

**ERIE COUNTY LEGISLATURE
MEETING NO. 5
MARCH 12, 2009**

The Legislature was called to order by Chair Marinelli.

All members present.

Chair Marinelli welcomed two new staff members to the Legislature, Emily Trimper who will be working for the Minority Caucus, and Michele Novack who will be working for the central staff. Chair Marinelli further congratulated Mr. Wroblewski, whose son's hockey team won a key playoff game. Chair Marinelli also congratulated Legislature staff member Paul Tarapacki, whose son was the winning goalie for the Canisius High School hockey team in a New York State championship victory.

An Invocation was held, led by Mr. Wroblewski, who requested a moment of silence.

The Pledge of Allegiance was led by Ms. Iannello.

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 4 from 2009. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MILLS, MR. RATH & MR. WALTER presented a resolution Congratulating Erie County Department of Public Works Commissioner Jerry Sentz on Being Named the Erie/Niagara Chapter of the NYS Society of Professional Engineers 2009 Engineering Manager of the Year.

Item 6 – MS. GRANT presented a resolution In Memory of Loretta L. Renford.

Item 7 – MS. WHYTE presented a resolution Honoring Legislator Michele M. Iannello Upon Completion of Studies at the Dennis A. Pelletier County Government Institute and Cornell University.

Item 8 – CHAIR MARINELLI presented a resolution Celebrating the 75th Anniversary of Buffalo Amherst Business and Professional Women (BPW).

Item 9 – MR. MAZUR presented a resolution Congratulating Sister Mary Stanisla Mendel of Her 100th Birthday.

Item 10 – CHAIR MARINELLI presented a resolution Recognizing March as Women's History Month.

Item 11 – CHAIR MARINELLI presented a resolution Congratulating Maria Whyte on Receiving the 2008 Civic Recognition Award of the Forest District Civic Association.

Item 12 – CHAIR MARINELLI & MS. WHYTE presented a resolution Congratulating Paul Indelicato on Receiving the 2008 Service to Community Award of the Forest District Civic Association.

Item 13 – CHAIR MARINELLI & MS. WHYTE presented a resolution Congratulating Tim Lyman on Receiving a 2008 Grant-Amherst Business Association Award.

Item 14 – CHAIR MARINELLI & MS. WHYTE presented a resolution Congratulating Lou Ruszczuk on Receiving a 2008 Grant-Amherst Business Association Award.

Item 15 – CHAIR MARINELLI & MS. WHYTE presented a resolution Congratulating Doreen DeBooth on Receiving a 2008 Grant-Amherst Business Association Award.

Item 16 – CHAIR MARINELLI & MS. WHYTE presented a resolution Congratulating Roman Zabinski on Receiving a 2008 Grant-Amherst Business Association Award.

Item 17 – CHAIR MARINELLI & MS. WHYTE presented a resolution Congratulating Tovie L. Asarese on Receiving a 2008 West Side Business & Taxpayers' Association Community Service Award.

Item 18 – CHAIR MARINELLI & MS. WHYTE presented a resolution Congratulating Judith S. Einach on Receiving a 2008 West Side Business & Taxpayers' Association Work Horse Award.

Item 19 – MS. IANNELLO presented a resolution Honoring the Memory of Robert J. Lask.

Item 20 – MS. IANNELLO presented a resolution Congratulating Zachary Stephen Adams for Attaining the Rank of Eagle Scout.

Item 21 – MS. IANNELLO presented a resolution Honoring the Memory of Angeline Castiglione.

Item 22 – MS. IANNELLO presented a resolution Honoring the Memory John R. Hughes.

Item 23 – MS. IANNELLO presented a resolution Congratulating Dr. Andrew Harbison for Being Named a Distinguished Alumnus of Grand Island High School.

Item 24 – MS. IANNELLO presented a resolution Congratulating Major Kevin "Buzz" Erker for Being Named a Distinguished Alumnus of Grand Island High School.

Item 25 – MS. IANNELLO presented a resolution Congratulating James P. Kennedy, Jr. for Being Named a Distinguished Alumnus of Grand Island High School.

Item 26 – MS. WHYTE presented a resolution Welcoming Father Roy Bourgeois to Buffalo.

Item 27 – MR. MILLS presented a resolution Honoring Dave Brogan for His Role in UB Football History.

Item 28 – MR. WALTER presented a resolution Honoring Richard E. Forrestel on Receiving the Lincoln Leadership Award from the Newstead Republican Committee.

Item 29 – MS. IANNELLO, CHAIR MARINELLI, MS. WHYTE, MR. KOZUB, MR. KENNEDY, MS. MILLER-WILLIAMS, MR. MAZUR, MS. GRANT, MR. REYNOLDS & MR. LOUGHRAN presented a resolution Recognizing Kathy Callan for Her Distinguished Service to the Erie County Democratic Committee.

Item 30 – MS. IANNELLO presented a resolution Congratulating Lil Carpenter on her 101st Birthday.

MS. WHYTE moved for consideration of the above twenty-six items. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twenty-six items by including Et Al Sponsorship and by adding one for MS. MILLER-WILLIAMS. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above twenty-seven items as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 31 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 32 – MS. IANNELLO moved to remove Local Law Int. No. 3 (Print #2) 2008 from the table. MR. LOUGHRAN seconded. MR. MILLS, MR. RATH, MR. WALTER and MS. MILLER-WILLIAMS voted in the negative.

CARRIED. (11-4)

LOCAL LAW NO. ____-2008
LOCAL LAW INTRO NO. 3 -2008

A LOCAL LAW, entitled Tax Payer Protection Law, amending Article II, Section 202, known as, the Powers and Duties of the County Legislature and Section 2612 of Article XVIII known as, certain resolutions of County Legislature subject to executive veto.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

SECTION 1: LEGISLATIVE INTENT

The purpose of this local law is to amend the "Powers and Duties" of the Erie County Legislature, as provided for in Article II, Section 202 of the Erie County Charter.

This change would add the specific authority of the Legislature to DECREASE or DELETE from the approved county budget, after February 1st, and for the balance of such budget year and would be subject to a veto by the Executive and override by a 2/3 vote of the Legislature.

It specifically does not give any new authority to the Legislature to increase spending by creating professional/personal service contracts - only the authority to decrease spending, by eliminating contracts for professional/personal services.

This will permit the Legislature to exercise its own independent judgment to decrease spending, if it determines that such decrease is necessary and if the Executive either refuses or fails to act.

Additions to the Erie County Charter are reflected by underlining.

SECTION 2: AMENDMENT ONE TO THE ERIE COUNTY CHARTER:

Section 202 of Article II of the Erie County Charter is hereby amended by adding a new subsection "I" which reads as follows:

I. To DECREASE or DELETE, from the approved county budget after February 1st of such budget year:

Any professional/personal service contract entered into by the County shall be subject to cancellation by the Legislature whether or not such contract is subject to approval by the County Legislature, provided that no such cancellation shall limit the contractors' right to receive payment for services provided up to the date of cancellation.

Upon the Legislature's vote to cancel a professional/personal service contract pursuant to this subsection, the Clerk of the Legislature shall immediately notify the contractor and the County Executive that the contract is cancelled effective ten (10) days from the date of said vote.

All departments shall file with the Clerk of the Legislature, a copy of every professional/personal service contract entered into, within five business days of its execution.

SECTION 3: AMENDMENT TWO TO THE ERIE COUNTY CHARTER:

Section 2612 of Article XVIII of the Erie County Charter is hereby amended by adding subsection "e" to read as follows:

e. Any actions taken by the Legislature pursuant to the provision of Article II Section 202 subsection "e" of the Erie County Charter.

SECTION 4: REFERENDUM

The local law shall be submitted for the approval/disapproval of the voters of Erie County at the next general election.

SECTION 5: EFFECTIVE DATE

If approved by the voters of Erie County, this local law shall take effect on the first day of January, in the year immediately following such approval.

SECTION 6: SEVERABILITY

If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SPONSORS:
Michele M. Iannello
Kathy Konst
Robert B. Reynolds Jr.
John J. Mills
Betty Jean Grant
Thomas A. Loughran

MS. IANNELLO moved to approve Local Law Int. No. 3 (Print #2) 2008. MS. KONST seconded.

CHAIR MARINELLI directed that a roll-call be taken.

AYES: MS. GRANT, MS. IANNELLO, MS. KONST, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MR. REYNOLDS, and MR. WROBLEWSKI. NOES: MR. MILLS, MR. RATH, MR. WALTER, MR. KENNEDY, MR. KOZUB, MS. MILLER-WILLIAMS and MS. WHYTE. (AYES: 8; NOES: 7)

CARRIED.

Item 33 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 34 – MS. WHYTE moved to remove Local Law Int. No. 8 (Print #1) 2008 from the table. MR. KENNEDY seconded. MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (12-3)

COUNTY OF ERIE
LOCAL LAW INTRO NO. 8 - 2008
LOCAL LAW NO. - 2008

A LOCAL LAW to strengthen and encourage Lowest Responsible Bidder Requirements for Erie County Contracts.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that:

- A. New York General Municipal Law Section 103 authorizes the letting of public contracts by the State of New York, local governments, public authorities and public benefit corporations to the “lowest responsible bidder.”
- B. Taxpayers have a strong interest in an effective screening process in determining that appropriate “responsible” contractors be awarded a public works contract. Without an effective screening process, a number of serious problems may occur, including cost overruns, schedule delays and defective or inferior work. Such problems have immediate costs which are readily apparent, as well as potential costs going forward.
- C. Taxpayers will experience increased costs and administrative efforts as a result of an award to an incompetent or dishonest contractor. Without good screening the low-bid system produces a “false economy” due to schedule delays, poor quality and other problems caused by hiring unqualified contractors.
- D. An appropriate system for determining those who qualify as responsible contractors avoids the project and administrative costs which may otherwise occur and makes it more likely that a project will be performed up to specifications and on time. Given all of the above a number of jurisdictions have enacted lowest responsible bidder laws to strengthen contractor screening capabilities.
- E. The experience of elected officials in recent years has shown that lowest responsible bidder policies can provide opportunities to ensure the delivery of construction services and/or purchases on a high quality basis while protecting the rights of employees of government contractors.

Section 2. Short Title.

This Local Law shall be known as "Erie County's Lowest Responsible Bidder Law".

Section 3. Applicability.

This Local Law shall apply to construction projects in excess of \$10,000 and advertised for bids on or after the effective date.

Section 4. Requirements.

- A. All general bidders and sub-bidders (including sub-sub bidders) for construction projects funded by Erie County, as set forth above in Section 3, shall as a condition for bidding agree in writing that they shall comply with the following obligations set forth below in this Section 4.
- B. Erie County will require all bidders to fill out the attached "Qualifications Statement" in order to ascertain the pecuniary and financial responsibility, accountability, reliability, skill, capacity, ability, judgment, and integrity of the apparent lowest bidder.
- C. The contractors and all subcontractors under the bidder shall properly classify their workers as employees rather than as independent contractors, unless those workers meet the definition of "independent contractor" as defined by the Internal Revenue Service, and shall treat said employees accordingly for purposes of workers' compensation insurance coverage, unemployment insurance, employment taxes, and social security taxes.
- D. The contractors and all subcontractors shall require each employee to sign in and out at the beginning and end of each day, and list next to his or her name his or her craft, and to provide such information to the Erie County Commissioner of Public Works, Erie County Department of Public Works [herein "Commissioner"], on a bi-weekly basis. Such information shall be kept in the Commissioner's office for a period of three (3) years, and copies of same shall be made available to the public immediately upon Freedom of Information Law (FOIL) request.
- E. The County agrees to promptly pay contractors covered by this Local Law no later than forty two (42) days from the date of the invoice; and contractors agree to pay their subcontractors no later than fourteen (14) days after that, if funds are readily available as determined by the Erie County Comptroller.

Section 5 Compliance

- A. The Commissioner shall distribute to all bidders a copy of this statute and the attached Qualifications Statement, and thereafter collect from bidders all information required by this local law, and keep such information in his/her offices for a period of three (3) years, review of which will be made available to the public immediately upon Freedom of Information Law (FOIL) request.
- B. If a bidder fails or refuses to provide all the information requested in this local law, or provides false information, the bidder's bid will be rejected.
- C. If the amount of the lowest responsible bidder appears disproportionately low when compared with estimates undertaken by or on behalf of Erie County, and/or compared to other bids

submitted (10% or greater disparity), Erie County reserves the right to inquire further of the apparent lowest bidder to determine whether the bid contains mathematical errors, omissions and/or erroneous assumptions, and whether the apparent lowest bidder has the capability to perform and complete the contract for the bid amount.

D. The Commissioner shall post on the Erie County Website, one (1) week before Erie County makes an award of work to a contractor or subcontractor for a project of \$10,000 or more, a listing of the three apparent lowest bidders.

E. If the apparent lowest bidder answers “Yes” to any of the questions set forth in Section II, Group I of the attached qualifications sheet, the bidder shall be deemed a non-responsible bidder, unless proven otherwise, and rejected. Otherwise, based on all of the information collected pursuant to this local law, the Commissioner shall determine if the apparent lowest bidder is in fact “responsible.”

F. If the apparent lowest bidder is deemed not to be responsible, then the next lowest bidder will be reviewed and so on until the lowest bidder is deemed responsible and selected as the lowest responsible bidder. In the event a bidder fails to furnish the requested information, the bidder shall be deemed disqualified and determined to be not responsible, the next lowest bidder shall become the apparent lowest bidder.

G. No later than five (5) calendar days prior to a final determination that the apparent lowest bidder is not responsible, Erie County will notify the party of same, in writing, stating the reasons and setting forth a time, date and place for the apparent lowest bidder to appear and be heard, but no later than ten (10) calendar days thereafter, prior to a final determination being made.

H. Any resident of Erie County who believes that the Commissioner improperly determined that the lowest responsible bidder is “responsible” may, within five (5) calendar days of the Award, request in writing to the Commissioner, a hearing as set forth in Section 5(G) above, and an opportunity to appear and be heard and present evidence and testimony as to why the contractor or subcontractor is not responsible. Such hearing shall be held within ten (10) calendar days of the written request for a hearing. After such hearing, the Commissioner may change his/her determination of the lowest responsible bidder.

Section 6, Sanctions.

A. Any bidder or subcontractor bidder, or its alter ego, or control group, of any bidder or subcontractor, who fails to comply with any of the obligations described in Sections 4 and 5 above as determined by the Commissioner of Public Works for any period of time must be subject to one or more of the following sanctions:

1. Temporary suspension of work on the project until compliance is obtained; or
2. Withholding by Erie County of payment due under the contract until compliance is obtained; or
3. Permanent removal from any further work on the project; or

4. Liquidated damages payable to Erie County in an amount equal to five percent (5%) of the dollar value of the general contract.

B. In addition to the above sanctions, any contractor or subcontractor, its alter ego or control group, or principal officer who has been determined to have violated any of the provisions of this Local Law shall be barred from performing any work on future contracts awarded by Erie County for six months for the first violation, three years for the second violation, and permanently for the third violation.

C. Any sum collected as a fine or penalty pursuant to this section shall be applied toward enforcement and administration costs.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 8. Effective Dates.

This Local Law shall take effect 30 days after the filing with the Secretary of State, in accordance with Section 27 of the New York State Municipal Home Rule Law.

QUALIFICATIONS STATEMENT

Name of Firm _____
Address _____

Principle Office _____
Owner or Authorized Representative _____
Contact Phone No. _____

Check One:

- Corporation
 Partnership
 Individual
 Joint Venture
 Other _____

Background Information- Section 1

1. How many years has your firm been in business?

2. How many years has your firm been doing business in the work you propose to perform on this project? _____

3. Under what former names has the firm conducted business?

4. Please submit with this Qualifications Statement all work to be subcontracted identifying the firm(s) to which the work will be subcontracted. All subcontractors are subject to the approval of Erie County, as described above.

5. Please submit with this Qualifications Statement your firm's experience with projects of comparative size, complexity, and cost within the last five (5) years.

6. Please submit with this Qualifications Statement previous projects regarding the kind of work performed, timeliness of performance, quality of work, extension requests, fines and penalties imposed, liens filed, history of claims for extra work, contract defaults;

Compliance with Existing Laws- Section 2

Please answer the following questions. If you answer any questions "Yes" to any of the questions, then you must submit an attached written explanation including all details such as facts, date(s) of occurrences, locations, name of project, and current status.

Group I

1. Has your organization employed persons who are illegal aliens?
Yes _____ No _____

2. Has your organization had any violations, within the previous five (5) years of New York Labor Laws, including but not limited to prevailing wage law, wage and hour law, and unemployment insurance delinquency?
Yes _____ No _____

3. Has your organization been found to have violated the National Labor Relations Act within the previous five (5) years?
Yes _____ No _____

4. Has your organization been in violation of New York Worker's Compensation law, including, but not limited to the failure to provide proof of Workers' Compensation or Disability Coverage, within the previous (5) years?
Yes _____ No _____

Group II

1. Has your organization, or any owner, director, officer or managerial employee of your organization, filed for bankruptcy within the last five years?

Yes_____

No_____

2. Has your organization, including any owner, director, officer or managerial employee of your organization, had a professional license suspended or revoked (only insofar that any work to be performed is within the field of such licensed profession)?

Yes_____

No_____

3. Has your organization been found to have violated, or have any pending charges of any federal, state or municipal environmental and/or health laws, codes, rules and/or regulations within the past five (5) years?

Yes_____

No_____

4. Has your organization been named as a defendant in an action involving discrimination against any employee by reasons of race, creed, color, national origin, disability, sex or age?

Yes_____

No _____

TIMOTHY M. KENNEDY
MARIA R. WHYTE
ROBERT B. REYNOLDS JR.
DANIEL M. KOZUB
THOMAS A. LOUGHRAN
MICHELE M. IANNELLO
BARBARA MILLER-WILLIAMS
BETTY JEAN GRANT

MR. KENNEDY moved to approve Local Law Int. No. 8 (Print #1) 2008. MS. WHYTE seconded.

CHAIR MARINELLI directed that a roll-call be taken.

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

CARRIED.

COMMITTEE REPORTS

Item 35 – MS. KONST presented the following report, moved to separate item Number 3, and moved to approve the balance of the report. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64

FEBRUARY 25, 2009	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7E-1 (2008)
COMPTROLLER: Office of Erie County Comptroller Review of Local Costs of Real Property Assessment in Erie County
(6-0)
 - b. COMM. 2M-3 (2009)
ASSEMBLYMAN SCHIMMINGER: Letter to County Executive and Legislature Chair Concerning Sales Tax Home Rule Requests
(6-0)
 - c. COMM. 4E-2 (2009)
MARINELLI, WHYTE, KONST, RATH & WALTER: Copy of Letter to NYS Comptroller Concerning Capital Borrowing in Erie County
(6-0)
 - d. COMM. 4E-4 (2009)
COMPTROLLER: Copy of Letter to NYS Health Commissioner RE: Request for Delay in Payment of Disproportionate Share Payment by Erie County
(6-0)
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 209038 through 209065, 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.	209,038.00
ASSESSOR	Cancel		\$2,322.04
S-B-L	115.17-1-3	143089 CHEEKTOWAGA	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,322.04	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$2,322.04	
	Relevy School	\$2,322.04	143007 DEPEW UNION-CHEEK

RPTL 550(2): RELEVIED SCHOOL APPLIED IN ERROR
NEW TAX BILL TO BE ISSUED TO: WILLIAM ZAK

FISCAL YEAR	2009	Petition No.	209,039.00
ASSESSOR	Cancel		\$875.99
S-B-L	114.07-5-4	143089 CHEEKTOWAGA	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$875.99	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$875.99	

RPTL 550(2): CLEAN-UP OF DEBRIS OVERCHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: SANDRA DEMERLY

FISCAL YEAR	2009	Petition No.	209,040.00
ASSESSOR	Cancel		\$512.43
S-B-L	555.00-15-8	144489 EVANS	
	Acct. No. 112	\$181.98	County
	Acct. No. 132	\$330.45	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS	\$330.45	

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED
NEW TAX BILL TO BE ISSUED TO: QWEST COMMUNICATIONS CORP.

FISCAL YEAR	2009	Petition No.	209,041.00
ASSESSOR	Cancel		\$1,537.29

S-B-L 555.00-15-7 144489 EVANS

	Acct. No. 112	\$545.93	County
	Acct. No. 132	\$991.36	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS		\$991.36

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: QWEST COMMUNICATIONS CORP.

FISCAL YEAR 2009 Petition No. 209,042.00

ASSESSOR Cancel \$146.72

S-B-L 235.13-2-20 144489 EVANS

	Acct. No. 112	\$60.08	County
	Acct. No. 132	\$86.64	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS		\$86.64

RPTL 550(2): ENTERED WRONG EXEMPTION CODE PROPERTY IS VILLAGE OWNED
NEW TAX BILL TO BE ISSUED TO: THE VILLAGE OF ANGOLA

FISCAL YEAR 2009 Petition No. 209,043.00

ASSESSOR Cancel \$1,460.01

S-B-L 220.00-1-26 144489 EVANS

	Acct. No. 112	\$597.86	County
	Acct. No. 132	\$862.15	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS		\$862.15

RPTL 550(2): INCORRECT EXEMPTION CODE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: THE VILLAGE OF ANGOLA

FISCAL YEAR 2009 Petition No. 209,044.00

ASSESSOR Cancel \$158.03

S-B-L 221.00-3-10 144489 EVANS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$158.03	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS		\$158.03

RPTL 550(2): EXTRA GARBAGE FEE CHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: LUCAS MOSSOP

Acct. No. 132 \$200.00 Town/SpecialDist/School
68292 ERIE CO SEW DST 1 \$200.00
Charge To : 146800 WEST SENECA \$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
REFUND TO BE ISSUED TO: KATERINE M KELLOGG

FISCAL YEAR 2008 Petition No. 209,049.00

ASSESSOR Refund \$200.00

S-B-L 123.16-1-6 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$200.00 Town/SpecialDist/School
68292 ERIE CO SEW DST 1 \$200.00
Charge To : 146800 WEST SENECA \$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
REFUND TO BE ISSUED TO: KATHERINE M KELLOGG

FISCAL YEAR 2009 Petition No. 209,050.00

ASSESSOR Cancel \$200.00

S-B-L 123.16-1-6 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$200.00 Town/SpecialDist/School
68292 ERIE CO SEW DST 1 \$200.00
Charge To : 146800 WEST SENECA \$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
NEW TAX BILL TO BE ISSUED TO: KATHERINE M KELLOGG

FISCAL YEAR 2008 Petition No. 209,051.00

ASSESSOR Refund \$385.66

S-B-L 40.10-7-12.111 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$385.66 Town/SpecialDist/School
Charge To : 142289 AMHERST \$385.66
Relevy School \$385.66 142207 SWEET HOME CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: BONNIE L KREINHEDER

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$210.00	Town/SpecialDist/School
<u>Charge To :</u>	144889 HAMBURG	\$210.00	

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
REFUND TO BE ISSUED TO: PAUL & JOANNE ECKMAN

FISCAL YEAR 2009 Petition No. 209,056.00

ASSESSOR Cancel \$487.65

S-B-L 118.18-3-10 142089 ALDEN

	Acct. No. 112	\$372.59	County
	Acct. No. 132	\$115.06	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN	\$115.06	

RPTL 550(2): FAILED TO APPLY A COMBAT VET & VET DISABILITY EXEMPTION
NEW TAX BILL TO BE ISSUED TO: WILLIAM H STREIT

FISCAL YEAR 2009 Petition No. 209,057.00

ASSESSOR Cancel \$17.78

S-B-L 118.12-1-20.11 142089 ALDEN

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$17.78	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN	\$17.78	

RPTL 550(2): PROPERTY IS EXEMPT FROM WATER CHARGES
NEW TAX BILL TO BE ISSUED TO: ALDINGER FAMILY LTD PARTNERSHIP

FISCAL YEAR 2009 Petition No. 209,058.00

ASSESSOR Cancel \$478.58

S-B-L 118.00-6-9.11 142089 ALDEN

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$478.58	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN	\$478.58	

RPTL 550(2): PROPERTY IS EXEMPT FROM WATER CHARGES
NEW TAX BILL TO BE ISSUED TO: ALDINGER FAMILY LTD PARTNERSHIP

FISCAL YEAR 2009 Petition No. 209,059.00

ASSESSOR Cancel \$224.94

S-B-L 96.00-6-34.2 142089 ALDEN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$224.94 Town/SpecialDist/School
Charge To : 142089 ALDEN \$224.94

RPTL 550(2): INCORRECT SPECIAL APPLIED FOR WATER CHARGES
NEW TAX BILL TO BE ISSUED TO: LEONARD E & LEONARD J WEGLARSKI

FISCAL YEAR 2009 Petition No. 209,060.00

ASSESSOR Cancel \$244.46

S-B-L 129.00-1-3 142089 ALDEN

Acct. No. 112 \$0.00 County
Acct. No. 132 \$244.46 Town/SpecialDist/School
Charge To : 142089 ALDEN \$244.46

RPTL 550(2): INCORRECT SPECIAL DISTRICT USED FOR WATER CHARGES
NEW TAX BILL TO BE ISSUED TO: JOHN R HAUNGS

FISCAL YEAR 2008 Petition No. 209,061.00

ASSESSOR Cancel \$544.67

S-B-L 81.06-3-15 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$544.67 Town/SpecialDist/School
Charge To : 142289 AMHERST \$544.67
Relevy School \$544.67 142203 WILLIAMSVILLE CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR
REFUND TO BE ISSUED TO: CHRISTOPHER P OVERKAMP

FISCAL YEAR 2006 Petition No. 209,062.00

ASSESSOR Refund \$10.50

S-B-L 235.07-1-3 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$10.50 Town/SpecialDist/School
44069 ERIE CO SEW DIST 2 \$10.50

Charge To : 144489 EVANS \$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
**PETITION DENIED, RECEIVED AFTER STATUTE OF LIMITATIONS EXPIRED

FISCAL YEAR 2007 Petition No. 209,063.00

ASSESSOR Refund \$15.00

S-B-L 235.07-1-3 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$15.00 Town/SpecialDist/School

44069 ERIE CO SEW DIST 2 \$15.00

Charge To : 144489 EVANS \$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
REFUND TO BE ISSUED TO: MARK R ENGLER

FISCAL YEAR 2008 Petition No. 209,064.00

ASSESSOR Refund \$15.00

S-B-L 235.07-1-3 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$15.00 Town/SpecialDist/School

44069 ERIE CO SEW DIST 2 \$15.00

Charge To : 144489 EVANS \$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
REFUND TO BE ISSUED TO: MARK R ENGLER

FISCAL YEAR 2009 Petition No. 209,065.00

ASSESSOR Cancel \$15.00

S-B-L 235.07-1-3 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$15.00 Town/SpecialDist/School

44069 ERIE CO SEW DIST 2 \$15.00

Charge To : 144489 EVANS \$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
NEW TAX BILL TO BE ISSUED TO: MARK R ENGLER

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(6-0)

3. COMM. 4E-1 (2009)
COMPTROLLER

HOME RULE REQUEST – ASSEMBLY

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2009; and

WHEREAS, Assembly Bill A.4132 and Senate Bill S.1279, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2010.

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A.4132, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Assembly and two copies to the New York State Senate.

HOME RULE REQUEST – SENATE

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2009; and

WHEREAS, Senate Bill S.1279 and Assembly Bill A.4132, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2010.

NOW THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S.1279, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie."

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

(6-0)

**KATHY KONST
CHAIR**

MS. KONST moved to approve item Number 3. MR. REYNOLDS 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.

Item 36 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

MARCH 5, 2009	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLER-WILLIAMS.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 5-4 (2008)
WHYTE & GRANT: County Clinics and Hepatitis A
(4-0) Chair Marinelli not present for vote.
 - b. COMM. 13D-6 (2008)
DEPUTY COMPTROLLER - AUDIT: Letter Regarding Erie County Comptroller's Office
Audit of Department of Senior Services - Client-Owned Assets Program
(4-0) Chair Marinelli not present for vote.
 - c. INTRO 14-5 (2008)
WHYTE: Senior Service Contracts with Local Non-Profit Agencies
(4-0) Chair Marinelli not present for vote.
 - d. INTRO 14-6 (2008)
WHYTE: Socialization and Recreational Opportunities for Seniors
(4-0) Chair Marinelli not present for vote.
 - e. INTRO 15-4 (2008)
WHYTE: Exploring the Link Between Illiteracy, Lead Exposure & Below Grade Level
Achievement and Juvenile Delinquency, Detention and Incarceration Rates
(4-0) Chair Marinelli not present for vote.
 - f. COMM. 1E-2 (2009)
COMPTROLLER: Erie County Prescription Drug Discount Card Program
(4-0) Chair Marinelli not present for vote.
 - g. COMM. 3E-19 (2009)
MARINELLI: Letter Concerning Contingency Planning For Social Services Agency County
Funding
(4-0) Chair Marinelli not present for vote.
 - h. COMM. 4D-1 (2009)
COMMISSIONER OF HEALTH: Letter to Chair Marinelli Concerning Legislative
Appointment to the Erie County Board of Health
(4-0) Chair Marinelli not present for vote.
 - i. COMM. 4M-2 (2009)
COLUCCI & GALLAHER, P.C.: Agenda Materials for ECMCC Board of Directors Meeting
Held 1/29/09
(4-0) Chair Marinelli not present for vote.
2. COMM. 3E-11 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Protective Services for Older Adults (PSA) and New York Connects programs for the period January 1, 2009 to December 31, 2009; and

WHEREAS, PSA is a Title XX mandated service and is experiencing steadily increasing caseloads and the New York Connects program is entering the full implementation stage; and

WHEREAS, the New York State Office for the Aging and the New York State Department of Health have collaborated statewide to create a single Point of Entry for long term care services for people of all ages, called New York Connects; and

WHEREAS, the Erie County Departments of Senior Services, Social Services, and Health, along with other community stakeholders have come together to implement this program in Erie County, with the Department of Senior Services as the lead agency, and the program is in its third year of operation; and

WHEREAS, the Department of Senior Services does not currently have adequate staff to serve the approximately 80 disabled or elderly adults per month identified by the program as needing assistance to maintain themselves in the community with support and avoid costly nursing home placement; and

WHEREAS, a Senior Case Manager vacancy exists within the PSA Program and the Department of Senior Services has determined that transferring the Senior Case Manager position to New York Connects and creating a Case Manager position in PSA will maximize protective case management services to seniors in Erie County and ensure New York Connects operational objectives are accomplished; and

WHEREAS, the Department of Senior Services desires to transfer the vacant Senior Case Manager position, job group 9, from PSA to New York Connects and to create a Case Manager position, job group 7, in PSA, effective February 1, 2009; and

WHEREAS, these position changes are reflected in the SAP system on B-100 Control numbers 4430 and 4438; and

WHEREAS, the Department of Senior Services projects a \$7,500 annual savings in the PSA personnel and fringe benefit lines as a result of these position changes and will be able to use existing New York Connects funding to cover the Senior Case Manager position.

NOW, THEREFORE, BE IT

RESOLVED, that the vacant Senior Case Manager position be transferred from PSA to New York Connects and that a Case Manager position be created in the PSA program effective February 1, 2009; and be it further

RESOLVED, that the budget for New York Connects, cost center 1632080, be revised as follows:

CURRENT

AMENDED

	BUDGET	CHANGES	BUDGET
APPROPRIATIONS			
500000 Full Time-Salaries	\$57,305	\$38,975	\$96,280
502000 Fringe Benefits	26,823	18,751	45,574
516020 Professional Services & Fees	55,226	-50,000	5,226
530000 Other Expenses	10,000	<u>-7,726</u>	2,274
TOTAL APPROPRIATIONS		<u>\$0</u>	

and be it further

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

(4-0) Chair Marinelli not present for vote.

3. COMM. 4E-10 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services for the Elderly (CSE) grant for the period April 1, 2008 to March 31, 2009; and

WHEREAS, the Department regularly compares grant budgets with actual costs throughout the grant period; and

WHEREAS, the Department desires to allocate \$10,000 of CSE funds to the cluster agencies providing transportation services to cover the higher operating costs and to allocate \$49,000 as a one-time salary adjustment for Cluster agency case managers and project coordinators providing valuable case management services to seniors; and

WHEREAS, the Department has identified funds that will not be spent as originally appropriated due to charge backs to other grants and cluster agency vacancies; and

WHEREAS, the New York State Office for Aging (NYSOFA) issued a Technical Assistance Memorandum describing fiscal options available to local area agencies on aging to provide flexibility to deal with upcoming state fiscal cutbacks; and

WHEREAS, the Department identified at least \$55,000 in various III-B grant employees' salary, fringe benefits and local mileage costs that are allowable costs to transfer into the CSE grant for the last quarter of the grant period, January 1, 2009 to March 31, 2009; and

WHEREAS, the contracts with the cluster agencies need to be amended by the amounts indicated herein; and

WHEREAS, the CSE grant budget is in need of revision; and

WHEREAS, there is no impact on County funds appropriated for the grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to amend the contracts with the cluster agencies as detailed herein; and be it further

RESOLVED, that a portion of various Title III-B employees' salaries, fringe benefits and mileage costs that are allowable in the CSE grant be charged to the CSE grant for the last quarter of the grant period, January 1, 2009 to March 31, 2009, up to remaining CSE funds; and be it further

RESOLVED, that the budget for the CSE grant, 163CSE0809, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS			
500000 Full Time Salaries	\$224,420	-\$10,200	\$214,220
500010 Part Time Wages	\$8,941	-\$4,000	4,941
502000 Fringe Benefits	\$99,297	-\$15,000	84,297
516010 Contractual Services	\$59,000	-\$59,000	0
Buffalo Federation of Neighborhood			
516010 Ctrs.	102,218	1,750	103,968
516010 Community Concern of WNY, Inc.	55,912	4,375	60,287
516010 Concerned Ecumenical Ministry	34,275	7,875	42,150
516010 Hispanics United of Buffalo	19,000	2,000	21,000
516010 Lt. Col. Matt Urban Center	156,098	16,750	172,848
516010 North Buffalo Community Center	35,014	3,500	38,514
516010 Northwest Buffalo Community Center	81,134	3,500	84,634
516010 Schiller Park Community Services	178,325	2,950	181,275
South Buffalo Community Devel.			
516010 Corp.	109,251	-17,000	92,251
916390 ID Senior Services Services	-49,191	55,000	5,809
980000 ID DISS Services	10,890	7,500	18,390
		<u> </u>	
TOTAL APPROPRIATIONS		<u> </u>	<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 Department of Law and the Department of Senior Services.

(4-0) Chair Marinelli not present for vote.

4. COMM. 4E-13 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Youth Bureau recently received notice of the third year of an award in the amount of \$169,800 from the New York State Department of Labor for a program entitled "A Partnership for Youth;" and

WHEREAS, these funds will be used to fund community agencies providing services including tutoring, alternative secondary services, summer employment opportunities linked to academic and occupational skills training, and leadership development activities to at-risk youth for the period October 1, 2008 – September 30, 2009; and

WHEREAS, these funds will enable the Youth Bureau to plan, administer and support special delinquency prevention programs in the community to youth under the age of twenty-one (21) who are at risk of entering the criminal justice system and link youth to academic and occupational skills training; and

WHEREAS, initial contracts were awarded subsequent to a Request for Proposals (RFP), and this current funding award is a continuation of funding to specific providers based on State and local assessment of compliance and performance; and

WHEREAS, no additional County funds are required.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services is hereby authorized to execute contracts with providers in the specified dollar amounts for this program; and be it further

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

Youth Bureau, Fund Center 12530, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	A Partnership for Youth	(\$169,800)
516010	Be-A-Friend	49,400
516010	Northwest Buffalo Community Center	26,500
516010	Catholic Charities	49,400
516010	Buffalo Public Schools - Father Belle Center	<u>44,500</u>
	Total Expenditure	<u>\$-0-</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Department of Social Services, the Youth Bureau, the Erie County Comptroller's Office and the Division of Budget and Management.

(4-0) Chair Marinelli not present for vote.

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

WHEREAS, the Department of Social Services is required to maintain records related to the administration of the Community Alternative Systems Agency (CASA) program; and

WHEREAS, these records are maintained in Q Software and are critical to the Department's day to day operations; and

WHEREAS, Charles H. Mack, Inc. designed and developed Q Software and is the sole source of needed maintenance and support; and

WHEREAS, there is no fiscal impact to this resolution as \$50,400 in unassigned and 100% reimbursed funds intended for this purpose in account 516030 in the 2009 Adopted Budget are being earmarked to Charles H. Mack, Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to execute necessary contracts with Charles H. Mack, Inc. for Q software; and be it further

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

(4-0) Chair Marinelli not present for vote.

THOMAS J. MAZUR
CHAIR

Item 37 – MR. KENNEDY presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

MARCH 5, 2009	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MILLER-WILLIAMS AND KONST.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 9-1 (2008)
RANZENHOFER: Opposing Increase of Tolls on the New York State Thruway
(4-0)
 - b. INTRO 9-8 (2008)
RANZENHOFER: The Necessity for Wicks Law Reform
(4-0)
 - c. COMM. 26M-7 (2008)
NYS PUBLIC SERVICE COMMISSION: Notice of Technical Conference

(4-0)

- d. COMM. 1M-9 (2009)
NYS PUBLIC SERVICE COMMISSION: Order Adopting Changes to Electric Safety Standards
(4-0)
- e. COMM. 2D-3 (2009)
COMMISSIONER OF DEPARTMENT OF PUBLIC WORKS: Designation in the Event of Vacancy, Absence or Inability
(4-0)
- f. COMM. 2M-9 (2009)
NYS PUBLIC SERVICE COMMISSION: Notice Soliciting Informal Written Comments
(4-0)
- g. COMM. 4M-8 (2009)
CITY OF BUFFALO COMMON COUNCIL: Copy of Resolution Entitled, "Removal of 190 from Waterfront"
(4-0)
- h. COMM. 4M-10 (2009)
EMPIRE STATE DEVELOPMENT: Information Materials Concerning Canal Side Project, Buffalo & Scoping Meeting Notice for 2/25/09
(4-0)
- 2. COMM. 2E-10 (2009)
COUNTY EXECUTIVE
WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Block Grant Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual grant and program application materials, and submittal of same to the federal Department of Housing and Urban Development.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit a 2009 Annual Action Plan to the federal Department of Housing and Urban Development (HUD) having 2009 Action Plan dollar amounts as indicated.

- 1. Erie County Consortium Community Development Block Grant Program: \$ 3,238,029
- 2. Emergency Shelter Grant Program: \$ 127,877
- 3. HOME Investment Partnership Program: \$ 1,085,667
- 4. Town of Hamburg Community Development Block Grant Program: \$ 467,122

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to execute any and all agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the grant from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Block Grant Consortium and the Erie County Legislature; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.

(4-0)

3. COMM. 4E-11 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning serves as the administrative agent for the Erie County Community Development Block Grant Consortium and the Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent is the preparation of the five-year Consolidated Plan inclusive of an Annual Action Plan, and submittal of same to the federal Department of Housing and Urban Development (HUD); and

WHEREAS, preparation of the 2010-2014 Consolidated Plan and Action Plan must be completed on or about February 14, 2010 so as not to jeopardize federal CDBG, HOME and ESG funds; and

WHEREAS, funding for the five-year Consolidated Plan and Action Plan will be made available through federal Community Development Block Grant monies available to Erie County; and

WHEREAS, the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with and a summary of the process is attached to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Erie County/Town of Hamburg HOME Consortium, is hereby authorized to execute any and all agreements with H. Sichertman & Company, Inc. in an amount not to exceed \$49,500 for the purpose of preparing the five-year Consolidated Plan and Annual Action Plan; and be it further

RESOLVED, that the source of funding shall be the federal Community Development Block Grant (CDBG) within the Erie County Department of Environment and Planning budget; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the County Comptroller; the County Attorney; the Director of the Division of Budget and Management; and the Commissioner of the Department of Environment and Planning.
(4-0)

TIMOTHY M. KENNEDY
CHAIR

MR. KENNEDY moved to amend item Number 2. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Delete the Following in its Entirety:

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit a 2009 Annual Action Plan to the federal Department of Housing and Urban Development (HUD) having 2009 Action Plan dollar amounts as indicated.

- | | |
|--|-------------|
| 1. Erie County Consortium Community Development Block Grant Program: | \$3,238,029 |
| 2. Emergency Shelter Grant Program: | \$ 127,877 |
| 3. HOME Investment Partnership Program: | \$1,085,667 |
| 4. Town of Hamburg Community Development Block Grant Program: | \$ 467,122 |

And Replace with the Following:

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit a 2009 Annual Action Plan to the federal Department of Housing and Urban Development (HUD) having 2009 Action Plan estimated dollar amounts as indicated.

- | | |
|--|-------------|
| 1. Erie County Consortium Community Development Block Grant Program: | \$3,238,029 |
| 2. Emergency Shelter Grant Program: | \$ 127,877 |
| 3. HOME Investment Partnership Program: | \$1,085,667 |
| 4. Town of Hamburg Community Development Block Grant Program: | \$ 467,122 |

MR. KENNEDY moved to approve item Number 2 as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 38 – MR. WROBLEWSKI presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 67

REPORT NO. 3

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

- 1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 2D-8 (2009)
DEPUTY COUNTY EXECUTIVE: Letter to NYS Dept. of Probation and Correctional Alternatives - RE: EC Probation Director Position (6-0)

2. COMM. 4E-15 (2009)
DISTRICT ATTORNEY
WHEREAS, the District Attorney through the NYS Division of Criminal Justice Services' (DCJS) Motor Vehicle Theft and Insurance Fraud (MVTIF) Grant provides needed services to the residents of Erie County; and

WHEREAS, the District Attorney, per the grantor's request, has programmatically restructured this grant and the budgeted positions therein to take effect as of April 1, 2009; and

WHEREAS, the contract received from the NYS DCJS authorizes funding levels different from the adopted budget; and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Grant Budgets and positions in Book A and B for 2009; and the funds necessary to effectuate the changes are available in the District Attorney's 2009 general fund budget; and

WHEREAS, due to these programmatic changes, the District Attorney's Office is requesting that position #2248, Data Entry Operator, be retained and transferred from the grant fund to the general fund.

NOW, THEREFORE, BE IT

RESOLVED, that effective April 1, 2009, position #2248 be transferred from fund 281, cost center 1140050, grant 114MVTIF0809, to fund 110, cost center 1140010 (B100 #4496); and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the MVTIF grant to match state authorized funding levels, to be adjusted as follows:

Motor Vehicle Theft and Insurance Fraud Grant
114MVTIF0910
April 1, 2009 – March 31, 2010

<u>Revenue</u>	<u>ORIGINAL</u>	<u>INCREASE (DECREASE)</u>	<u>FINAL</u>
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409000 State Aid Revenue	<u>\$ 108,003</u>	<u>\$ 14,229</u>	<u>\$ 122,232</u>
Total Revenue	<u>\$ 108,003</u>	<u>\$ 14,229</u>	<u>\$ 122,232</u>
<u>Appropriation</u>			
500000 Full Time Salaries	\$ 72,921	\$ - 0 -	\$ 72,921
502000 Fringe Benefits	35,082	(4,913)	30,169
911400 ID DA Services	<u>- 0 -</u>	<u>19,142</u>	<u>19,142</u>
Total Appropriations	<u>\$ 108,003</u>	<u>\$ 14,229</u>	<u>\$ 122,232</u>

General Fund
Fund Center 11400

	INCREASE <u>(DECREASE)</u>
500000 Full Time Salaries	\$ 22,750
502000 Fringe Benefits	6,825
559000 County Share – Grants	(10,433)
911400 ID DA Services	<u>(19,142)</u>
Total Appropriations	<u>\$ - 0 -</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, Erie County Personnel, Erie County Comptroller and the Director of Budget and Management.

(6-0)

3. COMM. 4E-19 (2009)
SHERIFF

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

WHEREAS, funds previously transferred from the Seized Asset Trust Account into the Asset Forfeiture Funded Program SAFS have not been totally expended; and

WHEREAS, the Sheriff's Office has identified specific funding needs; and

WHEREAS, all expenditures 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 \$135,000 currently available in the Erie County Sheriff's Office Asset Forfeiture Funded Program SAFS be allocated to fund required travel and to purchase needed vehicles and equipment; 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>135,000</u>
	Total Revenue	<u>135,000</u>
<u>APPROPRIATION</u>		<u>Increase</u>
510100	Out of Area Travel	15,000
561410	Lab & Tech Equipment	20,000
561440	Motor Vehicles	<u>100,000</u>
	Total Appropriations	<u>135,000</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, the Erie County Comptroller, the Bureau of Purchase and the Office of the Sheriff.
(6-0)

4. COMM. 4E-20 (2009)
SHERIFF

WHEREAS, the State of New York Governor's Traffic Safety Committee has awarded \$29,278 to the Erie County Sheriff's Office to participate in the statewide "Selective Traffic Enforcement" Program; and

WHEREAS, these funds will be used to fund overtime and purchase equipment dedicated to reducing unsafe driving behavior in an effort to decrease serious injury or death from traffic accidents.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to accept funding in the amount of \$29,278 from the State of New York Governor's Traffic Safety Committee; and be it further

RESOLVED, that authorization is hereby provided to budget those funds as follows:

Erie County Sheriff's Office – Fund Center 11510

<u>REVENUE</u>		<u>Increase</u>
409020	Miscellaneous State Aid	<u>29,278</u>
TOTAL REVENUE		<u>29,278</u>

<u>APPROPRIATIONS</u>		<u>Increase</u>
501000	Overtime	24,078
561410	Lab & Technical Equipment	<u>5,200</u>
TOTAL APPROPRIATIONS		<u>29,278</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and the Office of Sheriff.

(6-0)

5. COMM. 4E-22 (2009)
SHERIFF

WHEREAS, Congress has set June 12, 2009 as the final deadline for terminating analog television broadcasts; and

WHEREAS, it has been the practice of the Erie County Holding Center and Erie County Correctional Facility to provide television viewing to the inmates housed in those facilities; and

WHEREAS, it is necessary to convert the existing analog television system to a digital system to continue providing this benefit after June 12, 2009; and

WHEREAS, the Sheriff's Office has solicited quotes from Intertech digital, Dish Network, and Escape Wire Solutions New York for the cost of this conversion; and

WHEREAS, the Erie County Legislature has the authority, under Article III Section 07.b of the Erie County Administrative Code to waive bidding procedures when deemed impractical by a 2/3 vote of the Legislature; and

WHEREAS, it has been determined that Intertech digital could provide the necessary equipment to continue the use of the current antenna system with the advantage of digital picture and sound at the lowest cost and without requiring monthly fees; and

WHEREAS, the Erie County Sheriff's Office has sufficient funds in the Holding Center and Correctional Facility Commissary funds to cover the estimated cost of these services, therefore requiring no county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office is authorized to enter into an agreement with Intertech digital to provide the equipment and labor to convert the existing analog antenna system to work with the existing televisions at the Erie County Holding Center and the Erie County Correctional Facility; and be it further

RESOLVED, that formal competitive bidding process is hereby waived since this is a one time charge with no future monthly fees; and be it further

RESOLVED, that certified copies be forwarded to the Division of Purchase, the Erie County Comptroller and the Office of Sheriff.

(6-0)

**TIMOTHY M. WROBLEWSKI
CHAIR**

Item 39 – MS. GRANT presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 68

MARCH 5, 2009	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2M-4 (2009)
BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Agenda Items for Board of Trustees
Meeting Held 1/15/09
(7-0)
 - b. COMM. 4E-14 (2009)
COUNTY EXECUTIVE: Copy of Letter of CVB Concerning Appointments to the CVB
Board of Directors
(7-0)
2. COMM. 4E-6 (2009)
COUNTY EXECUTIVE
WHEREAS, The Buffalo and Erie County Public Library desires to implement Radio Frequency Identification (RFID) technology to make library material handling activities more efficient; and

WHEREAS, on November 20, 2008 the Executive Committee of the Buffalo and Erie County Public Library Board of Trustees on behalf of the full Board pursuant to the Bylaws of the Buffalo and Erie County Public Library adopted Resolution 2008-54 authorizing the Library Director or her designee to develop an incentive grant application to implement Phase 1 of the RFID project at an estimated net cost of \$1,718,343; submit same to the County Executive; and encourage the County Executive, ECFA and Erie County Legislature to support this project; and

WHEREAS, on December 4, 2008, the Erie County Legislature adopted Resolution No. 371 supporting the Library efficiency grant submission; and

WHEREAS, on December 4, 2008, the Erie County Budget Director approved the application submitted by the Library and forwarded the application to the ECFSA; and

WHEREAS, the ECFSA Finance Committee met on January 8, 2009 to discuss this efficiency grant application and voted to recommend approval to the ECFSA Board; and

WHEREAS, the ECFSA approved the award of efficiency grant funds for this initiative in the amount of \$1,718,343 via ECFSA resolution 09-03 at its meeting of February 4, 2009; and

WHEREAS, this allocation of funds will allow the Library to convert its library materials inventory, handling and security systems to a state-of-the-art RFID system, allowing the Library to streamline workflows and enabling attrition based labor force restructuring while simultaneously generating vast improvements in inventory control and public service; and

WHEREAS, the Library has issued a request for proposals, #09104VF, and is in the process of evaluating responses received from five major vendors; and

WHEREAS, establishing a grant budget within the Library Fund would enable the Buffalo and Erie County Public Library to proceed with this project.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County, pursuant to the request of the Buffalo and Erie County Public Library, create the RFID Efficiency Grant in the Library Fund Grants Budget utilizing funds received from the ECFSA; and be it further

RESOLVED, that the Director of Budget and Management and the Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept the funding of \$1,718,343 from ECFSA; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Comptroller, Director of Budget and Management, Buffalo and Erie County Public Library Director, and the County Attorney.

(7-0)

3. COMM. 4E-25 (2009)
COUNTY EXECUTIVE

RESOLVED, The Erie County Legislature hereby confirms Douglas Kohler as Erie County Historian.

(7-0)

BETTY JEAN GRANT
CHAIR

Item 40 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69

MARCH 5, 2009	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KONST.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 17-6 (2008)
WHYTE: Investigation of Air Pollution and Negative Health Effects in Tonawanda and Riverside
(6-0)
 - b. COMM. 2E-35 (2009)
WHYTE: Copy of Article, Titled "The Suburban Challenge"
(6-0)
 - c. COMM. 3E-18 (2009)
IANNELLO: Letter to Governor Paterson Concerning Health Concerns Involving High Benzene Levels in the Town/City of Tonawanda
(6-0)
 - d. COMM. 3M-5 (2009)
ERIE COUNTY WATER AUTHORITY: Financial Statements for the Years Ended December 31, 2008 and 2007
(6-0)
 - e. COMM. 4E-7 (2009)
COUNTY EXECUTIVE: EC Sewer District Nos. 3 & 6 - Engineer Term Agreement
(6-0)
 - f. COMM. 4E-12 (2009)
COUNTY EXECUTIVE: Solid Waste Responsibility to be Incorporated Into the EC Integrated Pest Management Project
(6-0)
 - g. COMM. 4M-1 (2009)
NYS DEC: Public Meeting Notice Regarding Spaulding Composites Site, Tonawanda City Hall

(6-0)

- h. COMM. 4M-3 (2009)
CITY OF BUFFALO COMMON COUNCIL: Copy of Resolution Entitled, "Establishing A Special Committee of the Common Council to Address Parks Issues"

(6-0)

- i. COMM. 4M-4 (2009)
NYS DEC: Public Meeting Notice Regarding Union Ship Canal Public Open Space, Valley Community Center, Buffalo

(6-0)

- j. COMM. 4M-12 (2009)
ASSEMBLYMAN SAM HOYT: "Why I Support an Erie County Planning Board"

(6-0)

2. COMM. 23E-11 (2008)
COUNTY EXECUTIVE AS AMENDED
RESOLUTION NO. _____

RESOLUTION DATED _____, 2009

A RESOLUTION APPROVING A MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES FOR ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK

(Introduced) _____, 2009.

(Adopted) _____, 2009.

WHEREAS, The County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed modification of plans for the increase and improvement of the facilities for County Sewer District No. 3 authorized by the County Legislature, which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, such report and estimate of cost have been approved by the Erie County Sewer Agency pursuant to a written report, which has also been filed with said County Legislature; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of Erie County Sewer District No. 3 in said County, consisting of the replacement of the Southtowns Sewerage Treatment Plant's roof and the rehabilitation of treatment plant infrastructure, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid design, engineering, and construction of the facilities of said Sewer District is \$570,000, to be apportioned by the assessment and levy on the real property in (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on

behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, (v) the Village of Hamburg and (vi) the Village of Blasdell; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, said County Legislature duly adopted Resolution No. 17 on the 29th day of January, 2009, calling a meeting of the County Legislature for the purpose of holding a public hearing to consider said modification of plans for such increase and improvement of facilities in accordance with the provisions of Section 253-b of the County Law; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 24th day of February, 2009, at 1:30 P.M. o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in substantially the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature had duly considered the evidence given at such public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to modify the plans for such increase and improvement of the facilities of Erie County Sewer District No. 3 in the County of Erie, New York, all as more fully described in the preambles hereof, and such modification of plans for the increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$570,000.

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

Section 3. This resolution shall take effect immediately.
(6-0)

3. COMM. 2E-8 (2009)
COUNTY EXECUTIVE

WHEREAS, the Buffalo and Erie County Greenway Fund – Standing Committee awarded Erie County \$205,000 to prepare a Shoreline Trail Signage – Riverwalk Section project; and

WHEREAS, said project will develop a signage site and amenity specification manual for all existing and future trail segments within the Niagara River Greenway area; and

WHEREAS, the Erie County Standing Committee will utilize the Community Foundation for Greater Buffalo as their contracting agent for fund disbursements; and

WHEREAS, the Buffalo Olmsted Parks Conservancy has requested that a park furnishings element be added to the project to ensure economies of scale within the project budget; and

WHEREAS, Wendel-Duchscherer has undertaken initial elements of the project through completion of a Shoreline Trail Signage and Wayfaring Study in 2004 on behalf of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a funding agreement with the Community Foundation for Greater Buffalo in an amount not to exceed \$205,000 for the purpose of carrying out the Shoreline Trail – Riverwalk Section Signage project; and be it further

RESOLVED, that the County Executive is hereby authorized to execute a funding agreement with the Buffalo Olmsted Parks Conservancy in an amount not to exceed \$7,800 for the purpose of undertaking the park furnishings element of the aforementioned project; and be it further

RESOLVED, that the County Executive is hereby authorized to execute a professional services contract with Wendel-Duchscherer for an amount not to exceed \$54,000 for the purposes of design and construction inspection services associated with the Shoreline Trail – Riverwalk Section – Signage and Park Furnishing System; and be it further

RESOLVED, that the requirement for requests for proposals in Section 19.08 of the Erie County Administrative Code are hereby waived since the agreement is a continuation of work actions undertaken as part of the 2004 Shoreline Trail Signage Wayfaring Study; and be it further

RESOLVED, that authorization is hereby provided to establish a capital account to be known as the Shoreline Trail – Riverwalk Section Signage and Park Furnishing System for the period March 1, 2009 to December 31, 2011 as follows:

Revenue:

420499 - Community Foundation for Greater Buffalo (other local source revenue)	\$205,000
420499 - Buffalo Olmsted Parks Conservancy (other local source revenue)	\$ 7,800

Appropriations:

516020 – Professional Services Contracts and Fees	\$212,800
Total Appropriations:	\$212,800

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 Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.
(6-0)

4. COMM. 2E-9 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to municipalities to assist them to comply with environmental regulations; and

WHEREAS, the ECDEP has previously been contracted by the County's two solid waste management boards to assist with compliance with their solid waste management plans; and

WHEREAS, Erie County's two solid waste management boards have signed separate Memorandums of Understanding (MOU) for the ECDEP to provide the necessary services for compliance with each Solid Waste Management Plan; and

WHEREAS, each MOU represents a two-year commitment of \$10,125 from each Board per year for a total of \$40,500; and

WHEREAS, a United States Environmental Protection Agency (USEPA) grant-funded program for the Erie County Integrated Pest Management (IPM) Project to begin on January 1, 2009, has been established through Comm. 5E-20; and

WHEREAS, the USEPA program can be effectively combined with the services required by the MOU's submitted by the two solid waste management boards; and

WHEREAS, the current position of JG-7, RPT, managing the USEPA grant program will assume the additional responsibilities associated with the two MOU's; and

WHEREAS, it is necessary to revise the USEPA Budget 162INTEGPESTMG0810 (Fund 281) to incorporate the additional funding; and

WHEREAS, it is necessary to change the existing JG-7, RPT, to a full time position retroactive to January 1, 2009, to effectively meet the objectives of the County's solid waste boards.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into separate agreements with the Northeast Southtowns Solid Waste Management Board (NEST) and the Northwest Solid Waste Management Board (NWSWMB) to accept the combined funds not to exceed \$40,500; and be it further

RESOLVED, that these funds will be added to the Erie County IPM Project Budget 162INTEGPESTMG0810 (Fund 281) in Personnel/Salaries and Fringe Benefits; and be it further

RESOLVED, that the grant budget for the Erie County IPM Project will be revised as follows:

REVENUES:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
414000	Federal Aid -- USEPA	\$ 98,340	0	\$ 98,340
420499	Other local source revenue	\$	40,500	\$ 40,500
Total Revenues:		\$ 98,340	\$40,500	\$138,840

APPROPRIATIONS:

Department of Environment & Planning – 162INTEGPESTMG0810 (Fund 281)

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Personnel/Salaries	\$ 52,000	\$28,520	\$ 80,520
502000	Fringe Benefits	\$ 21,840	11,980	\$ 33,820
505000	Supplies	\$ 1,000	-	\$ 1,000
510000	Travel -- Mileage	\$ 1,500	-	\$ 1,500
510200	Professional Services/Contractual	\$ 22,000	-	\$ 22,000
Total Appropriations		\$98,340	\$40,500	\$138,840

and be it further

RESOLVED, that the current position of JG-7, RPT, be changed to a full-time position

Change: Project Coordinator – Integrated Pest Management (JG 7, RPT)
Budgeted Salary: \$26,000
To: Project Coordinator – Integrated Pest Management (JG 7)
Budgeted Salary: \$39,293
(B-100 # 4443);

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to implement any budget amendments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget and Management; Holly A. Sinnott, Commissioner of Environment and Planning; William M. Murray, Esq., Deputy Commissioner of Environment and Planning; Esther W. Brennan, Environment and Planning; the County Comptroller; and the County Attorney.
(6-0)

5. COMM. 3E-12 (2009)
COUNTY EXECUTIVE

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2008-2009 snowmobile season for funding in an amount not to exceed \$219,575.00; and

WHEREAS, the sum of \$1,000.00 is budgeted as a state revenue for snowmobile development in the 2009 Adopted Budget of the Division of Parks; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the Erie County Department of Parks, Recreation and Forestry within the County parks and forest lots, as well as similar work performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$219,575.00 as pertains to snowmobile trail maintenance performed during the 2008-2009 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$208,350.00 for the purpose of snowmobile trail maintenance on club trails during the 2008-2009 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$23,750.00
Eden Trail Blazers Inc.	\$16,300.00
Grand Island Snowmobile Club Inc.	\$ 7,200.00
Hamburg Snowmobile Club Inc.	\$21,225.00
Holland Sno-Rascals Inc.	\$25,825.00
Marilla Sno-Mob Inc.	\$19,425.00
Northern Erie Snowseekers Inc.	\$21,900.00
Pioneer Sno-Surfers Inc.	\$11,175.00
Southern Tier Snowdrifters Inc.	\$26,675.00
WNY Snowmobile Club of Boston Inc.	\$34,875.00

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account 409010, in the amount of \$219,575.00, of which \$11,225.00 will be Park revenue, and an increase in appropriations in the amount of \$208,350.00, in the Division of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of snowmobile Clubs; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget,

Management and Finance, the Commissioner of the Department of Environment and Planning, the Office of the Erie County Comptroller and Assistant County Attorney, Stephanie Calhoun, of the Law Department.

(6-0)

6. COMM. 3E-13 (2009)
COUNTY EXECUTIVE

WHEREAS, Erie County is currently a leading member of the "Niagara 10" and fully participates on all levels in the interest of fostering and supporting numerous bi-national, Niagara Region initiatives; and

WHEREAS, Erie County and the bi-national Niagara Region have a common interest in shared waterways and water stewardship; and

WHEREAS, the International Joint Commission is holding its centennial celebrations in the Niagara Region in 2009, creating focus on the issues that surround water stewardship in the Niagara Region and the Great Lakes Basin; and

WHEREAS, the "Niagara 10" recommendations include a proposal to develop a political strategy for building the profile of the cross-border Niagara region. This includes efforts to coordinate water stewardship practices across the Niagara area border.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of Erie County declares 2009 the "Year of Our Shared Waters" in the bi-national Niagara Region; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Holly A. Sinnott, AICP, Department of Environment and Planning, and one certified copy to the County Executive.

(6-0)

**DANIEL M. KOZUB
CHAIR**

LEGISLATOR RESOLUTIONS

Item 41 – MS. MILLER-WILLIAMS presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70

RE: Legislature Personnel Adjustment,
District Office Staff, 6th District
(INTRO 5-1)

A RESOLUTION TO BE SUBMITTED BY

LEGISLATORS MARINELLI & WHYTE

WHEREAS, in order to better effectuate constituent services in the 6th 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 51004149, JG 7 Step 4, effective March 23, 2009; and

DELETE one (1) Administrative Clerk, Part-Time, Position Number 51004140, JG 7 Step 4, effective March 23, 2009; and

REPLACE with one (1) Administrative Clerk, Full-Time, JG 7 Step 4, and also effective March 23, 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 42 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71

RE: Determining the Public Health and Safety Impact of Tethering Dogs for Excessive Amounts of Time (INTRO 5-2)

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

WHEREAS, according to the Humane Society of the United States and other organizations that combat animal cruelty, the continuous tethering of dogs is detrimental to the dogs, and potentially to humans who may come into contact with them; and

WHEREAS, the excessive tethering and isolation of dogs have often led to dramatic changes in dog behavior, turning an otherwise even-tempered, friendly dog into one that becomes anxious and aggressive; and

WHEREAS, this anti-social behavior can lead to an increase in dog bites, which then becomes a public health and safety issue for humans; and

WHEREAS, four states have adopted laws banning or regulating the chaining of dogs, to wit: California, Connecticut, Texas and Virginia; and

WHEREAS, more than 50 communities in the United States prohibit or limit chaining, including communities in the following states: Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey and North Carolina; and

WHEREAS, the community of Canandaigua, New York, in the nearby Finger Lakes Region, has adopted an ordinance limiting the chaining of dogs by time; and

WHEREAS, in addition to the public health and safety benefits of addressing this humane issue, the responsibility and the costs of enforcement should be weighed; and

WHEREAS, currently, law enforcement officials respond to emergency calls regarding dogs biting humans, while dog wardens or animal control officers in municipalities respond to calls regarding a menacing animal; and

WHEREAS, the Erie County Health Department maintains records that document the prevalence of dogs biting humans; and

WHEREAS, in cases where a dog bites a human in Erie County and the owner of the dog cannot be identified, questioned or otherwise able to provide proof that the dog has been vaccinated against rabies, the victims must receive a series of painful rabies shots to protect their health; and

WHEREAS, it behooves members of the Health & Human Services Committee of the Erie County Legislature to discuss this issue, to review anti-tethering measures adopted by other communities in the United States and to determine whether additional approaches should be explored to potentially reduce the incidence of dogs biting humans in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that representatives of the Erie County Department of Health, the Society for the Prevention of Cruelty to Animals (SPCA), the law enforcement community and other interested organizations attend an upcoming meeting of the Health & Human Services Committee of the Erie County Legislature to discuss and assess the public health, law enforcement, animal cruelty and public safety impact of the excessive tethering of dogs; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Anthony J. Billittier IV, MD, Commissioner of the Erie County Department of Health; Barbara Carr, Director of the SPCA; the Humane Voters of Erie County and all others deemed appropriate.

Item 43 – MR. REYNOLDS presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

RE: Re-Appointments to the Erie County
Soil and Water Conservation District
Board of Directors
(INTRO 5-3)

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

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for appointments to the Erie County Soil and Water Conservation District Board of Directors; and

WHEREAS, the proper functioning of the Soil and Water Conservation District on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and

WHEREAS, pursuant to New York State Conservation District Law, of the seven-member District Board, two members are representatives of the County Legislature, one member represents the Grange, one member represents the Farm Bureau and three serve as At-Large Members; and

WHEREAS, in further accordance with New York State Law, the Erie County Legislature shall appoint members to the District Board, where presently term limits of three current District Board members have expired.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby re-appoint Mr. Francis Gernatt residing at 13384 Oswald Road, Collins, NY 14034 and Ms. Darlene Vogel residing at 43 Errington Terrace, Orchard Park, NY 14127 to the at-large positions on the Board of Directors for the Erie County Soil and Water Conservation District for 3-year terms; and be it further

RESOLVED, that the Erie County Legislature does hereby re-appoint Mr. Stanley Travis residing at 2095 Eastwood Road, East Aurora, NY 14052 as the Farm Bureau representative on the Board of Directors for the Erie County Soil and Water Conservation District for a 3-year term; and be it further

RESOLVED, that the aforementioned appointments shall be effective immediately and shall expire on December 31, 2011; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Soil and Water Conservation District (50 Commerce Way, East Aurora, NY 14052), Mr. Francis Gernatt

(13384 Oswald Road, Collins, NY 14034), Ms. Darlene Vogel (43 Errington Terrace, Orchard Park, NY 14127) and Mr. Stanley Travis (2095 Eastwood Road, East Aurora, NY 14052); and be it further

RESOLVED, that certified copies are forwarded to the County Executive and all others deemed necessary and proper.

Item 44 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73

RE: 2009 Capital Borrowing
(INTRO 5-4)

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

WHEREAS, the 2009 Erie County Budget which was approved in December 2008 contains the 2009 Capital Budget and 2009-2014 Capital Improvement Program as required by the Erie County Charter, including

Nine general projects	\$12.1 million
Eleven highway & bridge projects	\$ 52.881 million
Three Sheriff's projects	\$ 1.525 million
Bethlehem Steel Site Development	\$ 500,000.00
One DISS project	\$ 3.2 million
Countywide Parks Improvement	\$ 1.6 million
Two Emergency Services projects	\$ 3.875 million
One Library project	\$ 200,000.00
Four Erie Community College projects	\$ 10.3 million

and

WHEREAS, in each of the last two years, the Erie County Legislature has after public comment and thoughtful debate and discussion modified the proposed capital budget to continue our efforts to stabilize Erie County's finances as well as to fund projects designed to improve and protect the public's health, safety and welfare; and

WHEREAS, the Erie County Legislature is required to approve all bond resolutions by at least a super-majority vote upon receipt of the County Executive's proposed borrowing for 2009 from the Erie County Comptroller; and

WHEREAS, the Erie County Fiscal Stability Authority continues to assert its authority to approve any capital borrowing proposal approved by the Erie County Legislature; and

WHEREAS, the County of Erie has not been able to borrow for capital projects for the years of 2007 and 2008 because of the dispute between the county and the Erie County Fiscal Authority

over whom should borrow on behalf of the county thereby delaying much needed capital projects and increasing the potential harm to the public's health, safety and welfare; and

WHEREAS, the United States Congress has approved and President Obama has signed the American Reinvestment and Recovery Act which contains millions of dollars designed to be used to for "shovel ready" infrastructure and capital projects; and

WHEREAS, the State of New York will receive approximately one billion dollars for highway and bridge projects as part of this economic stimulus package which must be spent on projects which have already undergone environmental reviews and certain other technical requirements thereby accentuating the need for Erie County to identify all potential projects which might be eligible for this funding thus reducing the need for borrowing for such projects; and

WHEREAS, the Erie County Legislature, the Office of the Comptroller and the Office of Budget and Management have further improved the capital budget systems in Erie County, namely with better prioritizing, tracking, close-out reporting and debt service payments; and

WHEREAS, the Erie County Legislature recognizes the need for further deliberations on behalf of the community we are elected to serve and the need to further enhance the county's credit rating with the Wall Street community.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature call upon the County Executive and the Comptroller to prepare all requests for the 2009 Capital Borrowing by clock-in April 14, 2009, to be sent to the Finance and Management Committee of the Erie County Legislature for the purpose of public discussion and a determination of a total borrowing amount for 2009 capital projects; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Erie County Comptroller, the Sheriff of Erie County, the County Attorney, the Budget Director, the President of Erie County Community College, Director of the Buffalo and Erie County Public Library and the Erie County Fiscal Stability Authority.

MS. WHYTE moved to amend the resolution by adding MR. MILLS, MR. KOZUB, MR. KENNEDY, MR. RATH and MR. WALTER as Co-Sponsors. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 45 – CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 5-5 from MILLS, MARINELLI & WALTER Opposing Taxation of Participatory Sports.

Item 46 – CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 5-6 from WHYTE, REYNOLDS, KENNEDY, MARINELLI, MILLER-WILLIAMS & IANNELLO Employee Free Choice Act.

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

CARRIED UNANIMOUSLY.

MR. LOUGHRAN moved the send the resolution to committee for further consideration. MR. WALTER seconded. MR. MILLS, MR. RATH, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI voted in the negative.

FAILED. (2-13)

RESOLUTION NO. 74

RE: Spending of Federal Economic Renewal Grants to Purchase American Made Products and Services in Erie County (INTRO 5-7)

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

WHEREAS, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment; and

WHEREAS, those same Americans are the taxpayers that provide the revenue needed to operate essential government services; and

WHEREAS, Congress and President Obama have approved planning a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and other projects that will require manufactured components; and

WHEREAS, our taxpayer dollars should be spent to maximize the creation of American jobs and restoring the economic vitality of our communities; and

WHEREAS, any domestically produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy; and

WHEREAS, any economic recovery plan spending should – to every extent possible – include a commitment from the County of Erie to buy materials, goods and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, to the maximum extent permitted by law, will work to maximize the creation of American jobs and restoring economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed; and be it further

RESOLVED, that the Erie County Legislature commits, to the maximum extent permitted by law, to purchasing only products and services that are made or performed in the United States of America whenever and wherever possible with any economic recovery monies provided to the County of Erie by the American taxpayers; and be it further

RESOLVED, that the Erie County Legislature, to the maximum extent permitted by law, commits to pursue these procurement priorities so as to give American workers and producers the opportunity to identify and provide American products and services that will maximize the success of our nation's economic recovery plan; and be it further

RESOLVED, that, as Legislators of the County of Erie, we commit to publish any requests to waive these procurement priorities so as to give American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of our nation's economic recovery program; and be it further

RESOLVED, the certified copies of this resolution shall be forwarded to the President of the United States, the Honorable Barack Obama; New York's representatives in the United States Senate, the Honorable Charles E. Schumer and Honorable Kirsten E. Gillibrand; the Western New York delegation to Congress, the Honorable Louise M. Slaughter, the Honorable Brian M. Higgins, and the Honorable Christopher J. Lee; the Erie County Executive, the Honorable Chris Collins; the Erie County Clerk, the Honorable Kathleen Courtney Hochul; the Erie County Comptroller, the Honorable Mark C. Poloncarz; the Erie County Sheriff, the Honorable Timothy B. Howard; the Erie County District Attorney, the Honorable Frank A. Sedita III; the Erie County Attorney, Cheryl Green; the Erie County Commissioner of Public Works, Gerald J. Sentz; the Commissioner of Environment & Planning, Holly Sinnott; and the Director of the Division of Purchase, Vallie M. Ferraraccio.

MS. WHYTE moved to amend the resolution by adding MR. KENNEDY and MR. RATH as Co-Sponsors. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

RE: Urging Passage of “Jilly’s Law”
(INTRO 5-8)

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

WHEREAS, Jill and Jeff Cahill were a married couple with two children living near Syracuse, New York; and

WHEREAS, their marriage was facing some difficulties; and

WHEREAS, during an argument in April, 1996, Jeff Cahill bludgeoned Jill Cahill with a baseball bat, causing Jill to lapse into a coma; and

WHEREAS, while out on bail, a restraining order was issued which required Jeff to stay away from Jill; and

WHEREAS, in October, 1996, Jeff was caught posing as a hospital staff member in the same hospital where Jill was recovering; and

WHEREAS, one week later, Jeff posed as a janitor at the same hospital, entered Jill’s room and murdered her; and

WHEREAS, currently, the only factor that court’s can consider when setting bail in domestic violence cases is risk of flight; and

WHEREAS, if the court was allowed to consider the brutal nature of the attack, the resulting injuries and Jill’s safety, Jill might still be alive today; and

WHEREAS, New York State Senate Bill 1401 and New York State Assembly Bill 3035 would permit courts to consider violations of court orders, history of threats or violence against an alleged victim, previous records of protection against the individual, the violent nature of the charged crime, the impact that the crime had against the victim and other relevant circumstances when determining bail in domestic violence cases.

NOW, THEREFORE, BE IT

RESOLVED, that this Legislative Body pause in its deliberations to acknowledge the importance of “Jilly’s Law” and urge the immediate passage and chaptering of New York State Senate Bill 1401 and New York State Assembly Bill 3035, which will provide additional protection to victims of domestic violence; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader Malcolm Smith, Attorney General Andrew Cuomo, the local delegation to the New York State Legislature and County Executive Christopher Collins.

MS. WHYTE moved to amend the resolution by adding MR. KENNEDY, MS. KONST and MR. REYNOLDS as Co-Sponsors. MR. RATH seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

RE: Urging NYS to Reform Third Party
Billing and County Reimbursement for
the Early Intervention Program
(INTRO 5-9)

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

WHEREAS, the Early Intervention Program in New York State is in need of reform and overhaul in order to address the dramatic increase in county administrative duties, as well as the number of recipients and cost per child since the program’s inception in 1993; and

WHEREAS, it is in the best interest of state and local taxpayers to administer this program in the most cost-effective manner possible, as required by statute; and

WHEREAS, counties are mandated in statute to bill private insurance for eligible Early Intervention Services and are fiscally penalized for what the state deems to be inadequate performance in recoupment; and

WHEREAS, counties are responsible to pay 100% of the cost of Early Intervention Services in the first instance, which by statute cannot be claimed, at the earliest, until nine months into the current school year, and which frequently remains unreimbursed for more than one year; and

WHEREAS the historical 50% state share for the program is now reduced to 49%, while the counties' share has risen to 51%; and

WHEREAS, the enacted 2008-09 State Budget reduced the amount a county will be reimbursed for Early Intervention Services claims from 100% to 98%, which only worsens the ever-increasing cost to municipalities and directly impacts the property taxpayers; and

WHEREAS, counties have historically been assured in statute of access to numerous funding sources to offset the high cost to New York State taxpayers and that they would be payers of last resort; and

WHEREAS, those sources have been elusive or denied outright in spite of ongoing municipal efforts to access them; and

WHEREAS, legislation introduced in successive sessions which would close loopholes in existing law and mandate reimbursement by commercial health insurers for Early Intervention Services has been unsuccessful to date; and

WHEREAS, counties are billing more than ever before and in amounts exceeding the amounts billed to Medicaid, however, the percentage of recoupment remains low and unchanged; and

WHEREAS, the most recent data shows a total of approximately \$95.5 million was billed to commercial insurers and only \$10.6 million was recouped statewide, the same collection rate as in 2000; and

WHEREAS, the same data shows the total expenditure reported by municipalities for billing commercial insurers was \$3.8 million, with fully 24% of responding counties unable to collect enough commercial insurance payments to simply cover the cost of their commercial insurance billing functions alone; however, when the cost of services and billing were considered together, the return was thirteen cents for every dollar spent by counties overall; and

WHEREAS, the 2009-10 Executive Budget proposal for the Early Intervention program includes tighter rules on mandated third party health insurance coverage, a sliding scale parental co-payment, increased provider fiscal responsibility and state fiscal agent.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urge the Governor and State Legislature to reform the Early Intervention Program by mandating third party health insurance coverage to ensure that counties' medically necessary claims are, indeed, accepted as medically necessary and paid in full, implementing the parental co-payment, increasing provider fiscal responsibility and implementing the state fiscal agent to administer the parental co-payment; and be it further

RESOLVED, that it is New York State's responsibility, both to the integrity of the program and the rising number of children served, to reform and overhaul the Early Intervention program so that it is accountable to the children it serves and the taxpayers of the state; and be it further

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

RE: Urging NYS to Support the General Public Health Works Program for Local Public Health Initiatives, as Well as Medical Examiners and EMS (INTRO 5-10)

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

WHEREAS, counties in New York State provide essential public health services in their communities and are consistent leaders in addressing public health priorities; and

WHEREAS, the New York State Association of Counties (NYSAC) supports funding and policy initiatives that serve to help further local health efforts to prevent disease and disability, promote health and safety and protect the environment; and

WHEREAS, public health protects and improves communities by preventing epidemics and the spread of disease, promoting healthy lifestyles for children and families, protecting against hazards in homes, work, communities and the environment, assuring high quality health care services and preparing for and responding to emergencies; and

WHEREAS, the enacted 2008-09 Executive Budget proposal included a two-percent reduction to counties for General Public Health Works/Article VI claims submitted to New York State for reimbursement; and

WHEREAS, the 2009-2010 Executive Budget redefines many core public health services, as well as eliminates reimbursement for a number of General Public Health Works/Article VI optional services; and

WHEREAS, the eroding of the foundation of General Public Health Works by the 2009-2010 Executive Budget proposal to redefine and eliminate programs such as Medical Examiners and Emergency Medical Services, permanently alters what are often the only vital services available in many communities; and

WHEREAS, the recent tragedy of Continental Connection Flight 3407 and the ensuing actions of volunteers and professionals alike have called the public's attention to the essential work of medical examiners, fire, police and emergency medical first responders and disaster teams.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urge the State Legislature and Governor to prioritize, preserve and protect the General Public Health Works program funding, as well as Medical Examiners and Emergency Medical Services, in the 2009-2010 New York State Budget; and be it further

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 51 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78

RE: Support for Amanda's Law
(INTRO 5-11)

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

WHEREAS, while at a sleepover at a friend's house on January 17, 2009, Amanda Hansen, age 16, lost her life to carbon monoxide poisoning from a defective boiler; and

WHEREAS, Assembly Bill 6093/Senate Bill 2791, if approved by the State Legislature and signed into law by the Governor, would require all owners of residences with appliances, devices or systems emitting carbon monoxide to purchase and install carbon monoxide detectors when such appliances, devices or systems are replaced; and

WHEREAS, if the homeowner engages a contractor or other individual to do such work, the law would require that person to install a carbon monoxide detector at the same time if one is not already present in the dwelling; and

WHEREAS, although no action the community or government takes can bring Amanda back from this tragedy, the public can take steps to stop such needless and preventable loss of life in the future.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record in support of Amanda's Law – A. 6093/S. 2791 – sponsored in the State Assembly by Assemblyman Mark J.F. Schroeder and in the State Senate by Senator William Stachowski; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor David A. Paterson, Speaker Sheldon Silver, Senate Majority Leader Malcolm Smith and the WNY Delegation to the NYS Legislature.

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. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

Item 52 – CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 5-12 from MARINELLI, KENNEDY, MILLS, MILLER-WILLIAMS, WALTER & GRANT Calling for the Re-Authorization of Authority Granted Countywide Industrial Development Agency Financing of Civic Facilities.

Item 53 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79

RE: Urging the Governor and the NYS
Legislature to Restore Local
Transportation Funding
(INTRO 5-13)

A RESOLUTION TO BE SUBMITTED BY

**LEGISLATORS MARINELLI, KENNEDY, WHYTE, MILLS, MILLER-WILLIAMS,
WALTER, GRANT, WROBLEWSKI, IANNELLO, REYNOLDS & LOUGHRAN**

WHEREAS, local governments are responsible for 85% of the 110,000 miles of roadways in New York State and are also responsible for 50% of the 18,000 bridges in the state; and

WHEREAS, county highway departments use CHIPS (Consolidated Highway Improvement Program) funds to repair important components of the local transportation system, as well as purchase necessary highway equipment and materials; and

WHEREAS, CHIPS is a unique form of block grant in transportation financing that provides critical transportation funding to over 1,600 units of local government in New York State; and

WHEREAS, the Governor's proposed 2009-2010 Executive Budget proposal greatly reduces local transportation aid statewide by:

- reducing local transportation aid from CHIPS to \$251 million, a reduction of \$112 million from the 2008 level;
- eliminating the Multi-Modal Program, a loss of \$50 million
- reducing aviation funding to \$20 million, a loss of \$4 million; and

WHEREAS, cost pressures continue to eat away at the amount of work that can be done:

- asphalt prices are considerably up
- heavy equipment operating costs have increased over the last two years
- steel mill product pricing went up 25% in five years
- road salt is up more than 15% over last year.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature join with the New York State Association of Counties in urging the Governor and the New York State Legislature to preserve and protect the very important economic development and public safety impact of all local transportation funding by restoring these appropriations; and be it further

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

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. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 54 – CHAIR MARINELLI directed that the following item be referred to the

ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 5-14 from KENNEDY Placing High-Speed Rail on the Fast Track for Federal Stimulus Funding.

Item 55 – CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 5-15 from MILLS, RATH & WALTER Requesting NYS Reimbursement Through SEMO.

Item 56 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to reconsider the resolution. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 80

RE: Urging the State Legislature and the Governor to Relieve Counties from the Staggering Expenses Associated with Housing Parole Violators in County Jails (INTRO 5-16)

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

WHEREAS, every county jail in New York State 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 60 days and can be as long as 120 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 while their parole revocation hearings are held and completed; and

WHEREAS, the State had previously reimbursed counties for housing these inmates in local facilities at the rate of \$40 per day, but reduced that figure in August 2008 to \$37.60 per day; and

WHEREAS, the proposed 2009-2010 Executive Budget includes language to eliminate all reimbursement to counties for housing such parole violators on behalf of the State of New York.

NOW, THEREFORE, BE IT

RESOLVED, that each county should receive appropriate relief from the State of New York for housing "state ready" parole violators awaiting transfer to a state correctional facility; and be it further

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

RESOLVED, that the Erie County Legislature join the New York State Association of Counties (NYSAC) in urging 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 incurred by the counties; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the Governor 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. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Item 57 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 81

RE: Supporting Governor Paterson's
Proposal to Reform the Indigent Legal
Services Fund Maintenance of Effort
Provision Affecting Counties
(INTRO 5-17)

A RESOLUTION TO BE SUBMITTED BY

**LEGISLATORS MARINELLI, MILLS, MILLER-WILLIAMS,
WALTER, GRANT, REYNOLDS & LOUGHRAN**

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 a county; and

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

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

WHEREAS, Governor Paterson has included language in his 2009-2010 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 the MOE calculation as opposed to recalculating the MOE annually; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature join the New York State Association of Counties (NYSAC) in supporting 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 will be forwarded to the Governor, the WNY Delegation of the State Legislature and to all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 58 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 4E-8 (2009). MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82

RE: HOME Investment Partnership Program
- Community Housing Development
Organization Contracts
(COMM. 4E-8, 2009)

WHEREAS, Erie County formed a Consortium (Erie County HOME Consortium) with the Town of West Seneca and Town of Hamburg for funding under the HOME Investment Partnership Act (HOME); and

WHEREAS, a minimum of fifteen percent of said funds are to be provided to eligible Community Housing Development Organization (CHDOs).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute agreements with the following Community Housing Development Organizations for amounts not to exceed those noted below:

1. People Inc. – RE: Angola Senior Housing – Village of Angola – \$260,000
2. Our Lady of Victory – St. Elizabeth Assisted Living Housing – Village of Lancaster – \$101,751
3. Community Action Organization of Erie County – Feasibility Study RE: Affordable Housing Project – St. Hyacinth Rectory – City of Lackawanna – \$19,650
4. Western New York AmeriCorps Fund – 20 School Street – Affordable Housing Project – Town of West Seneca – \$13,950

and be it further

RESOLVED, that the source of funds for said contracts shall be the federal HOME Investment Partnership Grant fund within the Erie County Department of Environment and Planning budget; and be it further

RESOLVED, that disbursement of said funds shall be conditioned on the following:

1. Completion of all state and federal environmental review requirements relative to the housing projects.

2. Completion of all necessary subsidy layering analyses as required by the federal Department of Housing and Urban Development; and be it further

RESOLVED, that the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with by the Department of Environment and Planning, and a summary is included as Attachment A to this resolution; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.

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

CARRIED. (14-0-1)

Item 59 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of INTRO 4-4 (2009). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83

RE: 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) (INTRO 4-4, 2009)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLER-WILLIAMS**

MS. WHYTE moved to amend the resolution to insert content, and also by adding CHAIR MARINELLI, MS. WHYTE, MR. KOZUB, MR. KENNEDY, MS. KONST, MS. GRANT, MR. MAZUR, MR. WROBLEWSKI, MS. IANNELLO, MR. REYNOLDS and MR. LOUGHRAN as Co-Sponsors. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

WHEREAS, the County of Erie has been administering the federally funded WIC (Women, Infants, and Children) Program for over 30 years; and

WHEREAS, the County of Erie has been providing the “day to day” services for this federally funded WIC (Women, Infants, and Children) Program for over 30 years; and

WHEREAS, the County of Erie currently provides service to over 16,000 women, infants, and children in the WIC Program; and

WHEREAS, the County of Erie also serves as a WIC Vendor Management Agency for 17 counties in New York State; and

WHEREAS, the County Executive has failed to apply for renewal of our federally funded WIC (Women, Infants, and Children) Program and the deadline for applications is March 30, 2009; and

WHEREAS, the WIC Program brings in over 11.4 million dollars of federal funding to our area each year; and

WHEREAS, the Administration has held no public hearings or submitted this issue to the Erie County Legislature for discussion in the appropriate legislative committee nor has the Legislature been provided a proposed plan of action for insuring that those currently being served would continue to have access to this vitally important program; and

WHEREAS, the County of Erie is scheduled to receive several millions of dollars for the express purpose of relieving the county's Medicaid burden thus potentially freeing up money which could be used to insure that the WIC program can continue to be offered by Erie County; and

WHEREAS, the Administration has failed to engage in meaningful discussions with the Erie County Legislature regarding the use of the Medicaid relief funds or the economic stimulus dollars soon to be received by Erie County therefore allowing for careful planning for the use of these monies in a fiscally responsible manner; and

WHEREAS, the Collins Administration has failed to address or explain why the most effectively run WIC (Women, Infants, and Children) Program in New York State is being dismantled without any public input.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby directs that the Administration immediately submit the application for renewing our federally funded WIC (Women, Infants, and Children) Program; and be it further

RESOLVED, that the Erie County Legislature hereby demands that the Collins administration complete this application by the deadline of March 30, 2009 and submit a copy of the completed application to the Clerk of the Erie County Legislature; and be it further

RESOLVED, that the certified copies of this resolution be sent to County Executive, the Commissioner of Health, the County Attorney and all other appropriate and interested parties.

MS. WHYTE moved to approve the resolution as amended. MS. MILLER-WILLIAMS 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.

SUSPENSION OF THE RULES

Item 60 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 5E-29 from the COMPTROLLER Re: Letter from Comptroller to County Executive - RE: Status of Capital Projects - 2009

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIR MARINELLI

Item 61 – (COMM. 5E-1) Federal Stimulus Dollars Disbursement

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR MILLER-WILLIAMS

Item 62 – (COMM. 5E-2) Notification of Absence for Committee Meetings, 3/5/09, Due to Military Duty

Received and Filed.

FROM CHAIR MARINELLI, LEGISLATORS WHYTE & KOZUB

Item 63 – (COMM. 5E-3) Copy of Letter to County Executive & Buffalo Mayor Concerning Intermunicipal Parks Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR IANNELLO

Item 64 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MS. IANNELLO abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 84

RE: Lease for Legislative Office Space
(COMM. 5E-4)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Cheryl M. Rowe for Legislative office space for Michele M. Iannello, located at 9 Euclid Ave., Kenmore, New York for a monthly rate of \$650.

FROM LEGISLATOR KONST

Item 65 – (COMM. 5E-5) Notification of Absence for Committee Meetings, 3/5/09

Received and Filed.

FROM LEGISLATOR IANNELLO

Item 66 – (COMM. 5E-6) Letter to Commissioner of Environment & Planning Concerning Tonawanda Coke Plant

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 67 – (COMM. 5E-7) Results of Erie County Comptroller's Office Tip Line Investigation

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 68 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 85

RE: District Attorney's Office Restructure
(COMM. 5E-8)

WHEREAS, in order to effectuate a reorganization of the Erie County District Attorney's 2009 Personal Services Budget, several more staffing adjustments are necessary; and

WHEREAS, the further reorganization in the Erie County District Attorney's Office in this resolution will result in an overall savings in the Full Time Salaries line of \$12,280; of which the Erie County District Attorney would like to transfer \$10,000 to Out of Area Travel. The transfer of funds will allow the Erie County District Attorney to send his prosecutors to valuable training throughout the year; and

WHEREAS, in order for the Erie County District Attorney to initiate his practice of hiring the best and brightest to fill the most challenging positions within his office, it is important that they are compensated appropriately; and

WHEREAS, the Erie County District Attorney is taking the next stage to implement his vision of creating the most professional office; and

WHEREAS, salaries for these positions were determined based on the County's respective Managerial Confidential and CSEA pay scales and have been prorated for the remaining 19 pay periods to reflect changes taking place as of March 28, 2009; and

WHEREAS, both the Erie County District Attorney's staff reorganization and salary authorization will have no additional personal services costs, and will be implemented while keeping within the District Attorney's adopted appropriation for 2009; and

WHEREAS, the proposed reorganization will result in a net \$2,280 savings in Personal Services Budget.

NOW, THEREFORE, BE IT

RESOLVED, this Honorable Body does hereby provide authorization to revise the District Attorney's adopted appropriations for 2009 and to make those funds available to provide for the adjustments to be effective March 28, 2009; and be it further

RESOLVED, that the position of Deputy District Attorney-Special Counsel (JG18), position #2350; one position of Assistant District Attorney VI (JG17), position #51003960; and one position of Assistant District Attorney (JG14), position #452, be deleted from fund center 11400 (B100 #4467); and be it further

RESOLVED, that three Assistant District Attorney V positions (JG16) and one Assistant District Attorney IV position (JG15), be created in fund center 11400 (B100 #4468); and be it further

RESOLVED, that one Paralegal position (JG5) , position#6989, be deleted from fund center 11400, and replaced with a Senior Paralegal position (JG7) in fund center 11400 (B100# 4523); and be it further

RESOLVED, that the Director of Budget and the Commissioner of Personnel make any changes necessary to effectuate the implementation of this resolution to March 30, 2009; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the District Attorney's Office 2009 appropriations as follows:

	<u>ORIGINAL</u>	<u>INCREASE (DECREASE)</u>	<u>FINAL</u>
500000 Full Time Salaries	\$ 7,279,032	(10,000)	\$ 7,269,032
510100 Out of Area Travel	\$ 8,000	10,000	\$ 18,000

and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Commissioner of Personnel and the Director of Budget and Management.

FROM THE COUNTY EXECUTIVE

Item 69 – (COMM. 5E-9) ECSD No. 2 - Pumping Station Modifications Project - Contract Close Out - Kandey Company, Inc.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 70 – (COMM. 5E-10) Revise III-C-1 Nutrition Grant

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 71 – (COMM. 5E-11) Appointments to the Erie County Environmental Management Council

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 72 – (COMM. 5E-12) Appointment to the Erie County Board of Health

Item 73 – (COMM. 5E-13) Appointment to the Erie County Medical Center Corporation Board of Directors

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

Item 74 – (COMM. 5E-14) ECSD Nos. 1, 4 & 5 - Pumping Station Generator Replacement/Office General Installation - Contract Close-Out - Frey Electric Construction Company

Item 75 – (COMM. 5E-15) Rules & Regulations for Erie County Sewer Districts

Item 76 – (COMM. 5E-16) ECSD No. 2 - Pumping Modifications Project - Contract Close Out - O'Connell Electric Company

Item 77 – (COMM. 5E-17) ECSD No. 4 - Professional Services Agreement, Overflow Retention Facility Upgrades - Change Order No. 1

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

Item 78 – (COMM. 5E-18) Revise Van Sponsorship Fees

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 79 – (COMM. 5E-19) Right-of-Way Acquisition - Reconstruction of Seneca St. Bridge - West Seneca

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 80 – (COMM. 5E-20) Sale of County Owned Inventory - Buell St. & Cummings Rd., Newstead

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 81 – (COMM. 5E-21) Request to Receive Funds from Cattaraugus County - Emergency Logjam Removal by Dept. of Public Works

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 82 – (COMM. 5E-22) Erie County Clean School Bus Initiative Phase 3

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 83 – (COMM. 5E-23) Juvenile Accountability Block Grant Award from NYS DCJS

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 84 – (COMM. 5E-24) Framework for Regional Growth - Web Mapping Application - Contract with Buffalo Computer Graphics

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 85 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 86

RE: Purchase of Caseload Explorer
(COMM. 5E-25)

WHEREAS, the Department of Probation is responsible for making sentencing recommendations, providing community supervision and improving the quality of life in our community; and

WHEREAS, during their meeting on February 4, 2009, The Erie County Fiscal Stability Authority awarded the Erie County Probation Department Efficiency Grant funds for the purpose of purchasing, installing, and using Caseload Explorer; and

WHEREAS, the grant award will allow the Administration to implement a system of accountability necessary for the re-engineering of the department, which will result in increased efficiency and cost-savings.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept an award from the Erie County Fiscal Stability Authority in the amount of \$143,000; and be it further

RESOLVED, that the necessary funds to cover the cost of this program have been appropriated using the grant funds covered in this resolution; and be it further

RESOLVED, that the County Executive be authorized to enter into agreement with Automon for the purchase, installation, and training for Caseload Explorer; and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impracticable to follow the RFP procedures for the professional service contracts with Automon as Automon is the sole source provider of Caseload Explorer, and hereby waives the procedures outlined in Section 19.08 of the Erie County Administrative Code; and be it further

RESOLVED, that the Director of Budget and Management and the Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept the funding to \$143,000 from the Erie County Fiscal Stability Authority; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Comptroller, Director of Budget and Management, Director of Personnel, and the County Attorney.

MS. WHYTE moved to amend the item. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

Delete the Last Resolve Clause in its Entirety and Insert the Following:

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Erie County Comptroller, the Director of Budget and Management, the Commissioner of Personnel, the County Attorney and the Erie County Fiscal Stability Authority.

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

CARRIED UNANIMOUSLY.

Item 86 – (COMM. 5E-26) DWI Victim Impact Panel Fee

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 87 – (COMM. 5E-27) Re-Appointment to the NYS Region 9 Fish & Wildlife Management Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 88 – (COMM. 5E-28) Resolution Calling on State Legislature to Oppose Proposed Executive Budget that Would Result in a Cost Shift of Millions of Dollars to Counties

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 89 – (COMM. 5D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 90 – (COMM. 5D-2) Competitive Bid Contracts Awarded by the Division of Purchase

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DEPUTY COMPTROLLER - AUDIT & CONTROL

Item 91 – (COMM. 5D-3) Dept. of Probation - Audit of Cash Receipts & Disbursements, 1/1/06 - 9/30/08

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 92 – (COMM. 5D-4) Letter to Erie County Legislature Concerning Local Law Intro 3 of 2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE MAYOR OF THE CITY OF LACKAWANNA

Item 93 – (COMM. 5M-1) Letter in Opposition to the Establishment of an Erie County Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE SENECA COUNTY BOARD OF SUPERVISORS

Item 94 – (COMM. 5M-2) Copy of Resolution Urging Governor Paterson to Collect Sales & Excise Taxes on Cigarette Purchases by Non-Indians

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NFTA

Item 95 – (COMM. 5M-3) Minutes from NFTA Board Meeting Held 1/20/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ECIDA

Item 96 – (COMM. 5M-4) Notification of ECIDA Board Meeting to be Held 3/9/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE CITY OF BUFFALO COMMON COUNCIL

Item 97 – (COMM. 5M-5) Request for Legislature Response to Common Council Item, Entitled, "Day Care Tax Penalty"

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NYS BANKING DEPARTMENT

Item 98 – (COMM. 5M-6) Notice of Hearing Concerning NYS's Banking Development District Program

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ERIE COUNTY WATER AUTHORITY TREASURER

Item 99 – (COMM. 5M-7) Letter to Chair Marinelli Concerning Reappointment to the ECWA Board of Commissioners

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM YOUNG AUDIENCES ARTS FOR LEARNING

Item 100 – (COMM. 5M-8) 2008 Annual Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ANNOUNCEMENTS

Item 101 – CHAIR MARINELLI announced that the schedule of upcoming committee meetings has been distributed. She further announced that the 21st Century Commission will conduct a Public Forum to hear public comment on the future makeup of the Legislature. The forum

will be held on Monday, March 23, 2009 from 6:00 to 8:00 P.M. at WNET Studios, Horizons Plaza, Buffalo.

Item 102 – MS. GRANT announced that on Saturday, March 21, 2009 at 10:00 A.M. the WNY for Obama Chapter will hold a Public Meeting at the Merriweather Library (1324 Jefferson Ave., Buffalo) for the purpose of hearing community input to improve the region.

MEMORIAL RESOLUTIONS

Item 103 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of James P. DiNezza Sr., Labor Leader Joseph S. Benbenek, and James B. ‘Jim’ Westerling, husband of Probation Department staff member Jill Monacelli.

Item 104 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Nicholas Caetano. Legislator Kennedy also requested that when the Legislature adjourns, it do so in memory of all those Irish immigrants who lost their lives or were injured fleeing famine and coming to this country from 3,000 miles away on ocean liners, or those who died or were injured building America’s bridges and skyscrapers.

Item 105 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Tom Dentice, Stanley Bigaj, Mary Gombos and Dennis Jackson.

Item 106 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Buffalo Police Officer Richard D. Woods.

Item 107 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Loretta L. Renford.

Item 108 – Legislator Konst requested that when the Legislature adjourns, it do so in memory of the Greek population, in remembrance of Greek Independence Day.

Item 109 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of her Brother-in-Law, Douglas Abraham Cobb.

Item 110 – Legislator Wroblewski requested that when the Legislature adjourns, it do so in memory of Amanda Hansen.

Item 111 – Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Stanley R. Bigaj, Richard A. Saunders, Beverly A. (Orszulak) Orrange, and Maxwell C. “Kemosabe” Lay.

Item 112 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Angeline Castiglione, Robert J. Lask, and John R. Hughes.

Item 113 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Timothy M. Payne.

ADJOURNMENT

Item 114 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, March 26, 2009 at 2:00 P.M. Eastern Standard Time. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, March 26, 2009 at 2:00 P.M. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE