

ERIE COUNTY LEGISLATURE
MEETING NO. 9
MAY 8, 2008

The Legislature was called to order by Chair Marinelli.

All members present, except for Ms. Miller-Williams.

An Invocation was held, led by Joel James of Eagles' Wings, who attended this Session of the Legislature upon the request of Mr. Ranzenhofer.

The Pledge of Allegiance was led by Mr. Reynolds.

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 8 from 2008. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. IANNELLO presented a resolution Congratulating Sam Kilb Upon Receiving the 43rd Annual Thomas E. Hewitt Sports Award.

Item 6 – MS. IANNELLO presented a resolution Congratulating Amber Hultgren Upon Receiving the 43rd Annual Thomas E. Hewitt Sports Award.

Item 7 – MS. IANNELLO presented a resolution Congratulating Rose Max Upon Being Named the 2008 Employee of the Year by the Delaware Family YMCA.

Item 8 – MS. IANNELLO presented a resolution Congratulating Timothy M. Robinson Upon Being Named an Eagle Scout in Boy Scout Troop 104 of the Greater Niagara Frontier Council.

Item 9 – MS. IANNELLO presented a resolution Congratulating United States Marine Corps Veteran Jeremy Lepsch in Recognition of Your Bravery While Saving the Life of Jeff Wojcik.

Item 10 – MR. KOZUB presented a resolution Honoring the Memory of William S. Kinder of Hamburg, NY.

Item 11 – CHAIR MARINELLI presented a resolution Honoring the Memory of Paul J. Maloney.

Item 12 – CHAIR MARINELLI presented a resolution Honoring the Memory of James M. Reddin.

Item 13 – CHAIR MARINELLI presented a resolution Honoring Helen Jacob, Women Veterans' Advocate and Community Leader, on Her 90th Birthday.

Item 14 – CHAIR MARINELLI presented a resolution Honoring Anthony J. Baynes, Recipient of the Leadership Buffalo Values Award for Service.

Item 15 – CHAIR MARINELLI presented a resolution Honoring Joseph J. Abdallah, Recipient of the Leadership Buffalo Values Award for Diversity.

Item 16 – CHAIR MARINELLI presented a resolution Honoring Gail E. Johnstone, Recipient of the Leadership Buffalo Values Award for Inclusion.

Item 17 – CHAIR MARINELLI presented a resolution Honoring Howard Zemsky, Recipient of the Leadership Buffalo Values Award for Openness to Change.

Item 18 – CHAIR MARINELLI presented a resolution Honoring Danny and Colleen Wegman, Recipients of the Leadership Buffalo Values Award for Leadership Impact.

Item 19 – MR. WROBLEWSKI presented a resolution Commemorating National Police Week, May 11-17, 2008.

Item 20 – CHAIR MARINELLI & MR. KENNEDY presented a resolution Celebrating the Life of Daniel J. Higgins, Sr.

Item 21 – CHAIR MARINELLI presented a resolution Commemorating the 75th Anniversary of the Ukrainian Famine (Holodomor).

Item 22 – MS. WHYTE & MR. MAZUR presented a resolution Recognizing that May is Asthma & Allergy Awareness Month.

Item 23 – MR. RATH presented a resolution Honoring Harry G. Meyer Upon the Occasion of His Election to the College of Real Estate Lawyers.

Item 24 – MR. REYNOLDS presented a resolution Upon His Retirement, Congratulating Louis Obad, Jr. for the Exemplary Standard of Service in Both His Personal and Professional Life.

Item 25 – MS. GRANT presented a resolution Promoting the May 10, 2008 Mortgage Counseling Seminar "Operation: Protect Your Home."

Item 26 – MR. MILLS presented a resolution Commending Lieutenant Jeff Greene on His Cross Country Bicycle Ride to Help the Red Cross.

MS. WHYTE moved for consideration of the above twenty-two items. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twenty-two items by including Et Al Sponsorship and adding one from MS. KONST, MR. RANZENHOFER, MR. RATH, MR. KOZUB and MR. MILLS. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 27 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 28 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 29 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 30 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

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

GRANTED.

COMMITTEE REPORTS

Item 33 - MR. MAZUR presented the following report, moved to separate items Number 2, 3, 5 and 6 and moved to approve the balance of the report. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 155

MAY 1, 2008

HEALTH & HUMAN SERVICES
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 16E-9 (2007)
COMPTROLLER: Audit of ECMCC
(5-0)
 - b. COMM. 16M-19 (2007)
COLUCCI & GALLAHER, PC: Erie County Medical Center Corporation
(5-0)
 - c. COMM. 1E-35 (2008)
COMPTROLLER: Audit of the Sale, Purchase and Operation Agreement Between Erie County and ECMCC For The Period 1/1/05 - 6/30/07
(5-0)
 - d. COMM. 2M-3 (2008)
COLUCCI & GALLAHER, PC: Erie County Medical Center Corporation
(5-0)
 - e. COMM. 5M-6 (2008)
ECMCC: Letter Concerning Suspension of Participation in WNY Health System
(5-0)
 - f. COMM. 5M-8 (2008)
COLUCCI & GALLAHER, PC: Items from ECMCC Board of Managers Meeting Held on 2/28/08
(5-0)
 - g. COMM. 7M-6 (2008)
GREATER REFUGE TEMPLE OF CHRIST: Letter Concerning Non-Secure Detention Services - PINS Contract Termination
(5-0)

h. COMM. 8M-6 (2008)
COLUCCI & GALLAHER, PC: Materials Distributed at the April 3, 2008 Regular Meeting of the Board of Directors of Erie County Medical Center Corporation
(5-0)

i. COMM. 8M-19 (2008)
ECMCC: Financial Measures Disclosure Statement Certification for the Year Ended December 31, 2007
(5-0)

2. INTRO 8-2 (2008)
KENNEDY

WHEREAS, there are an estimated 28 million Americans who have some form of hearing loss and only 20% take the essential steps needed to correct the situation; and

WHEREAS, one of the major obstacles that prevent people with hearing loss from taking measures to improve their circumstances are the extremely high prices of hearing aids; and

WHEREAS, the cost of hearing aids are high, ranging from \$1,000 to \$4,000; and

WHEREAS, as a result of the high cost, middle class families and senior citizens often cannot afford to pay expenses related to obtaining these hearing devices; and

WHEREAS, even with the cost being so steep, many insurance companies in New York State do not provide coverage for the purchase of hearing aids; and

WHEREAS, insurance companies provide funding for things like discounted gym memberships and acupuncture treatments, yet fail to help a significant percentage of our disabled community in purchasing necessary hearing aids; and

WHEREAS, the New York State Legislature has proposed bills numbered S00171A in the Senate and A04731A in the Assembly, both supporting insurance coverage for the cost of hearing aids; and

WHEREAS, these bills would require health insurance companies in New York State to cover significant portions of the costs related to the acquisition of hearing aids; and

WHEREAS, such hearing aids would be purchased from registered New York State hearing aid dispensers and licensed audiologists; and

WHEREAS, insured hearing impaired consumers, 16 years of age and older, would be able to receive a reimbursement of \$1,000 every three years for the costs associated with the purchase of up to two hearing aids and other related expenses; and

WHEREAS, hearing impaired children, 15 years of age and younger, would be able to have a reimbursement of \$1,000 for services related to the purchase of up to two hearing aids every two years provided that their conditions have severely deteriorated and that their existing hearing aids no longer will be able to assist them.

NOW, THEREFORE, BE IT

RESOLVED, that this Legislature hereby recognizes bills numbered S00171A in the Senate and A04731A in the Assembly, both supporting insurance coverage for the cost of hearing aids, as a step in the right direction; and be it further

RESOLVED, that eventually, with the help of the State Legislature, this honorable body anticipates additional monetary assistance being provided to our deaf and hard of hearing population; and be it further

RESOLVED, that this Legislature hereby supports the New York State Senate and Assembly's bills designed to help our seniors, middle class families and all who are unfortunately either deaf or hard of hearing; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor David Paterson, Attorney General Andrew Cuomo, all members of the New York State Senate and all members of the New York State Assembly.

(5-0)

3. INTRO 8-7 (2008)

REYNOLDS

WHEREAS, in July 2007, at the request of the county administration to take immediate action on an urgent community issue, the Erie County Legislature authorized the county executive to enter into an expanded contract with the Erie County Medical Center for substance abuse prevention and assessment services to Child Protective Services Investigations (CPS) and Persons in Need of Supervision (PINS) Diversion; and

WHEREAS, this forward-thinking initiative represents a process improvement through a three-year, \$4.2 million, 100% state-funded demonstration project titled the Child Welfare-Chemical Dependency Collocation Program; and

WHEREAS, research indicates that a collocation model provides service integration across the child welfare and chemical dependency service systems, thereby improving both the child welfare and chemical dependency outcomes; and

WHEREAS, chemical dependency is implicated in a high percentage of child welfare cases, which greatly increases the risk of recurrence of child abuse and neglect and is a major barrier to reunification of children in foster care with their biological parents, resulting in a very high financial and human cost for society; and

WHEREAS, chemically dependent youth in the PINS population stand a greater chance of becoming involved in the juvenile justice system, which again represents a more costly intervention for a young person; and

WHEREAS, chemically dependent individuals are themselves at a higher risk of being either victims or perpetrators of crimes, thereby putting added strain and additional costs on the law enforcement and criminal justice systems; and

WHEREAS, Erie County was approached by New York State to implement this pilot program utilizing Certified Alcoholism and Substance Abuse Counselors (CASAC) and facilities approved by the New York State Office of Alcoholism and Substance Abuse Services (OASAS); and

WHEREAS, the New York State Offices of Child and Family Services and Alcoholism and Substance Abuse Services subsequently granted \$4.2 million over three years to implement a collocation program that should have been fully ramped up at Erie County Medical Center in April 2008, had the county administration abided by the authorization of the Erie County Legislature responding to an urgent community need; and

WHEREAS, a recent randomized trial of the Illinois Alcohol and Other Drug Demonstration Program showed that the assignment of a Recovery Coach substantially improved the outcomes for families and the larger community by achieving the following goals: 1) increasing timely access to chemical dependence treatment; 2) facilitating engagement with the treatment process and achieving greater completion rates; 3) reducing subsequent reports of child abuse and neglect; and 4) expediting the reunification of children in foster care with their parents; and

WHEREAS, each of the aforementioned goals, when achieved, results in substantial taxpayer savings and an increase in the health and well-being of the entire community; and

WHEREAS, the state collocation project funds are designated for a contract with a current provider of alcoholism and substance abuse outpatient treatment services to provide integrated chemical dependency assessment, referral, case management and prevention services within the CPS, PINS and multidisciplinary Family Services Team (FST); and

WHEREAS, the magnitude of chemical dependency problems places considerable stress on child welfare agencies, whose staff often lack the time and expertise to identify and treat chemical dependency problems, and the service integration inherent in the collocation model is designed to improve both child welfare and chemical dependency outcomes by increasing problem identification, facilitating access to treatment, increasing engagement and retention and improving coordination between service providers and child welfare workers; and

WHEREAS, there is no negative fiscal impact to Erie County taxpayers as this demonstration project is fully funded by a special NYS award designated for this purpose; and

WHEREAS, indeed, research and collocation program outcomes in other parts of the country actually point to significant taxpayer savings by utilizing a model such as that funded by this \$4.2 million, 100% state funded grant award.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature again goes on record in vehement opposition to the County Executive's shortsighted decision to indefinitely delay this program, and that this Honorable Body further disputes the validity of the reasons the County Executive has given for not accepting the state funds and implementing this urgently needed program; and be it further

RESOLVED, that the justification for embarking on this pilot program is even more urgent today, as the need was categorized as “immediate” by the Department of Social Services back in July 2007; and be it further

RESOLVED, that the Erie County Legislature is highly motivated to protect the best interests of the taxpayers, and that this body recognizes the enormous, long-term savings to society in the aggressive, collaborative treatment to be provided by the Child Welfare-Chemical Dependency Collocation Program and to be directed to chemically dependent individuals who are involved with the child protection or PINS systems; and be it further

RESOLVED, that the Erie County Legislature implores the County Executive to reconsider his stance on the implementation of this 100% state-funded collocation program that research has shown produces better outcomes for at-risk families and achieves substantial taxpayer savings pursuant to the recovery of chemically dependent parents, the reunification of families and the diversion of entry into the criminal justice system; and be it further

RESOLVED, that this Honorable Body requests that the County Executive abide by the authorization that accrues from the approved resolution for Communication 12E-27, approved July 12, 2007, amending the Department of Social Services budget to allow for the implementation of this program; and be it further

RESOLVED, that the Erie County Legislature endorses this program for all three years of the state’s pilot; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the NYS Office of Children and Family Services, the Commissioner of the NYS Office of Alcoholism and Substance Abuse Services, the Commissioner of the Erie County Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

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

4. INTRO 8-19 (2008)

KOZUB, WHYTE, MAZUR, GRANT, AS AMENDED
MILLER-WILLIAMS, REYNOLDS & RATH

WHEREAS, Erie County Medical Center (ECMC) is the Buffalo area’s regional trauma center and fulfills a vital role in the provision of trauma and emergency services to the Western New York community; and

WHEREAS, the Erie County Medical Center Corporation has submitted a certificate of need to the New York State Department of Health for an eight-bed expansion of the emergency room/operating room suite; and

WHEREAS, this expansion is critically needed as ambulances sometimes have to wait two hours or more due to the high volume of cases in the ER/OR and the current limited capacity; and

WHEREAS, other hospitals in our region are known to divert patients to ECMC as ECMC turns no one away, further exacerbating the dual problem of insufficient capacity and heightened demand; and

WHEREAS, there is also a certificate of need submitted by the dialysis department at ECMC that requires immediate approval.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urges the New York State Department of Health to immediately approve the pending certificate of need to expand the emergency room/operating room suite at the Erie County Medical Center (ECMC) by an additional eight beds; and be it further

RESOLVED, that the certificate of need request submitted by the Erie County Medical Center Corporation relative to its dialysis department also requires immediate approval; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive, the President/CEO of ECMCC, Dr. Richard Daines, Commissioner of the New York State Department of Health, and Mr. James Clyne, Jr., Deputy Commissioner of the New York State Department of Health.

(5-0)

5. INTRO 8-21 (2008)

KENNEDY, WHYTE & LOUGHRAN

WHEREAS, tobacco use is the number one preventable cause of death and disability; and

WHEREAS, youth ages 12-20 are one-sixth of the population but buy more than a quarter of all movie tickets; and

WHEREAS, half the tobacco shots in the ten top-grossing movies released from May 2002 to May 2003 were in youth-accessible and youth-marketed G, PG and PG 13 films; and

WHEREAS, 80 percent of the ten highest-grossing PG-13 movies and videos released in 1996-1997 and 1999-2000 featured smoking; and 85 percent of the twenty-five top grossing Hollywood films from 1988 to 1997 dramatized the use of tobacco, the highest rate in half a century; and

WHEREAS, exposure to smoking in movies recruits more than half (52%) of new adolescent smokers; and

WHEREAS, every day 1,070 teens light up their first cigarettes because of smoking in movies – and 340 of them will die prematurely as a result; and

WHEREAS, the tobacco industry has a long, documented history of encouraging smoking in movies and lying about it; and

WHEREAS, the 1999 Federal Trade Commission report documented that cigar industry spending on “celebrity endorsement, and appearances, and payment for product placement in movies and television more than doubled between 1996 and 1997;” and

WHEREAS, smoking in television ads for movies, significantly greater in ads for movies that show a particular tobacco brand, reach the vast majority of children and adolescents; and

WHEREAS, the World Health Organization, American Medical Association, American Academy of Pediatrics, American Legacy Foundation, American Academy of Allergy, Asthma, and Immunology, Society for Adolescent Medicine and others – including the Los Angeles Department of Health Services, US Public Interest Research Group and Interfaith Center for Corporate Responsibility – have endorsed the smoke-free movies solution; and

WHEREAS, twenty-seven state Attorney General have written the Motion Picture Association of America urging Hollywood to play an active role in reducing the number of children who smoke because of smoking in the movies; and

WHEREAS, the University of California San Francisco has been running an educational and advocacy campaign, Smoke Free Movies, designed to reduce the value of American movies as promotional devices for the tobacco industry through four simple, voluntary actions by the motion picture industry:

- **Rate New Smoking Movies “R”**

Any film that shows or implies tobacco should be rated “R.” The only exception should be when the presentation of tobacco clearly and unambiguously reflects the dangers and consequences of tobacco use or is necessary to represent smoking of a real historical figure;

- **Certify No Pay-Offs**

The producers should post a certificate in the credits at the end of the movie declaring that nobody on the production received anything of value (cash money, free cigarettes or other gifts, free publicity, interest-free loans or anything else) from anyone in exchange for using or displaying tobacco;

- **Require Strong Anti-Smoking Ads**

Studios and theaters should require a genuinely strong anti-smoking ad (not one produced by a tobacco company) to run before any film with any tobacco presence, regardless of its MPAA rating;

- **Stop Identifying Tobacco Brands**

There should be no tobacco brand identification nor the presence of tobacco brand imagery (such as billboards) in the backgrounds of any movie scene.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature endorses the four objectives of the Smoke Free Movies campaign; and be it further

RESOLVED, that the Clerk of the Erie County Legislature is directed to forward a certified copy of this resolution to Mr. Alan Rubeck (Erie 1 BOCES CYDSS, 355 Harlem Road, West Seneca, NY 14224).

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

6. INTRO 8-22 (2008)

KENNEDY, KOZUB, WHYTE, GRANT, WROBLEWSKI & REYNOLDS

WHEREAS, Occupational Therapy consists of the rehabilitation of individuals with physical, developmental, emotional, and psychological disabilities and injuries that impacts their ability to function independently within their home, work, educational, or leisure environments; and

WHEREAS, Occupational Therapy as a form of rehabilitation medicine has grown in stature, capability and its ability to positively impact the quality of life of individuals over the past century and continues to make strides in all aspects of its conceptual and practical development; and

WHEREAS, the New York State Occupational Therapy Association (NYSOTA) is seeking legislation that would amend the Occupational Therapy Practice Act, thereby updating the charter by which Occupational Therapists provide treatment throughout New York State, originally passed in 1975; and

WHEREAS, when the Occupational Therapy Practice Act was passed in 1975, Occupational Therapy was a profession based mainly in hospitals, nursing homes and psychiatric hospitals. It has since grown dramatically, especially in treatment for the pediatric population, through early intervention focusing more aggressively on children with developmental disabilities and children with special education needs; and

WHEREAS, Occupational Therapy is now a larger rehabilitation profession providing services to all ages and in a wide variety of settings, including private practice; and

WHEREAS, the definition of Occupational Therapy would be amended to include consultation, wellness and prevention services, all of which are provided by occupational therapists already. This change would provide clarification and support for these services; and

WHEREAS, in non-medical situations such as special education, community based day programs for the elderly, prevention and wellness services in the community, and work based ergonomics consultations, Occupational Therapists may not begin providing treatment without prescriptions, creating an undue cost and burden to the client, and an obstacle or delay of services, and

WHEREAS, amendments would reflect changes to Occupational Therapy treatment programs allowing services to be initiated without a referral from a physician or nurse practitioner when the service delivery would be non-medical in nature, and

WHEREAS, the current practice of Occupational Therapy Assistants is provided through an exemption to the practice act, making it difficult for the State Education Department to regulate the practice of an Occupational Therapy Assistant, and

WHEREAS, amendments would clearly define an Occupational Therapy Assistant and the services provided by an Occupational Therapy Assistant, as well as strengthen the requirements for a license as an Occupational Therapy Assistant. This will include ensuring that potential Occupational Therapy Assistants pass a State licensure examination, a practice not presently followed, and

WHEREAS, the amendments would authorize the State Commissioner of Education to set regulations regarding the level of supervision required for a practitioner with a limited permit, and

WHEREAS, the composition of the State Board for Occupational Therapy would be changed to add a public member and an Occupational Therapy Assistant to the board, offering a more diverse board with an increasingly accurate reflection of the makeup of the Occupational Therapy profession.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record in support of S.3942 and A.6796, the measure that amends the Occupational Therapy Act of 1975, which updates and strengthens the professional standards and requirements of the profession of Occupational Therapy in New York State; and be it further

RESOLVED, that the Erie County Legislature requests that Governor David Paterson sign this measure into law; and be it further

RESOLVED, that the Erie County Legislature goes on record in support of continued monitoring, updating and modifying of all professional standards and requirements to reflect the current state of the various professions, particularly those in the health care field; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor David Paterson, Commissioner of the New York State Department of Education Richard Mills, Commissioner of the New York State Department of Health Richard Daines, MD, New York State Assembly Speaker Sheldon Silver, New York State Senate Majority Leader Joseph Bruno, New York State Assemblymember Canestrari, New York State Senator LaValle, Western New York State Senate Delegation, Western New York State Assembly Delegation, New York State Occupational Therapy Association President Izel Obermeyer OTR/L.
(5-0)

7. COMM. 8E-13 (2008)

COUNTY EXECUTIVE

WHEREAS, the New York State Office for the Aging notified the Department of Senior Services (Department) of continued funding for the Operation Restore Trust (ORT) grant for the period June 1, 2007 to May 31, 2008; and

WHEREAS, the Department, as the designated Area Agency on Aging in Erie County, is responsible to oversee the provision of the ombudsman services required by the grant, via contract with the American Red Cross, the designated Ombudsman for Erie County; and

WHEREAS, the designated Ombudsman is required to provide information and education on Medicare and Medicaid waste, abuse and fraud to elderly residents of Erie County; and

WHEREAS, the American Red Cross will provide the required \$3,401 in local match for the \$9,917 in federal ORT funding for the period June 1, 2007 to May 31, 2008; and

WHEREAS, the Erie County Legislature has already appropriated funds for the Retired Senior Volunteer Program (RSVP) grant for the period July 1, 2007 to June 30, 2008; and

WHEREAS, the Department has received an additional \$1,000 from public donations for RSVP Volunteer recognition expenses; and

WHEREAS, the Erie County Legislature has already authorized the County Executive to contract with various home care providers; and

WHEREAS, the Department contracts with various licensed home care agencies to provide personal care, homemaker, and housekeeper services to frail elderly persons under various grant programs; and

WHEREAS, the Department wishes to add Sibley Nursing Personnel Service, Inc. to the list of authorized home care providers; and

WHEREAS, there are no County funds associated with the ORT grant, and there is no impact on County funds associated with the RSVP grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the ORT grant funds and enter into a contract with the American Red Cross for the remainder of the ORT grant period at the amount authorized herein, and be it further

RESOLVED, that the County Executive be and is hereby authorized to contract with Sibley Nursing Personnel Service, Inc, as an additional authorized home care provider as of the date of this resolution, and be it further

RESOLVED, that the ORT grant (163ORT0708) for the period June 1, 2007 to May 31, 2008, be established as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
414000	Federal Aid	\$9,917
466320	Subcontractor Match	\$3,401
	TOTAL REVENUE	<u>\$13,318</u>
APPROPRIATIONS		
516010	American Red Cross	<u>\$13,318</u>
	TOTAL APPROPRIATIONS	<u>\$13,318</u>

and be it further

RESOLVED, that the budget for the RSVP grant, 163RSVP0708, be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
REVENUES				
Account	Description			
466330	Other Local Match	\$2,500	<u>\$1,000</u>	\$3,500
	TOTAL CHANGE		<u><u>\$1,000</u></u>	
APPROPRIATIONS				
	Other Expenses (Vol			
530000	Recognition)	\$10,472	<u>\$1,000</u>	\$11,472
	TOTAL CHANGE		<u><u>\$1,000</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.

(5-0)

8. **COMM. 8E-20 (2008)**
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services will receive a \$12,500 cash donation from the United Way of Buffalo and Erie County for preventive services aimed at supplementing the successful Full Service Schools initiative; and

WHEREAS, the donated funds will be used to draw down additional State share funding in the amount of \$23,215, and this resolution requests authorization to increase the current year budget and contract amount by \$35,715; and

WHEREAS, these funds will be used to supplement an existing contract with Western New York United Against Drug and Alcohol Abuse as the lead agency for this program; and

WHEREAS, the Full Services Schools initiative places casework staff in school buildings to provide an outreach specialist function to assist students as needed in assessment, counseling, referral and intervention; and

WHEREAS, staff assigned focus on the unique needs of individual students and bridge the gap between students, teachers, administrators, support staff and community service providers; and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2008 Adopted Budget:

Department of Social Services Fund Center 120, Fund 110

<u>APPROPRIATION</u> <u>ACCOUNT</u>	<u>DESCRIPTION</u>		<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGE</u>	<u>AMENDED</u> <u>BUDGET</u>
516010	WNY United Drug/Alcohol	Against	\$202,054	\$35,715	\$237,769
	Total Change			<u>\$35,715</u>	

<u>REVENUE</u> <u>ACCOUNT</u>	<u>DESCRIPTION</u>		<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGE</u>	<u>AMENDED</u> <u>BUDGET</u>
418430	Donated Funds		\$70,719	\$12,500	\$83,219
407680	State Aid Services for Recipients		\$131,335	\$23,215	\$154,550
	Total Change			<u>\$35,715</u>	

and, be it further

RESOLVED, that the County Executive and/or the Commissioner of Social Services be authorized to accept a \$12,500 donation from the United Way of Buffalo and Erie County and to execute necessary contracts and agreements including contracts with United Way and with Western New York United Against Drug and Alcohol Abuse and, be it further

RESOLVED, that due to the immediate need to expand this program with the established lead provider agency, the requirement for Request for Proposals is hereby waived and, be it further

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

(5-0)

THOMAS J. MAZUR
CHAIR

MR. KENNEDY moved to approve item Number 2. MR. MAZUR seconded. MR. MILLS, MR. RANZENHOFER, MR. RATH and MS. IANNELLO voted in the negative.

CARRIED. (10-4)

MR. MAZUR moved to approve item Number 3. MR. REYNOLDS seconded. MR. MILLS, MR. RANZENHOFER, MR. RATH and MS. IANNELLO voted in the negative.

CARRIED. (10-4)

MR. KENNEDY moved to approve item Number 5. MR. KOZUB seconded. MR. MILLS, MR. RANZENHOFER, MR. RATH, CHAIR MARINELLI and MR. MAZUR voted in the negative.

CARRIED. (9-5)

MR. MAZUR moved to consider item Number 6. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MR. KENNEDY moved to amend item Number 6 by including Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MR. KENNEDY moved to approve item Number 6 as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 34 – MS. GRANT presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 156

MAY 1, 2008

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 7

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6E-6 (2008)
COMPTROLLER: Audited Financial Statements for Erie Community College - Fiscal Year Ended August 31, 2007
(7-0)
 - b. COMM. 7M-4 (2008)
BUFFALO NIAGARA CONVENTION & VISITORS BUREAU: 2008 Marketing Plan and Budget for the Buffalo Niagara Film Commission
(7-0)
 - c. COMM. 8D-4 (2008)
BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Agenda & Minutes of Board of Trustees Meeting Held on April 17, 2008

(7-0)

**BETTY JEAN GRANT
CHAIR**

Item 35 – MR. KENNEDY presented the following report, moved to separate item Number 1, and moved to approve the balance of the report. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 157

MAY 1, 2008

ECONOMIC DEVELOPMENT
COMMITTEE
REPORT NO. 7

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

1. INTRO 8-26 (2008)

**KENNEDY, MARINELLI, KOZUB, MILLER-WILLIAMS,
KONST, GRANT, WROBLEWSKI & REYNOLDS AS AMENDED**

WHEREAS, The Legislature in the County of Erie, State of New York, approves and agrees with the stated purpose of Assembly Bill A2005B and Senate Bill 7202 which would enact the State Green Building Act; and

WHEREAS, This bill would require all new construction and substantial reconstruction projects undertaken by the State of New York to comply with green building principles; and

WHEREAS, This would apply to New York State construction over 5,000 square feet; and

WHEREAS, The New York State Department of Environmental Conservation in consultation with the New York State Energy and Research Development Authority (NYSERDA) is authorized to promulgate Rules and Regulations in order to comply with this Act; and

WHEREAS, States already having policies that require green building practices for public buildings include Arizona, California, Pennsylvania and Washington; and

WHEREAS, The New York State Assembly version of this bill has passed in the Assembly; and

WHEREAS, The citizens of Erie County in the State of New York would all benefit from such an Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record in support of Senator Thompson's proposed Bill S.7202 which is being considered in the New York State Senate and A.2005B, which has passed in the New York State Assembly, the measure that creates green standards for state funded construction projects; and be it further

RESOLVED, that the Erie County Legislature requests that Governor David Paterson sign this measure into law; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor David Paterson, New York State Assembly Speaker Sheldon Silver, New York State Senate Majority Leader Joseph Bruno, New York State Assemblymember Lupardo, New York State Senator Thompson, Western New York State Senate Delegation, Western New York State Assembly Delegation.

(6-0)

2. COMM. 8E-14 (2008)

COUNTY EXECUTIVE

WHEREAS, the existing roof system at the Correctional Facility located in Alden, New York is twenty-five plus years old and is leaking, causing damage to the building interior spaces and systems; and

WHEREAS, your honorable body has previously authorized a General Architectural/Engineering Agreement with the firm of E I Team, Inc. for providing Professional Architecture/Engineering Services; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue a Supplemental Agreement to E I Team, Inc. for providing Design and Construction Documents for the Roof Replacement Project at the Correctional Facility.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to E I Team, Inc. for providing Professional Design and Construction Document Services for the Erie County Correctional Facility – 2008 – Roof Replacement Project for an amount not to exceed \$150,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project A.00315 – 2007 – ECCF Roof Replacement for an amount not to exceed \$150,000.00; and be it further

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

(6-0)

3. COMM. 8E-16 (2008)

COUNTY EXECUTIVE

WHEREAS, bids were taken for the reconstruction of the Federal Aid Project for the Freeman Road Bridge (369-3), in the Village of Orchard Park, on March 27, 2008, the low bidder was Concrete Applied Technologies Corporation (CATCO) of Alden, New York at a low bid amount of \$1,651,557.50; and

WHEREAS, a Contract was previously awarded for design and engineering services for the above noted Project to the engineering firm of Abate Associates on February 24, 2003, at the 4th session of the Legislature of Erie County, Communication No. 25E-15, and it has been determined that the Contract must be increased to include additional engineering services and construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Project Number FA-369-3-07 for the reconstruction of Freeman Road Bridge (369-3) between the County of Erie and the low bidder, CATCO of Alden, New York at a low bid amount of \$1,651,557.50; and be it further

RESOLVED, that an amount of \$1,651,557.50 be allocated from the 2007 Freeman Road Bridge (369-3) Reconstruction Program (SAP Account B.00170) and an amount of \$166,000.00 be allocated for a Department of Public Works, Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed \$166,000.00 to be allocated from the 2007 Freeman Road Bridge Reconstruction Program (SAP Account B.00170); and be it further

RESOLVED, that an amount of \$239,000.00 be allocated from the 2007 Freeman Road Bridge Reconstruction Program (SAP Account B.00170) for a change order to the Contract for engineering services during construction and construction inspection with Abate Associates; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget, Management and Finance, and the Office of the Comptroller.

(6-0)

4. COMM. 8E-17 (2008)

COUNTY EXECUTIVE

WHEREAS, a Project for the Reconstruction of Freeman Road Bridge (369-3) over Smokes Creek, BIN 3328010 in the Village of Orchard Park, Erie County, PIN 5756.38 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie advanced the above Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI), and Right-of-Way Incidentals via Communication Number 11E-20 adopted on July 3, 2003, and Right-of-Way Acquisition via Communication Number 7E-27 adopted on May 11, 2006; and

WHEREAS, the County of Erie desires to advance the Construction and Construction Inspection Phases of the Project, PIN 5756.38 through a Supplemental Agreement that increases the original Project Agreement in the amount of \$2,500,000.00.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Legislature of the County of Erie, hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction & Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the total sum of the Project, \$2,875,000.00 of which the non-federal share required is \$575,000.00 is hereby appropriated from the following capital accounts:

- B.00044 2002 Federal Aid Road and Bridge \$ 375,000.00
 Project Program
 Previously appropriated via Comm. 11E-20
 And 7E-27, Adopted July 3, 2003 and
 May 11, 2006

- B.00170 2007 Freeman Road Bridge (369-3) \$2,500,000.00
 Reconstruction Program

and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction & Construction Inspection Phases exceeds the amount appropriated and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction & Construction Inspection Phases exceeds \$2,875,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget, Management and Finance, and the Office of the Comptroller.
(6-0)

5. COMM. 8E-18 (2008)

COUNTY EXECUTIVE

WHEREAS, bids were taken for the reconstruction of the Federal Aid Project for Como Park Boulevard (CR 523), in the Town of Cheektowaga, on March 27, 2008, the low bidder was Concrete Applied Technologies Corporation (CATCO) of Alden, New York at a low bid amount of \$2,771,865.70; and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Clough Harbour & Associates, LLP on July 12, 2001, at the 16th session of the Legislature of Erie County, Communication No. 15E-7, and it has been determined that the Contract must be increased to include additional engineering design services and construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Project Number FA-523-07 for the reconstruction of Como Park Boulevard (CR 523) between the County of Erie and the low bidder, CATCO of Alden, New York at a low bid amount of \$2,771,865.70; and be it further

RESOLVED, that an amount of \$2,547,865.70 be allocated from the 2007 Como Park Boulevard Pavement Reconstruction Program (SAP Account B.00167) and that an amount of \$224,000.00 be allocated from 2007 Unanticipated Road and Bridge Costs (SAP Account B.00168), and an additional amount of \$280,000.00 be allocated for a Department of Public Works Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed \$280,000.00 to be allocated from the 2007 Como Park Boulevard Pavement Reconstruction Program (SAP Account B.00167); and be it further

RESOLVED, that an amount of \$65,000.00 be allocated from the 2007 Como Park Boulevard Pavement Reconstruction Program (SAP Account B.00167) for a change order to the contract for engineering services for waterline design with Clough Harbour & Associates, LLP; and be it further

RESOLVED, that an amount of \$37,000.00 be allocated for the 2007 Como Park Boulevard Pavement Reconstruction Program (SAP Account B.00167) for a change order to the contract for construction inspection, and that an amount of \$165,000.00 be allocated from 2007 Unanticipated Road and Bridge Costs (SAP Account B.00168) for a change order to the Contract for engineering services during construction with Clough Harbour & Associates, LLP; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget, Management and Finance, and the Office of the Comptroller.

(6-0)

6. COMM. 8E-24 (2008)

COUNTY EXECUTIVE

WHEREAS, bids were taken for the Reconstruction of the Federal Aid Project for Wehrle Drive (CR 290), in the Town of Amherst, on March 27, 2008, the low bidder was DiPizio Construction Co. Inc. of Cheektowaga, New York at a low bid amount of \$15,589,200.00; and

WHEREAS, a Contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Stantec Consulting Services, Inc. of Buffalo, New York on May 20, 1999, at the 10th session of the Legislature of Erie County, Communication No. 8D-10, and it has been determined that the Contract must be increased to include additional engineering design services, Right-of-Way services and construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Erie County Project No. FA-290-07, NYS PIN 5755.19 for the Reconstruction of Wehrle Drive (CR 290), between the County of Erie and the low bidder, DiPizio Construction Co. Inc. of Cheektowaga, New York at a low bid amount of \$15,589,200.00; and be it further

RESOLVED, that an amount of \$15,589,200.00 be allocated from the Wehrle Drive Reconstruction Program (SAP Account B.00169), and an additional amount of \$1,558,920.00 be allocated for a Department of Public Works, Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed \$1,558,920.00 to be allocated from the Wehrle Drive Reconstruction Program - SAP Account B.00007 in the amount of \$201,000.00 and SAP Account B.00169 in the amount of \$1,357,920.00; and be it further

RESOLVED, that an amount of \$650,880.00 be allocated from the Wehrle Drive Design Program (SAP Account B.00007) for a change order to the Contract for engineering services, Right-of-Way services and services during construction, construction reimbursables, and construction inspection with Stantec Consulting Services Inc. of Buffalo, New York; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of Budget, Management and Finance, and the Office of the Comptroller.

(6-0)

7. COMM. 8E-25 (2008)

COUNTY EXECUTIVE

WHEREAS, a Project for the Reconstruction of Wehrle Drive (CR 290), from Bridge over Ellicott Creek, BIN 3327130 to NY Route 78, Transit Road in the Town of Amherst, Erie County, PIN 5755.19 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie advance the above Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases of the Project, PIN 5755.19 via Communication No. 5E-27, adopted on May 25, 2006; and

WHEREAS, the County of Erie desires to advance the Engineering Services, Right-of-Way Services, Construction & Construction Inspection Phases and Utility Betterments of the Project, PIN 5755.19 through a Supplemental Agreement that increases the original Project Agreement in the amount of \$19,063,219.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie, hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal share of the cost of the Preliminary Engineering (Scoping and Design I-VI), the Engineering Services, Right-of-Way Services, Construction & Construction Inspection Phases and Utility Betterments Phases of the Project or portions thereof; and be it further

RESOLVED, that the Erie County Legislature does hereby approve the following budget amendments to SAP Account B.00007,

475020 Reserve Bond Proceeds

Revenue	Increase
Account 475020 (use of Bond Reserves to Cover Local Share Component)	\$ 447,844.00
Account 410170 (Federal Aid and part Marchiselli Aid)	\$ 816,175.00
Account 405160 (State Aid and Marchiselli Aid)	\$ 200.00
Expense	
Increase approximately – Capital Project Expense	\$1,266,019.00

and be it further

RESOLVED, that the sum of \$17,799,000.00 is hereby appropriated from the Wehrle Drive Reconstruction Program (SAP Account B.00169), with balance of Project funds in the amount of \$5,288,219.00 (SAP Account B.00007); and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds the amount appropriated \$23,087,219.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds \$23,087,219.00 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

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

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget, Management and Finance, and the Office of the Comptroller.
(6-0)

TIMOTHY M. KENNEDY
CHAIR

MR. KENNEDY moved to amend item Number 1 to add MS. WHYTE, MS. IANNELLO and MR. LOUGHRAN as Co-Sponsors. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MR. KENNEDY moved to approve item Number 1 as amended. MS. IANNELLO seconded. MR. MILLS, MR. RANZENHOFER and MR. RATH voted in the negative.

CARRIED. (11-3)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 158

MAY 1, 2008, FOLLOWING RECESS, FINANCE & MANAGEMENT
RECONVENED ON MAY 5, 2008 COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7E-4 (2008)
KONST: Letter to Comptroller Requesting His Presence at Finance & Management Committee Meeting
(5-0)
 - b. COMM. 8E-1 (2008)
COMPTROLLER: Report Detailing the Apportionment and Distribution of 4.75% Sales and Compensating Use Tax for Period 1-1-08 to 3-31-08
(5-0)
 - c. COMM. 8E-2 (2008)
COMPTROLLER: Real Property Transfer Tax and Road Repair Reserve Fund
(5-0)

2. COMM. 17D-2 (2007) **AS AMENDED**
DIRECTOR OF REAL PROPERTY TAX SERVICES
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 208158 through 208168, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities:

FISCAL YEAR	2008	Petition No.	208,158.00
	ASSESSOR	Refund	\$644.62
S-B-L	53.80-3-28	146489 TONAWANDA	
	Acct. No. 112	\$293.00	County
	Acct. No. 132	\$351.62	Town/SpecialDist/School
<u>Charge To:</u>	146489 TONAWANDA		\$351.62

RPTL 550(2): FAILED TO APPLY AGED EXEMPTION
REFUND TO BE ISSUED TO: CHRISTINE A PISCITELLO

FISCAL YEAR 2008 Petition No. 208,159.00

 ASSESSOR Refund \$49.59

S-B-L 153.05-5-19 146800 WEST SENECA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$49.59 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$49.59

RPTL 550(2): INCORRECT WATER UNITS CHARGED
REFUND TO BE ISSUED TO: ROBERT J BURCH

FISCAL YEAR 2008 Petition No. 208,160.00

 ASSESSOR Refund \$227.73

S-B-L 134.57-1-19 146800 WEST SENECA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$227.73 Town/SpecialDist/School

 68312 EC #8 SAN SEWER \$227.73
Charge To : 146800 WEST SENECA \$0.00

RPTL 550(2): INCORRECT WATER UNITS CHARGED
REFUND TO BE ISSUED TO: LEONARD & JOYCE CISLO

FISCAL YEAR 2007 Petition No. 208,161.00

 ASSESSOR Refund \$350.76

S-B-L 246.00-4-13 145000 HOLLAND

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$350.76 Town/SpecialDist/School

Charge To : 145000 HOLLAND \$350.76
 Relevy School \$350.76 145001 HOLLAND CENTRAL

RPTL 550(2): FAILED TO APPLY AGED EXEMPTION

REFUND TO BE ISSUED TO: MRS KATHERINE RAMSEY

FISCAL YEAR 2008 Petition No. 208,162.00

 ASSESSOR Refund \$195.31

S-B-L 246.00-4-13 145000 HOLLAND

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$195.31 Town/SpecialDist/School

Charge To : 145000 HOLLAND \$195.31

RPTL 550(2): FAILED TO APPLY AGED EXEMPTION
REFUND TO BE ISSUED TO: MRS KATHERINE RAMSEY

FISCAL YEAR 2007 Petition No. 208,163.00

 ASSESSOR Refund \$464.89

S-B-L 124.62-3-39 146800 WEST SENECA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$464.89 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$464.89
 Relevy School \$464.89 146801 WEST SENECA CENT

RPTL 550(2): FAILED TO APPLY ENHANCED STAR
REFUND TO BE ISSUED TO: DIANE DI CARLO

FISCAL YEAR 2007 Petition No. 208,164.00

 ASSESSOR Refund \$470.93

S-B-L 140.00-8-9 145400 MARILLA

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$470.93 Town/SpecialDist/School

Charge To : 145400 MARILLA \$470.93
 Relevy School \$470.93 142001 ALDEN CENTRAL

RPTL 550(2): FAILED TO APPLY ENHANCED STAR
REFUND TO BE ISSUED TO: RONALD & LOIS VANDERMEULEN

FISCAL YEAR 2005 Petition No. 208,165.00

 ASSESSOR Refund \$620.57

S-B-L 56.17-8-1 142289 AMHERST

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$620.57 Town/SpecialDist/School

Charge To : 142289 AMHERST \$620.57

 Relevy School \$620.57 142203 WILLIAMSVILLE CENT

RPTL 550(2): FAILED TO APPLY BASIC STAR
REFUND TO BE ISSUED TO: TIMOTHY R & PATRICIA M MATTULKE

FISCAL YEAR 2006 Petition No. 208,166.00

 ASSESSOR Refund \$588.96

S-B-L 56.17-8-1 142289 AMHERST

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$588.96 Town/SpecialDist/School

Charge To : 142289 AMHERST \$588.96

 Relevy School \$588.96 142203 WILLIAMSVILLE CENT

RPTL 550(2): FAILED TO APPLY BASIC STAR
REFUND TO BE ISSUED TO: TIMOTHY R & PATRICIA M MATTULKE

FISCAL YEAR 2007 Petition No. 208,167.00

 ASSESSOR Refund \$589.52

S-B-L 56.17-8-1 142289 AMHERST

 Acct. No. 112 \$0.00 County

 Acct. No. 132 \$589.52 Town/SpecialDist/School

Charge To : 142289 AMHERST \$589.52

 Relevy School \$589.52 142203 WILLIAMSVILLE CENT

RPTL 550(2): FAILED TO APPLY BASIC STAR
REFUND TO BE ISSUED TO: TIMOTHY R & PATRICIA M MATTULKE

FISCAL YEAR 2008 Petition No. 208,168.00

 ASSESSOR Refund \$328.77

S-B-L 93.13-2-18

145203 LANCASTER

	Acct. No. 112	\$225.03	County
	Acct. No. 132	\$103.74	Town/SpecialDist/School
<u>Charge To :</u>	145203 LANCASTER		\$103.74

RPTL 550(2): FAILED TO APPLY SENIOR/AGED EXEMPTION
REFUND TO BE ISSUED TO: MARY JANE DOBINSKI

and be it further

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

3. COMM. 8E-19 (2008)
COUNTY EXECUTIVE

WHEREAS, the County Executive's Office, on behalf of Erie County Real Property Tax Services, has applied to the New York State Office of Real Property Services for an assessment improvement study grant; and

WHEREAS, the County has been awarded a \$50,000 assessment improvement study grant by the New York State Office of Real Property Services to implement a county-wide Centralized Property Tax Administration Program and county-wide tax collection program; and

WHEREAS, it is expected that such a program will support the establishment of a county-wide database to access the tax payment status of all real property parcels within the county, and

WHEREAS, the result of this program will be cooperative efforts among municipal governments to reduce the redundancy and cost of essential real property assessment activity, and

WHEREAS, the State of New York Office of Real Property Services has made available assessment improvement study grant funding for Erie County; and

WHEREAS, an RFP was issued to request professional services to conduct a study for the implementation of county assessment services for all municipalities in the county. Components of the study will include county assessment programs such as: coordinated assessment programs (CAPs) and contracts for county assessment services in accordance with Section 1537 of the Real Property Tax Law; and

WHEREAS, the study must include an analysis of the present administration of real property tax in Erie County, specify the functions the county would have to perform, and provide the necessary steps for implementation.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive accept the grant money which is budgeted as follows:

2008 CPTAP County Tax Collection & Assessment Initiative		
	SAP Title	111CPTAP0709
Revenue		
409000	State Aid	\$50,000
Appropriations		
516020	Pro Ser Cnt and Fees	\$40,000
530000	Other Expenses	5,000
561410	Lab & Tech Equip	5,000

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 \$50,000 from the New York State Office of Real Property Services and move this expense item to the appropriate grant in order to begin the study, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Comptroller, Director of Budget, and Management, and the Director of Real Property Tax Services.

(5-0)

KATHY KONST
CHAIR

Item 37 – MR. WROBLEWSKI presented the following report, moved to separate item Number 3 and moved to approve the balance of the report. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 159

MAY 1, 2008

PUBLIC SAFETY COMMITTEE
REPORT NO. 5

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR IANNELLO.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 3-7 (2008)
IANNELLO: Opposing Governor Spitzer's Proposed Amendments to the Indigent Defense Program
(4-0)

- b. COMM. 7M-1 (2008)
ASSEMBLYMAN SCHIMMINGER: Letter Concerning Provisions Incorporated in the 2008-09 Executive Budget Relating to Fire Districts
(4-0)
- c. COMM. 7M-2 (2008)
TOWN OF WALES: Resolution in Opposition to Legislation Altering the Current Process for the Consolidation/Dissolution of Fire Districts/Fire Protection Districts
(4-0)
- d. COMM. 7M-10 (2008)
NYS - GOVERNOR'S TRAFFIC SAFETY COMMITTEE - DEPT. MOTOR VEHICLES: 2008 STOP-DWI Plan Approval
(4-0)

2. COMM. 5E-19 (2008)
COUNTY EXECUTIVE
WHEREAS, the Erie County CPS Forensic Lab has been awarded a Consolidated Aid-To-Crime Laboratories Grant to be administered by the New York State Division of Criminal Justice Services; and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to maintain current staffing levels and improve laboratory services.

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$751,982 with the New York State Division of Criminal Justice Services; and be it further

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

Grant Fund-SAP#: 165AIDCRLAB0708
Central Police Services
04/01/2007 to 06/30/2008

<u>Revenue</u>	<u>Increase</u>
Acct. 409000 State Aid	\$751,982
<u>Appropriation</u>	<u>Increase</u>
Acct. 500000 Personnel	\$430,555
Acct. 502000 Fringe Benefits	\$ 98,682
Acct. 505800 Medical Supplied	\$ 1,445
Acct. 510100 Travel	\$ 4,800
Acct. 516020 Prof. Services Contracts & Fees	<u>\$ 13,000</u>
Acct. 561410 Lab & Tech Equipment	\$203,500

Total Appropriation

\$751,982

and be it further

RESOLVED, that the six (6) existing staff positions in the Aid to Localities – Lab grant, SAP #165AIDLOCALLAB0708, be transferred to this new consolidated grant, effective 4/1/08; and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Division of Budget and Management, Office of the Comptroller and the Department of Central Police Services.

(4-0)

3. INTRO 6-8 (2008)

WHYTE

WHEREAS, through the Public Safety Committee, the Erie County Legislature heard testimony from neighborhood organizations, business associations, residents, and representatives of Buffalo Housing Court regarding the need for a County Warrant Squad to help address the problems of absentee landlords, property abandonment, and blight in the region; and

WHEREAS, thousands of warrants, specifically for housing code violations, have been issued and, because of a lack of personnel, no follow-up has been conducted; and

WHEREAS, testimony on the need for a Warrant Squad was again heard during the 2008 budget deliberations and Public Hearing; and

WHEREAS, this Legislature, upon a review of the facts saw it prudent to include \$52,992.00 for the County Warrant Squad in the 2008 budget; and

WHEREAS, Erie County Sheriff, Timothy Howard, also provided testimony through the Public Safety Committee about the importance of the Warrant Squad; and

WHEREAS, the Sheriff agreed to use the funding provided by the Legislature in a way that he sees fit to best address the problem and report to the Legislature on a quarterly basis as to the effectiveness of the Warrant Squad; and

WHEREAS, the end of the first quarter, i.e. March 31, 2008, is near.

NOW, THEREFORE, BE IT

RESOLVED, that the Sheriff come before the Public Safety Committee before April 30, 2008 to testify as to how funding for the Warrant Squad has been used and how well the limited funding provided by the Legislature has been able to address the problems discussed above; and be it further

RESOLVED, that neighborhood organizations, business associations, residents, representatives of Housing Court, and others also be invited and encouraged to attend the Public Safety Committee to provide their perspective on the effectiveness of the Warrant Squad and its limited funding; and be it further

RESOLVED, that certified copies of this resolution go to the County Executive, the Sheriff, the City of Buffalo, and Buffalo Housing Court.
(4-0)

4. COMM. 7E-5 (2008)
COUNTY EXECUTIVE

WHEREAS, the new Computer Aided Dispatch (CAD) software installation has been delayed, and

WHEREAS, the existing Computer Aided Dispatch (CAD) software maintenance contract will be required for 2008, and

WHEREAS, the Division of Emergency Medical Services has analyzed their objects of expense and has determined that in Maintenance Contracts, Account #516030, expenditures will exceed appropriations by an estimated \$28,354.26, and

WHEREAS, a transfer of funds must be made in order to continue the provision of vital public health services for the remainder of the 2008 fiscal year.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is hereby approves the following transactions within the accounts of the Department of Health:

APPROPRIATIONS

<u>Account No.</u>	<u>Description</u>	<u>Current Budget</u>	<u>Changes</u>	<u>Amended Budget</u>
561410	Lab & Technical Equipment	\$62,200	\$-28,354	\$33,846
516030	Maintenance Contract	\$ 3,538	<u>+ 28,354</u>	\$31,892

TOTAL CHANGE -0-

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Comptroller's Office, the County Executive's Office, Department of Personnel, the Division of Budget and Management, and the Department of Law, and to Dr. Anthony J. Billittier, IV, Commissioner, in the Department of Health, Rath Building, 9th Floor.
(4-0)

5. COMM. 8E-7 (2008)
SHERIFF

WHEREAS, the Erie County Sheriff's Office has identified the need to make a number of personnel adjustments in order to answer a grievance filed by the CSEA and a lawsuit filed by the Sheriff's PBA; and

WHEREAS, funding for these new positions will be offset by the positions deleted, therefore requiring no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to create one (1) Industrial Training Supervisor, RPT, Job Group 7 in the Jail Management Division; and be it further

RESOLVED, that the Erie County Sheriff's Office be authorized to create two (2) Detective Deputy, Job Group 9 in the Sheriff's Division; and be it further

RESOLVED, the Erie Count Sheriff's Office be authorized to delete one (1) Corrections Officer, Job Group 9 and one (1) Deputy Sheriff Criminal, Job Group 8 in the Jail Management Division; and be it further

RESOLVED, that the Erie County Sheriff's Office be authorized to delete one (1) Deputy Sheriff Criminal, Job Group 8 in the Sheriff's Division; and be it further

RESOLVED, that the following budget amendments are hereby authorized:

<u>Appropriation</u>	<u>Increase</u>
Business Area 115 – Sheriff's Division	
Commitment Item 500000 – Full Time Salaries	\$ <u>53,656</u>
<u>Appropriation</u>	<u>Decrease</u>
Business Area 116 – Jail Management Division	
Commitment Item 500000 – Full Time Salaries	\$ <u>53,656</u>
NET IMPACT	\$ <u>0</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and Finance, Department of Personnel and the Office of the Sheriff for implementation.
(4-0)

6. COMM. 8E-8 (2008)

SHERIFF AS AMENDED

WHEREAS, the NYS Commission of Corrections requires the Erie County Sheriff's Office to provide haircuts to inmates housed at the Erie County Holding Center; and

WHEREAS, the Erie County Division of Purchase solicited bids for haircutting services under bid #270090-004; and

WHEREAS, Joseph Vitale was the lowest bidder at a cost of \$8.00 per haircut and has a valid license to practice barbering in the State of New York; and

WHEREAS, funding in the amount of \$40,000 for these services was included in the Sheriff's Office 2008 Budget request in Account 506020 – Professional Services & Fees and approved by the Erie County Legislature; and

WHEREAS, the Erie County Sheriff's Office has sufficient funds to cover the estimated cost of these services, therefore requiring no additional tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Division of Purchase is authorized to issue a purchase order to Joseph Vitale to provide haircuts to the prisoners housed at the Erie County Holding Center; and it be further

RESOLVED, that subject to future funding, this contract will have a term of one year, with three options to renew the term upon written consent of both parties; and it be further

RESOLVED, that certified copies be forwarded to the Division of Purchase, the Erie County Comptroller and the Office of Sheriff for implementation.
(4-0)

TIMOTHY M. WROBLEWSKI
CHAIR

MR. WROBLEWSKI moved to amend item Number 3. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Strike the date reference in the First Resolved Clause.

MR. WROBLEWSKI moved to approve item Number 3 as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 38 – MR. KOZUB presented the following report, moved to separate item Number 3 and moved to approve the balance of the report. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 160

MAY 1, 2008

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 5

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14M-5 (2007)
BUFFALO OLMSTED PARKS CONSERVANCY: Park Permit and Related Fees
(6-0)
 - b. COMM. 8M-10 (2008)
STATE COMPTROLLER: Town of Boston - Extension No. 3 to Water District No. 2
(5-0) Legislator Kozub not present for vote.
 - c. COMM. 8M-11 (2008)
TOWN OF HOLLAND: Notification of Support of the 8-Year Review of the Sardinia Agricultural District
(5-0) Legislator Kozub not present for vote.
 - d. COMM. 8M-13 (2008)
ERIE COUNTY WATER AUTHORITY: Audited Financial Statements for the Year Ended December 31, 2008
(5-0) Legislator Kozub not present for vote.
 - e. COMM. 8M-14 (2008)
TOWN OF EVANS: Notification of Support of the 8-Year Review of the Brant-Evans Agricultural District.
(5-0) Legislator Kozub not present for vote.

2. COMM. 5E-11 (2008)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Erie County Sewer District No. 3, Central Maintenance Facility Modifications, Contract No. 32A-General; Contract No. 32B-HVAC; Contract No. 32C-Plumbing; Contract No. 32-D-Electrical, at 2:00 P.M. on April 11, 2008.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract No. 32A General	Miller Enterprises 12 Newfield Street Buffalo, NY 14207	\$240,000.00
Contract No. 32 B HVAC	O'Connor Mechanical Corp. 107 Dorothy Street Buffalo, NY 14206	\$ 45,900.00

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to the County Executive, Director of Budget, Comptroller's Office, Gregory Dudek, Assistant County Attorney; and two (2) certified copies to Michael J. Quinn, P.E., Department of Environment and Planning, Rath Building, 10th Floor.

(6-0)

3. COMM. 7E-12 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature did pass a resolution on October 11, 2007 (17E-8) authorizing the County to apply for an Environmental Restoration Program grant of \$480,000 for the environmental investigation of 5335 River Road and committing \$50,000 in matching funds for the project; and

WHEREAS, the Riverview Industrial Center, 5335 River Road in the Town of Tonawanda is an abandoned petroleum tank farm and brownfield site that presents a blighting influence on the waterfront and a health and safety risk to the community; and

WHEREAS, the Town of Tonawanda and Erie County collaborated to obtain a U.S. Environmental Protection Agency grant to allow a Phase I environmental review to be performed for the site; and

WHEREAS, that Phase I environmental review documented an over fifty year usage of this property as a petroleum tank farm with 12 tanks in use at times and recommended further intrusive investigation into the site to determine levels and extent of contamination; and

WHEREAS, the County of Erie is interested in working together with the Town of Tonawanda to develop information on the condition of this site and costs of remediation for the 26-acre site; and

WHEREAS, after thorough consideration of the various aspects of the Riverview Industrial Center site and study of available data, the County of Erie has determined that certain work, as described in the application and attachments is desirable, is in the public interest and is required in order to implement the project; and

WHEREAS, the New York State Department of Environmental Conservation Environmental Restoration Grant Program provides a 90% reimbursement for eligible project costs for investigation and remediation of publicly owned brownfield sites; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract and the Municipalities deem it to be in the public interest and benefit under this law to enter into a contract therewith; and

WHEREAS, the County may take title to the Riverview Commerce Center, 5335 River Road site in order to carry out the anticipated investigation, remediation and redevelopment activities; and

WHEREAS, the Town of Tonawanda has decided to be a co-applicant with Erie County for the grant request and has committed a minimum of \$10,000 towards investigation, remediation and demolition costs; and

WHEREAS, there will be additional demolition and site preparation costs that may not be covered by the New York State Department of Environmental Conservation program; and

WHEREAS, pursuant to a New York State Department of Environmental Conservation memorandum dated August 19, 2005, one of the applicants in a joint application must be identified as the lead agent in matters of reimbursement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to act in behalf of the County in all matters related to State assistance under Article 56, Title 5. The County Executive is also authorized to make application, execute the State Assistance Contract, submit project documentation, and otherwise act for the County in all matters related to the Project and to State assistance; and be it further

RESOLVED, that the County Executive is authorized to place this property in a Temporary Incidence of Ownership status and to foreclose on the property if necessary for entering into the remediation phase of this project; and be it further

RESOLVED, that authorization is provided to carry forward available 2007 funding into 2008 within the Aid to Local Government Fund Center monitored by the Department of Environment and Planning, in the amount of \$49,385.09 for the Cheektowaga Golf Course project; and be it further

RESOLVED, that authorization is provided to carry forward available 2007 funding into 2008 within the Economic Development fund Center monitored by the Department of Environment and Planning, which has been reserved in the amount of \$50,000 authorized in Communication 17E-8 of 2007 for the Riverview Industrial Center; and be it further

RESOLVED, that said funding shall then be de-obligated from the Golf Course project and added in 2008 to the \$50,000 for costs associated with the investigation, remediation, demolition and site preparation of the Riverview Industrial Center at 5335 River Road, Town of Tonawanda; and be it further

RESOLVED, that Erie County and the Town of Tonawanda will be co-applicants for this project and that the Town of Tonawanda is authorized to be the lead in matters of reimbursement under the New York State Bond Act Program for this project; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the Town of Tonawanda in amounts not to exceed \$99,385.09 for the purpose of providing services and activities for the purpose of brownfield investigation, testing, remediation, demolition and site preparation; and be it further

RESOLVED, that the County agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and be it further

RESOLVED, that one (1) certified copy of this Authorization be prepared and sent to the Albany office of the New York State Department of Environmental Conservation together with the Application for State Assistance; and be it further

RESOLVED, that this Authorization take effect immediately; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(6-0)

4. COMM. 8E-10 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Sewer District No. 1 Board of Managers and the Erie County Legislature have previously authorized construction of a network of sanitary sewers and pumping stations in the Town of Cheektowaga; and

WHEREAS, Erie County Sewer District No. 1 needs to acquire a permanent .948 acre easement (SBL 102.04-3-24.1) adjacent to the Broadway West Pumping Station for the future construction of sanitary sewers to enable the elimination of the existing pumping station; and

WHEREAS, an independent appraisal has been prepared of the easement area for Erie County Sewer District No. 1.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Sewer District No. 1 be authorized to acquire said easement adjacent to the Broadway West Pumping Station owned by Danelski Family LP, Sally Kowalewski, Estate of Joan Weiss and Estate of Florence Lewandowski (SBL No. 102.04-3-24.1) for the sum not to exceed \$10,500.00; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate the sum not to exceed \$10,500.00 from Erie County Sewer District No. 1, Capital Account C.00057; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, Erie County Comptroller, Director of Budget, Gregory Dudek, Assistant County Attorney and Michael J. Quinn, Deputy Commissioner of the Department of Environment and Planning.

(5-0) Legislator Kozub not present for vote.

DANIEL M. KOZUB
CHAIR

CHAIR MARINELLI directed that item Number 3 be returned to the ENERGY & ENVIRONMENT COMMITTEE for further consideration.

GRANTED.

Item 39 – MS. WHYTE presented the following report, moved to separate item Number 1-A and moved to approve the balance of the report. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 161

MAY 1, 2008

GOVERNMENT AFFAIRS
COMMITTEE
REPORT NO. 5

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

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 3-4 (2007)
RANZENHOFER & MILLS: In Support of NYSAC Recommendations Regarding the Taylor Law
(4-1) Legislator Mills voted in the negative.
 - b. COMM. 7E-13 (2008)
COUNTY EXECUTIVE: Directive Concerning Erie County Policy to Follow the Framework for Regional Growth
(5-0)
 - c. COMM. 8E-26 (2008)
IANNELLO: 2008 Legislative Development Package
(5-0)
 - d. COMM. 8D-2 (2008)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
(5-0).
 - e. COMM. 8D-3 (2008)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
(5-0)
 - f. COMM. 8D-6 (2008)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
(5-0)

g. COMM. 8M-3 (2008)
NFTA: NFTA Board Minutes for Meeting Held on February 25, 2008
(5-0)

h. COMM. 8M-4 (2008)
LEGAL AID BUREAU OF BUFFALO, INC.: Monthly Report and Monthly Activity Report for March 2008
(5-0)

2. INTRO 8-3 (2008)
KOZUB

WHEREAS, it is in the best interests of the citizens of Erie County that the county workforce be both diversified and committed to providing superior, cost-effective public service to the residents and taxpayers of Erie County; and

WHEREAS, the Erie County Legislature believes there is another category of prospective employee that potentially encompasses all these categories of diversity – gender, race, creed and ethnicity; and

WHEREAS, Erie County's veterans offer unique skills and characteristics to the county workforce, especially an unparalleled commitment to public service; and

WHEREAS, the vast majority of county employees are recruited through the competitive civil service; and

WHEREAS, opportunities for entering the county workforce also include non-competitive positions for certain trained and licensed professionals, as well as positions for which there is continuous recruitment, particularly those in the health professions; and

WHEREAS, the education and training veterans receive would bode well for the services provided throughout county government, including but not limited to public health and safety, together with law enforcement, corrections and social work; and

WHEREAS, there are national, state and local organizations that encourage and promote the hiring of veterans, including Hire Heroes USA, which is the link to career opportunities for disabled veterans so that they may earn livelihoods to enjoy the freedoms they sought and fought to preserve; and

WHEREAS, the Erie County Legislature wishes to ensure that there is sufficient policy development, strategic planning and public information efforts undertaken by the Department of Personnel and the Veterans' Services Office to recruit veterans, particularly the men and women returning from deployment in Afghanistan and Iraq.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the Commissioner of Personnel and the Director of the Veterans' Services Office come before the Government Affairs Committee to describe their efforts to recruit veterans for positions in county government; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Personnel Commissioner and the Director of the Veterans' Services Office.
(5-0)

3. INTRO 8-5 (2008)

REYNOLDS

WHEREAS, Lockport County Television (LCTV) is one of the jewels of Niagara and Erie County; and

WHEREAS, LCTV is a valued asset of the entire Niagara & Erie County community and region; and

WHEREAS, Legislative Journal with Tom Christy was one of the most popular shows on LCTV, and

WHEREAS, the cable program Legislative Journal with Tom Christy was one of the only forums for true open public discussions with local government officials, and

WHEREAS, elected government officials were able to openly discuss with the public and taxpayers budget issues, resolutions and policies made by government, and

WHEREAS, Tom Christy volunteered at LCTV for over ten years and has donated his time and talents to the Western New York community for all our benefit, and

WHEREAS, LCTV has announced that the Legislative Journal program has been taken off the air, and

WHEREAS, it is recognized that LCTV is the creation and under the direct control of the citizens of the City and Town of Lockport and is represented by a Board of Directors and a cable commission, and

WHEREAS, the revenues from the cable operator were dedicated by the City and Town of Lockport for the operation of this not-for-profit corporation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record in support of returning Legislative Journal with Tom Christy back on the air; and be it further

RESOLVED, that the Erie County Legislature request the City of Lockport Mayor and Alderman, Town of Lockport Supervisor and the Council also join us in support of re-instating Legislative Journal to LCTV; and be it further

RESOLVED, that copies of this resolution be forward to the Niagara County Legislature, City of Lockport Mayor Tucker, City of Lockport Alderman, Town of Lockport Supervisor Marc Smith, Town of Lockport Council, the NYS Cable Commission and the Board of Directors of LCTV.

(5-0)

4. INTRO 8-20 (2008)

WHYTE

WHEREAS, the State of New York began leasing its former waterfront armory located at 5 Porter Avenue to the Chief Petty Officers Club in the 1970s, establishing a long history of camaraderie among military reservists, retirees, and veterans as well all residents of Erie County; and

WHEREAS, the CPO Club has hosted numerous public and private functions over the years, including weekly fish fries, weddings, and large community events, all of which enjoyed the Club's one-of-a-kind atmosphere and scenic view of the Niagara River; and

WHEREAS, in recent years the CPO building has accrued numerous health and safety violations, prompting the NYS Department of Military and Naval Affairs to recently issue a notice of eviction; and

WHEREAS, New York State Assemblymember Sam Hoyt has been working with the DMNA, the New York State Historic Preservation Office, and other state officials to both reconsider the eviction of the CPO Club and discourage a demolition of the historic building; and

WHEREAS, the CPO Club is among many West Side institutions hoping to see renewed interest and investment as development of the region's waterfront continues, including the West Side Rowing Club, the Frank Lloyd Wright Boathouse, and the Buffalo Yacht Club.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature values the historic significance of both the Chief Petty Officers Club and the building located at 5 Porter Avenue, and is opposed to plans for demolition as a solution to the numerous health and safety violations accrued over recent years; and be it further

RESOLVED, that the Erie County Legislature applauds the efforts of state officials, including Assemblymember Sam Hoyt and the Department of Military and Naval Affairs, to find a creative solution to this important issue affecting our waterfront and community.

(5-0)

5. COMM. 8E-15 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Charter Section 402(a), as revised, as well as numerous provisions of the Erie County Tax Act, make it clear that the legal responsibility for the collection of Erie County real property taxes rests with the Department of Real Property Tax Services; and

WHEREAS, the personnel who actually perform the tax collection function were transferred to the Comptroller's Office in connection with the 2006 Charter changes; and

WHEREAS, the Comptroller's Office has administered the tax collection function since May 2007; and

WHEREAS, upon further review and discussion between the Comptroller's Office, Department of Real Property Tax Services and the Law Department, it has been determined and agreed that the three positions responsible for performing these functions should be transferred from the Comptroller's Office to the Department of Real Property Tax Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby provides authorization to delete the following three positions from the Comptroller's Office (Cost Center 11200 – B100#3741) and transfer them to the Department of Real Property Tax Services (Cost Center 11100):

Position Number 53 – Account Clerk-Typist (JG IV) – B100# 3763
Position Number 51004384 – Senior Clerk Typist (JG IV) – B100# 3768
Position Number 51004383 – Jr. Cashier-Property Tax Services (JG V) – B100# 3769,

and be it further

RESOLVED, that the Director of Budget and Management and the Commissioner of Personnel are authorized to make any changes necessary to effectuate the implementation of this resolution, and be it further

RESOLVED, that these transfers are to be effective upon passage of this resolution, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Comptroller, the Director of Real Property Tax Services, the Commissioner of Personnel and the Director of Budget and Management.

(5-0)

BARBARA MILLER-WILLIAMS
CHAIR

MS. WHYTE moved to receive & file item Number 1-A. MS. GRANT seconded. MR. RANZENHOFER, MR. RATH and MS. KONST voted in the negative.

CARRIED. (11-3)

LEGISLATOR RESOLUTIONS

Item 40 - CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 9-1 from RANZENHOFER. Opposing Increase of Tolls on the New York State Thruway.

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

GRANTED.

INTRO 9-2 from RANZENHOFER. Suspending Collection of Erie County's Share of Sales Tax on Gasoline and Diesel Motor Fuel.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 162

RE: Seeking Relief from Congress and the Governor for Cuts to the Workforce Investment Act Program in Buffalo and Erie County
(INTRO 9-3)

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

WHEREAS, on November 15, 2007, the Erie County Legislature passed a resolution in support of the proactive and progressive public policy goals of the Workforce Investment Act, a federally funded program; and

WHEREAS, in December 2007, this Honorable Body made an even deeper commitment to the Buffalo and Erie County Workforce Investment Board by appropriating \$100,000 to this agency to provide skills training and an upgrading of the quality of the workforce in such targeted industries as manufacturing, biotechnology and agribusiness; and

WHEREAS, during a recent meeting of the Workforce Investment Board, the agency's executive director reported that Congress had rescinded part of the funds previously allocated to Erie County under the Workforce Investment Act, and that the Governor will restore about half of the rescinded amount, resulting in a net loss of at least \$300,000 in urgently needed workforce development funds; and

WHEREAS, the Board has learned of the likelihood of an '08-'09 funding reduction of 15%, which when added to the prior year loss and lack of rollover funds, will result in an actual dollar reduction from \$10.9 million to \$8.4 million, a \$2.5 million cut in workforce investment funds to our county; and

WHEREAS, the Workforce Investment Board's first and foremost priority is serving clients – both businesses and job seekers – as our region struggles to be globally competitive in sectors that are growing and demanding constant innovation in our job skills development, education and retraining; and

WHEREAS, the national economy is anemic, projections for the New York State economy look even bleaker and our region continues to be shortchanged in terms of resource allocation from the federal government.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record in support of the important work done by the Buffalo and Erie County Workforce Investment Board; and be it further

RESOLVED, that this Honorable Body urges the Governor of New York State and the State Legislature to utilize discretionary funds provided under the Workforce Investment Act to provide additional funding to the Buffalo and Erie County Workforce Investment Board for the program year beginning on July 1, 2008 to restore funding to the level of the program year which began on July 1, 2007; and be it further

RESOLVED, that this Honorable Body urges our representatives in the United States Senate and House of Representatives to oppose any future cuts to the Workforce Investment Program, and beyond that, to restore cuts that have already had a detrimental impact on the services provided to businesses, displaced workers and job seekers; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor David Paterson, State Commissioner of Labor, M. Patricia Smith, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, the WNY Delegation to the State Legislature, U.S. Senator Charles Schumer, U.S. Senator Hillary Clinton, Congressman Brian Higgins, Congressman Thomas Reynolds and Congresswoman Louise Slaughter and James Finamore, Executive Director of the Buffalo and Erie County Workforce Investment Board.

MS. WHYTE moved to amend the resolution by including Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 43 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 163

RE: 2007 30-Day Open Period Submission
to NYS Dept. of Ag & Markets
(INTRO 9-4)

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

WHEREAS, on September 23, 2004, the Erie County Legislature designated November 1 through 30 as the perennial thirty-day open enrollment period to landowners for inclusion of predominantly viable agricultural land into a certified agricultural district prior to the established 8-year review period; and

WHEREAS, during the 2007 open enrollment period four (4) landowners requested inclusion of 5 parcels that were not in an agricultural district, and the Department of Environment and Planning researched and compiled data concerning the parcels; and

WHEREAS, The Erie County Agricultural and Farmland Protection Board deliberated and made its recommendations in a report filed with the legislature; and

WHEREAS, the Clerk of the Erie County Legislature published a notice of public hearing and held a public hearing regarding the parcels at _____ on March ____, 2008, at 2795 East Church Street, Eden, New York; and

WHEREAS, the SEQR process was followed and a negative declaration was issued on May 9, 2008.

NOW, THEREFORE BE IT

RESOLVED that the Legislature of Erie County, State of New York has determined that the following parcels meet the criteria specified in Sec. 303-b of the New York State Agricultural District Law and the Erie County Legislature adopts the inclusion of these Properties into an adjacent agricultural district:

<u>Address</u>	<u>Parcel SBL #</u>	<u>Municipality</u>	<u>Agricultural District</u>
Rockwood Road	240.00-4-26.112	Town of Boston	Eden (E.C. #2)
7580 Lower East Hill Road	212.00-3-19.1	Town of Boston	Concord (E.C. #15)
Eddy Road	212.00-4-28	Town of Boston	Concord (E.C. #15)
7772 Eddy Road	212.00-4-13.1	Town of Boston	Concord (E.C. #15)

and be it further

RESOLVED, that the Legislature of Erie County, State of New York has determined that the following parcel be rejected for inclusion into an agricultural district:

<u>Address</u>	<u>Parcel SBL #</u>	<u>Municipality</u>	<u>Agricultural District</u>
8967 Carriage Crossing	238.00-3-44	Town of Eden	Eden (E.C. #2)

Reason for Rejection: Our AFPB whose members represent some of the most active agencies and persons involved in agriculture took a hard look at this application and recommended to this body that the farming activity on this parcel, the size of this parcel and the location of this parcel in a medium density subdivision was such that this parcel is not a viable agricultural land candidate for the agricultural district. The legislature concurs with the AFPB on this matter; and be it further

RESOLVED, that a certified copy of this resolution along with reports, hearing minutes, SEQR documents, tax maps and SBL numbers be sent by the Clerk of the Erie County Legislature to the Commissioner of New York State Department of Agriculture and Markets for certification and immediate inclusion into an agricultural district; and be it further

RESOLVED, that certified copies of this resolution be sent to the AFPB and the Department of Environment and Planning (2 copies).

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

CARRIED UNANIMOUSLY.

Replace the Fourth Resolve Clause with the following:

WHEREAS, the Clerk of the Erie County Legislature published a notice of public hearing and held a public hearing regarding the parcels at 6:00 p.m. on Wednesday, March 5, 2008, at 2795 East Church Street, Eden, New York; and

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

CARRIED UNANIMOUSLY.

Item 44 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 9-5 from REYNOLDS. 2-1-1 WNY, Central Referral Service, Inc.

Item 45 - CHAIR MARINELLI directed that the following item be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 9-6 from GRANT, KOZUB, KENNEDY, MILLER-WILLIAMS & LOUGHRAN. Opposition to Tuition Increases at Erie Community College.

Item 46 - CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 9-7 from RATH. Encouraging Equitable Negotiations with Legacy Healthcare, LLC Regarding Berger Commission Report.

Item 47 - CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 9-8 from RANZENHOFER. The Necessity for Wicks Law Reform.

Item 48 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 164

RE: Opposing the State Decision to Divert
50% of the ESDC Upstate Agricultural
Development Fund to New York City
(INTRO 9-9)

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

WHEREAS, at a recent briefing for Erie County legislators, a representative of Empire State Development Corporation (ESDC) reported on the availability of economic development funds in the \$700 million Upstate Revitalization Fund enacted by the State Legislature and Governor in the 2008-09 New York State Budget; and

WHEREAS, the original Upstate Revitalization Fund announced by the former governor totaled one billion dollars, but in the face of the burgeoning state deficit, the Upstate Revitalization Fund was cut by \$300 million; and

WHEREAS, an insightful component of the Upstate Revitalization Fund was a \$40 million Agricultural Development Fund that was to be made available to upstate communities; and

WHEREAS, during the ESDC briefing, Erie County legislators learned that one-half of the upstate agricultural development funds are being diverted to the Bronx, a borough of New York City; and

WHEREAS, agriculture is one of New York State's top industries and agricultural development should be an integral component of the Upstate Revitalization Plan; and

WHEREAS, upon conducting further research, the Erie County Legislature learned that the New York City recipient of the funds will be the Hunts Point Coop Market in the Bronx; and

WHEREAS, although the Bronx is immediately north of Manhattan, one can hardly call it "upstate;" and

WHEREAS, this situation further raises Erie County's concern over the anemic attention given by Albany to the unique economic challenges of Upstate New York, and particularly Erie County; and

WHEREAS, this Honorable Body questions why a food distribution business that serves the largest city in the world, a city that is also a destination that millions of tourists flock to annually, would need economic development assistance that could possibly justify “robbing Peter to pay Paul” through the diversion of upstate agricultural development funds to downstate; and

WHEREAS, given the robust downstate economy, the Erie County Legislature fundamentally questions the state decision diverting upstate agricultural development funds to New York City; and

WHEREAS, this Honorable Body would like to see a renewed state commitment to the “Made in New York” and “Pride in New York” campaigns not only by the Department of Agriculture and Markets, but by Empire State Development Corporation; and

WHEREAS, agriculture is a bona fide business sector that merits the investment of funds through upstate agricultural development, and beyond that to “agritourism” as an economic development strategy; and

WHEREAS, there are agricultural projects that could benefit from state investment in Erie County, and they include but are not limited to: infrastructure development for agritourism, expanding farmers’ markets, food processing technology and distribution improvements, export development, as well as promoting locally-grown produce and farm products for the consumption of residents in Erie County for both health and economic reasons.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its deep disappointment on the decision to divert one-half of the Upstate Agricultural Development Fund (twenty million dollars of a \$40 million total appropriation) to New York City; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Paterson, Speaker Silver, Majority Leader Bruno and to the members of the Western New York Delegation of the State Legislature.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

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

GRANTED.

COMM. 9E-23 from the COUNTY EXECUTIVE. Re: Grant Programs - Authorization to Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

INTRO 9-10 from CHAIR MARINELLI, Et Al Re: Opposing Governor Paterson's Consideration of a Plan to Eliminate the Empire State Development - Upstate Office Based in Buffalo

RESOLUTION NO. 165

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

WHEREAS, the economic development challenges of Upstate New York were to be addressed, in significant part, by the creation of an Upstate Economic Development Office headquartered in Buffalo, New York; and

WHEREAS, this Upstate economic development effort is currently led by Daniel Gundersen, Co-Chair of Empire State Development Corporation - Upstate; and

WHEREAS, the present structure allows for equal representation of and voice for Upstate New York's interests in the State's economic development strategy; and

WHEREAS, there was ample and sound justification for creating a separate Upstate Economic Development Office, based on decades of advocacy on the part of businesses and government policymakers in Upstate New York, from the regions of the state situated to the north and west of Albany; and

WHEREAS, in the former Governor's State of Upstate Address that was delivered at Buffalo State College in January 2008, the first-year accomplishments of the Upstate Office were delineated and an exciting strategy for the future was outlined in the components of the Upstate Revitalization Fund, a \$700 million investment in Upstate New York that was approved in the 2008-09 New York State Budget; and

WHEREAS, a Downstate-led and Downstate-focused economic development approach has not served Upstate New York in a fair and equitable manner; and

WHEREAS, the robust economic vitality of Downstate has not been replicated Upstate, in part due to the lack of insight on the part of Manhattan-based economic development officers to the business climate in Upstate New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature voice its grave concerns over the possibility that the Empire State Development – Upstate Office will be eliminated and that all decisions relative to Upstate New York economic revitalization efforts will again return to the prior practice of having Manhattan-based economic development officers deciding our future; and be it further

RESOLVED, that this Honorable Body implore Governor Paterson to abandon any plans which may have been suggested to him by Downstate interests, and allow the nascent, yet promising, Upstate economic development efforts to continue under the responsive and responsible leadership of Daniel Gundersen; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor David Paterson, the Speaker of the Assembly, the Majority Leader of the Senate, the Western New York Delegation to the Legislature and to Daniel Gundersen, Co-Chair, Empire State Development – Upstate.

MR. KENNEDY moved to approve the item. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 51 – (COMM. 9E-1) Copy of Letter to Ms. Jan Peters, Buffalo Federation of Neighborhood Centers, Inc.

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 52 – (COMM. 9E-2) Copy of Letter to County Executive Concerning Emergency Audit of Department of Central Police Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 53 – (COMM. 9E-3) Monthly Cash Flow Projection and Cash Advance Update

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 54 – (COMM. 9E-4) Budget Monitoring Report for First Quarter of County Operations in Fiscal Year 2008

Item 55 – (COMM. 9E-5) Four-Year Financial Plan - Fiscal Years 2008-2011

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

FROM THE COMPTROLLER

Item 56 – MS. KONST presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

RE: Erie County 2008 Consolidated
Bond Resolution
(COMM. 9E-6)

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

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

AYES: MS. GRANT, MS. IANNELLO, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MR. REYNOLDS and MS. WHYTE. NOES: MR. MILLS, MR. RANZENHOFER, MR. RATH, MS. KONST, CHAIR MARINELLI, MR. MAZUR and MR. WROBLEWSKI. (AYES: 7, NOES: 7)

FAILED.

MS. WHYTE moved to recess. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

The Legislature entered into recess at 4:20 P.M.

CHAIR MARINELLI declared the Legislature reconvened at 4:45 P.M.

All Members Present, except Legislator Miller-Williams.

CHAIR MARINELLI directed that a roll-call vote be taken on the motion to approve COMM. 9E-6.

AYES: MR. MILLS, MR. RANZENHOFER, MR. RATH, MR. KENNEDY, MS. KONST, MR. KOZUB, CHAIR MARINELLI, MR. MAZUR, and MR. WROBLEWSKI. NOES: MS. GRANT, MS. IANNELLO, MR. LOUGHRAN, MR. REYNOLDS and MS. WHYTE. (AYES: 9, NOES: 5)

FAILED.

MR. KENNEDY moved to recess. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

The Legislature entered into recess at 4:48 P.M.

CHAIR MARINELLI declared the Legislature reconvened at 5:00 P.M.

All Members Present, except Legislator Miller-Williams.

Item 57 – (COMM. 9E-7) Proposed "Capping" of Sales Taxes from Sale of Automotive Fuels

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 58 – (COMM. 9E-8) New Reporting Mechanism for All New County Employees, Response to State Comptroller and State Attorney General

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR MILLER-WILLIAMS

Item 59 – (COMM. 9E-9) Letter of Absence for Session Scheduled May 8, 2008

RFP

May 6, 2008

Honorable Lynn M. Marinelli
Chair, Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Chair Marinelli:

Please be advised that I will be unable to attend the Session of the Erie County Legislature scheduled for May 8, 2008 due to a previous commitment.

Thank you.

Sincerely,

Barbara Miller-Williams
Legislator, Third District

FROM THE COUNTY EXECUTIVE

Item 60 – (COMM. 9E-10) 2007 Year End Budget Balancing Amendments

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 61 – (COMM. 9E-11) Budget Revision - Planner Positions - Dept. of Environment & Planning

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 62 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 166

RE: Acceptance of Funds for
Veterans' Services
(COMM. 9E-12)

WHEREAS, The New York State Senate has made \$2000.00 available to Senator Mary Lou Rath for the purposes of expanding Veterans' Services and military education, and

WHEREAS, Senator Mary Lou Rath has made the grant available to Erie County's Department of Veterans' Services for its intended purpose.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body authorizes the Director of the Department of Veterans' Services to accept the grant for \$2000.00 and use it to increase Veterans' services and expand military education in Erie County, and be it further

RESOLVED, that State Aid Commitment Item #409010, in the amount of \$2000.00, will be deposited into business area 130, for Veterans' Services, in SAP Account #561410, Lab & Tech Equipment, and will be expended at the discretion of the Director of Veterans' Services, and be it further

RESOLVED, that certified copies of this resolution be delivered to the Director of Veterans' Services Patrick W. Welch and the County Executive.

Item 63 – (COMM. 9E-13) 2008 Increase in CHIPS Funding

Item 64 – (COMM. 9E-14) Roof Repair - Emergency Response Services - All County-Owned Buildings, Contract Allowance Increase

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

Item 65 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WROBLEWSKI seconded. MR. MILLS and MR. KOZUB abstained.

CARRIED. (12-0-2)

RESOLUTION NO. 167

RE: Appointments to NYS Region 9
Fish & Wildlife Management
Board

(COMM. 9E-15)

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following named individuals to the NYS Region 9 Fish & Wildlife Management Board:

<u>Name</u>	<u>Appointment</u>
Mr. Thomas Carrow 52 W. Bihrwood Dr. West Seneca, NY 14224	Sportsmen Member
Mr. Paul Soos 1845 Clinton St. Buffalo, NY 14206	Alternate Sportsmen Member
Legislator Dan Kozub 5172 Abbott Rd. Hamburg, NY 14075	Legislative Member
Legislator John Mills 80 Highland Ave. Orchard Park, NY 14127	Alternate Legislative Member

Item 66 – (COMM. 9E-16) Appointment to Members of the Board of Managers for Erie County Sewer District No. 8

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 67 – (COMM. 9E-17) Old County Hall and Erie County Court Building - 2008 - Exterior Site Work Improvements and Sidewalk Replacement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 68 – (COMM. 9E-18) Erie County Sewer Districts/WNY Council on Occupational Safety & Health - Proposed Agreement

Item 69 – (COMM. 9E-19) Erie County Sewer District No. 8 - NYS DOT - Request for Additional Funding

Item 70 – (COMM. 9E-20) Beeman Creek Park - Intermunicipal Agreement with Town of Clarence

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

FROM CHAIR MARINELLI

Item 71 – (COMM. 9E-21) Letter to Legislator Kozub Concerning Appointment of Commissioner to the Erie County Water Authority

Item 72 – (COMM. 9E-22) Letter to Legislature Clerk Concerning Appointment of Commissioner to the Erie County Water Authority

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 73 – (COMM. 9D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE PERSONNEL COMMISSIONER AND
DIRECTOR OF EQUAL EMPLOYMENT OPPORTUNITY**

Item 74 – (COMM. 9D-2) Report Detailing Statistical Data Relative to the Diversity of Erie County Workforce, Pursuant to INTRO 7-8 (2008)

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 75 – (COMM. 9D-3) Copy of Letter to Majority & Minority Leaders Concerning Appointment of Commissioner to the Erie County Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE TOWN OF SARDINIA

Item 76 – (COMM. 9M-1) Copy of Certified Resolution Concerning 8-Year Review of the Sardinia Agricultural District

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE STATE COMPTROLLER

Item 77 – (COMM. 9M-2) Acknowledgement and Update Concerning Receipt of Certified Resolution

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEC

Item 78 – (COMM. 9M-3) New York Fish, Wildlife & Marine Resource Goals for 2010

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ERIE COUNTY FISCAL STABILITY AUTHORITY

Item 79 – (COMM. 9M-4) Copy of Resolution 08-51 Concerning Proposed Payments to Current Active Members of AFSCME Local 1095

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CORNELL COOPERATIVE EXTENSION OF ERIE COUNTY

Item 80 – (COMM. 9M-5) Copy of 2007 Annual Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE CITY OF BUFFALO COMMON COUNCIL

Item 81 – (COMM. 9M-6) Copy of Certified Resolution Condemning Racially-Divisive Comments Concerning Public Leases, Requesting NYS Legislature Legislation

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM KALEIDA HEALTH

Item 82 – (COMM. 9M-7) Copy of Letter to Deputy EC Comptroller - Audit - Concerning Bus Tokens & Tickets

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ECIDA

Item 83 – (COMM. 9M-8) Notice of ECIDA Board of Directors Meeting to be Held on May 12, 2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BRANT TOWN CLERK

Item 84 – (COMM. 9M-9) Copy of Certified Resolution Concerning 8-Year Review of the Evans Brant Agricultural District

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM SENATOR RATH

Item 85 – (COMM. 9M-10) Acknowledgement of Receipt of Certified Resolution

Received and Filed.

FROM THE NFTA

Item 86 – (COMM. 9M-11) Materials from NFTA Board Meeting Held on March 31, 2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM COLUCCI & GALLAHER, P.C.

Item 87 – (COMM. 9M-12) Materials Distributed at the May 1, 2008 Regular Meeting of the Board of Directors of Erie County Medical Center Corporation

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE STATE COMPTROLLER

Item 88 – (COMM. 9M-13) Copy of Letter Concerning Erie County Public Administrator's Corrective Action Plan

Received and Filed.

FROM THE LEGAL AID BUREAU OF BUFFALO, INC.

Item 89 – (COMM. 9M-14) Annual Report for 2007

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 90 – MR. MILLS moved to reconsider item Number 1-A from the GOVERNMENT AFFAIRS COMMITTEE report. MR. MAZUR seconded. MS. WHYTE voted in the negative.

CARRIED. (13-1)

MS. WHYTE moved to receive and file item Number 1-A from the GOVERNMENT AFFAIRS COMMITTEE report. MS. GRANT seconded. MR. MILLS, MR. RANZENHOFER, MR. RATH and MS. KONST voted in the negative.

CARRIED. (10-4)

ANNOUNCEMENTS

Item 91 – CHAIR MARINELLI announced that the InterCounty Association of WNY meeting will be held Friday morning (May 9, 2008). The meeting will take place at the Buffalo Marriott on Millersport Hwy., in Amherst at 9:30 A.M. (registration/continental breakfast), with a tour of Buffalo Bio Diesel to follow the scheduled business meeting.

Item 92 – CHAIR MARINELLI announced that the Association of Erie County Governments will hold a Joint Dinner Meeting with Erie County Legislature on Thursday evening, May 22, 2008. The Joint Meeting will be held in the Town of Holland, NY.

Item 93 – CHAIR MARINELLI announced that Ethics Disclosure Forms are due on May 15, 2008.

MEMORIAL RESOLUTIONS

Item 94 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Daniel J. Higgins, Sr., father of Congressman Brian M. Higgins. Legislator Kennedy said that Daniel J. Higgins, Sr. was a family man with Irish roots, whose parents came off a boat from Ireland, and was a dedicated community leader. Legislator Kennedy also adjourned in memory of Pattie Sheehan and Sean McLaughlan.

Item 95 - Legislator Konst requested that when the Legislature adjourns, it do so in memory of Gloria Specht.

Item 96 - Legislator Ranzenhofer requested that when the Legislature adjourns, it do so in memory of Leander F. Donner Jr. of East Amherst.

Item 97 - Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Blanche “Bea” D. Spatol and Santine H. Catalino.

Item 98 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Paul J. Maloney and James M. Reddin.

ADJOURNMENT

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

MR. RATH moved that the Legislature adjourn until Thursday, May 29, 2008 at 2:00 p.m. Eastern Standard Time. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, May 29, 2008 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE