

**ERIE COUNTY LEGISLATURE
MEETING NO. 4
FEBRUARY 19, 2009**

The Legislature was called to order by Chair Marinelli.

All members present.

Chair Marinelli recognized Mr. Walter, who requested one minute of silence in remembrance to the victims of Flight #3407, and also in recognition of all the first responders to the accident site.

An Invocation was held, led by Ms. Grant, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Mazur.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

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

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. MILLER-WILLIAMS presented a resolution Saluting the National Association for the Advancement of Colored People (NAACP) for Ninety-Nine Years of Service and Outstanding Contributions to and on the Behalf of All the Citizens of Our Community.

Item 6 – MS. KONST presented a resolution Honoring George Gertz, Volunteer Firefighter and Marilla Supervisor, for His Heroism.

Item 7 – MS. MILLER-WILLIAMS & MS. GRANT presented a resolution Honoring the Memory of Carolyn B. Thomas.

Item 8 – CHAIR MARINELLI presented a resolution Honoring the Life of Roy Frankel.

Item 9 – CHAIR MARINELLI presented a resolution Honoring the Memory of Keith Crippen.

Item 10 – MR. WALTER presented a resolution Honoring the Victims of Flight 3407 and the First Responders to the Accident Site.

Item 11 – MR. REYNOLDS presented a resolution Congratulating Kevin Egan for the Exemplary Standard of Service that He Has Exhibited and Wishes Him a Long and Happy Retirement.

Item 12 – MR. REYNOLDS presented a resolution Congratulations to Lee Widmer-Wick on Being Named the Evans/Brant Chamber of Commerce “Citizen of the Year.”

Item 13 – CHAIR MARINELLI presented a resolution Honoring Lillian Emma (Meiler) Nichter of Kenmore, New York Upon Celebrating Her 100th Birthday on January 26, 2009.

Item 14 – MS. KONST presented a resolution Congratulating Christopher Blattner on Achieving the Rank of Eagle Scout.

Item 15 – MS. KONST presented a resolution Congratulating Jacob Radder on Achieving the Rank of Eagle Scout.

Item 16 – MS. KONST presented a resolution Celebrating 50 Years of Service to the Wales Center Women’s Auxiliary.

Item 17 – CHAIR MARINELLI & MS. IANNELLO presented a resolution Honoring Robert Carncross Upon the Occasion of Being Honored for 50 Years of Active Volunteer Fire Service.

Item 18 – MS. IANNELLO presented a Memorial Resolution for John Fiore of Grand Island on Flight 3407.

Item 19 – MS. IANNELLO presented a Memorial Resolution for Thomas Toy.

Item 20 – MR. MILLS presented a resolution Congratulating Kathy Hall-Zientek on Receiving the Susan B. Anthony Award from the Interclub Council of WNY.

Item 21 – MS. WHYTE, CHAIR MARINELLI, MR. KOZUB, MR. KENNEDY, MS. MILLER-WILLIAMS & MS. GRANT presented a resolution recognizing “The Presidential Impact Essay Contest.”

Item 22 – MR. MAZUR presented a resolution Honoring the Memory of Valerie DeBenedetti, Mother of Former Legislator Albert DeBenedetti.

MS. WHYTE moved for consideration of the above eighteen items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eighteen items by including Et Al Sponsorship. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above eighteen items as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 23 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 24 – CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2008 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 25 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 26 – CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 27 – MR. MAZUR presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 37

FEBRUARY 12, 2009	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 2
-------------------	--

ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 15-2 (2008)
REYNOLDS: Reviewing the Role of 2-1-1, Community Organizations and EC Social Services Have in Improving Quality and Access, as well as Utilizing Evidence-based Best Practices, in Case Management Services for Frail Elderly Patients Discharged from Hospitals

(5-0) Chair Marinelli not present for vote.

- b. COMM. 19E-2 (2008)
COMPTROLLER: Audit of Department of Senior Services - Protective Services for Adults Program and Unit
(5-0) Chair Marinelli not present for vote.
- c. COMM. 21D-2 (2008)
SENIOR SERVICES COMMISSIONER: Response to Comptroller's Audit of Protective Services for Adults Program
(5-0) Chair Marinelli not present for vote.
- d. COMM. 26M-10 (2008)
THOMAS P. MALECKI: Letter Requesting Consideration for Appointment to ECMCC Board of Directors
(5-0) Chair Marinelli not present for vote.
- e. COMM. 2M-12 (2009)
FRANK B. MESIAH: Letter Requesting Consideration for Appointment to ECMCC Board of Directors
(5-0) Chair Marinelli not present for vote.

- 2. COMM. 2E-29 (2009)
COUNTY EXECUTIVE
WHEREAS, the Office for the Disabled and the Sheriff's Office are working cooperatively on a county-wide effort focused on Handicapped Parking enforcement; and

WHEREAS, the program, Project ACCESS, is designed to promote parking availability for persons with disabilities through the cooperative efforts of law enforcement, other government agencies, the business community, as well as the media, and involves informational and educational components, as well as enforcement efforts designed to increase compliance and cooperation; and

WHEREAS, as specified in Chapter 497 of the Laws of 1999 of the Vehicle and Traffic Law every county shall establish a handicapped parking education program for the purpose of providing education, advocacy and increased public awareness of handicapped parking laws; and

WHEREAS, in order to fund educational programs the statute provides for the imposition of a mandatory surcharge for violations relating to handicapped parking spaces, a portion of which are remitted to the County. These monies must be used to fund handicapped parking education programs; and

WHEREAS, Project ACCESS meets this criteria and the County has funds available from the Handicapped Parking Surcharge to fund the costs associated with this program; and

WHEREAS, the Erie County Sheriff's Office will incur overtime costs while assisting the Office for the Disabled in enforcing the Handicapped Parking laws; and

WHEREAS, expense will be incurred for office supplies, and printing costs, such as posters, correspondence, pamphlets and related materials to increase public awareness.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to appropriate funds for Project ACCESS, a handicapped parking education program, as follows:

Office for the Disabled – Fund Center 1611070

ACCOUNT	REVENUE	Increase
406890	Handicapped Parking Surcharge	\$6,000
ACCOUNT	EXPENSE	Increase
505000	Office Supplies	\$1,000
911500	ID Sheriff's Department	<u>\$5,000</u>
		\$6,000

Sheriff's Department - Fund Center 11510

ACCOUNT	EXPENSE	
501000	Overtime	\$5,000
911500	ID Sheriff's Department	<u>(\$5,000)</u>
		- 0 -

and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to make the necessary budgetary adjustments as outlined above; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Comptroller's Office, the Commissioner of Personnel, the Erie County Sheriff, the Director of the Office for the Disabled, and the Director of Budget and Management.

(5-0) Chair Marinelli not present for vote.

THOMAS J. MAZUR
CHAIR

MR. MAZUR moved to amend item Number 2. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

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

WHEREAS, the Office for the Disabled and the Sheriff's Office are working cooperatively on a county-wide effort focused on Handicapped Parking enforcement; and

WHEREAS, the program, Project ACCESS, is designed to promote parking availability for persons with disabilities through the cooperative efforts of law enforcement, other government agencies, the business community, as well as the media, and involves informational and educational components, as well as enforcement efforts designed to increase compliance and cooperation; and

WHEREAS, as specified in Chapter 497 of the Laws of 1999 of the Vehicle and Traffic Law every county shall establish a handicapped parking education program for the purpose of providing education, advocacy and increased public awareness of handicapped parking laws; and

WHEREAS, in order to fund educational programs the statute provides for the imposition of a mandatory surcharge for violations relating to handicapped parking spaces, a portion of which are remitted to the County. These monies must be used to fund handicapped parking education programs; and

WHEREAS, Project ACCESS meets this criteria and the County has funds available from the Handicapped Parking Surcharge to fund the costs associated with this program; and

WHEREAS, the Erie County Sheriff's Office will incur overtime costs while assisting the Office for the Disabled in enforcing the Handicapped Parking laws; and

WHEREAS, expense will be incurred for office supplies, and printing costs, such as posters, correspondence, pamphlets and related materials to increase public awareness.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to appropriate funds for Project ACCESS, a handicapped parking education program, as follows:

Office for the Disabled – Fund Center 1611070

ACCOUNT	REVENUE	Increase
406890	Handicapped Parking Surcharge	\$9,000

ACCOUNT	EXPENSE	Increase
505000	Office Supplies	\$1,000
911500	ID Sheriff's Department	<u>\$8,000</u>
		\$9,000

Sheriff's Department - Fund Center 11510

ACCOUNT	EXPENSE	
501000	Overtime	\$8,000
911500	ID Sheriff's Department	<u>(\$8,000)</u>
		- 0 -

and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to make the necessary budgetary adjustments as outlined above; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Comptroller's Office, the Commissioner of Personnel, the Erie County Sheriff, the Director of the Office for the Disabled, and the Director of Budget and Management.

MR. MAZUR moved to approve the item as amended. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 28 – MS. GRANT presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 38

FEBRUARY 12, 2009	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 2
-------------------	---

ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 5-1 (2008)
LOUGHRAN: The Future of Studio Arena Theatre
(7-0)
 - b. INTRO 5-11 (2008)
RANZENHOFER, MILLS, RATH, KONST, KOZUB, MILLER-WILLIAMS &
IANNELLO: Funds Allocated Through the Cultural Resource Advisory Board, Including
Studio Arena Theater
(7-0)
 - c. COMM. 3M-3 (2009)
UNIVERSITY AT BUFFALO: Information Packet Concerning UB 2020 Plan
(7-0)

BETTY JEAN GRANT
CHAIR

Item 29 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 39

FEBRUARY 12, 2009	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 2
-------------------	---

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-1 (2009)
KENNEDY: Letter to County Executive Regarding Federal Economic Stimulus Package (5-0)
 - b. COMM. 2E-23 (2009)
WHYTE: Letter to President Obama - RE: Request for Financial Assistance (5-0)
 - c. COMM. 2M-7 (2009)
CENTER FOR TRANSPORTATION EXCELLENCE: EC Mobility Manager Services: Year End Report (8/1/08 - 12/31/08) (5-0)
 - d. COMM. 2M-8 (2009)
NFTA: Board Minutes for Meeting Held 12/22/08 (5-0)
2. COMM. 3E-15 (2009)
COUNTY EXECUTIVE
WHEREAS, some developer projects necessitate that the County Department of Public Works Division of Highways expend current or future road funds on mitigation efforts, such as road widening, strengthening, etc.; and

WHEREAS, wherever practical, it is desirable to have the developer share in the cost of said mitigation efforts; and

WHEREAS, Wal*Mart Stores East, L.P. is proposing a project on William Street (CR 338) at Transit Road (SR 78); and

WHEREAS, New York State Department of Transportation and the Erie County Department of Public Works, Division of Highways require that Wal*Mart Stores East, L.P. undertake certain improvements to William Street (CR 338) in the Town of Lancaster as part of its development project to mitigate the traffic impact on William Street; and

WHEREAS, Wal*Mart Stores East, L.P. has agreed to convey in fee simple, for the sum of \$1.00, consideration waived, a parcel of land constituting approximately 0.183± acres for highway right of way and highway improvements thereon as mitigation efforts.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to accept the conveyance of approximately 0.183± acre parcel of land and improvements thereon situated adjacent to William Street (CR 338) in the Town of Lancaster from Wal*Mart Stores East, L.P. for the sum of \$1.00, consideration waived, to offset mitigation efforts as the result of the development project; and be it further

RESOLVED, that the County Executive is hereby authorized to execute all necessary agreements and documents on behalf of the County of Erie in connection with the County of Erie's acquisition of fee title and to portions of the aforementioned parcel; and be it further

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

**TIMOTHY M. KENNEDY
CHAIR**

Item 30 – MR. WROBLEWSKI presented the following report and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 40

FEBRUARY 12, 2009	PUBLIC SAFETY COMMITTEE REPORT NO. 2
-------------------	---

ALL MEMBERS PRESENT, EXCEPT LEGISLATORS KOZUB & MILLS.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 2E-11 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Central Police Services Forensic Lab has been awarded a Paul Coverdell National Forensic Science Improvement Act grant to be administered by the New York State Division of Criminal Justice Services; and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to expand its capacity to analyze evidence submitted from controlled substance related 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 \$36,997.00 with the New York State Division of Criminal Justice Services; 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# 165NFSIA0809
10/01/2008 TO 09/30/2009

<u>Revenue</u>		<u>Increase</u>
Acct. 409000 State Aid		\$36,997.00
<u>Appropriation</u>		
Account 500010	Part Time Wages	\$27,183.00
Account 501000	Overtime	\$6,449.00
Account 502000	Fringe Benefits	\$3,365.00
Total Appropriation		\$36,997.00

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 forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Central Polices, c/o Florence Hollenbeck, 45 Elm Street, Buffalo, New York 14203. (4-0)

2. COMM. 2E-12 (2009)
COUNTY EXECUTIVE

WHEREAS, the New York Governor's Traffic Safety Committee has awarded Erie County a grant in the amount of \$56,007; and

WHEREAS, the grant will be used to establish a Traffic Safety Program and fund a corps of part-time instructors to make Driver Safety presentations at Erie County High Schools; and

WHEREAS, all expenses under the Traffic Safety Program are 100% reimbursable by New York State; and

WHEREAS, no local matching dollars are required to receive this grant; and

WHEREAS, B-100 #4442 has been created to establish positions under this grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into agreement with New York State to accept funding for the Traffic Safety Program; and be it further

RESOLVED, that the following transactions are authorized to establish a Traffic Safety Grant and amend the 2009 County Budget to reflect new revenue and expenses as follows:

CENTRAL POLICE SERVICES
HIGH SCHOOL TRAFFIC SAFETY EDUCATION
Cost Center #1650060 STOP-DWI/TRAFFIC SAFETY
GRANT #165HGHSCHTSEDU0809

<u>APPROPRIATIONS</u>	<u>AMOUNT</u>
ACCT. #500010 Part-Time Wages	39,778
10- PT- Traffic Safety Instructors, Job Grade 11-0, Maximum of 38 hrs/week to be shared by group	
ACCT. #502000 Fringe Benefits	3,184
ACCT. #505000 Office Supplies	1,000
ACCT. #510000 Local Mileage	2,295
ACCT. #510100 Out of Area Travel	2,000
ACCT. #510200 Equipment (Computer)	4,100
ACCT. #530000 Printed Materials	2,000
ACCT. #980000 ID DISS Services	1,650
TOTAL APPROPRIATIONS	<u>56,007</u>

REVENUES

ACCT. #479100 Other Contributions	<u>56,007</u>
TOTAL REVENUES	<u>56,007</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of County Executive, the Office of the Comptroller, Division of Budget, Management, and Finance, and the STOP-DWI Office.

(4-0)

3. COMM. 2E-25 (2009)
 COUNTY EXECUTIVE

WHEREAS, the New York Governor's Traffic Safety Committee has awarded Erie County a grant in the amount of \$10,500; and

WHEREAS, the grant will be used to purchase and distribute materials and cars seats at Child Passenger Safety Awareness Events; and

WHEREAS, all expenses under the Child Passenger Safety Program are 100% reimbursable by New York State; and

WHEREAS, no local matching dollars are required to receive this grant.

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are authorized to establish a Child Passenger Safety Seat Grant and adjust the 2009 STOP-DWI/Traffic Safety Budget as follows:

CENTRAL POLICE SERVICES
CHILD PASSENGER SAFETY PROGRAM
Cost Center #1650060 STOP-DWI/TRAFFIC SAFETY
GRANT #165CHLDCARSEAT0809

<u>APPOPRIATIONS</u>	<u>AMOUNT</u>	
ACCT. # 510200	Training & Education	500
	Professional Service	
ACCT. # 516020	Contracts	750
ACCT. #505000	Office Supplies	250
ACCT. #505400	Food & Kitchen Supplies	750
	Medical & Health	
ACCT. #505800	Supplies	6,500
ACCT. #506200	Maintenance & Repair s	500
ACCT. #530000	Other Expense	1,250
	TOTAL	
	APPROPRIATIONS	<u>10,500</u>
REVENUES		
ACCT. #479100	Other Contributions	<u>10,500</u>
	TOTAL	
	REVENUES	<u>10,500</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of County Executive, the Office of the Comptroller, Division of Budget, Management, and Finance, and the STOP-DWI Office.

(4-0)

4. COMM. 2E-31 (2009)
SHERIFF

WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on December 1, 1994; and

WHEREAS, there are adequate funds available for distribution to the Sheriff's Office in the Asset Forfeiture Trust Account; and

WHEREAS, these purchases meet the criteria established by the U.S. Department of Justice for the use of equitable shared funds; and

WHEREAS, there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that \$33,500 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program SAFS; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE
ASSET FORFEITURE FUNDED PROGRAM SAFS

<u>REVENUE</u>		<u>Increase</u>
421550	Forfeiture Crime Proceeds	<u>33,500</u>
	Total	
	Revenue	<u>33,500</u>
<u>APPROPRIATION</u>		<u>Increase</u>
561410	Lab & Technical Equipment	<u>33,500</u>
	Total	
	Appropriations	<u>33,500</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Erie County Comptroller, the Bureau of Purchase and the Office of the Sheriff for implementation.

(4-0)

5. COMM. 3E-6 (2009)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the re-appointments of the following named individuals to the Erie County Fire Advisory Board for a term ending December 31, 2009:

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

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

Mr. William Boldt
36 Lein Rd.
West Seneca, NY 14224

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. James Lawida
149 Amherston Dr.
Williamsville, NY 14221

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

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

Mr. Dan Marohn
44 Williams St.
Tonawanda, NY 14150

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. Ronald Rozler
27 Sherborne Ave.
Lancaster, NY 14086

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

(4-0)

TIMOTHY M. WROBLEWSKI
CHAIR

Item 31 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 41

FEBRUARY 12, 2009	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 2
-------------------	---

ALL MEMBERS PRESENT, EXCEPT LEGISLATORS KOZUB & MILLS.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 11-9 (2008)
MARINELLI, WHYTE, REYNOLDS, LOUGHRAN, IANNELLO, GRANT & MAZUR:
The Erie Niagara Framework for Regional Growth and the Establishment of an Erie County Planning Board
(5-0)
 - b. COMM. 2E-20 (2009)
IANNELLO: Letter to Chair Marinelli Regarding Establishment of Green Actions Community Subcommittee
(5-0)
 - c. COMM. 2E-26 (2009)
COUNTY EXECUTIVE: Semi-Annual Attendance Records - Board of Managers - EC Sewer Districts
(5-0)
 - d. COMM. 3E-4 (2009)
COUNTY EXECUTIVE: EC Sewer Dist. No. 3 - Engineer Term Agreement - Liro Engineers, Inc.
(5-0)
 - e. COMM. 3E-7 (2009)
IANNELLO: Green Actions Community Committee - Sample Letter
(5-0)
 - f. COMM. 3E-14 (2009)
COUNTY EXECUTIVE: Erie County Sewer Dist. No. 4 - Engineer Term Agreement - URS, Corp. - Work Order URS - 2
(5-0)
 - g. COMM. 3M-1 (2009)
BUFFALO URBAN DEV. CORP. & NYS DEPT. OF ENVIRONMENTAL CONSERVATION: Fact Sheet and Public Meeting Notice on Cleanup Plan Proposed for Buffalo Lakeside Commerce Park

(5-0)

- h. COMM. 3M-7 (2009)
FEDERAL RESERVE BANK OF NEW YORK: Current Issues in Economics and Finance:
Second District Highlights
(5-0)

2. COMM. 2E-17 (2009)
COUNTY EXECUTIVE
WHEREAS, the Erie County Department of Environment and Planning has secured the services of O'Brien & Gere Engineers, Inc. to provide engineering services for Erie County Sewer District Nos. 2, 3, 4 & 6; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that engineering services have been completed; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with O'Brien & Gere Engineers, Inc., dated September 19, 2005 at the final contract amount of \$96,740.92.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated September 19, 2005 between the County of Erie/Erie County Sewer District Nos. 2, 3, 4 & 6 and O'Brien & Gere Engineers, Inc., be formally closed-out in the final contract amount of \$96,740.92 as follows:

ECSD No. 2	Sewer Capital Fund No. C.00028	\$24,475.45
ECSD No. 3	Sewer Capital Fund No. C.00038	45,178.00
ECSD No. 4	Sewer Capital Fund No. C.00030	19,057.98
ECSD No. 6	Sewer Capital Fund No. C.00037	<u>8,029.49</u>
	Total	\$96,740.92

and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to formally close-out the Engineering Agreement between the County of Erie/Erie County Sewer District Nos. 2, 3, 4 & 6 and O'Brien & Gere Engineers, Inc., dated September 19, 2005; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Martin Polowy, 2nd Assistant County Attorney.
(5-0)

3. COMM. 2E-18 (2009)

COUNTY EXECUTIVE

WHEREAS, the County of Erie has secured the services of Greenman-Pederson, Inc. to complete various inspection services throughout Erie County Sewer Districts; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering service work orders are now completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the A/E Agreement dated January 1, 2005 with Greenman-Pederson, Inc. in the amount of \$24,229.65.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close-out any remaining contract encumbrances in the various Erie County Sewer Districts Capital Bond Accounts relating to the A/E Agreement dated January 1, 2005, between the County of Erie and Greenman-Pederson, Inc.; 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 each to the County Executive, the County Comptroller and Martin Polowy, 2nd Assistant County Attorney.
(5-0)

4. COMM. 2E-19 (2009)
COUNTY EXECUTIVE

WHEREAS, the County of Erie has secured the services of Greenman-Pederson, Inc. to complete various design services throughout Erie County Sewer Districts; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering service work orders are now completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the A/E Agreement dated January 1, 2005 with Greenman-Pederson, Inc. in the amount of \$179,170.82.

NOW, THEREFORE, BE IT

RESOLVED, that the A/E Agreement dated January 1, 2005 between the County of Erie and Greenman-Pederson, Inc. be formally closed-out in the final amount of \$179,170.82; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close-out any remaining contract encumbrances in the various Erie County Sewer Districts Capital Bond Accounts relating to the A/E Agreement dated January 1, 2005, between the County of Erie and Greenman-Pederson, Inc.; 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 each to the County Executive, the County Comptroller, and Martin Polowy, 2nd Assistant County Attorney.
(5-0)

5. COMM. 2E-21 (2009)
COUNTY EXECUTIVE

WHEREAS, the County of Erie has secured the services of Malcolm Pirnie, Inc. to complete various design services throughout Erie County Sewer Districts; and

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

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the A/E Agreement dated January 1, 2005 with Malcolm Pirnie, Inc. in the amount of \$195,760.59.

NOW, THEREFORE, BE IT

RESOLVED, that the A/E Agreement dated January 1, 2005 between the County of Erie and Malcolm Pirnie, Inc. be formally closed-out in the final amount of \$195,750.59; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to close-out any remaining contract encumbrances in the various Erie County Sewer Districts Operating and Capital Bond Accounts relating to the A/E Agreement dated January 1, 2005, between the County of Erie and Malcolm Pirnie, Inc.; 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 each to the County Executive, the County Comptroller, and Martin Polowy, 2nd Assistant County Attorney.
(5-0)

DANIEL M. KOZUB
CHAIR

Item 32 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 42

FEBRUARY 12, 2009	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 2
-------------------	---

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 23D-5 (2008)
CLERK OF THE GOVERNMENT AFFAIRS COMMITTEE: Requested Information -
Resume of Director of Six Sigma
(5-0)
 - b. COMM. 2D-4 (2009) AS AMENDED
Amended to Delete the Content of the Communication in its Entirety.
DIRECTOR OF THE DEPARTMENT OF REAL ESTATE AND ASSET
MANAGEMENT: Designation in the Event of Vacancy, Absence or Inability
(5-0)
 - c. COMM. 2M-1 (2009)
CORNELL COOPERATIVE EXTENSION OF ERIE COUNTY: Legislature Budget
Accountability Act - 2008 Close-Out Report
(5-0)
 - d. COMM. 2M-2 (2009)
LEGAL AID BUREAU OF BUFFALO, INC.: Monthly Report and Monthly Activity Report
for December 2008
(5-0)
 - e. COMM. 2M-11 (2009)
VIVE INC.: Legislature Budget Accountability Act - 2008 Close-Out Report
(5-0)
 - f. COMM. 3D-1 (2009)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
(5-0)
 - g. COMM. 3M-6 (2009)
ALTERNATIVE CARE SERVICES OF WNY, INC.: Letter Concerning Legislature Budget
Accountability Act 2008 Close-Out Report
(5-0)

BARBARA MILLER-WILLIAMS
CHAIR

Item 33 – MS. KONST presented the following report, moved to separate item Number 1-e,
and moved to approve the balance of the report. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 43

FEBRUARY 12, 2009	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 3
-------------------	---

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

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 1-3 (2009)
MARINELLI, WHYTE, KONST & REYNOLDS: Technical Amendments (B) for 2009 Budget
(5-0)
 - b. COMM. 1D-10 (2009)
DIRECTOR OF INTERGOVERNMENTAL AFFAIRS: Real Estate/Space Utilization Quarterly Update
(5-0)
 - c. COMM. 2D-7 (2009)
DIRECTOR OF SIX SIGMA: Six Sigma Quarterly Status Report
(5-0)
 - d. COMM. 3E-1 (2009)
COMPTROLLER: Cash Impact on Erie County as a Result of Incorrect Property Tax Bills
(5-0)
 - e. COMM. 3E-2 (2009)
COMPTROLLER: Potential Federal Financial Assistance to Erie County
(5-0)
 - f. COMM. 3D-2 (2009)
DIRECTOR OF BUDGET & MANAGEMENT: Response Letter Regarding Incorrect Tax Bills
(5-0)
2. COMM. 19D-2 (2008)
REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 209005 through 209037, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities:

FISCAL YEAR 2009 Petition No. 209,005.00

 ASSESSOR Cancel \$251.34

S-B-L 24.16-1-27 144600 GRAND ISLAND

 Acct. No. 112 \$166.34 County
 Acct. No. 132 \$85.00 Town/SpecialDist/School

Charge To : 144600 GRAND ISLAND \$85.00

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
CORRECTED TAX BILL TO BE ISSUED TO: RODNEY E & FRANCES KRISCH

FISCAL YEAR 2008 Petition No. 209,006.00

 ASSESSOR Refund \$66.85

S-B-L 256.00-1-13 144000 EDEN

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$66.85 Town/SpecialDist/School

Charge To : 144000 EDEN \$66.85
 Relevy School \$66.85 144001 EDEN CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: MICHAEL F SHEETS

FISCAL YEAR 2009 Petition No. 209,007.00

 ASSESSOR Cancel \$260.49

S-B-L 56.17-2-8 142289 AMHERST

 Acct. No. 112 \$126.65 County
 Acct. No. 132 \$133.84 Town/SpecialDist/School

Charge To : 142289 AMHERST \$133.84

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED
NEW TAX BILL TO BE ISSUED TO: JOHN P SKILL JR

FISCAL YEAR 2009 Petition No. 209,008.00

 ASSESSOR Cancel \$133.97

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

 Acct. No. 112 \$74.35 County
 Acct. No. 132 \$59.62 Town/SpecialDist/School

Charge To : 142289 AMHERST \$59.62

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION
NEW TAX BILL TO BE ISSUED TO: RITA & RICHARD WELLS

FISCAL YEAR 2008 Petition No. 209,009.00

 ASSESSOR Cancel \$675.56

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

 Acct. No. 112 \$302.87 County
 Acct. No. 132 \$372.69 Town/SpecialDist/School

Charge To : 142289 AMHERST \$372.69

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: JOHN J II & MARIA BODKIN

FISCAL YEAR 2008 Petition No. 209,010.00

 ASSESSOR Refund \$1,558.99

S-B-L 42.04-1-32 142289 AMHERST

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,558.99 Town/SpecialDist/School

Charge To : 142289 AMHERST \$1,558.99
 Relevy School \$1,558.99 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: ARTHUR & ROBERT A REDENBACH

FISCAL YEAR 2009 Petition No. 209,011.00

ASSESSOR Cancel \$907.68

S-B-L 42.04-1-32 142289 AMHERST

Acct. No. 112 \$435.02 County
Acct. No. 132 \$472.66 Town/SpecialDist/School

22777 ERIE CO SEWER DIST #5 \$48.93

Charge To : 142289 AMHERST \$423.73

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: ARTHUR & ROBERT A REDENBACH

FISCAL YEAR 2009 Petition No. 209,012.00

ASSESSOR Cancel \$177.27

S-B-L 28.00-1-30.1 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$177.27 Town/SpecialDist/School

Charge To : 142289 AMHERST \$177.27

RPTL 550(2): PROPERTY SHOULD HAVE BEEN WHOLLY EXEMPT
NEW TAX BILL TO BE SENT TO: THE PEOPLE OF THE STATE OF NEW YORK

FISCAL YEAR 2009 Petition No. 209,013.00

ASSESSOR Cancel \$245.63

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

Acct. No. 112 \$110.13 County
Acct. No. 132 \$135.50 Town/SpecialDist/School

Charge To : 142289 AMHERST \$135.50

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

FISCAL YEAR 2009 Petition No. 209,014.00

ASSESSOR Cancel \$2,352.44

S-B-L 68.10-1-11 142289 AMHERST

	Acct. No. 112	\$1,101.32	County
	Acct. No. 132	\$1,251.12	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$1,251.12

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: KEYSER HOLDINGS LLC

FISCAL YEAR 2009 Petition No. 209,015.00

ASSESSOR Cancel \$845.27

S-B-L 83.00-1-10.2 143200 CLARENCE

	Acct. No. 112	\$500.64	County
	Acct. No. 132	\$344.63	Town/SpecialDist/School
<u>Charge To :</u>	143200 CLARENCE		\$344.63

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED
NEW TAX BILL TO BE ISSUED TO: CLARENCE CROSSROADS CENTER

FISCAL YEAR 2009 Petition No. 209,016.00

ASSESSOR Cancel \$297.03

S-B-L 104.38-4-10 145201 DEPEW

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$297.03	Town/SpecialDist/School
52850 RPTL520		\$297.03	
<u>Charge To :</u>	145201 DEPEW		\$0.00

RPTL 550(2): RPTL 520 CHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: MICHELE A DALY

FISCAL YEAR 2008 Petition No. 209,017.00

ASSESSOR Refund \$730.23

S-B-L 67.07-7-3 142289 AMHERST

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

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR
REFUND TO BE ISSUED TO: MARY ANN MAMMANA

FISCAL YEAR 2009 Petition No. 209,018.00

ASSESSOR Cancel \$570.55

S-B-L 67.07-7-3 142289 AMHERST

	Acct. No. 112	\$316.62	County
	Acct. No. 132	\$253.93	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$253.93

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: MARY ANN MAMMANA

FISCAL YEAR 2009 Petition No. 209,019.00

ASSESSOR Cancel \$72.67

S-B-L 359.00-2-8 143689 COLLINS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$72.67	Town/SpecialDist/School
<u>Charge To :</u>	143689 COLLINS		\$72.67

RPTL 550(2): PROPERTY SHOULD HAVE BEEN FULLY EXEMPT
NEW TAX BILL TO BE ISSUED TO: THE NATURE CONSERVANCY

FISCAL YEAR 2009 Petition No. 209,020.00

ASSESSOR Cancel \$86.17

S-B-L 359.00-1-6.2 143689 COLLINS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$86.17	Town/SpecialDist/School
<u>Charge To :</u>	143689 COLLINS		\$86.17

RPTL 550(2): PROPERTY SHOULD HAVE BEEN FULLY EXEMPT
NEW TAX BILL TO BE ISSUED TO: THE NATURE CONSERVANCY

FISCAL YEAR	2009	Petition No.	209,021.00
	ASSESSOR	Cancel	\$49.96
S-B-L	353.00-1-9.1	143689 COLLINS	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$49.96	Town/SpecialDist/School
<u>Charge To :</u>	143689 COLLINS		\$49.96

RPTL 550(2): PROPERTY SHOULD HAVE BEEN FULLY EXEMPT
NEW TAX BILL TO BE ISSUED TO: THE NATURE CONSERVANCY

FISCAL YEAR	2009	Petition No.	209,022.00
	ASSESSOR	Cancel	\$42.34
S-B-L	353.00-1-9.2	143689 COLLINS	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$42.34	Town/SpecialDist/School
<u>Charge To :</u>	143689 COLLINS		\$42.34

RPTL 550(2): PROPERTY SHOULD HAVE BEEN FULLY EXEMPT
NEW TAX BILL TO BE ISSUED TO: THE NATURE CONSERVANCY

FISCAL YEAR	2009	Petition No.	209,023.00
	ASSESSOR	Cancel	\$22.64
S-B-L	69.06-4-25	142289 AMHERST	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$22.64	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$22.64

RPTL 550(2): FAILED TO APPLY A COLD WAR VETERANS EXEMPTION

NEW TAX BILL TO BE ISSUED TO: JOHN T JR & EVELYN S BRETH

FISCAL YEAR 2007 Petition No. 209,024.00

ASSESSOR Refund \$4,562.85

S-B-L 81.02-3-27.1 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$4,562.85	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$4,562.85	
	Relevy School	\$4,562.85	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: NICE FAMILY LTD PARTNERSHIP

FISCAL YEAR 2008 Petition No. 209,025.00

ASSESSOR Refund \$4,582.27

S-B-L 81.02-3-27.1 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$4,582.27	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$4,582.27	
	Relevy School	\$4,582.27	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: NICE FAMILY LTD PARTNERSHIP

FISCAL YEAR 2008 Petition No. 209,026.00

ASSESSOR Refund \$2,816.65

S-B-L 81.02-3-27.1 142289 AMHERST

	Acct. No. 112	\$1,280.75	County
	Acct. No. 132	\$1,535.90	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$1,535.90	

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: NICE FAMILY LTD PARTNERSHIP

FISCAL YEAR 2009 Petition No. 209,027.00

 ASSESSOR Cancel \$2,649.73

S-B-L 81.02-3-27.1 142289 AMHERST

 Acct. No. 112 \$1,278.63 County
 Acct. No. 132 \$1,371.10 Town/SpecialDist/School

Charge To : 142289 AMHERST \$1,371.10

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: NICE FAMILY LTD PARTNERSHIP

FISCAL YEAR 2009 Petition No. 209,028.00

 ASSESSOR Cancel \$2,743.54

S-B-L MULTIPLE 144489 EVANS

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$2,743.54 Town/SpecialDist/School

52850 RPTL520 \$2,743.54
Charge To : 144489 EVANS \$0.00

RPTL 550(2): ERROR IN CALCULATING THE 520'S
NEW TAX BILLS TO BE ISSUED TO MULTIPLE PROPERTY OWNERS

FISCAL YEAR 2008 Petition No. 209,029.00

 ASSESSOR Refund \$424.93

S-B-L 74.00-1-3 145689 NEWSTEAD

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$424.93 Town/SpecialDist/School

Charge To : 145689 NEWSTEAD \$424.93
Relevy School \$424.93 145601 AKRON CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: WILLIAM & TAMARA VOLLMER

FISCAL YEAR 2009 Petition No. 209,030.00

ASSESSOR Cancel \$355.64

S-B-L 172.12-1-52 146089 ORCHARD PARK

Acct. No. 112 \$291.97 County
Acct. No. 132 \$63.67 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$63.67

RPTL 550(2): ERROR IN THE COMPUTATION OF AN AGED STAR
NEW TAX BILL TO BE ISSUED TO: IRENE M STEITZ

FISCAL YEAR 2008 Petition No. 209,031.00

ASSESSOR Refund \$598.97

S-B-L 53.84-5-6 146489 TONAWANDA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$598.97 Town/SpecialDist/School

Charge To : 146489 TONAWANDA \$598.97
Relevy School \$598.97 146401 KEN-TON UNION FREE

RPTL 550(2): FAILED TO APPLY A BASIC STAR
REFUND TO BE ISSUED TO: THOMAS M PERRYMAN JR

FISCAL YEAR 2009 Petition No. 209,032.00

ASSESSOR Cancel \$551.32

S-B-L 52.08-6-16 141600 TONAWANDA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$551.32 Town/SpecialDist/School

52850 RPTL520 \$551.32
Charge To : 141600 TONAWANDA \$0.00

RPTL 550(2): EXEMPTION REMOVAL CHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: DONALD JR &SHIRLEY HUGHES

FISCAL YEAR 2008 Petition No. 209,033.00

ASSESSOR Cancel \$412.50

S-B-L 152.08-1-6.1 146800 WEST SENECA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$412.50	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$412.50	

RPTL 550(2): INCORRECT CODE FOR DISABLED VET
NEW TAX BILL TO BE ISSUED TO: CHARLES & MARY STEPHAN

FISCAL YEAR 2009 Petition No. 209,034.00

ASSESSOR Cancel \$326.33

S-B-L 125.17-6-5./A 146800 WEST SENECA

	Acct. No. 112	\$93.81	County
	Acct. No. 132	\$232.52	Town/SpecialDist/School
	68292 ERIE CO SEW DST 1	\$66.60	
<u>Charge To :</u>	146800 WEST SENECA	\$165.92	

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

FISCAL YEAR 2009 Petition No. 209,035.00

ASSESSOR Cancel \$568.42

S-B-L 185.05-1-10 146089 ORCHARD PARK

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$568.42	Town/SpecialDist/School
	60751 EC DELIQUENT WATER	\$568.42	
<u>Charge To :</u>	146089 ORCHARD PARK	\$0.00	

RPTL 550(2): DELIQUENT WATER CHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: JOHN & LINDA POKRANDT

FISCAL YEAR 2009 Petition No. 209,036.00

ASSESSOR Cancel \$3,330.61

S-B-L 101.60-8-19 143089 CHEEKTOWAGA

	Acct. No. 112	\$764.16	County
	Acct. No. 132	\$2,566.45	Town/SpecialDist/School
30521	HYDRANT 2 WALDEN	\$15.64	
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$2,550.81	

RPTL 550(2): PROPERTY SHOULD HAVE BEEN WHOLLY EXEMPT (TOWN OF CHEEK.)
NEW TAX BILL TO BE ISSUED TO: TOWN OF CHEEKTOWAGA

FISCAL YEAR 2009 Petition No. 209,037.00

OWNER Cancel \$15,245.60

S-B-L 111.150-1-3 140200 BUFFALO

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$15,245.60	Town/SpecialDist/School
52850	RPTL520	\$15,245.60	
<u>Charge To :</u>	140200 BUFFALO	\$0.00	

RPTL 550(2): ERROR IN THE COMPUTATION OF A RPTL 520
NEW TAX BILL TO BE ISSUED TO: TOWN GARDENS LLC C/O MOSHE FLORANS

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(5-0)

KATHY KONST
CHAIR

CHAIR MARINELLI directed that item Number 1-e be returned to the FINANCE & MANAGEMENT COMMITTEE for further consideration.

GRANTED.

LEGISLATOR RESOLUTIONS

Item 34 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 44

RE: Legislature Personnel Adjustment,

District Office Staff, 12th District
(INTRO 4-1)

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

WHEREAS, in order to better effectuate constituent services in the 12th Legislative District, a reorganization of the staffing in this office is warranted; and

WHEREAS, said reorganization results in no additional costs to the 2009 departmental budget of the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget amendments to the Legislature's 2009 Adopted Departmental Budget, all of which can be effectuated while keeping within the Legislature's Adopted appropriation for 2009, to wit:

Fund Center 100 - Cost Center 1005017 - District Office Staff

DELETE one (1) Administrative Clerk, RPT, Position Number 51004148, JG 7 Step 4, effective February 28, 2009; and

DELETE one (1) Administrative Clerk, Part-Time, Position Number 51004143, JG 7 Step 4, effective February 28, 2009; and

REPLACE with one (1) Administrative Clerk, Full-Time, JG 7 Step 4, and also effective February 28, 2009; and be it further

RESOLVED, that the Clerk of the Erie County Legislature is directed to forward a certified copy of this resolution to the Erie County Department of Personnel, the Director of the Office of Budget & Management, and the Erie County Fiscal Stability Authority.

Item 35 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 45

RE: Allowing the Sale of Wine at
Supermarkets and Convenience Stores in
New York State
(INTRO 4-2)

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

WHEREAS, Stefan Kalogrides, President of the New York State Liquor Store Association stated, “We’re one of the last independent businesses to remain in New York State;” and

WHEREAS, New York State has 2,600 liquor stores currently; and

WHEREAS, liquor stores are prohibited from becoming a chain of more than one store; and

WHEREAS, New York State also requires that liquor stores be owned by an on-premise single operator; and

WHEREAS, owners of liquor stores are prohibited from forming collective buying groups with other stores, which would increase their purchasing power; and

WHEREAS, liquor stores are not allowed to sell drink mixers, napkins or other items requested by its customers; and

WHEREAS, this past December a liquor store in the Rochester area was fined \$10,000 for selling wine gift bags; and

WHEREAS, in New York State off-premises sale of wine and spirits is only allowed at liquor stores, and beer is not sold at liquor stores, it must be sold at supermarkets and convenience stores; and

WHEREAS, Governor Paterson in an effort to close a \$15.4 billion dollar deficit has proposed legalizing wine sales in grocery and convenience stores; and

WHEREAS, the Governor’s proposal would allow the sale of wine in New York State’s 18,000 grocery stores; and

WHEREAS, grocery stores would immediately bypass all the rules by making wine available in chains of stores giving chain stores a strong purchasing advantage; and

WHEREAS, small business retailers who would be affected by the Governor’s proposal indicated that 65 to 80 percent of their overall sales is devoted to wine; and

WHEREAS, it’s estimated that if wine is sold in grocery stores over 1,000 small businesses: wine sellers, Liquor stores, and wineries would be forced to close; and

WHEREAS, a study commissioned by the trade group also found that the loss of wine sales would add 4,000 to 6,000 people to the unemployment rolls in New York State; and

WHEREAS, it has been estimated that New York State has the potential of collecting \$65 million in the form of one-time fees from grocery and convenience stores; and

WHEREAS, this proposal is only a “quick fix” which will bring an influx of cash for two years as a result of the new licensing only to cost the state more money in the long run due to unemployment, lost income tax and emptied retail space; and

WHEREAS, last year Massachusetts voters rejected a similar plan, no state has passed this kind of measure in 23 years; and

WHEREAS, in Florida, California and Texas, three states that sells wine everywhere, the number of alcohol related fatalities per 100,000 is more than double that of New York State; and

WHEREAS, alcohol related fatalities of those under the age of 21 are three times higher in these states where wine is sold ubiquitously, as compared to New York State where wine is sold at independently owned licensed stores.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record against the passage of Assembly Bill A00160 and Senate Bill S60-A; and be it further

RESOLVED, that the Erie County Legislature is concerned about the implications of this proposed legislation if enacted in its present form and believes that in is in the best interests of this community to have a public discussion regarding the real impact of this proposal at a future meeting of the Finance & Management Committee of the Erie County Legislature; and be it further

RESOLVED, that the Erie County Legislature forward certified copies of this resolution to the WNY delegation of the New York State Legislature, Gordy Warnock, L.E.A.D., NYS PBA 12270 State St. Albany, New York 12207, Mark Ressler, Midnight Liquors, Colvin-Eggert Plaza, Tonawanda, New York 14150 and Stefan Kalogrides, president of the New York State Liquor Store Association, Colvin Wine Merchants, 900 D Central Ave., Albany, New York 12206.

MS. WHYTE moved to amend the resolution by adding CHAIR MARINELLI, MS. WHYTE, MR. MILLS, MR. KOZUB, MR. KENNEDY, MS. MILLER-WILLIAMS, MR. WALTER, MS. GRANT, MR. MAZUR, MR. WROBLEWSKI and MR. RATH as Co-Sponsors. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MS. KONST moved to further amend the resolution. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Delete the RE Clause in its entirety and replace with the following:

RE: Opposing the Sale of Wine at Supermarkets and Convenience Stores in New York State

MS. KONST moved to further amend the resolution to attach the New York State Assembly and Senate legislation referenced in the resolution. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. KONST moved to approve the resolution as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 36 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 46

RE: Resolution in Support of Governor Paterson's Proposed Fix to the Chronic Issues Counties Face with Indigent Legal Services Fund Maintenance of Effort Provision
(INTRO 4-3)

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

WHEREAS, in recent years, an increasing number of counties have failed to meet their Maintenance of Effort (MOE) as required under the Indigent Legal Services Fund (ILSF) and have become ineligible to receive their local allocation from the fund; and

WHEREAS, given that an increasing number of counties are at risk of losing 100% of their State ILSF allocation, the State must work with counties to develop a reasonable solution that will not adversely impact the delivery of indigent defense services within an county; and

WHEREAS, the existing MOE provisions are problematic as local defense costs can fluctuate significantly from year to year due to case loads and case complexity; and

WHEREAS, the existing system discourages providers of indigent defense to find efficiencies and presupposes spending more money means that counties are providing better defense services; and

WHEREAS, Governor Paterson has included language in his 2009-10 budget proposal that would bring additional predictability for counties, as they attempt to budget for indigent defense services and determine available State funding for future years; and

WHEREAS, this legislation would modify the current MOE by using a three-year Average of local expenditures for the basis of MOE calculation as opposed to recalculating the MOE annually; and

WHEREAS, the bill further stipulates in the event a county still does not meet the maintenance of effort, the Count would only lose a percentage of their ILSF funding instead of 100% of its share.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports Governor Paterson's proposal to fix the chronic issues counties face with the ILSF Maintenance of Effort provision; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor David A. Paterson, the WNY delegation, the Director of Erie County Legal Services and Chair, NYSAC Public Safety Standing Committee Honorable Ron Spike.

MS. WHYTE moved to amend the resolution by adding Et Al Sponsorship. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 37 – CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 4-4 from MILLER-WILLIAMS Opposition to the County Executive's Proposed Termination of Erie County's Role in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

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

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

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

AYES: MR. MILLS, MR. RATH, MR. WALTER and MR. LOUGHRAN. NOES: MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. (AYES: 4; NOES: 11)

FAILED.

CHAIR MARINELLI moved the previous question.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 47

RE: Requiring that the Administration Submit the Patricia Lynch & Associates Proposed Contract for Approval by the Erie County Legislature as Required by

Section 2702 of the Erie County Charter
(INTRO 4-5)

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

MS. WHYTE moved to amend the resolution to insert content, and also to include MS. WHYTE, MR. KOZUB, MS. KONST, MS. GRANT, MR. MAZUR, MS. IANNELLO and MR. KENNEDY as Co-Sponsors. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Insert the following content:

WHEREAS, Article II of the Erie County Charter entitled “Legislative Branch” sets forth the duties and powers of the Erie County Legislature; and

WHEREAS, Section 202 (j) gives the Legislature the power and duty “to award contracts submitted for approval on bids or otherwise and to determine whether acceptance of any bid or award of any proposed contract will best promote the public interest. In awarding of contracts, the first consideration shall be given to the best promotion of the public interest;” and

WHEREAS, Section 2702 of the Erie County Charter states that “any contract to which the county is a party shall require approval by the county legislature, if said contract is for.....(c) professional, technical or other consultant services; or (d)...the rendering of services...for any other unit of government. It further states that the county executive shall execute all contracts on behalf of the county, except as otherwise provided in the code; and

WHEREAS, there is no provision of the Erie County Charter or Code which provides for the exemption of professional, technical or other consultant contracts from the approval of the Legislature; and

WHEREAS, a contract for the provision of lobbying services is a professional, technical or other consultant service contract which requires the approval of the Legislature; and

WHEREAS, Section 6.02 (c) of the Code provides that the County Attorney’s office “may within the limits of the appropriations provided therefore, employ special counsel, professional, technical or other consultant services and incur such expenses in connection therewith as he/she may deem necessary for the performance of his/her duties;” and

WHEREAS, it is clear that the retention of a lobbyist does not fall within the purview of Section 6. 02 (c) of the Code.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature has the power and duty to review and award any and all proposed contracts involving the County of Erie except as otherwise provided in the Erie County Charter; and be it further

RESOLVED, that any proposed contract for the provision of lobbying services for behalf of Erie County be presented to the Erie County Legislature for its review and approval; and be it further

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

MS. WHYTE moved to approve the resolution as amended. MS. GRANT seconded. MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (12-3)

Item 39 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 48

RE: Allowing DASNY to Finance
Construction of Residence Halls at
SUNY Community Colleges
(INTRO 4-6)

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

WHEREAS, ECC enrolls more than 18,500 students; and

WHEREAS, Erie Community College (ECC) boasts the top transfer rate to four year schools of any community college in New York State; and

WHEREAS, ECC is the top choice for area high school students; and

WHEREAS, ECC does not currently offer residence halls; and

WHEREAS, residence halls are a necessity to remain competitive; and

WHEREAS, over one-half of New York State's community colleges have funded residence halls through indirect mechanisms, allowing them to attract out-of-county, out-of-state and international student populations; and

WHEREAS; as such, ECC currently competes with other community colleges that offer residence halls; and

WHEREAS, the ability to offer residence halls gives an institution a competitive advantage, all things being equal; and

WHEREAS, for example, Onondaga Community College reported a ten percent enrollment increase the year immediately following the construction of residence halls, which can be attributed directly to the construction of its residence halls; and

WHEREAS, offering residence halls improves campus life for all students, not just residential students; and

WHEREAS, improved campus life leads to increased interest in and marketability of a higher education institution; and

WHEREAS, the Dormitory Authority of the State of New York is prohibited by SUNY policies from providing financing for residence halls on community college campuses; and

WHEREAS, a 2007 New York State Commission on Higher Education report recommended that this outdated policy be removed to allow financing and promote construction of residence halls on community college campuses, stating “community colleges need dorms for at least part of their student populations;” and

WHEREAS, the construction of residence halls could significantly reduce the amount of chargebacks burdening Erie County taxpayers due to students seeking community colleges with residence halls.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body requests that the SUNY Board of Trustees remove the barriers which prevent community colleges from utilizing DASNY to fund the construction of residence halls; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the SUNY Board of Trustees, Erie Community College President Jack Quinn, the Erie Community College Board of Trustees and County Executive Chris Collins.

MS. WHYTE moved to amend the resolution.

MR. KOZUB moved to send the resolution to committee for further consideration. MR. WROBLEWSKI seconded.

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

AYES: MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN and MR. WROBLEWSKI.
NOES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MS. KONST, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS and MS. WHYTE. (AYES: 4; NOES: 11)

FAILED.

CHAIR MARINELLI moved the previous question.

MS. WHYTE moved to amend the resolution by adding CHAIR MARINELLI, MS. WHYTE, MR. MILLS, MR. KENNEDY, MS. MILLER-WILLIAMS, MR. WALTER, MS. KONST, MS. GRANT, MR. MAZUR, MR. WROBLEWSKI, MR. REYNOLDS and MR. LOUGHRAN as Co-Sponsors. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. MAZUR seconded. MR. KOZUB voted in the negative.

CARRIED. (14-1)

Item 40 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 49

RE: The Need for Erie County to Undertake
Capital Borrowing
(INTRO 4-7)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS WALTER, RATH, MILLS, WHYTE, KONST, MARINELLI,
KOZUB, GRANT, MAZUR & IANNELLO**

WHEREAS, the Erie County Charter and Administrative Code mandate the Erie County Legislature to authorize all borrowing, including capital borrowing; and

WHEREAS, the original State legislation creating the Erie County Fiscal Stability Authority (ECFSA) has a “gray area” leading to interpretation that the ECFSA is to authorize capital borrowing; and

WHEREAS, as a result, an impasse currently exists preventing borrowing for capital projects from occurring; and

WHEREAS, the conflicting interpretations of the State law which created the ECFSA, and the resulting failure to borrow to fund capital projects, caused the loss of the entire 2007 and 2008 construction seasons; and

WHEREAS, two previous agreements and authorizations to allow the ECFSA to perform borrowing have failed to result in the occurrence of borrowing; and

WHEREAS, with no resolution to the impasse in sight, there is a high probability that the 2009 construction season will also be lost, resulting in a third straight year without borrowing for capital projects; and

WHEREAS, these delays have caused undue frustration and even harm to Erie County taxpayers; and

WHEREAS, Erie County taxpayers want roads, bridges and buildings to be repaired, aging equipment to be replaced and public safety needs addressed; and

WHEREAS, Erie County's cash flow has been severely impacted by the need to address and pay for repairs to roads and bridges on an emergency basis; and

WHEREAS, the impasse can be resolved by allowing the County to borrow for capital projects; and

WHEREAS, such permission would be a result of amending the public authorities law, in relation to the ECFSA's borrowing determinations; and

WHEREAS, the amendment would allow the County to borrow, without the approval of the ECFSA, provided that the County has investment grade ratings from at least two nationally recognized rating agencies at the time of such borrowing; and

WHEREAS, the County does not have power to enact such legislation by local law; and

WHEREAS, such a request is to be made by the chief executive officer of such municipality, concurred with by a majority of the membership of the local legislative body; and

WHEREAS, permitting the County to undertake capital borrowing would resolve the impasse, thereby preventing the further deterioration of our County's infrastructure, allowing the County to meet contractual obligations and addressing critical public safety needs; and

WHEREAS, proceeding with capital projects would also provide a boost to the local and New York State economies during these difficult economic times, immediately creating 2,000 jobs in Erie County; and

WHEREAS, in addition to the immediate economic impact, coordinating Erie County's capital project borrowing with potential federal stimulus matching aid would result in a much more comprehensive and beneficial improvement to the local infrastructure.

NOW THEREFORE, BE IT

RESOLVED, that this legislative body would support with a home rule request the enactment of Senate and Assembly bills that would allow Erie County to undertake capital borrowing, without the approval of the ECFSA, provided that the County has investment grade ratings from at least two nationally recognized rating agencies at the time of such borrowing; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the WNY Delegation of the New York State Legislature, Erie County Executive Chris Collins and Erie County Comptroller Mark Poloncarz.

MS. WHYTE moved to amend the resolution by adding MR. KENNEDY and MS. MILLER-WILLIAMS as Co-Sponsors. MR. WALTER seconded.

MR. LOUGHRAN moved to send the resolution to committee for further consideration. No second.

FAILED.

CHAIR MARINELLI moved the previous question.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. MAZUR seconded. MR. LOUGHRAN voted in the negative.

CARRIED. (14-1)

Item 41 – CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 4-8 from MARINELLI, MILLS, KOZUB, MILLER-WILLIAMS, WALTER, KONST, GRANT, MAZUR, IANNELLO & RATH Opposing Changes to the NYS Empire Zone Program in the 2009-2010 Executive Budget as Proposed by the Governor.

CHAIR MARINELLI directed that the agenda be taken out of order and the next items to be considered would be Communications Discharged from Committee.

GRANTED.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 42 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of INTRO 3-3 (2009). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 50

RE: Removal of the Tolls on the Grand
Island Bridges for Defined Health Risks
(INTRO 3-3, 2009)

WHEREAS, for many years vehicle emissions of benzene along with industrial emissions have contributed to high levels of toxins in and around the area surrounding the South Grand Island Bridges in the Town of Tonawanda; and

WHEREAS, a major cause of these emissions is the idling and slowing of vehicles for long periods of time while paying the tolls at the South Grand Island Bridge; and

WHEREAS, previous attempts at legislation have failed to have the Grand Island tolls removed; and

WHEREAS, the New York State Department of Environmental Conservation, (NYSDEC) has just completed a year-long Air Monitoring Project in the area adjacent to the South Grand Island Bridges; and

WHEREAS, the NYSDEC has revealed the presence of volatile organic compounds in, the air, benzene having the highest concentration of more than nearly 100 times above the risk levels as established by the NYSDEC; and

WHEREAS, benzene has been linked to various blood disorders including leukemia, reproductive effects and aplastic anemia; and

WHEREAS, the overall threshold of these cancer causing pollutants can be drastically reduced by eliminating mobile sources of car and truck exhaustive and evaporative concentrations at the South Grand Island Bridges; and

WHEREAS, removal of the tolls at the South Grand Island Bridges can mean the difference needed to reduce the health risk to the residents of the Tonawandas Grand Island, Kenmore and Riverside; and

WHEREAS, the New York State Department of Transportation receives Federal highway dollars on a per mile basis for the New York State Thruway; and

WHEREAS, the health factor far outweighs the financial impact by removal of said tolls.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body calls upon the New York State Thruway Authority to review the results of the Air Monitoring Study conducted by the NYSDEC in the neighborhoods surrounding the Grand Island Bridges; and be it further

RESOLVED, that upon review of the report, the New York State Thruway Authority takes action to make the health and well being of the residents of the Tonawandas, Kenmore, Grand Island and Riverside a priority; and be it further

RESOLVED, that upon consideration and investigation, the New York State Thruway Authority will see fit to remove the tolls and toll booths from the South Grand Island Bridges; and be it further

RESOLVED, that this action be taken immediately, keeping in mind that the continued exposure of these toxic emissions adversely effects the health and well being of the residents of the surrounding neighborhoods; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Executive Director of the NY S Thruway Authority, the WNY Delegation, the Honorable Governor Paterson, the Commissioner of the NYS Department of Transportation, The NYS Dept. of Health, Erie County

Department of Health, Erie County Department of Environment and Planning, Senator Schumer, Senator Gillibrand, the Clean Air Coalition of Western New York, Congresswoman Slaughter and Congressman Higgins.

MS. WHYTE moved to amend the resolution by adding CHAIR MARINELLI, MS. WHYTE, MR. MILLS, MR. KENNEDY, MS. MILLER-WILLIAMS, MR. WALTER, MS. KONST, MS. GRANT, MR. WROBLEWSKI, MR. REYNOLDS, MR. LOUGHRAN and MR. RATH as Co-Sponsors. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

Item 43 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 3E-5 (2009). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 51

RE: Family Assessment Response Program
(COMM. 3E-5, 2009)

WHEREAS, the purpose of the Family Assessment Response Program is an evidenced based practice that coordinates services to families reported for suspected maltreatment of children to the Erie County Department of Social Services; and

WHEREAS, this program is a partnership linking family and at risk youth with necessary and appropriate community resources that obviate the need for investigative actions on the part of the Department of Social Services; and

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

WHEREAS, based on a panel review and standard criteria, the RFP Evaluation Committee recommended the contract be awarded to New Directions Youth and Family Services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into and execute a contract to New Directions Youth and Family Services for the Family Assessment Response Program; and be it further

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

Account Title	Adopted Budget	Change	Amended Budget
---------------	----------------	--------	----------------

516010	Mandated Preventive Services Enhancements	250,000	(250,000)	-0-
516010	New Directions Youth and Family Services	-0-	250,000	250,000
				-0-

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 44 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 3E-16 (2009). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 52

RE: Revise AAATRAN Grant
(COMM. 3E-16, 2009)

WHEREAS, the Erie County Legislature has already appropriated funds for the State Transportation (AAATRAN) grant for the period April 1, 2008 to March 31, 2009; and

WHEREAS, the New York State Office for Aging has notified the Department of Senior Services (Department) of reduced funding for the AAATRAN grant; and

WHEREAS, the reduced grant allocation will necessitate the Department to revise the grant budget, transfer the dispatcher salary and fringe benefit costs to a federal grant which previously funded the positions, the Area Agency on Aging (III-B) grant, and to increase the contract for after hours and emergency transportation services; and

WHEREAS, the Department contracts with the Center for Transportation Excellence (CTE) to provide after hours and emergency transportation services, and the contract amount needs to be increased to cover all such trips authorized by the Department; and

WHEREAS, the AAATRAN grant budget needs to be revised; and

WHEREAS, AAATRAN is a 100% state funded program.

NOW, THEREFORE, BE IT

RESOLVED, that the salary and fringe benefits for the Senior Dispatcher and Dispatcher positions be charged to the III-B grant, effective January 10, 2009; and be it further

RESOLVED, that the County Executive is hereby authorized to increase the AAATRAN contract with the Center for Transportation Excellence to \$31,329; and be it further

RESOLVED, that the budget for the AAATRAN grant, 163AAATRAN0809, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<u>REVENUES</u>				
Account	Description			
417000	Contributions-Participants	\$2,000	<u>-\$1,805</u>	\$195
	TOTAL CHANGE		<u><u>-\$1,805</u></u>	
<u>APPROPRIATIONS</u>				
Account	Description			
500000	Full Time-Salaries	\$53,396	-\$5,750	\$47,646
502000	Fringe Benefits	25,078	-2,384	22,694
	Center for Transportation			
516020	Excellence	25,000	<u>6,329</u>	31,329
	TOTAL CHANGE		<u><u>-\$1,805</u></u>	

and be it further

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

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

CARRIED UNANIMOUSLY.

Replace the first Resolved Clause with the following:

RESOLVED, that the salary and fringe benefits for the Senior Dispatcher and Dispatcher positions over and above the amounts revised in this resolution be charged to the III-B grant; and

Replace the Third Resolved Clause with the following:

RESOLVED, that the budget for the AAATRAN grant, 163AAATRAN0809, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<u>REVENUES</u>				

Account	Description			
409000	State Aid Revenues	\$101,474	-\$10,234	\$91,240
417000	Contributions-Participants	2,000	<u>-1,805</u>	195
	TOTAL CHANGE		<u><u>-\$12,039</u></u>	

APPROPRIATIONS

Account	Description			
500000	Full Time-Salaries	\$53,396	-\$11,150	\$42,246
502000	Fringe Benefits	25,078	-7,218	17,860
	Center for Transportation			
516020	Excellence	25,000	<u>6,329</u>	31,329
	TOTAL CHANGE		<u><u>-\$12,039</u></u>	

and be it further

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

CARRIED UNANIMOUSLY.

Item 45 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 2E-22 (2009). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 53

RE: Black Rock Canal Park - NYS Canal
Corp. Funding Agreement
(COMM. 2E-22, 2009)

WHEREAS, the Erie County Legislature adopted a resolution referred to as Communication 11E-28 (2008) on June 12, 2008; and

WHEREAS, said resolution authorized the County Executive to execute an agreement with an applicable New York State government unit in an amount not to exceed \$50,000 for preparation of a Black Rock Canal Park Feasibility Analysis; and

WHEREAS, the City of Buffalo executed an Agreement dated 7/23/08 with Erie County providing \$50,000 of City funds toward completion of a Black Rock Canal Park Feasibility Study; and

WHEREAS, the New York State Canal Corporation has awarded Erie County an additional \$150,000 for physical improvements to the park area.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute any and all agreements with the New York State Canal Corporation allowing the transfer of an amount not to exceed \$200,000 for the purpose of completing plans and physical improvements to the Black Rock Canal Park (aka Ontario Street Boat Launch) area; and be it further

RESOLVED, that authorization is hereby provided to establish a capital account to be known as the Ontario Street Park Area Improvements, for the period February 1, 2009 to November 30, 2011 as follows:

Revenue

409000 - New York State Canal Corporation (State Aid Revenues)	\$200,000
420499- City of Buffalo (Other Local Source Revenue)	\$50,000

Appropriations

516020 – Professional Services Contracts and Fees	\$250,000
<u>Total Appropriations:</u>	\$250,000

and be it further

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

MS. WHYTE moved to approve the item. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI further directed that the agenda be taken out of order and the next item for consideration would be COMM. 4E-18 (2009).

GRANTED.

Item 46 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 54

RE: Extension of Additional .75% Sales &

Compensating Use Tax
(COMM. 4E-18)

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

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

WHEREAS, in order for Erie County to protect and preserve the stability of its operating budget, it relies on nearly \$100 million of revenue, derived from the additional .75% extension on the sales tax; and

WHEREAS, without this extension Erie County will forfeit its ability to provide most of its discretionary services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby memorializes their intent to approve the .75% additional extension to the sales and compensating use tax; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the local State Delegation, the County Executive, and the County Attorney.

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

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

AYES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI.
NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

CHAIR MARINELLI directed that the agenda return to Legislator Resolutions.

GRANTED.

LEGISLATOR RESOLUTIONS

Continued

Item 47 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 55

RE: Urging New York's Federal and State

Representatives to Ensure Stimulus
Funds Help Local Road and Bridge
Projects
(INTRO 4-9)

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

WHEREAS, local governments are responsible for 85% of the State's 110,000 miles of roadways, and for 50% of the State's 18,000 bridges; and

WHEREAS, President Barack Obama and Congress are finalizing the nearly \$800 billion American Recovery and Reinvestment Act which seeks to stimulate the economy, invest in critical transportation infrastructure and put people back to work; and

WHEREAS, early indications are that nearly all stimulus funds for transportation will be designated exclusively to the transportation system that is federal aid eligible, thus unavailable for many important local projects; and

WHEREAS, a requirement of the federal action is that states spend federal funds quickly on shovel-ready projects or lose it, making it critical that counties and other municipalities be able to secure a portion of this funding so as to assist New York in maximizing its share of stimulus funding; and

WHEREAS, the State of New York has a model program, the State Aid to Local Bridge (SALB) program, which is a proven method to move bridge maintenance and construction projects quickly with minimum administrative difficulty and should be again employed as a way to utilize available funding for the needs of local bridges; and

WHEREAS, funding for local roads and bridges falls far short of what is necessary to support the needs of the local highway systems; in fact, the Executive Budget cuts \$112 million from the Consolidated Highway Improvement Program (CHIPS) from the previous year's level, exacerbating the financial difficulties facing county government.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urge Senator Charles Schumer and Senator Kirsten Gillebrand, the WNY Congressional Delegation, the Governor and the NYS Legislature to work together to ensure that a substantial portion of stimulus funding be made available to counties for local transportation needs that have been identified and would immediately contribute to improving the State's infrastructure, revive the economy, create jobs and consider the SALB model for funding local bridge projects; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Senators Schumer and Gillebrand, the WNY Congressional Delegation, Governor David A. Paterson, the WNY Delegation to the State Legislature and all others deemed necessary and proper.

***** MS. IANNELLO left the Legislative Chambers at 4:25 P.M.

Item 48 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

RE: Urging the Governor and State
Legislature to Prioritize, Preserve
and Protect the Local Health
Department Emergency
Preparedness Program
(INTRO 4-10)

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

WHEREAS, the backbone of the public health system in New York State is the local health department, which protects the health and safety of every New Yorker in the first and last instance; and

WHEREAS, all emergency response will occur first and foremost at the local level and local health departments' preparedness activities are a crucial component of New York State's overall ability to respond; and

WHEREAS, the Erie County Legislature recognizes that the current state fiscal crisis requires difficult choices and shared sacrifice, but one of the most essential roles of government is the protection of its residents from harm; and

WHEREAS, the 2009-10 Executive Budget proposal eliminates \$12 million in local health department emergency preparedness funding, and will be felt most harshly by departments outside New York City, as NYC receives direct federal funding in the wake of the 9/11 terrorist attacks; and

WHEREAS, in 2008, after a cumulative 40% reduction to its Centers for Disease Control (CDC) grant for emergency preparedness, the State allocated direct funding for local health department preparedness because it recognized how essential the local departments are in a crisis; and

WHEREAS, without emergency preparedness funding, local health departments will be forced to make choices that affect our preparedness for major public health disasters such as a flu pandemic, or for the public health consequences of disasters such as ice storms and floods; and

WHEREAS, the local health departments that would be faced with such crises and do not have emergency preparedness resources will have to redirect resources meant for core public health services to address the emergency situations instead.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urge the State Legislature and Governor to prioritize and protect the emergency preparedness program funding in the 2009-2010 State Budget or reallocate the Federal funding for this program as was done prior to 2008; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the Governor, the WNY Delegation to the State Legislature and to all others deemed necessary and proper.

Item 49 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57

RE: Supporting the Donation of a 1998
Senior Citizens' Van
(INTRO 4-11)

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

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

CARRIED UNANIMOUSLY.

Insert the following Resolution:

WHEREAS, a 1998 Ford van owned by the County of Erie that had been loaned to the City of Lackawanna for the use of senior citizens was recently taken out of service due to its age, mileage of 114,000 miles, and need for repairs; and

WHEREAS, while the van, currently listed as a 'Taken Out of Service Van,' has met its obligation to Erie County in years of service and high mileage, its usefulness in public service could be extended with repairs made to make this vehicle road worthy; and

WHEREAS, the City of Lackawanna Department of Public Safety has requested that ownership of this van be transferred from Erie County to the City of Lackawanna for the most-critical mission of providing transportation for the Lackawanna Police SWAT Team; and

WHEREAS, the Lackawanna Police Department has further stated in its request that the City of Lackawanna will make all needed repairs to make this vehicle road worthy; and

WHEREAS, in as much as Erie County has, in the past, provided for such 'Taken Out of Service Van' transfers, such a request from the City of Lackawanna is appropriate.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the ownership transfer of one (1) 1998 Ford van [VIN # 1FBNE31L6WHB83310, Erie County ID # 3746, County Asset # 184328, Condition – Poor/Average] from the County of Erie to the City of Lackawanna in ‘as is condition’ for the use of the Lackawanna Police Department SWAT Team; and be it further

RESOLVED, that this Honorable Body requests that the administration effectuate said vehicle ownership transfer following procedures of previous transfers; and be it further

RESOLVED, that the Clerk of the Erie County Legislature is hereby directed to forward certified copies of this resolution to the Erie County Executive, the Honorable Chris Collins; the Commissioner of Senior Services, Brenda W. Ward; the Erie County Attorney, Cheryl A. Green; the Director of the Division of Purchase, Vallie M. Ferraraccio; and the Director of the City of Lackawanna Department of Public Safety, Richard Startek.

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

CARRIED UNANIMOUSLY.

Item 50 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 58

RE: Urging the Governor and State
Legislature to Reject the Shift of Local
Social Services Administrative Costs to
the Flexible Fund for Family Services
(INTRO 4-12)

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

WHEREAS, the Local Administration Fund (LAF) reimburses the State share of Administration for the following mandated programs: Temporary Assistance for Needy Families (TANF) – Family Assistance, Temporary Assistance for Needy Families (TANF) – Family Assistance Employment, Safety Net, Safety Net Employment, Food Stamps, Food Stamp Employment & Training (FSE & T); and

WHEREAS, the 2009-10 Executive Budget proposes to eliminate the State LAF entirely, while simultaneously increasing the Flexible Fund for Family Services (FFFS) with \$310.6 million in TANF funding; and

WHEREAS, the 2009-10 Executive Budget funds the FFFS at \$1.3 Billion, giving the appearance of a “flexible fund” for counties; however, the 2009-10 Executive Budget proposal also increases the Child Welfare Component Threshold required in the FFFS by \$100 million – this predetermines how a portion of the LAF/FFFS funding must be spent, thus rendering the FFFS far less “flexible;” and

WHEREAS, moving this LAF funding to Federal TANF funding eliminates any funding match for State mandated administrative expenses for safety net or food stamp administration, including the State share support for Safety Net Administration, Safety Net Employment Program Administration, Food Stamp Program Administration and Food Stamp Employment & Training (FSET); and

WHEREAS, while Federal FFFS dollars are increased by the amount of the State dollar LAF elimination, many of the current reimbursements from the State LAF in counties and the City of New York cannot be shifted to the Federal FFFS as these costs are ineligible for Federal FFFS reimbursement; and

WHEREAS, costs for the expenses that cannot be refinanced with FFFS dollars result in increased local share on a dollar-for-dollar basis by the State share loss from the LAF elimination, which means that Safety Net Administrative costs and Safety Net Employment Administrative costs now become 100% vs. 50% county cost and Food Stamp Program Admin and FSE & T now become 50% vs. 25% county cost; and

WHEREAS, the rationale that any remaining added Federal FFFS funds can be used to reimburse other potentially qualifying county expenses, thus reducing or eliminating other county share by moving them to the FFFS is inaccurate – shifting qualifying expenses with local share from elsewhere only reduces local share by about 25 - 35 cents on the dollar; and

WHEREAS, a serious concern for counties in this proposal is the 15% Federal limit on TANF administration that will likely be exceeded as counties refinance TANF Administration and TANF Employment Administration costs to the FFFS at 100% Federal to reduce local share; and

WHEREAS, there is also a State/local share Maintenance of Effort (MOE) requirement that may not be met due to the elimination of the State share and reduction or elimination of local shares through FFFS refinancing; failure to meet the MOE carries Federal fiscal penalties; and

WHEREAS, the expansion of the FFFS as the funding vehicle to support core local social services administrative costs raises serious concerns about the adequacy of available TANF related child welfare and day care funding to meet current service needs; and

WHEREAS, the flexibility provided to the State with regard to the use of Federal TANF dollars provides alternatives for equivalent savings to the State financial plan, without placing these additional administrative funding burdens on local property taxpayers.

NOW, THEREFORE, BE IT

RESOLVED, that the 2009-10 Executive Budget proposal to eliminate the LAF and increase the funding for the FFFS dissolves the State's financial commitment to the administrative partnership in their own public assistance programs; and be it further

RESOLVED, that the Erie County Legislature urge the Governor and State Legislature to remove the \$310.6 million from the Flexible Fund for Family Services (FFFS) and restore it to the Local Administrative Fund (LAF); and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor David Paterson, the WNY Delegation to the State Legislature and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 51 – CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 4-13 from MARINELLI, MILLS, WALTER, KONST, IANNELLO & RATH Supporting the Creation of a New Pension Tier with the NYS and Local Public Employee Retirement System.

Item 52 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 59

RE: Resolution Urging the State Legislature and the Governor to Take Appropriate Action to Relieve Counties from the Staggering Expenses Associated with Housing Parole Violators in County Jails (INTRO 4-14)

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

WHEREAS, every county jail in New York State, including Erie County, is required to house State parole violators, including those held on technical charges, and parole violators who have become “State ready” and are awaiting transfer to a state correctional facility; and

WHEREAS, the average length of stay for these parole violators in a county facility is approximately sixty days and can be as much as one hundred-twenty days before a final revocation hearing; and

WHEREAS, inmates held on parole violations have always been considered a state responsibility, although the State reimburses counties for only a portion of the costs associated with the housing of these inmates until their parole revocation hearings are held and completed; and

WHEREAS, the State had reimbursed counties for housing these inmates in local facilities at the rate of \$40.00 per day, but reduced that figure in August of 2008 to \$37.60 per day; and

WHEREAS, the proposed 2009 - 10 Executive Budget now seeks to eliminate this reimbursement *all together*, forcing counties to cover all the expenses associated with housing these inmates within our local facilities; and

WHEREAS, Governor Paterson's 2009 – 10 Executive Budget proposal includes language to eliminate all reimbursements to counties for housing these State inmates in their county jails.

NOW, THEREFORE, BE IT

RESOLVED, that each of New York State's counties should receive appropriate relief from the State of New York for housing these State inmates in their respective county jails; and be it further

RESOLVED, that the Division of Parole and the Department of Correctional Services further collaborate with the counties of New York State to reduce the number of days that parole violators are held in county jails; and be it further

RESOLVED, that the Erie County Legislature goes on record to urge the State of New York to enact legislation to allow parolees awaiting a parole violation hearing to be incarcerated in a New York State Correctional facility in or near the county where the alleged parole violation occurred, rather than in a county facility; and be it further

RESOLVED, that until such time as a parolee awaiting a parole violation hearing is held at a State Correctional facility, that the counties of New York State should be entitled to reasonable compensation for housing such alleged parole violators, at a sum equal to the actual cost of confinement, including actual medical expenses that may be incurred by the County; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Paterson, the WNY delegation and the New York State Division of Parole, the Department of Correctional Services and NYSAC Public Safety Standing Committee Chair, Honorable Ron Spike.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 53 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 4E-24 from the COUNTY EXECUTIVE Re: Charles H. Mack, Inc. for Annual Q Software Support

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 54 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 4E-25 from the COUNTY EXECUTIVE Re: Appointment of Erie County Historian

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 55 – (COMM. 4E-1) State Authorization for the Private Sale of Bonds by Negotiated Agreement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATORS MARINELLI, WHYTE, KONST, RATH & WALTER

Item 56 – (COMM. 4E-2) Copy of Letter to NYS Comptroller Concerning Capital Borrowing in Erie County

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR KOZUB

Item 57 – (COMM. 4E-3) Letter to Chair Marinelli Concerning Absence for Legislature Committee Meetings Held 2/12/09

Received and Filed.

FROM THE COMPTROLLER

Item 58 – (COMM. 4E-4) Copy of Letter to NYS Health Commissioner RE: Request for Delay in Payment of Disproportionate Share Payment by Erie County

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 59 – (COMM. 4E-5) Public Health Preparedness/Response to Bioterrorism

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 60 – (COMM. 4E-6) Accepting Efficiency Grant Funds for the Purpose of Implementing a Radio Frequency Identification (RFID) System at the Buffalo/Erie County Public Library

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 61 – (COMM. 4E-7) EC Sewer District Nos. 3 & 6 - Engineer Term Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 62 – (COMM. 4E-8) HOME Investment Partnership Program - Community Housing Development Organization Contracts

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 63 – (COMM. 4E-9) DWI Victim Impact Panel Fee

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 64 – (COMM. 4E-10) Amend CSE Grant Budget and Related Contracts

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 65 – (COMM. 4E-11) Contract with H. Sichernan & Company, Inc. for Preparation of the 2010-2014 CDBG

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 66 – (COMM. 4E-12) Solid Waste Responsibility to be Incorporated Into the EC Integrated Pest Management Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 67 – (COMM. 4E-13) A Partnership for Youth Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 68 – (COMM. 4E-14) Copy of Letter of CVB Concerning Appointments to the CVB Board of Directors

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 69 – (COMM. 4E-15) Motor Vehicle Theft & Insurance Fraud Grant Budget

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR WROBLEWSKI

Item 70 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded. MR. WROBLEWSKI abstained.

CARRIED. (13-0-1)

RESOLUTION NO. 60

RE: Lease for Legislative Office Space
(COMM. 4E-16)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Michalek & Michalek LLC for Legislative office space for Timothy M. Wroblewski, located at 531 Center Rd., South West Corner 2nd Floor, West Seneca, New York for a monthly rate of \$700.

FROM LEGISLATOR LOUGHRAN

Item 71 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MR. LOUGHRAN abstained.

CARRIED. (13-0-1)

RESOLUTION NO. 61

RE: Lease for Legislative Office Space
(COMM. 4E-17)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with 3d Partners, LLC for Legislative office space for Thomas A. Loughran, located at 7 Bernhardt Dr., Amherst, New York for a monthly rate of \$700.

FROM THE SHERIFF

Item 72 – (COMM. 4E-19) Asset Forfeiture Funded Program SAFS

Item 73 – (COMM. 4E-20) Selective Traffic Enforcement Program

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

Item 74 – (COMM. 4E-21) Personnel Adjustments

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 75 – (COMM. 4E-22) Holding Center & Correctional Facility - Digital TV Conversion

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR GRANT

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

CARRIED. (13-0-1)

RESOLUTION NO. 62

RE: Lease for Legislative Office Space
(COMM. 4E-23)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Richard D. Cummings for Legislative office space for Betty Jean Grant, located at 790 East Delavan Ave., Buffalo, New York for a monthly rate of \$650.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMMISSIONER OF HEALTH

Item 77 – (COMM. 4D-1) Letter to Chair Marinelli Concerning Legislative Appointment to the Erie County Board of Health

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMMISSIONERS OF BOARD OF ELECTIONS

Item 78 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 63

RE: Request Authorization to Enter Into
Contracts
(COMM. 4D-2)

WHEREAS, the New York State Board of Elections has forwarded a grant contract and certain extensions to the Erie County Board of Elections for approval and execution; and

WHEREAS, the acceptance and execution by the Commissioners of the Erie County Board of Elections would provide for the receipt of grant money in the aggregate amount of \$987,075 for the specific purposes of establishing, expanding and improving access to and participation by individuals with a full range of disabilities in the election process and educate individuals on the

proper use of new voting systems, including ballot marking devices; and

WHEREAS, the Commissioners of the Erie County Board of Elections believe the funds to be obtained by these means are beneficial to the residents of the County and are desirous of entering into said contract and extensions; and

WHEREAS, approval of this legislative body is a pre-requisite for the acceptance of these agreements by the Erie County Board of Elections.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature does hereby approve and accept the contract entitled: "2) HHS 2007-2008 Voting Access for Individuals with Disabilities - Polling Place Access Improvement" together with the four appendices entitled: "1) NYS Voting Access for Individuals with Disabilities Polling Pace Access Improvement", "2) HHS Voting Access for Individuals with Disabilities Polling Place Access Improvement", "3) Voter Education/Poll Worker Training Program" and "4) HHS 2007 Voting Access for Individuals with Disabilities Polling Place Access Improvement", and does hereby authorize the Commissioners of the Erie County Board of Elections to approve and execute each of the aforesaid agreements between the Erie County Board of Elections and the New York State Board of Elections; and be it further

RESOLVED that the Clerk of the Legislature forward a certified copy of this resolution to the Erie County Board of Elections for inclusion among the documents required by the New York State Board of Elections to accompany said executed agreements.

FROM THE COUNTY ATTORNEY

Item 79 – (COMM. 4D-3) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF REAL PROPERTY TAX SERVICES

Item 80 – (COMM. 4D-4) NYS Grant Funded Study of Centralized Property Tax Administration

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS DEC

Item 81 – (COMM. 4M-1) Public Meeting Notice Regarding Spaulding Composites Site, Tonawanda City Hall

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM COLUCCI & GALLAHER, P.C.

Item 82 – (COMM. 4M-2) Agenda Materials for ECMCC Board of Directors Meeting Held 1/29/09

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE CITY OF BUFFALO COMMON COUNCIL

Item 83 – (COMM. 4M-3) Copy of Resolution Entitled, “Establishing A Special Committee of the Common Council to Address Parks Issues”

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEC

Item 84 – (COMM. 4M-4) Public Meeting Notice Regarding Union Ship Canal Public Open Space, Valley Community Center, Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC COUNTY BAR ASSOCIATION AID TO INDIGENT PRISONERS SOCIETY

Item 85 – (COMM. 4M-5) Quarterly Report of Assigned Counsel Program for 4th Quarter of 2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO NIAGARA CONVENTION & VISITORS BUREAU

Item 86 – (COMM. 4M-6) Legislature Budget Accountability Act - 2008 Close-Out Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO NIAGARA CONVENTION CENTER

Item 87 – (COMM. 4M-7) Legislature Budget Accountability Act - 2008 Close-Out Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CITY OF BUFFALO COMMON COUNCIL

Item 88 – (COMM. 4M-8) Copy of Resolution Entitled, “Removal of 190 from Waterfront”

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ALTERNATIVE CARE SERVICES OF WNY, INC.

Item 89 – (COMM. 4M-9) Legislature Budget Accountability Act - 2008 Close-Out Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM EMPIRE STATE DEVELOPMENT

Item 90 – (COMM. 4M-10) Information Materials Concerning Canal Side Project, Buffalo & Scoping Meeting Notice for 2/25/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEC

Item 91 – (COMM. 4M-11) Goals for 2010: Ecosystem Protection

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ASSEMBLYMAN SAM HOYT

Item 92 – (COMM. 4M-12) "Why I Support an Erie County Planning Board"

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 93 – CHAIR MARINELLI announced that the schedule of upcoming committee meetings has been distributed.

Item 94 – MR. KENNEDY announced a welcome to the Legislature to occupational therapist students from D'Youville College, Lauren Miga and Zoe Martinez. Legislator Kennedy further recognized Legislature staff members Andrew A. Kulyk and James C. Gambino for their work on behalf of the Erie Canal Harbor Development Corp.

Item 95 – MR. REYNOLDS announced that there will be a presentation to the Association of Towns and Village Governments of the proposed planning board local law, on Thursday, February 26, 2009 at 5:30 P.M.

Item 96 – MS. WHYTE announced that environmental activist Lois Gibbs will be in Erie County today and is scheduled to meet with Legislator Iannello, who left the session early for the meeting.

Item 97 – MR. KOZUB announced that there will be an informational meeting of the Energy & Environment Committee to discuss the intermunicipal parks agreement on Wednesday, February 25, 2009 at 1:30 P.M. in the Legislative Chambers. Legislator Kozub also announced that there will be another informational meeting of the Energy & Environment Committee at the Erie County Water Authority (722 Sturgeon Point Water Treatment Plant, Derby, NY) on Friday, February 27, 2009 at 10:30 A.M.

Item 98 – MS. GRANT announced that the Family Fun Days at the Frank E. Merriweather Library was very successful and she expressed appreciation for the support shown for the event. She further mentioned that the event will continue this coming Sunday, February 22, 2009.

MEMORIAL RESOLUTIONS

Item 99 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of the victims of Flight 3407, and also in memory of Keith Crippen.

Item 100 – Legislator Konst requested that when the Legislature adjourns, it do so in memory of the victims of Flight 3407; and those who were on Flight 3407 from his legislative district: Douglas C. Wielinski and Darren Tolsma. Legislator Konst further requested that when the Legislature adjourns, it do so in memory of her grandfather, Spyros S. Panos, upon the 30th anniversary of his passing.

Item 101 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of the victims of Flight 3407, and Lorin Maurer, who was on Flight 3407, and who was the girlfriend of former Legislator Edward Kuwik's son Kevin.

Item 102 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Pasquale Rossi and Valerie DeBenedetti, mother of former Legislator Albert DeBenedetti.

Item 103 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Marlene Johnson.

Item 104 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Carolyn B. Thomas; and Jerelene Elizabeth 'Miss Jerelene' Giwa, aunt of Legislator Miller-Williams' administrative assistant Rebecca Brooks.

Item 105 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of the victims of Flight 3407, and also in memory of Susan Carey.

Item 106 – Legislator Walter requested that when the Legislature adjourns, it do so in memory of the victims of Flight 3407, and those who were on Flight 3407 from his legislative district: Brad Green, Kevin Johnson, Ellyce Kausner, Dawn Monachino, Jennifer Neill, Ernest West and Douglas Wielinski. Legislator Walter further requested that when the Legislature adjourns, it do so in memory of Roland 'Larry' Boller, Sr., of Clarence, N.Y., who served on the Clarence Town Council. Legislator Walter further said that Ms. Kausner had served as an intern for the Legislature Minority Caucus in 2007.

Item 107 – Legislator Wroblewski, on behalf of Legislator Iannello, requested that when the Legislature adjourns, it do so in memory of Thomas C. Toy, Jr. and John J. Fiore.

Item 108 – Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of the victims of Flight 3407, and victims Beth Kushner, Douglas Wielinski, Alison Des Forges, Zhaofang Guo.

Item 109 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of the victims of Flight 3407, and victim Mary Pettys of West Seneca. Legislator Kennedy also requested that when the Legislature adjourns, it do so in memory of Mary Patricia ‘Patie’ Shannahan and Mary Ann Zaborowski.

ADJOURNMENT

Item 110 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. WROBLEWSKI moved that the Legislature adjourn until Thursday, March 12, 2009 at 2:00 p.m. Eastern Standard Time. MS. KONST seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, March 12, 2009 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE