TO SECURE A QUORUM:

In the absence of a quorum during the sessions of the Legislature, the Chair may take such measures as provided by law and as the Chair may deem necessary to secure the presence of a quorum.

2.05 ROLL CALL, MINUTES, ABSENCES:

At any and every meeting of the Legislature, upon the members being called to order by the Chair, the roll of members shall be called by the Clerk, and the names of those absent shall be inserted in the Minutes. The Majority and Minority Leaders should note the absence of any of their members because of county business, established illness, death and/or bereavement in the family or of a close associate and such absence shall be carried in the Minutes as an excused absence. The Minutes of the preceding meeting, when available, shall then be presented for approval to the end that any corrections, alterations, or additions may be made. In all cases when an order, resolution or a motion shall be entered in the Minutes of the Legislature, the name of the member presenting or moving the same and seconding shall be entered.

2.06 ORDER OF BUSINESS:

The Order of Business of each session shall be:

1. Calling the roll of members by the Clerk;
2. Consideration of the Minutes of the proceedings of the preceding meeting(s);
3. Consideration and presentation of miscellaneous resolutions;
4. The consideration of Communications, Local Laws and Resolutions on the table of the Legislature;
5. Reports of Standing Committees;
6. Reports of Special Committees;
7. Presentation of Resolutions;
8. Presentation of Resolutions and Communications to be Discharged from a Standing Committee or Special Committee;
9. Presentation of Resolutions and Communications which require a Suspension of the Rules for the purpose of considering the item or sending it to committee;

10. Presentation of Communications from Elected County Officials, County Departments, and the people and other agencies;
11. Unfinished Business;
12. Announcements from the Chair;
13. Announcement of Committee Meetings;
14. Presentation of Memorial Resolutions; and
15. Adjournment.

The Chair in his or her discretion may change the Order of Business at any session except as otherwise provided in Section 4.04.

2.07 ORDER DURING SESSION:

The Chair shall take the chair at the hour specified for the convening of the Legislature and shall preserve order and decorum. In debate, all remarks must be addressed to the Chair and confined to the question before the Legislature. The Chair shall prevent personal reflections and confine members to the question under discussion. The Chair shall decide all questions of order, which decisions shall be final, unless an appeal is taken to the Legislature and sustained.

2.08 APPEAL FROM THE CHAIRPERSON'S RULING:

On every appeal, the Chair shall have the right to assign his/her reasons for such decision. If the question on which the appeal is taken was not debatable, the Legislature shall decide the case without debate. If debatable, no member shall speak more than once.

The Chair shall put the question: "Shall the Ruling of the Chair be overturned?"

A motion to overrule a decision or ruling of the Chair shall require approval by a majority vote of the Legislature.

2.09 PRIVILEGE OF THE FLOOR:

No person shall be entitled to the privilege of the floor during the session of the Legislature, unless unanimous consent be given therefore.

2.10 REFERRALS TO COMMITTEE:

The Chair, at his or her discretion, may refer to the proper committee or shall table any petition, resolution, local law, amendment or other matter when presented, and may similarly refer to the County Attorney for attention any legal proceeding brought against the County. The Chair's decision to refer any item to committee or to the County Attorney or to table an item is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein. Once the appeal from the Chair's ruling has been decided however, and if the same has been a determination in favor of the Chair's referral or other action, the petition, resolution, local law, amendment or other matter cannot be discharged from such committee for reconsideration or other action at the same legislative session without the unanimous vote of the Legislature.

2.11 MEMBER NOT TO SPEAK OR LEAVE HIS OR HER PLACE:

While the Chair is putting a question, or while the roll is being called, no member shall speak or leave his or her place. The Chair shall allow opportunity for debate before the roll is called.

2.12 TIE VOTE:

When the Legislature shall be equally divided on any question, including the Chair's vote, the question shall be deemed to have been lost.

2.13 PRIORITY OF BUSINESS:

All questions relative to priority of business shall be decided by the Chair without debate, except as otherwise provided in Section 4.03, and the Chair's decision shall be final.

2.14 LIMITATION ON TIME OF SPEECH:

No member shall speak more than five minutes at any one time, nor more than twice on the same question without permission by majority vote of the Legislature.

2.15 MAJORITY VOTE:

A majority of the total vote of the entire membership of the Legislature shall be necessary to carry any question, proposition, resolution, motion, amendment or any other matter, except where it is otherwise provided herein or by statute that a two thirds vote or a unanimous vote is required. Local laws, resolutions or amendments introduced by any member(s) of the Legislature and communications from elected officials requiring approval shall be approved or disapproved by a majority vote of the full Legislature, except in such instances when items are removed from the agenda pursuant to Section 5.05.

2.16 RECEIVE AND FILE/RECEIVE, FILE AND PRINT:

The Chair, at his or her discretion, may receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter. The Chair's decision to receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein.

2.17 RECORDING OF VOTE:

Any member shall have the right to have his or her vote recorded and entered upon the minutes upon request, without explanation, and without requiring the ayes and noes to be called.

2.18 RECORDING AYES AND NOES:

On a roll call, the ayes and noes shall be taken without explanation on any question wherever so required by law, or by any member, and whenever so taken shall be entered in the proceedings of the Legislature, and the Clerk shall record the names of the members and the way each shall have respectively voted. The roll is called of the minority members first, in alphabetical order, followed immediately by the majority members, in alphabetical order. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be. Each member, however, shall be allowed to pass on the first call of the roll. To verify the vote and to correct possible errors, and to allow such members as passed on the first call of the roll; the Clerk shall repeat the call of the roll once, and only once. The only exception to this procedure is if the member abstains from voting in accordance with Section 2.21 herein.

2.19 BORROWING MONEY:

The ayes and noes shall be taken on all resolutions or other proceedings involving the granting of authority to borrow money and such other resolutions and proceedings, as the statute requires.

2.20 VOTE ON DISTINCT PROPOSITION:

If the question in debate contains several distinct propositions, the same shall be divided by the Chair at the request of any member, to the end that a vote may be taken on each proposition, but a motion to strike out and insert shall be deemed indivisible.

2.21 ABSTENTIONS:

Every member who shall be physically present in the Legislative Chambers when a question is stated by the Chair must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with Section 5b of Erie County Local Law No. 10 – 1989, constituting the Erie County Code of Ethics. If a member wrongfully attempts to avoid casting his or her vote, abstain, or otherwise refuses to vote, the Chair shall direct the Clerk to record such member's vote in the affirmative on the question being voted upon.

2.22 SPEAK WHEN RECOGNIZED BY CHAIRPERSON:

No member wishing to speak shall proceed without standing and without having addressed the Chair from his or her place and until obtaining recognition by the Chair.

2.23 SUSPENSION OF THE RULES BY UNANIMOUS CONSENT:

These rules may at any time during the session be suspended by unanimous consent of all members of the Legislature present; however, the member making the application for such suspension must state the purpose for which the same is asked.

These rules may be suspended by a majority vote of the Legislature for the purpose of referring any item to committee provided that said item may not be discharged for action at the same meeting at which the suspension is granted. The unanimous consent of all members of the Legislature present shall be required, however, to suspend the rules to permit action on an item at the same meeting at which such suspension is requested.

A member shall submit to the Chair of the Legislature, a written copy of the item which he or she proposes to suspend the rules for referring said item to committee or for permitting action on said item at least three (3) hours prior to the session at which the request for such suspension is considered, and the member making said application for such suspension shall state the purpose for which the same is asked.

2.24 PRESENTATION OF MOTION:

When a question shall be under consideration, no motion shall be received except as herein specified, which motion, termed subsidiary motions, shall have precedence in the order named, to wit:

1. For an adjournment of the Legislature;
2. A call of the Legislature;
3. To move the previous question;

4. To lay on the table;
5. To postpone indefinitely;
6. To postpone to a certain day;
7. To go immediately into a Committee of the Whole on the pending subject;
8. To recess;
9. To commit to a Standing Committee;
10. To commit to a Special Committee; and
11. To amend.

2.25 WITHDRAWAL OF RESOLUTION OR MOTION:

Any resolution or motion offered by a member may be withdrawn by the member presenting it at any time before an announcement by the Chairperson of the vote thereon or before an amendment to such resolution or motion has been adopted.

2.26 MOTIONS NOT AMENDABLE OR DEBATABLE:

All motions for an adjournment, for a recess, to move the previous question, or to lay on the table shall be neither amended nor debated. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the result is declared. While the Chair is putting any question, or while the roll is being called, no debate or discussion shall be in order. Any member desiring to explain his/her vote must do so before the start of the roll call, provided, before a roll call begins, all members shall have a right to avail themselves of the provisions of Section 2.22.

2.27 PREVIOUS QUESTIONS AND AMENDMENTS:

The "Previous Question" shall be as follows:

1. "I move the previous question" applies only to the specific pending question being debated whether it be an amendment or any other issue. If an amendment is being debated, the "previous question" is called, and a vote taken on the amendment, then the next amendment, if there is one, or the resolution should be debated.
2. If a motion is approved for the "previous question" and is qualified as being called to end debate on the resolution and all amendments, then no further debate can be permitted. Such a motion can be qualified in any manner, i.e., to end debate only on amendment, or on all pending questions.

2.28 MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE:

A motion for reconsideration or a motion to change one's vote shall not be in order unless made on the same day, or the session day next succeeding that on which the action proposed to be reconsidered unless the action cannot be reversed or upon which the same motion was previously considered.

A motion to reconsider must be made by a member who voted with the prevailing side on the action proposed to be reconsidered. A member has the right to change his or her vote up to the time the result is announced; after that a change of vote can be made only by permission of the Legislature, which can be given by general consent, or by adoption of a motion to change one's vote.

When a motion to reconsider or a motion to change one's vote has been defeated, it shall not again be submitted to the Legislature without unanimous consent.

2.29 MOTION TO RESCIND:

A motion to rescind can only be entertained when moved by a member who voted with the majority in the action which it is proposed to rescind, and requires the affirmative vote of a majority of the total members of the Legislature.

2.30 COMMITTEE OF THE WHOLE:

The Legislature may, at any time when in session, resolve itself into a Committee of the Whole on any subject before it, and in such case, the Chairperson may name a member to preside.

2.31 COMMITTEE OF THE WHOLE - NO QUORUM; ADJOURNMENT:

If at any time within a Committee of the Whole it be ascertained that there is no quorum, the Chair of the Legislature or the Chair of the Committee of the Whole, if so named, shall immediately report the fact to the Chair of the Legislature and the adjournment of the Committee of the Whole shall be in order.

2.32 PRESENTATIONS TO BE IN WRITING:

All petitions, resolutions, committee reports and amendments thereof, shall be in writing.

2.33 TIME FOR PRESENTATION TO CLERK:

Except as provided in Section 2.02, all petitions, resolutions, offers, or communications of whatever nature shall be submitted to the Clerk of the Legislature before 11:00 a.m., two business days prior to a regular meeting date, for presentation by the Clerk of the Legislature at the next meeting. For the purpose of this rule, business day shall be defined in reference to Section 206 of the New York State County Law.

2.34 SAMPLE RESOLUTION AND ACCOMPANYING MEMORANDA:

The Clerk of the Legislature shall not place any request for legislative action, which is filed by a county elected official, other than a county legislator, or by a non-elected county official, on the agenda for a regular or special legislative session, unless such request includes a sample resolution and an accompanying memorandum, which presents and includes:

- A SUMMARY OF RECOMMENDED ACTION
- FISCAL IMPLICATIONS OF PROPOSAL
- REASONS FOR RECOMMENDATION

- BACKGROUND OF PROPOSAL
- CONSEQUENCES OF NEGATIVE ACTION
- STEPS FOLLOWING APPROVAL OF MEASURE

2.35 SOLICITATIONS:

No solicitation of funds for any purpose shall be permitted during any session of the Legislature.

2.36 ALL POINTS OF ORDER NOT COVERED BY THESE RULES:

On all points of order not governed by the rules of this Legislature, the most recent edition of Robert's Rules of Order shall prevail. In the event that a point of order shall arise which shall not be covered by either the Rules of Order for the Legislature or by the most recent edition of Robert's Rules of Order, the Rules of the New York State Assembly shall be followed.

SECTION 3.00: COMMITTEES

3.01 RULES SHALL APPLY TO COMMITTEE MEETINGS:

The Rules of the Legislature, except Section 2.09, shall apply to all committee meetings.

3.02 STANDING AND SPECIAL COMMITTEES:

There shall be the following standing committees which shall consist of four members each, except the Finance & Management/Budget Committee which shall consist of seven members for the purpose of considering and acting upon the County Executive's Annual Budget, and all matters relating thereto.

The members of each committee shall be appointed by the Chair within twenty (20) days, or as soon as possible, after his or her election or appointment and the list of the committees shall be filed with the Clerk of the Legislature and printed in the minutes of the Legislature.

STANDING COMMITTEES

Capital Improvements
Community Enrichment
Economic Development
Energy & Environment
Finance & Management
Government Affairs
Health, Human Services
Public Safety

SPECIAL COMMITTEES

The Chair of the Legislature in his or her discretion may appoint such Special Committees, the number of members of which shall be as the Chair may determine.

3.03 CHAIRPERSON EX-OFFICIO MEMBER OF ALL COMMITTEES:

The Chair shall be a member Ex-officio of all committees with a vote thereon. The Chair's presence at a meeting shall be counted in determining whether a quorum is present. Any vacancies

occurring during the year on any Standing or Special Committee shall be filled by the Chair at his or her discretion.

3.04 RECORDING PRESENCE OR ABSENCE OF COMMITTEE MEMBERS:

The Chair of every Standing and Special Committee shall record and certify on a form provided by the Clerk of the Legislature the names of all members present and absent from all regularly called committee meetings. Said certificate shall be filed with the Clerk and shall be the official record of committee attendance.

3.05(1) CONDUCT OF COMMITTEES:

All committees appointed by the Chair shall act promptly on all matters referred to them. It shall be the duty of the members of said committees to familiarize themselves with the departments of county government and the work entrusted to each of such committees.

3.05(2) MATTERS REFERRED TO DEPARTMENT HEADS:

Any matter referred by a committee to a department head for report or study shall be laid on the committee table for one week unless a longer period is specified by the committee.

3.05(3) REPORT ON ANY FINAL ACTION OF COMMITTEE:

Any final action taken by a majority of the members of the committee shall be included in the committee's report of its meeting and the committee's action shall be subject to approval of the Legislature by a majority vote of its total membership.

3.05(4) COMMITTEE AGENDA:

An agenda of all matters before a committee shall be prepared by the Clerk of the Legislature.

3.05(5) OPEN ITEMS IN COMMITTEE:

At the discretion of the Committee Chair, an item or items may be allowed to remain on the agenda indefinitely in that particular Committee to allow for consideration of that item and to serve as a vehicle for the committee to amend and send to the full Legislature, within the committee report, for consideration.

3.06 COMMITTEE REPORT MADE BY MAJORITY OF COMMITTEE:

No report shall be made by any committee on any subject referred to it except by a majority vote of the total membership of the committee unless the Legislature otherwise directs. All reports of committees shall be in writing and presented to the full Legislature for consideration at the next succeeding regular session of the Legislature, except the report of the Budget, Finance and Management Committee on the County Executive's Tentative Annual Budget, as provided in Section 4.01.

3.07 COMMITTEE REPORT BY STANDING AND SPECIAL COMMITTEES:

All reports of Standing and Special Committees, all motions except subsidiary motions under Sections 2.08, 2.27, 2.28, 2.29 and 2.30 and all resolutions shall lie upon the table one day before action thereon or adoption by the Legislature (unless immediate consideration is given by a majority vote of the Legislature). This rule shall not apply to reports of Standing and Special Committees on the last regular session before summer adjournment nor on the last regularly adjourned session at the close of the year.

SECTION 4.00: BUDGET

4.01 TENTATIVE BUDGET:

The County Executive shall, on or before the date set forth in the Charter or established by Local Law revising same, submit thirty-five (35) copies of the tentative budget to the Legislature. The Finance & Management/Budget Committee is hereby designated to receive and study the tentative budget and to report thereon. The Chair of the Finance & Management/Budget Committee shall present such tentative budget to the Finance & Management/Budget Committee for its consideration. The Finance & Management/Budget Committee shall hold such meetings thereon as it may determine, and may require any officer or employee of the county or the head of any county department, bureau, office, board or commission, or of any organization receiving financial aid from the county, to appear before the committee for the purpose of furnishing any information required by the committee in its consideration of the tentative budget. After such consideration, the Finance & Management/Budget Committee shall approve such tentative budget as originally prepared or with such amendments or changes therein as the committee may determine, and shall submit such tentative budget, together with its report thereon, to the Legislature not later than the first Tuesday of December in each year. The report of the Finance & Management/Budget Committee shall be submitted to the Legislature and lay on the table forty-eight (48) hours prior to the Annual Meeting established by Section 2608 of the Charter.

Budget amendments proposed less than forty-eight (48) hours prior to the Annual Meeting shall be considered and voted on as described in Section 4.04. Such amendments less than forty-eight (48) hours prior to the Annual Meeting shall be limited to special or essential items for which information was not available in time to meet the forty-eight (48) hour requirement.

4.02 ANNUAL MEETING FOR THE ADOPTION OF BUDGET:

The Annual Meeting for the adoption of the Budget and for the levying of taxes for all county and town purposes prescribed by law shall be held pursuant to Section 2608 of the Charter.

4.03 LEVY OF SCHOOL TAXES:

The annual levy of school taxes pursuant to the Erie County Tax Act, as amended, shall be made at the regular meeting held on the first Thursday of September in each year.

4.04 ADOPTION OF BUDGET:

On or before the first Tuesday of December, following the submission of the tentative budget, the budget shall be the first order of business following consideration of the Minutes. Upon conclusion of the consideration of the budget, as provided in the Charter and Code, the motion to adopt the budget, either with amendments thereto, if any, to make the necessary appropriations therefore, and to levy and spread taxes shall then be the next order of business.

Any amendments to the Finance & Management/Budget Committee Report, which are proposed less than forty-eight (48) hours prior to the annual meeting prescribed by the County Charter, Section 2608, for adoption of a budget, shall be considered, justified and voted on in accordance with the Erie County Charter and Code.

SECTION 5.00: MISCELLANEOUS

5.01 APPOINTMENTS AND CONFIRMATIONS:

All appointments by this Legislature shall lay on the table one day except for appointments made for the purpose of organizing the Legislature and the reappointment of incumbents, which may be acted on immediately. All appointments requiring the confirmation of the Legislature may be acted on immediately.

Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chair of the Legislature, notice of their candidacy for that position. The Chair of the Legislature shall notify the Chair of the Erie County Legislature's Energy and Environment Committee of such applicant(s) for the office of Commissioner of the Erie County Water Authority. Upon said notification, the Chair of the Energy and Environment Committee shall schedule a public meeting, with a minimum of five (5) business days notice to members of the Legislature and the general public, within fifteen (15) days of receipt of notification from the Chair of the Legislature, for the purpose of interviewing the candidate(s).

5.02 PURCHASE OVER \$10,000.00:

Pursuant to Section 3.07 of the Administrative Code, the sum of \$10,000.00, is hereby fixed as the limit above which any purchases for contract for supplies may not be made without public advertisement. On purchases under \$10,000.00, as far as practicable, every purchase made by the Purchasing Director shall be made on bids first obtained from at least three (3) sources, except where a vendor will extend GSA contract pricing to the county, the Purchasing Director may purchase from that vendor without competitive bidding. A notation of the GSA contract number shall appear on the purchase order. Purchase requisitions and/or inquiry bid files for items under \$10,000.00 shall include a notation in writing indicating the names of at least three (3) vendors who were contacted, the name of the individuals quoting for the firm, the date contacted, and the prices quoted by the vendors. A contract awarded therefore shall be to the lowest responsible bidder.

5.03 ANNUAL REPORTS:

The County Executive shall make an annual report to the County Legislature concerning the activities of the several administrative units of the county during the preceding fiscal year in such detail, as the County Legislature shall direct. The head of any bureau or organization receiving financial support from the county shall make an annual report concerning the activities of the respective bureaus or organizations during the preceding fiscal year. The County Executive or the head of the bureaus or organizations shall file thirty (30) copies of said report with the Clerk of the Legislature not later than March first of each and every year.

Such reports, weekly and monthly, as prescribed by the Legislature shall be furnished to the Legislature by all department heads and heads of bureaus and organizations receiving financial support from the county. Such reports shall be received and filed or referred to appropriate committees.

5.04 OFFER TO PURCHASE COUNTY-OWNED PROPERTY:

The Erie County Legislature shall not adopt any resolution, which changes the status of county-owned land until such time as the proposal has been reviewed and recommended by the Department of Environment and Planning's County-Owned Lands Policy Advisory Board. The Clerk of the Legislature shall be responsible for referring all offers to purchase county-owned property to the Commissioner of Environment and Planning.

5.05 REDUCTION OF AGENDA:

Any local law, resolution or other item pending on the agenda of the Legislature itself, or any committee or subcommittee thereof, that was first introduced, submitted and filed prior to January 1 of any calendar year is automatically removed there from as of and effective December 31 of that same calendar year.

5.06 DUTIES OF ADMINISTRATIVE ASSISTANTS:

The Administrative Assistants and other such staff as designated by the Clerk shall, in addition to the duties ordinarily performed by such officials, perform such other duties as shall be assigned to each by the Clerk during sessions and committee meetings of the Legislature.

5.07 ERIE COUNTY LEGISLATURE MAIL POLICY:

1. References to political parties and/or party affiliations are prohibited on all legislative mailings.
2. The Clerk of the Legislature will maintain an accounting log of the Legislature's in-house postage meter.
3. The Chair, at his/her discretion, may authorize Committee Chairs and their Clerks to send informational mailings that are germane to pending committee agenda items.
4. Members are entitled to use their annual discretionary district office expense account for targeted informational mailings (notifications, announcements, etc.) to constituents in their districts. Postage expenses, like other district office expenses, are itemized. District Offices are required to maintain copies of all targeted informational mailings, and to file a true and complete copy of same with the Clerk of the Legislature, commensurate with the mailing of same. Any such mailings must be postmarked and mailed no later than forty-five (45) days prior to the date of the Erie County Legislature Primary Election. No mailings may be made after the Erie County Legislature Primary Election and prior to Election Day for the Erie County Legislature.
5. The above policy shall be reviewed periodically with a goal towards paperless notification for future correspondence. All mailings should contain the Legislature's and/or the Legislator's county web page address.

5.08 PROHIBITION OF USE OF AUDIBLE, PORTABLE COMMUNICATION DEVICES:

During sessions and committee meetings of the Legislature, the use of audible, portable communication devices, including, but not limited to cellular telephones and pagers, shall be prohibited, except for non-audible receipt activation. Such prohibition shall be in effect for

members and staff of the Legislature, as well as for invited witnesses, visitors, and members of the general public attending such sessions or meetings. Such prohibition shall not include the use of microphones, electronic recording devices, video recording equipment or portable computers used for the purposes of recording the proceedings of legislative sessions or committee meetings if done in a non-disruptive manner.

5.09(1) DECORUM IN LEGISLATURE CHAMBER:

In accordance with Article 7 of the N.Y. Public Officers Law, the Erie County Legislature hereby finds that it is essential to the maintenance of a democratic society that the business of Erie County be performed in an open and public manner. The citizens of Erie County and other governmental officials should be able to attend and observe their Legislators during public deliberations subject to certain rules to allow this Honorable Body to properly consider the issues before it.

5.09(2) VISITORS TO THE ERIE COUNTY LEGISLATURE:

All visitors and spectators to the Erie County Legislature must be respectful and obey the rules of order promulgated by this Honorable Body.

5.09(3) FLOOR MOVEMENT:

In order to preserve the order, decorum and security of this Honorable Body, the floor of the Legislature Chamber will be restricted during sessions and public hearings to Legislators, Legislature Staff, County-wide Elected Officials, Administration Representatives, Department Heads and others granted permission by the Chair of the Erie County Legislature.

5.09(4) BANNERS, SIGNS AND PLACARDS:

Any display of banners, signs, or placards in the Legislature Chamber or Committee Rooms that is disruptive to the deliberative process of the Erie County Legislature and not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.09(5) DISTRIBUTION OF LITERATURE OR MATERIALS:

Any distribution of literature or materials in the Legislature Chamber or Committee Rooms not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.09(6) AUDIO RECORDING:

Audio recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive audio recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature.

5.09(7) VIDEO RECORDING:

Video recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive video recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature; and
- c) no light, visible signal or audible sound shall be used on any video equipment to indicate that the equipment is operating.

5.09(8) VIOLATIONS:

Any violation of the order or decorum of the Legislature subjects an offending party to removal from the Erie County Legislature's sessions, committee meetings and public hearings and possible forfeiture of their right to attend future sessions, committee meetings and public hearings of this Honorable Body.

5.10 AMENDMENT OF RULES:

These rules shall not be rescinded, altered, or amended, nor shall any additional rule be added, except by a majority vote of the total members of the Legislature, and only after at least one day's notice in writing, filed with the Clerk of the Legislature.

SECTION 6.00: EFFECTIVE DATE

6.01 EFFECTIVE DATE:

These rules shall be effective immediately upon adoption by a majority vote of the total membership of the Legislature.

Item 2 – No tabled items.

Item 3 – No items for reconsideration from previous meeting.

Item 4 – MS. WHYTE moved for the approval of the minutes for Meeting Number 1 from 2010. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 5 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 6 – MR. MAZUR presented a memorial resolution In Memory of the Life of Sophie T. Filozof.

Item 7 – MS. WHYTE presented a resolution Honoring Writer, Critic and Literary Editor R.D. Phol as a 2009 Literary Legacy Award Winner.

Item 8 – MS. WHYTE presented a resolution Recognizing Actor, Playwright, Teacher and Political Activist Emanuel Fried as a 2009 Literary Legacy Award Winner.

MS. WHYTE moved for consideration of the above three items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above three items by adding two for MR. FUDOLI, and by including Et Al Sponsorship. MR. FUDOLI seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above five items as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 9 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 10 – CHAIR MILLER-WILLIAMS directed that Local Law No. 5 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 11 – CHAIR MILLER-WILLIAMS directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 – CHAIR MILLER-WILLIAMS directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 – MR. LOUGHRAN moved to remove Local Law No. 9 (Print #1) 2009 from the table. MS. MARINELLI seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KENNEDY, MR. LOUGHRAN and MS. MARINELLI. NOES: MS. GRANT, MR. KOZUB, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. (AYES: 10; NOES: 5)

CARRIED.

CHAIR MILLER-WILLIAMS directed that Local Law No. 9 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

MR. LOUGHRAN challenged the ruling of the chair. No second.

Local Law No. 9 (Print #1) 2009 remains on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

Item 14 – CHAIR MILLER-WILLIAMS directed that Local Law No. 1 (Print #1) 2010 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 15 – MR. KENNEDY presented the following report, moved to separate item Number 5, and moved to approve the balance of the report. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 9

January 14, 2010	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13E-13 (2009)
COUNTY EXECUTIVE: “Tannery Rd. Bridge - Bridge Deck Waterproofing Membrane Installation - Committee Agenda Placeholder”
(5-0)
 - b. COMM. 22M-1 (2009)
ECIDA: “Copy of Proposed 2010 Budgets for ECIDA, RDC, ATC and ILDC”
(5-0)
 - c. COMM. 22M-11 (2009)
NFTA: “Cash Flow Statements for 4/1/09 - 3/31/10 and 10/1/09 - 9/30/10”
(5-0)

- d. COMM. 25M-4 (2009)
NFTA: "PARIS Report for Fiscal Year Ending March 31, 2010"
(5-0)
- e. COMM. 25M-6 (2009)
EXECUTIVE DIRECTOR - PUSH BUFFALO: "Copy of Letter Regarding 2010 Budget Appropriations"
(5-0)
- f. COMM. 27E-35 (2009)
IANNELLO: "Letter to Chair Marinelli – Resignation from Niagara Erie Regional Coalition"
(5-0)
- g. COMM. 27M-1 (2009)
EMPIRE STATE DEVELOPMENT CORP.: "Notice of Public Scoping Meeting and Intent to Prepare a Draft Generic Environmental Impact Statement"
(5-0)
- h. COMM. 1D-3 (2010)
ENVIRONMENT & PLANNING COMMISSIONER: "Project Description - Negative Declaration of Hollywood Theater, Phase II - Village of Gowanda"
(5-0)
- i. COMM. 1M-2 (2010)
WNY HOTEL MOTEL ASSOCIATION: "Copy of Article Regarding No Further Public Support Provided to New Hotel Development"
(5-0)
- j. COMM. 1M-4 (2010)
NFTA: "Agenda Items & Minutes from NFTA Board Meeting Held 10/26/09"
(5-0)
- k. COMM. 1M-7 (2010)
NFTA: "Annual Operating Budget for FY Ending 3/31/11"
(5-0)
- l. COMM. 1M-11 (2010)
NFTA: "Minutes from NFTA Board Meeting Held 11/23/09"
(5-0)
- 2. COMM. 22E-3 (2009)
COUNTY EXECUTIVE
WHEREAS, Tannery Road Bridge; BR 706 (BR 3328760), in the Town of Aurora, had serious bridge deck and structural steel deterioration that required rehabilitation of this structure; and

WHEREAS, as part of this deck replacement the installation of a waterproofing membrane system serves to protect the structure and extend the useful service life of the bridge; and

WHEREAS, a manufacturer of a waterproofing membrane, W.R. Meadows, Inc., has offered to donate the necessary waterproof membrane system.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Public Works, Division of Highways be allowed to accept the donation of a membrane waterproofing system valued at \$6,000.00 from W.R. Meadows, Inc.; and be it further

RESOLVED, that this membrane waterproofing system be installed at the Tannery Road Bridge, BR 706 (BIN 3328760) in the Town of Aurora; and be it further

RESOLVED, that three (3) 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 and Management, the Office of the County Attorney; and the Office of the Comptroller.

(5-0)

3. COMM. 27E-18 (2009)
COUNTY EXECUTIVE

WHEREAS, your honorable body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Ram Tech Engineers for providing professional design services on Erie County projects; and

WHEREAS, Ram Tech Engineers has the necessary expertise and manpower to provide professional design services for replacement of the Casino Building heating system and electrical upgrades; and

WHEREAS, your honorable body has previously authorized Architectural/Engineering Term Agreements for several Architectural/Engineering firms; and

WHEREAS, Lauer-Manguso & Associates Architects, Robert Traynham Coles, Architect PC, LaBella Associates PC and Carmina Woods Morris PC have recently submitted qualifications complying with this department's term agreements and this department is requesting these firms be added to the term list of Architectural/Engineering firms for providing Professional Architectural/Engineering Services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute a Contract Amendment with the firm of Ram Tech Engineers for providing Professional Architectural/Engineering Services for replacing the existing heating system and electrical upgrades at Chestnut Ridge Park for an amount not to exceed \$35,000.00; and be it further

RESOLVED, that the Architectural/Engineering firms of Lauer-Manguso & Associates Architects, Robert Traynham Coles, Architect PC, LaBella Associates PC and Carmina Woods

Morris PC be added to the Department of Public Works General Architectural/Engineering Term Agreement list; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.20913 – County-wide Park Improvements for an amount not to exceed \$35,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(5-0)

4. COMM. 27E-19 (2009)
COUNTY EXECUTIVE

WHEREAS, Project FA 119S-08, PIN 5756.87 for the Signal Replacement on CR119, Elmwood Avenue at the intersections with Victoria Boulevard, Washington Avenue, and Girard Boulevard in the Village of Kenmore and at the intersections with Woodward Avenue and Westchester Boulevard in the Town of Tonawanda (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the Project was included in the SFY 2006-07 State Budget for State Marchiselli Aid funding for the Preliminary Engineering and Construction and Construction Inspection phases and is therefore eligible for reimbursement of 15% of the cost of the Preliminary Engineering and Construction and Construction Inspection phases of the Project; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) and Construction and Construction Inspection phases of the Project, FA 119S-08, PIN 5756.87.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Construction and Construction Inspection phases of the Project or portions thereof; and be it further

RESOLVED, that the required, non-Federal share sum of \$128,000.00 is hereby appropriated from B.00125 2004-2006 Signal & Intersection Improvement Projects (in addition to previous appropriations for the project's Preliminary Engineering (Design I-VI) phase via County Resolution Nos. 13E-41 (\$70,000.00) and 4E-6 (\$16,600.00) adopted on June 24, 2004 and March 1, 2007, respectively) and made available to cover the cost of participation in the above Project; and be it further

RESOLVED, that the Project's revenue and appropriations be equally increased to reflect the supplemental agreement in the total amount of \$820,000.00; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) and Construction and Construction Inspection phases exceeds the amount appropriated, \$214,600.00 and/or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) and Construction and Construction Inspection phases exceeds \$820,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications, or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County's first instance funding of Project costs and permanent funding of the local share of Federal Aid and State Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) 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 and Management, and the Office of the Comptroller.

(5-0)

5. COMM. 1E-13 (2010)
COUNTY EXECUTIVE

WHEREAS, on December 18, 2009, the Erie County Executive declared a public emergency and issued a Certificate of Emergency for replacing the East Concord Highway Facility vehicle storage building; and

WHEREAS, the existing building roof is crumbling and collapsing and with the recent snow storm and rains earlier in December over half the building had to be closed for safety reasons; and

WHEREAS, appropriation is available in the 2009 budget Fund 110, Fund Center 17000, Account code 551600, Interest – BAN that can be transferred to the capital fund for implementation of this project; and

WHEREAS, in order for the highway plow trucks to clear and salt the roads, the trucks must be parked in a heated building to keep the salt and plow mechanisms from freezing.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the contractors for an amount not to exceed \$450,000.00 for the completion of this project; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to transfer funds from General Fund 110, Fund Center 17000, Account 551600, Interest BAN, in an amount not to exceed \$450,000.00 in order to fund a capital project for the building to be budgeted as follows:

Fund 410 – Capital Project A.20915
East Concord Highway Facility Storage Building

Revenue	Increase
486000 Interfund Subsidy	\$450,000
Expense	
Transfer to Capital Fund	\$450,000
Net	\$0

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller. (4-1) Legislator Kozub voted in the negative.

6. COMM. 1E-14 (2010)
COUNTY EXECUTIVE

WHEREAS, Erie County has undertaken an extensive review of the Erie County fleet and found it to be aging and fuel inefficient; and

WHEREAS, the County was awarded an Efficiency Grant from the Erie County Fiscal Stability Authority (ECFSA) to fund replacement of some of the vehicles in the fleet; and

WHEREAS, in connection with that award, continued funding in future years will be pursued on an annual basis up to four years; and

WHEREAS, the ECFSA in Resolution No. 09-63, dated December 4, 2009, approved funding in the amount of \$850,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to accept Efficiency Grant funds from the ECFSA to fund the purchase of replacement vehicles in an amount not to exceed \$850,000.00; and be it further

RESOLVED, that updates will be submitted to the Legislature and ECFSA that summarize the progress of this initiative; and be it further

RESOLVED, that the Director of Budget and Management and Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept efficiency grant funds as outlined above and; be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Department of Public Works, and one copy each to the Office of the County Executive, the Erie County Fiscal Stability Authority, the Office of the County Comptroller, the Director of Budget and Management, and the Office of the County Attorney.
(5-0)

**TIMOTHY M. KENNEDY
CHAIR**

MR. KENNEDY moved to approve item Number 5. MR. MILLS seconded.

MS. MARINELLI moved to send the item to committee for further consideration. MS. WHYTE seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE and MR. KENNEDY.
(AYES: 7; NOES: 8)

FAILED.

CHAIR MILLER-WILLIAMS moved the previous question, and directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE and MR. KENNEDY. NOES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE.
(AYES: 8; NOES: 7)

CARRIED.

Item 16 – MS. BOVE presented the following report, moved to separate item Number 8, and moved to approve the balance of the report. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 10

January 14, 2010

PUBLIC SAFETY COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 1M-6 (2010)
DAVID J. SWARTS: "2010 STOP - DWI Plan Approval"
(6-0)

2. COMM. 20E-16 (2009)
COUNTY EXECUTIVE

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has previously awarded the Erie County Probation Department grant funds in the amount of \$31,427 to establish a Juvenile Accountability Block Grant Program; and

WHEREAS, the Erie County Legislature authorized the acceptance of this award on October 23, 2008 with Comm. 21E- 24; and

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) and the Erie County Probation Department have found the original work plan to be impractical and have agreed to a modified work plan; and

WHEREAS, The Erie County Probation Department has been working collaboratively with New Directions Youth & Family Services, Inc., The Erie County Family Court and Buffalo Outdoor Education Program on strategies for teaching teens engaged in high risk behaviors to learn how to make responsible decisions; and

WHEREAS, the New Directions Youth & Family Services, Inc. has developed a program for youth who are on probation that provides participants with training and practice in effective peer support and conflict management through a values based group process.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts and amendments to the contracts to the following contractor for providing training to juveniles assigned to probation: New Directions Youth & Family Services, Inc.; and be it further

RESOLVED, the necessary funds to cover the cost of these contracts have been appropriated using the funds received in Comm. 21E-24 (2008); and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impracticable to follow the RFP procedures for the professional service contract with New Directions Youth & Family Services, Inc as they are the sole source provider of this training program, and hereby waives the procedures outlined in Section 19.08 of the Erie County Administrative Code; and be it further

RESOLVED, that the Director of Budget and Management be authorized to adjust the budget as required to comply with state approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Erie County Department of Personnel, the Division of Budget and Management, the Office of the Comptroller and the Department of Probation c/o Kathleen Pilecki, room 112F, 1 Niagara Plaza. (6-0)

3. COMM. 27E-20 (2009)
COUNTY EXECUTIVE

WHEREAS, the New York State Weapons of Mass Destruction (WMD) Task Force has agreed to provide funding in the amount of \$1,627,939.00 in Federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Erie County Legislature needs to authorize the County Executive to accept \$1,627,939.00 in Federal resources to provide funding for personnel and purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Management and Finance is authorized to set up the following accounts to receive this funding to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Emergency Services goals and objectives are to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature authorizes the County Executive to enter into contract and receive \$1,627,939.00 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Emergency Services, will meet the goals and objectives; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

RESOLVED, that the following budgetary accounts be set up by the Office of Budget, Management and Finance in order to complete the above tasks:

Erie County Department of Emergency Services
Urban Area Security Initiative (UASI)

Revenue	Increase
Account 409000 State Aid	\$1,627,939
Appropriations	Increase
Account 500000 Personnel Costs	\$ 214,120

Account 502000 Fringe Benefits	87,909
Account 516020 Professional Contracts & Fees	125,000
Account 561410 Equipment (Lab & Tech)	1,033,116
Account 510100 Travel	5,000
Account 510200 Training & Education	162,794
Total Appropriations	\$1,627,939

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the Department of Central Police Services, the County Comptroller, and the County Attorney.
(6-0)

4. COMM. 27E-21 (2009)
COUNTY EXECUTIVE

WHEREAS, the U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) has agreed to provide funding in the amount of \$1,573,901 in Federal assistance to continue the implementation of a program to enhance the ability for Erie County to manage emergency, disaster and terrorist situations; and

WHEREAS, the Erie County Legislature needs to authorize the County Executive to accept \$1,573,901 in Federal resources to provide funding for personnel and purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Management and Finance is authorized to set up the following accounts to receive this funding to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Emergency Services goals and objectives are to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature authorizes the County Executive to enter into contract and receive \$1,573,901 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Emergency Services, will meet the goals and objectives; and be it further

RESOLVED, that these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

RESOLVED, that the following budgetary accounts be set up by the Division of Budget and Management in order to complete the above tasks:

Department of Emergency Services
State Homeland Security Program (SHSP) Fiscal Year 2009 Grant

Revenue	Increase
Account 409000 State Aid	\$1,573,901.00
Appropriations	Increase
Account 500000 Personnel Costs	\$ 198,311
Account 502000 Fringe Benefits	84,991
Account 516020 Professional Contracts & Fees	60,000
Account 561410 Equipment (Lab & Tech)	1,068,209
Account 510100 Travel	5,000
Account 510200 Training & Education	157,390
Total Appropriations	\$1,573,901

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with adjustments to State approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the Department of Central Police Services, the County Comptroller, and the County Attorney.
(6-0)

5. COMM. 27E-22 (2009)
COUNTY EXECUTIVE

WHEREAS, the U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) has agreed to provide funding in the amount of \$604,525 in Federal assistance to continue the implementation of a program to enhance the ability for Erie County to manage emergency, disaster and terrorist situations; and

WHEREAS, the Erie County Legislature needs to authorize the County Executive to accept \$604,525 in Federal resources to provide funding for the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Management and Finance is authorized to set up the following accounts to receive this funding to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Department of Emergency Services goals and objectives are to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature authorizes the County Executive to enter into contract to receive \$604,525 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Emergency Services, will meet the goals and objectives; and be it further

RESOLVED, that these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

RESOLVED, that the following budgetary accounts be set up by the Office of Budget, Management and Finance in order to complete the above tasks:

Erie County Department of Emergency Services
State Law Enforcement Terrorism Prevention Program (LETPP)

Revenue	Increase
Account 409000 State Aid	\$604,525
Appropriations	Increase
Account 515000 Utility Charges	\$216,000
Account 561410 Equipment (Lab & Tech)	147,394
Account 561440 Motor Vehicles	90,000
Account 510200 Training & Education	151,131
Total Appropriations	\$604,525

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the Department of Central Police Services, the County Comptroller, and the County Attorney.
(6-0)

6. COMM. 1E-19 (2010)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the following individuals as members of the Erie County Fire Advisory Board for a term ending December 31, 2011:

Mr. Bruce Atkins
487 Cornwall Ave.
Tonawanda, NY 14150

Mr. Charles Bethge
90 Winona Rd.
Elma, NY 14059

Mr. William Boldt
101 Hawthorne Dr.
Orchard Park, NY 14127

Mr. Todd Catalano
400 Creekside, Apt. 7
Arcade, NY 14009

Mr. Donald Connolly
116 Kinsbury Ln.
Tonawanda, NY 14150

Mr. James Fyock
2040 Kimble Ave.
North Collins, NY 14111

Mr. Mike Griffin
91 Seton Rd,
Cheektowaga, NY 14225

Mr. Dan Kamman
135 Meadow Ln.
Tonawanda, NY 14223

Mr. Doug Larkin
5170 Bank St.
Clarence, NY 13031

Mr. David Sereno
44 Williams St.
Tonawanda, NY 14150

Mr. Mike Lombardo
195 Court St.
Buffalo, NY 14202

Mr. Richard Mariani, Jr.
278 Fawn Trail
West Seneca, NY 14224

Mr. Donald Snios
54 Southpoint Dr.
Lancaster, NY 14086

Mr. Steve Matisz
341 North Ivyhurst Rd.
Amherst, NY 14226

Mr. Robert Matthewson
288 Olean Rd.
East Aurora, NY 14052

Mr. Brian Murray
16 Churchill St.
Akron, NY 14001

Mr. James Pluta
6973 Boston Cross Rd.
Boston, NY 14025

Mr. Brett Rider
238 Renwood Ave.
Buffalo, NY 14217

Mr. Vincent Rovnak
9426 Elmwood Ave., Upper
Angola, NY 14006

Mr. Paul Hockwater
3497 Broadway
Cheektowaga, NY 14227

Mr. William Szewc, Jr.
30 Bielak
Orchard Park, NY 14127

Mr. GJ Whittington, Sr.
2391 Bullis Rd.
Elma, NY 14059

Mr. John Wicka
5791 Apolla Dr.
Lakeview, NY 14085

Mr. John Kolb
3672 Fourth St.
Blasdell, NY 14219.

(6-0)

7. COMM. 1E-21 (2010)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the re-appoint of the following individual to the Central Police Services Board of Trustees to a term ending December 31, 2010:

Mr. Ronald Christopher
5485 Martha's Vineyard
Clarence Center, NY 14032

(6-0)

8. COMM. 1E-26 (2010)
COUNTY EXECUTIVE

WHEREAS, the existing County Radio System was installed in the mid-1950's and it is not able to handle the day-to-day needs of County-Wide communications and requires constant maintenance and repairs; and

WHEREAS, the new County-Wide state-of-the-art 400 MHZ Communication System will provide enhanced County-Wide coverage and be able to handle current needs, saving the County in costly repairs; and

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management received bids for the Emergency Services Communication Systems – 2009 – Building and Miscellaneous Improvements Work on December 11, 2009; and

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management is recommending award of contract to the lowest responsible bidder along with the engineer.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract with the lowest responsible bidder, Goodwin Electric Corporation, for an amount not to exceed \$249,400.00; and be it further

RESOLVED, that the sum of \$37,600.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project account A.00324 – 2008 – Public Safety Communications System (400 MHZ) for an amount not to exceed \$287,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Commissioner of Emergency Services and the Office of the Comptroller.

(6-0)

9. COMM. 1E-27 (2010)
COUNTY EXECUTIVE

WHEREAS, the Erie County Central Police Services Forensic Lab has been awarded a Federal National Institute of Justice DNA Laboratory Backlog Reduction Grant to be administered by the Office of Justice Programs; and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to analyze and generate DNA profiles from up to 376 additional, unsolved forensic DNA cases.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$376,670 with the Federal National Institute of Justice; and be it further

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund SAP 165DNABACKLOG0911
10/01/2009 TO 03/31/2011

<u>Revenue</u>		<u>Increase</u>
Acct. 414000	Federal Aid	\$376,670
 <u>Appropriation</u>		
Account 500020	Regular Part Time Salaries	\$69,462
Account 501000	Overtime	225,008
Account 502000	Fringe Benefits	62,344
Account 505800	Medical Supplies	<u>19,856</u>
Total Appropriation		\$376,670

and be it further

RESOLVED, that this funding will be used to create the position of one (1) Forensic Serologist RPT (Grade 12) in the Department of Central Police Services, (B-100 #5121); and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with Federal approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller and to the attention of David Sterner, Department of Central Police Services 45 Elm Street, Buffalo N.Y. (6-0)

**CHRISTINA W. BOVE
CHAIR**

MS. BOVE moved to amend item Number 8. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Delete the Resolution in its Entirety and Replace with the Following:

WHEREAS, the existing County Radio System was installed in the mid-1950's and it is not able to handle the day-to-day needs of County-Wide communications and requires constant maintenance and repairs; and

WHEREAS, the new County-Wide state-of-the-art 400 MHZ Communication System will provide enhanced County-Wide coverage and be able to handle current needs, saving the County in costly repairs; and

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management received bids for the Emergency Services Communication Systems – 2009 – Building and Miscellaneous Improvements Work on December 11, 2009; and

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management is recommending award of contract to the lowest responsible bidder along with the engineer.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract with the lowest responsible bidder, Goodwin Electric Corporation, for an amount not to exceed \$249,400.00; and be it further

RESOLVED, that the sum of \$37,600.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency but only after obtaining approval from the Erie County Legislature; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project account A.00324 – 2008 – Public Safety Communications System (400 MHZ) for an amount not to exceed \$287,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Commissioner of Emergency Services and the Office of the Comptroller.

MS. BOVE moved to approve item Number 8 as amended. MS. WHYTE seconded. MR. MILLS voted in the negative.

CARRIED. (14-1)

Item 17 – MR. KOZUB presented the following report, moved to separate item Number 5, and moved to approve the balance of the report. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 11

January 14, 2010	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 27E-1 (2009)
MARINELLI: “Copy of Letter to NYSDEC - Re-Draft NYS Hazardous Waste Facility Siting Plan, Dated September 2009”
(6-0)
 - b. COMM. 27E-2 (2009)
REYNOLDS: “Copy of Letter to the Commissioner of Environment & Planning - Resignation from Farmland Protection Board”
(6-0)
 - c. COMM. 27E-3 (2009)
REYNOLDS: “Copy of Letter to the President of Cornell Cooperative Extension Foundation, Inc. - Resignation from the Board”
(6-0)
 - d. COMM. 27E-4 (2009)
REYNOLDS: “Copy of Letter to the President of Cornell Cooperative Extension - Resignation as Liaison to the EC Legislature”
(6-0)
 - e. COMM. 27E-6 (2009)
REYNOLDS: “Copy of Letter to the Chair of EC Fisheries Board - Resignation”

(6-0)

- f. COMM. 27E-36 (2009)
IANNELLO: “Letter to Chair Marinelli – Resignation from Green Actions Community Committee”
(6-0)
- g. COMM. 27M-2 (2009)
NYSDEC: “Fact Sheet - Environmental Cleanup Work Plan and Decision Document for Greif Site - Tonawanda - Available for Public Comment”
(6-0)
- h. COMM. 1E-23 (2010)
COUNTY EXECUTIVE: “ECSD No. 3 & 6 - Engineering Term Agreement”
(6-0)
- i. COMM. 1E-28 (2010)
COUNTY EXECUTIVE: “ECSD No. 1-6 & 8 - Engineer Term Agreement - DiDonato Associates”
(6-0)
- j. COMM. 1M-3 (2010)
NYSDEC: “Fish and Wildlife Monthly Highlights - 10/16/09 - 11/15/09”
(6-0)
- k. COMM. 1M-5 (2010)
NYSDEC: “Fact Sheet - Cleanup Activities Completed at Former N.L. Industries Site - Cheektowaga/Depew - Available for Public Review”
(6-0)
- l. COMM. 1M-8 (2010)
NYSDEC: “Fact Sheet - Environmental Investigation and Cleanup Work to Begin at Niagara Transformer Site - Cheektowaga”
(6-0)
- m. COMM. 1M-9 (2010)
NYS FISH & WILDLIFE MANAGEMENT BOARD: “Agenda Items for Region 9 Board Meeting Held 12/3/09”
(6-0)
- 2. COMM. 27E-17 (2009)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation (NYSDOT) has notified the County that the NYS Route 5 – 18 Mile Creek Bridge improvements require the appropriation of 45,050 square feet of Permanent and 29,557 square feet of Temporary Easements of the Erie County Sewer District No.2 – 18 Mile Creek Pumping Station property, SBL 193.00-1-9, located at the southeast side of Lake Shore Road and 18 Mile Creek in Evans, New York; and

WHEREAS, the NYSDOT has offered \$2,350.00 for the appropriated land; and

WHEREAS, Erie County Sewer District No.2 has determined that the appropriation will not materially affect the use of the property; and

WHEREAS, the NYSDOT Design Section has agreed to maintain the entrance driveway to the 18 Mile Creek Pumping Station; and

WHEREAS, the Advisory Review Committee has found that the reimbursement for the appropriation is reasonable, and that there are no objections to the appropriation.

NOW, THEREFORE, BE IT

RESOLVED that the NYSDOT's offer of \$2,350.00 for the appropriation of 45,050 square feet of Permanent and 29,557 square feet of Temporary Easements on County owned Sewer District No.2 parcel SBL 193.00-1-9 in the Town of Evans for \$2,350.00 is acceptable; and be it further

RESOLVED, that the County Executive is hereby authorized to sign the NYSDOT Agreement of Advanced Payment for said property appropriation subject to approval as to form by the County Attorney; 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 (1) certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney.

(6-0)

3. COMM. 27E-23 (2009)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following members of the Board of Managers for Erie County Sewer District No. 1 for a term expiring on December 31, 2011:

Hon. Mary Holtz
Supervisor
Town of Cheektowaga
3301 Broadway
Cheektowaga, NY 14227

Mr. William Pugh, PE
Town Engineer
Town of Cheektowaga
275 Alexander Ave.
Cheektowaga, NY 14211

Hon. Wallace Piotrowski
Supervisor
Town of West Seneca
1250 Union Rd.
West Seneca, NY 14224

Mr. George Montz, PE
Town Engineer
Town of West Seneca
1250 Union Rd.
West Seneca, NY 14224

Mr. Matt Salah, PE
Sr. Coordinator, Construction Projects
Erie County DEP

95 Franklin St., Room 1034
Buffalo, NY 14202.

(6-0)

4. COMM. 27E-24 (2009)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following members of the Board of Managers for Erie County Sewer District No. 2 for a term expiring on December 31, 2011:

Ms. Anna Knack
Administrative Ast., Town of Eden
2795 E. Church St.
Eden, NY 14057

Mr. Gifford Swyers
50 Terrylynn Dr.
Angola, NY 14006

Mr. John Crosta
1430 North Creek Rd.
Lakeview, NY 14085

Ms. Dolores Rinaldi
2011 Brant St.
North Collins, NY 14111

Hon. Francis Prodom
Supervisor
Town of Evans
8787 Erie Rd.
Angola, NY 14006

Hon. Howard Frawley
Mayor
Village of Angola
41 Commercial St.
Angola, NY 14006

Mr. James Carr, PE
Assistant Deputy Commissioner
Erie County DEP
95 Franklin St., Room 1034
Buffalo, NY 14202.

(6-0)

5. COMM. 27E-25 (2009)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following members of the Board of Managers for Erie County Sewer District No. 3 for a term expiring on December 31, 2011:

Hon. John Mills
Erie County Legislator
80 Highland Ave.
Orchard Park, NY 14127

Mr. Damian Wiktor
7206 Tricia Ln.
Boston, NY 14025

Hon. Michael Kasprzyk
Supervisor, Town of Holland
47 Pearl St.
Holland, NY 14080

Hon. Glenn Nellis
Supervisor, Town of Eden
2795 E. Church St.
Eden, NY 14057

Hon. David Kaczor
Councilman
Town of Orchard Park
23 Silent Meadow
Orchard Park, NY 14127

Hon. John Wilson
Mayor
Village of Orchard Park
4295 S. Buffalo St.
Orchard Park, NY 14127

Mr. Gerald Kapsiak, PE
Town Engineer
Town of Hamburg
6100 S. Park Ave.
Hamburg, NY 14075

Mr. David Millar, PE
Erie County DEP
95 Franklin St., Room 1034
Buffalo, NY 14202.

(5-0-1) Legislator Mills abstained.

6. COMM. 27E-26 (2009)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following members of the Board of Managers for Erie County Sewer District No. 5 for a term expiring on December 31, 2011:

Mr. James Callahan
Dir. of Community Development
Town of Clarence
One Town Place
Clarence, NY 14031

Mr. Lawrence Heining
Town Engineer
Town of Amherst
1100 N. Forest Rd.
Williamsville, NY 14221

Mr. Albert Schultz
8293 Parliament Circle
East Amherst, NY 14051

Mr. Joseph Fiegle, PE
Asst. Deputy Commissioner
Erie County DEP
95 Franklin St., Room 1034
Buffalo, NY 14202.

(6-0)

7. COMM. 27E-27 (2009)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following members of the Board of Managers for Erie County Sewer District No. 4 for a term expiring on December 31, 2011:

Hon. Robert Giza
Supervisor
Town of Lancaster
21 Central Ave.
Lancaster, NY 14086

Mr. Robert Labenski
Greenman-Pederson, Inc.
4950 Genesee St., Suite 165
Buffalo, NY 14225

Mr. Joseph Keefe
Trustee
Village of Depew
9 Bloomfield Ave.

Mr. Thomas Batt, PE
Sr. Sanitary Engineer
Erie County DEP
95 Franklin St., Room 1034

Depew, NY 14043

Buffalo, NY 14202.

(6-0)

8. COMM. 27E-28 (2009)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following members of the Board of Managers for Erie County Sewer District No. 6 for a term expiring on December 31, 2011:

Hon. Norman Polanski
Mayor
City of Lackawanna
714 Ridge Rd.
Lackawanna, NY 14218

Mr. Anthony Collareno
93 Cloverleaf Ave.
Lackawanna, NY 14218

Mr. James Carr, PE
Asst. Deputy Commisioner
Erie County DEP
95 Franklin St., Room 1034
Buffalo, NY 14202
Buffalo, NY 14202.

(6-0)

9. COMM. 27E-29 (2009)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following members of the Board of Managers for Erie County Sewer District No. 8 for a term expiring on December 31, 2011:

Hon. Clark Crook
Mayor
Village of East Aurora
41 Commercial St.
East Aurora, NY 14052

Mr. Matthew Hoeh
Superintendent of Public Works
Village of East Aurora
400 Pine St. Extension
East Aurora, NY 14052

Mr. Bryan Smith
Town Engineer
Town of Aurora
21 Westgate
East Aurora, NY 14052

Mr. Ed Paolini, PE
Senior Sanitary Engineer
Erie County DEP
95 Franklin St., Room 1034
Buffalo, NY 14202.

(6-0)

10. COMM. 1E-20 (2010)
COUNTY EXECUTIVE

WHEREAS, the County of Erie and CSX Transportation, Inc have a license agreement for right of ways for sanitary sewers; and

WHEREAS, the County of Erie currently pays the license agreement fees on an annual basis; and

WHEREAS, the County of Erie and CSX Transportation, Inc. have negotiated a one time lump sum final payment; and

WHEREAS, the County of Erie and CSX Transportation, Inc. will amend the license agreement and the County will make a final payment of \$4,750.00.

NOW, THEREFORE, BE IT

RESOLVED, that the amended license agreement between the County of Erie and CSX Transportation, Inc., on behalf of Erie County Sewer District No. 3 in the amount of \$4,750.00 is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute the amended license agreement with the CSX Transportation, Inc. subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the funds to cover this payment are available in Account 516020, Professional Services, Contracts and Fees, SD # 3 (1831010) in the 2010 Adopted Budget; 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., Deputy Commissioner of the Department of Environment and Planning and one (1) certified copy each to the County Executive, the County Comptroller and Eric Ziobro, Assistant County Attorney.

(6-0)

11. COMM. 1E-22 (2010)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature previously authorized a resolution on May 11, 2000 at the 9th Session via Communication 9E-13 to allow the County of Erie to enter into the deregulated market for the purpose of purchasing electricity on the open and competitive market at wholesale pricing; and

WHEREAS, the Electric Utility Aggregate was expanded to include other municipalities and Public Authorities as authorized by the Erie County Legislature via Communication 4E-13 dated February 1, 2001; and

WHEREAS, the County of Erie has been operating as an Energy Service Company (ESCO) certified by the New York Independent System Operator (NYISO) network and approved by New York State Electric and Gas Corporation (NYSEG) to have NYSEG deliver such electric power supply over the transmission and distribution system of NYSEG; and

WHEREAS, a renewal of the Operating Agreement, as amended from time to time by NYSEG, by and between the County of Erie and NYSEG is necessary to continue the rules, regulations, policies and procedures that govern such transactions; and

WHEREAS, after careful review of the revised Operating Agreement the Department of Public Works deems such an agreement to be in the County's best interest, to continue the purchase and distribution of electricity to the County of Erie and municipalities enrolled in the Utility Aggregation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into such an agreement with the New York State Electric and Gas Corporation; subject to approval as to form of the agreement by the County Attorney; and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner (one copy to be forwarded to NYSEG Corporation), and one copy each to the Office of the County Executive, the Erie County Attorney's Office, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

**DANIEL M. KOZUB
CHAIR**

MR. KOZUB moved to approve item Number 5. MS. WHYTE seconded. MR. MILLS abstained.

CARRIED. (14-0-1)

LEGISLATOR RESOLUTIONS

Item 18 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

INTRO 2-1 from MARINELLI, WHYTE, GRANT, KOZUB & MAZUR. Preparing a First Quarter Road Map to Ensure Erie County's Continued Fiscal Stability and Service Efficiencies.

MS. MARINELLI challenged the ruling of the chair. MS. WHYTE seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KENNEDY and CHAIR MILLER-WILLIAMS. (AYES: 6; NOES: 9)

FAILED.

The resolution is referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 19 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 12

RE: Child Care Subsidies
(INTRO 2-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS WHYTE, MARINELLI, GRANT,
MAZUR, KOZUB & LOUGHRAN**

WHEREAS, in previous years families earning up to 200 percent of the poverty level could still have their day care expenses subsidized by Erie County; and

WHEREAS, the child care subsidy program has helped parents move off welfare or avoid welfare and still make ends meet in low-paying jobs; and

WHEREAS, County Executive Chris Collins has decided the government can no longer provide childcare subsidies to so many low-income recipients in and around the nation's third-poorest major city; and

WHEREAS, the Collins Administration has ruled out families earning more than 125 percent above the federal poverty level, a change which will affect approximately 1,500 children; and

WHEREAS, Erie County's Department of Social Services sent out notices in late December telling hundreds of families that their eligibility for childcare subsidies would end; and

WHEREAS, despite a meeting of the Erie County Legislature's Health and Human Services Committee on December 31, 2009 in which the Social Service Commissioner appeared, the Erie County Legislature was not informed of this decision; and

WHEREAS, New York State Law provides that individuals who are denied certain social services be provided with a fair hearing to appeal the denial; and

WHEREAS, in the weeks following this decision by the Collins' Administration, many questions have been raised about the funding sources for the program, including the local share, the management of the funds for the program, and the County's use of NYS "roll over" money; and

WHEREAS, Legislators have received so many calls from families expressing a serious concern about the decreasing eligibility of the child care subsidy program that the Democratic Majority has organized a public hearing on Wednesday, January 20, 2010 at 6:00 p.m. at the Delevan Grider Community Center.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature again go on record as opposed to the curtailing of the childcare subsidy; and be it further

RESOLVED, that the Erie County Legislature encourage all interested parties, including affected individuals and child care providers, to attend the public hearing and let their voice be heard; and be it further

RESOLVED, that the Erie County Legislature call upon the Commissioner of Social Services to attend the next meeting of the Health and Human Services Committee to discuss the right of those individuals denied the child care subsidy to request a fair hearing; and be it further

RESOLVED, that the Erie County Legislature call upon the Commissioner of Social Services and the Erie County Comptroller to discuss the management of the program funds; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Commissioner of Social Services, the Comptroller, the WNY State Delegation, and the State Commissioner of the Office of Children and Family Services.

MS. WHYTE moved to amend the resolution by adding CHAIR MILLER-WILLIAMS, MS. BOVE and MR. KENNEDY as Co-Sponsors, and also to add additional content. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Insert the Following Immediately After the Last Whereas Clause:

WHEREAS, upon information and belief, Erie County will become eligible for additional stimulus funds later this spring under the American Recovery and Reinvestment Act which can be applied to the child care subsidy program.

Insert the Following Immediately Before the Last Resolved Clause:

RESOLVED, that the Erie County Legislature call upon the County Executive and the Commissioner of Social Services to provide a fully funded extension of the child care subsidy at the 200% of poverty level for an additional 90 days or until the additional Federal Child Care stimulus dollars are made available to counties; and be it further

MR. RATH moved to further amend the resolution MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Insert "whichever is earlier" at the End of the Fifth Resolved Clause.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 20 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 21E-18 (2009). MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 13

RE: Open Item - Sewer District Bond
Authorization – AS AMENDED
(COMM. 21E-18, 2009)

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. 4 of the County of Erie, New York, has heretofore been established and created on February 22, 1961 (the “District”) to provide sewer services to the Villages of Depew and Lancaster and the Towns of Lancaster, West Seneca, Alden and Cheektowaga; and

WHEREAS, the Board of Managers of Erie County Sewer District No. 4 has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of Erie County Sewer District No. 4 on September 2, 2009 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the replacement of lateral, interceptor and trunk sewers, infrastructure improvements to various pump stations and the reconstruction of various other sewers in and for the District, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$9,000,000, to be assessed against a benefited area which consists of the entire area of the District, as well as the contracting communities including Erie County Sewer District No. 1, West Seneca District No. 6, Cheektowaga Sewer District No. 3, and Lancaster town sewer districts, all in accordance with their respective proportionate shares of equalized assessed value in the District; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$16.22 for the District; and

WHEREAS, said County Legislature duly adopted Resolution 293 on November 19, 2009, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on December 9, 2009, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature; and
NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 4, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$9,000,000.

Section 2. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$9,000,000, to be assessed against a benefited area which consists of the entire area of the District, as well as the contracting communities including Erie County Sewer District No. 1, West Seneca District No. 6, Cheektowaga Sewer District No. 3, and Lancaster town sewer districts, all in accordance with their respective proportionate shares of equalized assessed value in the District.

Section 3. This resolution shall take effect immediately.

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

CARRIED UNANIMOUSLY.

Item 21 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 1E-24 (2010). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 14

RE: Pollution Prevention in Buffalo Niagara
Hospitality Program Grant Funding
(COMM. 1E-24)

WHEREAS, the Erie County Department of Environment and Planning (“the Department”) provides technical assistance to businesses to assist them in preventing pollution, reaching their full business potential and enhancing the environmental quality of the County; and

WHEREAS, the Department, in collaboration with Buffalo State’s Department of Hospitality & Tourism, has been awarded \$102,498 in grant funding by the U.S. Environmental Protection Agency to deliver the Pollution Prevention in Buffalo Niagara Hospitality program; and

WHEREAS, the Pollution Prevention in Buffalo Niagara Hospitality program will provide 15 hospitality sector businesses in Erie County with the knowledge and expertise to prevent pollution, avoid related expenses, enhance the environmental quality of the County and attract the growing number of convention planners that are scheduling their conferences and events at green hospitality venues.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the Research Foundation of SUNY at Buffalo State College to accept \$102,498 in grant funding to support the Pollution Prevention in Buffalo Niagara Hospitality program; and be it further

RESOLVED, that the revenue from the Pollution Prevention in Buffalo Niagara Hospitality program is hereby appropriated in a grant account in the Department of Environment and Planning (Business Area 162, Fund 281) as follows:

Pollution Prevention in Buffalo Niagara Hospitality Grant (Grant period: 01/01/10 to 12/21/11),
SAP Grant Account #162HOSPLITSEC1011

REVENUE:

420499	Other Local Source – Buffalo State College	<u>\$102,498</u>
	TOTAL REVENUE	\$102,498

APPROPRIATIONS:

500000	Personnel Services	\$67,854
502000	Fringe Benefits	32,644
510000	Local Travel & Mileage	1,000
510100	Out of Area Travel	<u>1,000</u>
	TOTAL APPROPRIATIONS	\$102,498

and be it further

RESOLVED, that the following position will set up in the Pollution Prevention in Buffalo Niagara Hospitality Grant Budget:

Senior Environmental Compliance Specialist (JG 13)
Full Time
B100 Number: 0000005175
Budgeted Annual Salary: \$67,854

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with federal and state funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget and Management; Kathy Konst, Commissioner of Environment and Planning; Darren E. Kempner, Deputy Commissioner for Environment and Planning; Thomas R. Hersey, Jr., Coordinator – Pollution Prevention Programs Department of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

MS. WHYTE moved to approve the item. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 22 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 1E-10 (2010). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to table the item. MS. GRANT seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KENNEDY and CHAIR MILLER-WILLIAMS. (AYES: 6; NOES: 9)

FAILED.

CHAIR MILLER-WILLIAMS directed that the item be referred to the HEALTH & HUMAN SERVICES COMMITTEE for further consideration.

GRANTED.

SUSPENSION OF THE RULES

Item 23 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 2-3 from LEGISLATORS WHYTE, MARINELLI, GRANT, KOZUB, LOUGHRAN & MAZUR Re: County Health Clinics

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 24 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-16 from MS. WHYTE Re: Letter to Chair Miller-Williams Concerning Staffing

Received and Filed.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR MAZUR

Item 25 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded. MR. MAZUR abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 15

RE: Lease for Legislative Office Space
(COMM. 2E-1)

RESOLVED, the Erie County Executive is hereby authorized to sign a Two (2) Year Lease Agreement with Raymond Bova for Legislative office space for Thomas J. Mazur, located at 1214 Walden Ave., Cheektowaga, New York for a monthly rate of \$550.

FROM LEGISLATOR MARINELLI

Item 26 – (COMM. 2E-2) Letter to Chair Miller-Williams Concerning 2010 Legislature Committee Assignments

Item 27 – (COMM. 2E-3) Resignation Letter to ECIDA Chair & Board

The above two items were Received & Filed.

FROM CHAIR MILLER-WILLIAMS

Item 28 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded. CHAIR MILLER-WILLIAMS abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 16

RE: Lease for Legislative Office Space –
2009
(COMM. 2E-4)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Towne Gardens, LLC for Legislative office space for Barbara Miller-Williams, located at 427 William St., Buffalo, New York for a monthly rate of \$725.

FROM LEGISLATOR GRANT

Item 29 – (COMM. 2E-5) Letter to Chair Miller-Williams Concerning 2010 Legislature Committee Assignments

Received & Filed.

FROM LEGISLATOR BOVE

Item 30 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded. LEGISLATOR BOVE abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 17

RE: Lease for Legislative Office Space
(COMM. 2E-6)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Southgate Plaza Inc. for Legislative office space for Christina W. Bove, located at 1104 Union Rd., Space #1B, West Seneca, New York for a monthly rate of \$520.

FROM THE COUNTY EXECUTIVE

Item 31 – (COMM. 2E-7) Social Services - Imprest Fund Increase

Item 32 – (COMM. 2E-8) American Recovery & Reinvestment Act of 2009 Immunization Program

Item 33 – (COMM. 2E-9) 2010 Catholic Charities Refugee Preventive Services

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

FROM CHAIR MILLER-WILLIAMS

Item 34 – (COMM. 2E-10) 2010 Schedule of Legislative Sessions - Updated

Received, Filed & Printed.

To: Robert M. Graber, Clerk

From: Barbara Miller-Williams, Chair

Subject: 2010 SCHEDULE OF LEGISLATIVE SESSIONS

**Updated January 21, 2010*

JANUARY	JULY
7	8
21	22
FEBRUARY	AUGUST
4	Recess
25	
MARCH	SEPTEMBER
4	16
25	30
APRIL	OCTOBER
22	14
29	28
MAY	NOVEMBER
20	4
27	18
JUNE	DECEMBER
10	7 <i>Budget</i>
24	2
	14 <i>Budget Override</i>
	16

Item 35 – (COMM. 2E-11) 2010 Schedule of Legislative Sessions - Invocation & Pledge Schedule

Received, Filed & Printed.

To: Robert M. Graber, Clerk

From: Barbara Miller-Williams, Chair

Subject: 2010 SCHEDULE OF LEGISLATIVE SESSIONS
INVOCATION & PLEDGE SCHEDULE

ORDER OF LEGISLATORS: INVOCATION & PLEDGE

JANUARY	JULY
7 – Kennedy and Bove	8 – Rath and Grant
21 – Walter and Hardwick	22 – Kozub and Mazur

FEBRUARY
4 – Fudoli and Marinelli
25 – Whyte and Dixon

AUGUST
Recess

MARCH
4 – Grant and Mills
25 – Mazur and Loughran

SEPTEMBER
16 – Kennedy and Bove
30 – Walter and Hardwick

APRIL
22 – Bove and Rath
29 – Hardwick and Kozub

OCTOBER
14 – Fudoli and Marinelli
28 – Whyte and Dixon

MAY
20 – Marinelli and Kennedy
27 – Dixon and Walter

NOVEMBER
4 – Grant and Mills
18 – Mazur and Loughran

JUNE
10 – Mills and Fudoli
24 – Loughran and Whyte

DECEMBER
7 *Budget*
2 – Bove and Rath
14 *Budget Override*
16 – Hardwick and Kozub

Item 36 – (COMM. 2E-12) 2010 Committee Assignments - Updated

Received, Filed & Printed.

2010 Committee Assignments

Finance & Management

Chair: Lynn M. Marinelli
Vice-Chair: Maria R. Whyte
Members: Christina W. Bove
Kevin R. Hardwick
John J. Mills
Clerk: Diana K. Cihak

Health, Human Services

Chair: Thomas J. Mazur
Vice-Chair: Maria R. Whyte
Members: Lynn M. Marinelli
Dino J. Fudoli
Raymond W. Walter
Clerk: Paul P. Henderson

Government Affairs

Chair: Maria R. Whyte
Vice-Chair: Thomas A. Loughran
Members: Lynn M. Marinelli
Dino J. Fudoli
Raymond W. Walter
Clerk: Andrew A. Kulyk

Economic Development

Chair: Timothy M. Kennedy
Vice-Chair: Christina W. Bove
Members: Daniel M. Kozub
Raymond W. Walter
Edward A. Rath, III
Clerk: James C. Gambino

Energy & Environment

Public Safety

Chair: Daniel M. Kozub
Vice-Chair: Betty Jean Grant
Members: Thomas J. Mazur
Lynne M. Dixon
John J. Mills
Clerk: James Cerroni

Chair: Christina W. Bove
Vice-Chair: Timothy M. Kennedy
Members: Daniel M. Kozub
Lynne M. Dixon
John J. Mills
Clerk: Sandra Rosenswie

Community Enrichment

Chair: Thomas A. Loughran
Vice-Chair: Betty Jean Grant
Members: Thomas J. Mazur
Kevin R. Hardwick
Edward A. Rath, III
Clerk: James C. Gambino

Updated 1-19-10

MS. MARINELLI moved to reconsider COMM. 2E-12. No second.

FAILED.

FROM THE COMPTROLLER

Item 37 – (COMM. 2E-13) Memorandum Concerning Day Care Funding

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR WHYTE

Item 38 – (COMM. 2E-14) Letter to Chair Miller-Williams Concerning 2010 Legislature Committee Assignments

Received & Filed.

FROM THE COUNTY EXECUTIVE

Item 39 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded. MS. DIXON, MR. FUDOLI, MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (10-5)

MR. RATH moved to send the item to committee for further consideration. MR. MILLS seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH and MR. WALTER. NOES: MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. (AYES: 6; NOES: 9)

FAILED.

RESOLUTION NO. 18

RE: Veto Message, LL Intro. No. 11-2009
(COMM. 2E-15)

MS. MARINELLI moved to override the County Executive's veto of Local Law Intro #11-2009, A Local Law providing for exemption from real property taxes of certain capital improvements to residential buildings. MS. WHYTE seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH and MR. WALTER. (AYES: 9; NOES: 6)

FAILED.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 40 – (COMM. 2D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO ZOO

Item 41 – (COMM. 2M-1) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NIAGARA ERIE REGIONAL COALITION

Item 42 – (COMM. 2M-2) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE US CUSTOMS & BORDER PROTECTION

Item 43 – (COMM. 2M-3) Letter to Legislature Expressing Interest in Meeting EC Representatives

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM ALLEYWAY THEATRE

Item 44 – (COMM. 2M-4) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM NYS SENATOR ANTOINE THOMPSON

Item 45 – (COMM. 2M-5) Acknowledgement of Receipt of Certified Resolutions

Received and Filed.

FROM THE TOWN OF TONAWANDA TOWN BOARD

Item 46 – (COMM. 2M-6) Copy of Town Board Resolution Concerning Sales Tax Revenue

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM SHAKESPEARE IN DELAWARE PARK

Item 47 – (COMM. 2M-7) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE EC SOIL & WATER CONSERVATION DISTRICT

Item 48 – (COMM. 2M-8) Letter to Chair Miller-Williams Concerning Board Appointments

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BURCHFIELD PENNEY ART CENTER

Item 49 – (COMM. 2M-9) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO FINE ARTS ACADEMY

DBA ALBRIGHT-KNOX ART

Item 50 – (COMM. 2M-10) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYS DEC

Item 51 – (COMM. 2M-11) Fish and Wildlife Monthly Highlights

Item 52 – (COMM. 2M-12) Notice of Certification - Brownfield Cleanup Program

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

FROM JUST BUFFALO LITERACY CENTER, INC.

Item 53 – (COMM. 2M-13) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM GARY W. WALDMAN

Item 54 – (COMM. 2M-14) Letter to Legislature Concerning Probation Department Firearm Policy

Received and referred to the PUBLIC SAFETY COMMITTEE.

ANNOUNCEMENTS

Item 55 – MS. WHYTE announced that with ‘great pleasure’ this weekend the Extreme Makeover program will air on local television featuring the Deloris Powell family and the rejuvenation of her West Side neighborhood.

Item 56 – CHAIR MILLER-WILLIAMS announced that the committee schedule has been distributed, with the Health & Human Services Committee scheduled to meet at 9:00 A.M. on Thursday, January 28, 2010.

Item 57 – MR. MAZUR announced that with the Health & Human Services Committee meeting on Thursday, January 28, 2010 that legislators are encouraged to attend since the appointment of Director of the DISS/CIO will be discussed.

MEMORIAL RESOLUTIONS

Item 58 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Meghan Kearns, Mark Francis Deacon, Helen P. Lanza, Fred DeMarse, Joseph E. Black and Thomas P. Gilmour.

Item 59 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Richard H. Kozub.

Item 60 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Jane Gilcrest.

Item 61 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of all those who perished or were injured by the earthquake in Haiti.

Item 62 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of New York State Trooper Jill E. Mattice.

Item 63 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Alfred E. Anscombe, founder of WKBW-TV.

Item 64 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of the people of Haiti.

Item 65 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Jerry Collins, father of County Executive Chris Collins.

Item 66 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Maria L. Herman.

ADJOURNMENT

Item 67 - At this time, there being no further business to transact, CHAIR MILLER-WILLIAMS announced that the Chair would entertain a Motion to Adjourn.

MR. KENNEDY moved that the Legislature adjourn until Thursday, February 4, 2010 at 2:00 p.m. Eastern Standard Time. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, February 4, 2010 at 2:00 p.m. Eastern Standard Time.

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