

**ERIE COUNTY LEGISLATURE  
MEETING NO. 9  
MAY 20, 2010**

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

All members present.

An Invocation was held, led by Ms. Marinelli, who read the Serenity Prayer.

The Pledge of Allegiance was led by Mr. Kennedy.

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 2010. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. DIXON presented a resolution Honoring Craig Waliczekhas for Persevering to Attain His GED & Enroll at ECC.

Item 6 – MR. MAZUR presented a Memorial Resolution In Memory of the Life of Phyllis Norton.

Item 7 – MR. KOZUB presented a Memorial Resolution Honoring the Memory of Labor Leader John P. "Jack" Fahey.

Item 8 – MR. MAZUR presented a Memorial Resolution for Marlene Strader.

Item 9 – MR. MAZUR presented a Memorial Resolution for Beverly Nix Meier.

Item 10 – MS. MARINELLI presented a resolution Declaring May 22, 2010 Buffalo Zoo Jamboree Day to Mark the Institution's 135 Years of Service.

Item 11 – MS. DIXON presented a resolution Honoring Anna Mae Knack for 32 Years of Service as Administrative Assistant for the Town of Eden.

Item 12 – MR. HARDWICK presented a resolution Honoring Katherine Meyer for Her Commitment to Bettering the City of Tonawanda and County of Erie.

Item 13 – MR. HARDWICK presented a resolution Honoring Thomas Matuszek for Being a True Hero in the Town of Tonawanda.

Item 14 – MR. HARDWICK presented a resolution Honoring Melissa Kanalley for Being a Dedicated Student Athlete and Her Commitment to the D’Youville College Spartans.

Item 15 – MR. HARDWICK presented a resolution Honoring Timothy Burton for His Dedicated Service to the Youth of the City of Tonawanda.

Item 16 – MR. MILLS presented a resolution Congratulating Michael Werner of Troop 285, on Obtaining the Rank of Eagle Scout.

Item 17 – MR. MILLS presented a resolution Congratulating Brandon Whitworth of Troop 285, on Obtaining the Rank of Eagle Scout.

Item 18 – MR. MILLS presented a resolution Congratulating Brendan M. Conron of Troop 599, on Obtaining the Rank of Eagle Scout.

Item 19 – MR. MILLS presented a resolution Congratulating Michael DeSantis of Troop 599, on Obtaining the Rank of Eagle Scout.

Item 20 – MR. MILLS presented a resolution Congratulating Armen M. Tatoian of Troop 599, on Obtaining the Rank of Eagle Scout.

Item 21 – MR. RATH, MR. WALTER and MR. LOUGHRAN presented a resolution Congratulating David Stapleton of David Homes on Receiving the Amherst Chamber of Commerce Community Stewardship Award.

Item 22 – MR. RATH, MR. WALTER and MR. LOUGHRAN presented a resolution Congratulating Hearing Evaluation Services of Buffalo, Inc. on Receiving the Amherst Chamber of Commerce Award for Excellence.

Item 23 – MR. RATH, MR. WALTER and MR. LOUGHRAN presented a resolution Congratulating Senator Michael H. Ranzenhofer on Receiving the Amherst Chamber of Commerce Business Advocate of the Year Award.

Item 24 – MR. RATH, MR. WALTER and MR. LOUGHRAN presented a resolution Congratulating Deborah Tangelder on Receiving the Amherst Chamber of Commerce President’s Award.

Item 25 – MR. RATH, MR. WALTER and MR. LOUGHRAN presented a resolution Congratulating Dash’s Markets on Receiving the Amherst Chamber of Commerce “At Your Service” Award.

Item 26 – MR. RATH, MR. WALTER and MR. LOUGHRAN presented a resolution Congratulating Katherine Lucas on Receiving the Amherst Chamber of Commerce Champions Award.

Item 27 – MR. RATH, MR. WALTER and MR. LOUGHRAN presented a resolution Congratulating William M. McGowan on Receiving the Amherst Chamber of Commerce Small Business Person of the Year Award.

Item 28 – MS. WHYTE presented a resolution Recognizing the Black Rock Heritage Garden on the Occasion of Their Designation as an International Art of Peace Garden.

Item 29 – MS. WHYTE presented a resolution Honoring Bruce Kogan as an Award Recipient from the Buffalo Brunch 2010.

Item 30 – MS. WHYTE presented a resolution Honoring Kitty Lambert as an Award Recipient from the Buffalo Brunch 2010.

Item 31 – MS. WHYTE presented a resolution Honoring RiverRock Baseball's 50th Anniversary Season.

Item 32 – CHAIR MILLER-WILLIAMS presented a resolution Honoring Buffalo Police Officer Nadine Wilson Upon Her Retirement After 26 1/2 Years of Service.

Item 33 – MR. MAZUR presented a resolution Honoring the Town of Lancaster Youth Bureau 2010 Hall of Fame Winners.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twenty-nine items by adding Et Al Sponsorship. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above twenty-nine items as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 34 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 35 – CHAIR MILLER-WILLIAMS directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 36 – CHAIR MILLER-WILLIAMS directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 37 – CHAIR MILLER-WILLIAMS directed that Local Law No. 1 (Print #1) 2010 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 38 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 39 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 40 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 41 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 100

May 11, 2010	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS WHYTE & MARINELLI.  
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 7M-5 (2010)  
ECMCC: “Copy of Annual Report”  
(4-0)

b. COMM. 7M-20 (2010)  
HILLARY CLARKE: “Letter of Appreciation to Legislator Whyte for Showing Support of Calorie Posting in EC”  
(4-0)

2. COMM. 7E-11 (2010)  
COUNTY EXECUTIVE AS AMENDED  
WHEREAS, the Erie County Health Department provides public health services at various clinics located throughout Erie County; and

WHEREAS, the Erie County Department of Health wishes to contract with Physician Assistants and Nurse Practitioners to provide these public health services; and

WHEREAS, in order to be able to recruit and retain qualified and experienced Physician Assistants and Nurse Practitioners, it is necessary to create titles and rates commensurate with training and experience levels; and

WHEREAS, it is also necessary to extend Medical Malpractice insurance coverage to Physician Assistants and Nurse Practitioners who provide services in the Department’s clinics; and

WHEREAS, funds are available the 2010 Adopted Budget of the Department under Account 516020 Professional Service Contract and Fees.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the acquisition by the Erie County Department of Health of such necessary services from qualified individuals within the bounds of the appropriations stated above for those categories as are listed in Exhibit B, incorporated herein; and be it further

RESOLVED, inasmuch as it is impractical to follow the request for proposal (RFP) procedure in the case of doctors, dentists and other professionals, the Erie County Legislature hereby waives the procedure for these categories of service as provided for in Local Law No. 6, Section 19.08:

Exhibit B  
Erie County Department of Health  
Contractual Service Rate for Fee-For-Service Personnel  
Annual Compensation May Be \$10,000 or More

<u>TITLE</u>	<u>RATE</u>
Physician Assistant – 5	\$58.00/hr.
Physician Assistant – 4	\$53.00/hr.
Physician Assistant – 3	\$48.00/hr.
Physician Assistant – 2	\$43.00/hr.
Physician Assistant – 1	\$38.00/hr.
Nurse Practitioner – 5	\$58.00/hr.

Nurse Practitioner – 4	\$53.00/hr.
Nurse Practitioner – 3	\$48.00/hr.
Nurse Practitioner – 2	\$43.00/hr.
Nurse Practitioner – 1	\$38.00/hr.

and be it further

RESOLVED, that the Medical Malpractice self-insurance plan of the County of Erie be, and hereby is, extended to include the following professional health service personnel:

Physician Assistant – 5  
Physician Assistant – 4  
Physician Assistant – 3  
Physician Assistant – 2  
Physician Assistant – 1

Nurse Practitioner – 5  
Nurse Practitioner – 4  
Nurse Practitioner – 3  
Nurse Practitioner – 2  
Nurse Practitioner – 1

who render their services to patients at the request of the County of Erie on the basis of an hourly rate for services rendered without any billing by themselves to the patient, in various County clinics only, including any care provided at jails or correctional facilities; and be it further

RESOLVED, that the cost of the said coverage shall come from the funds heretofore established for the necessary expenses to administer, investigate, compromise, litigate and pay medical malpractice claims against the County of Erie; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Office of the Comptroller, the Division of Budget and Management, the Department of Personnel, the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner of Health, 9<sup>th</sup> Floor Rath Building.

(4-0)

3. COMM. 7E-30 (2010)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a grant award in the amount of \$5,000 from the Department of Health & Human Services through the National Association of County and City Health Officials (NACCHO) to provide funding for the coordination and recruitment for the S.M.A.R.T. (Specialized Medical Assistance Response Team); and

WHEREAS, the mission of S.M.A.R.T. requires the purchase of uniforms which are used for agency identification at deployments and also the purchase of personal protective equipment.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with National Association of County and City Health Officials (NACCHO) which is budgeted as follows:

MEDICAL RESERVE CORPS  
1/22/10 – 7/31/10

SAP	REVENUE	BUDGET
414000	FEDERAL AID	\$ 5,000
	TOTAL	<u>\$ 5,000</u>
	EXPENSES	
505200	CLOTHING SUPPLIES	\$ 5,000
	TOTAL	<u>\$ 5,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget, Management and Finance, the Department of Law and Dr. Anthony J. Billittier, IV, Commissioner, in the Department of Health, 9<sup>th</sup> Floor, Rath Building.

(4-0)

4. COMM. 7E-32 (2010)  
COUNTY EXECUTIVE

WHEREAS, the New York State Office for Aging has notified the Department of Senior Services (Department) that the Department has been awarded a Federal allocation for the Senior Employment program for the period February 1, 2010 to June 30, 2011 under the Federal Omnibus Act (OMNI); and

WHEREAS, these funds are expected to be utilized for the purpose of injecting workforce development resources into communities throughout the country, with the goal of expanding the current Title V employment placements; and

WHEREAS, the Department currently contracts with Supportive Services Corp. to provide Title V employment services to seniors 55 years of age and older, and desires to contract with Supportive Services Corp. to use the OMNI funds to expand the employment placements; and

WHEREAS, the OMNI Senior Employment grant budget needs to be established; and

WHEREAS, Supportive Services Corp. will provide the required local match.

NOW, THEREFORE, BE IT

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

RESOLVED, that the County Executive be and is hereby authorized to contract with Supportive Services Corp. to provide the related employment services for the period February 1, 2010 to June 30, 2011; and be it further

RESOLVED, that the budget for the OMNI Senior Employment grant, 163OMNI-SREMP1011, be established as follows:

<u>REVENUE</u>		<u>INITIAL</u> <u>BUDGET</u>
Account	Description	
414000	Federal Aid	\$322,650
466320	Subcontractor Match	\$35,850
	TOTAL REVENUE	<u>\$358,500</u>
 <u>APPROPRIATIONS</u>		
516010	Supportive Services Corp.	<u>\$358,500</u>
	TOTAL APPROPRIATIONS	<u>\$358,500</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 County Attorney's Office, the Comptroller's Office and the Department of Senior Services.  
(4-0)

5. COMM. 7E-33 (2010)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining (III-C-1) grant for the period January 1, 2010 to December 31, 2010; and

WHEREAS, additional federal funds are available for the 2010 grant year; and

WHEREAS, the Department of Senior Services (Department) reviewed the program budgets and service objectives and desires to allocate the additional federal funds to improve the quality of meals at the congregate dining sites and to serve additional seniors throughout Erie County; and

WHEREAS, the Department has reviewed its service objectives and position composite in the nutrition unit as a result of recent vacancies, retirements and workload volume, and desires to delete the vacant Data Entry Operator (grade 4) and Dietician Consultant PT (grade 11) positions and create a Senior Statistical Clerk (grade 6) position to the III-C-1 grant, effective April 10, 2010; and



WHEREAS, sufficient funds are available in the personnel and fringe benefit accounts to cover these changes, grant reimbursements will be maximized and overall departmental cost and operational efficiencies will be enhanced; and

WHEREAS, the new position will be 90% federally reimbursable and the personnel changes are reflected in the SAP system on B-100 Control number 5413; and

WHEREAS, the Department desires to purchase food service supplies and carriers to ensure the safety of meals transported daily to the dining sites; and

WHEREAS, the III-C-1 grant budget needs to be revised; and

WHEREAS, the additional local match will be provided by dining site sponsors.

NOW, THEREFORE, BE IT

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

RESOLVED, that the Data Entry Operator and Dietician Consultant PT positions be deleted and the Senior Statistical Clerk position be created in the III-C-1 grant effective April 10, 2010; and be it further

RESOLVED, that the III-C-1 grant (163III-C-12010) be revised as follows:

<u>REVENUES</u>		<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>AMENDED</u> <u>BUDGET</u>
Account	Description			
414000	Federal Aid	\$1,442,612	\$81,313	\$1,523,925
466320	Subcontractor Match	15,795	8,615	24,410
	TOTAL REVENUES		<u>\$89,928</u>	
<u>APPROPRIATIONS</u>				
500000	Full Time Salaries	\$456,661	\$33,967	\$490,628
500010	Part Time Wages	53,117	-21,157	31,960
500020	Regular Part Time Wages	74,632	-42,381	32,251
502000	Fringe Benefits	282,812	-10,687	272,125
505400	Food & Kitchen Supplies	1,380	4,000	5,380
	Professional Service Contracts and			
516020	Fees	103,773	8,615	112,388
516027	Meal Preparation	1,171,125	59,571	1,230,696
530000	Other Expenses	4,500	2,000	6,500
561410	Lab & Technical Equipment	0	56,000	56,000
	TOTAL APPROPRIATIONS		<u>\$89,928</u>	

and be it further

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

(4-0)

6. COMM. 7E-34 (2010)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Area Agency on Aging (III-B), the Disease Prevention and Health Promotion (III-D) and Elder Caregiver Support (III-E) grants for the period January 1, 2010 to December 31, 2010; and

WHEREAS, additional federal funds are available for the 2010 grant year for the III-B and III-E grants; and

WHEREAS, the Department of Senior Services (Department) reviewed the program budgets and service objectives and position composition as a result of recent retirements and actual needs of the programs and desires to delete the Public Health Nurse (grade 9) position and add a Health and Wellness Coordinator-Senior Services position (grade 8) in the III-D grant, effective April 10, 2010; transfer the Senior Clerk Stenographer position (grade 4) from the III-B to the Community Services (CSE) grant, the Administrative Clerk position (grade 7) from the CSE grant to the III-B grant and the Community Service Aid PT position from the New York State Retired Senior Volunteer Program (NYSRSVP) grant to the III-B grant, effective April 1, 2010; and reallocate the Research Analyst position in the CSE grant from a grade 9 to a grade 10; effective April 10, 2010; and

WHEREAS, sufficient funds are available in the personnel and fringe benefit accounts to cover these changes, grant reimbursements will be maximized, overall departmental payroll costs will be reduced and operational efficiencies will be enhanced; and

WHEREAS, the positions in the III-B and III-D grants are reimbursed at 90% and the positions in the CSE grant are reimbursed at 75%; and are reflected in the SAP system on B-100 Control numbers 5414-5416; and

WHEREAS, the Department desires to use a portion of the additional III-B funds for transportation services provided by two agencies, Hispanics United of Buffalo (HUB) and Lt. Col. Matt Urban Community Center (Urban Center), for four months-April 1 to July 31, 2010 in the event that New York State partially funds or does not fund the Community Services Initiative grant as of April 1, 2010; and

WHEREAS, the Department desires to charge a portion of the III-B Dispatchers' salary and fringe benefits costs to the AAATRAN grant, to the extent of remaining AAATRAN grant funds; and

WHEREAS, the Department desires to institute a pilot program to replace dated laptops with netbook computers for case management assessments in the home; and

WHEREAS, the III-B, III-D and III-E grant budgets need to be revised; and

WHEREAS, these budget revisions will not affect the local match requirements.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional Title III-B and III-E funds from New York State Office for Aging; and be it further

RESOLVED, that the Senior Clerk Stenographer and Administrative Clerk positions be transferred to the respective grants effective April 1, 2010; and be it further

RESOLVED, that the Community Service Aid position be transferred from the NYSRSVP grant to the III-B grant effective April 1, 2010; and be it further

RESOLVED, that the Public Health Nurse position (grade 9) is deleted and the Health and Wellness Coordinator-Senior Services position (grade 8) is added in the III-D effective April 10, 2010; and be it further

RESOLVED, that the Research Analyst position be reallocated to a grade 10 effective April 10, 2010; and be it further

RESOLVED, that the County Executive be and is hereby authorized to contract with HUB and Matt Urban to provide the related transportation services under the III-B grant for the period April 1, 2010 to July 31, 2010; and be it further

RESOLVED, that a portion of the Dispatchers' III-B employees' salaries and fringe benefits costs that are allowable in the AAATRAN grant be charged to the AAATRAN grant during the period January 1, 2010 to March 31, 2010, up to the remaining amount of AAATRAN funds; and be it further

RESOLVED, that the III-B grant (163III-B2010) be revised as follows:

<u>REVENUES</u>		<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>AMENDED</u> <u>BUDGET</u>
414000	Federal Aid	\$1,491,522	\$52,606	\$1,544,128
	TOTAL REVENUES		<u>\$52,606</u>	

APPROPRIATIONS

500000	Full Time Salaries	\$703,297	-18,996	\$684,301
500010	Part Time Wages	68,617	9,384	78,001
502000	Fringe Benefits	409,370	-1,135	408,235
516020	Professional Services	12,000	52,606	52,606
516030	Maintenance Contracts	0	500	500
517641	Hispanics United of Buffalo	0	9,566	9,566
517693	Lt. Col. Matt Urban Center	0	10,681	10,681

561410	Lab & Technical Equipment	87,976	5,000	92,976
916390	ID Senior Services	-44,145	-15,000	-59,145
	<b>TOTAL APPROPRIATIONS</b>		<u>\$52,606</u>	

and be it further

RESOLVED, that the III-D grant (163III-D2010) be revised as follows:

<u>REVENUES</u>		<u>CURRENT</u>	<u>CHANGES</u>	<u>AMENDED</u>
		<u>BUDGET</u>		<u>BUDGET</u>
Account	Description			
414000	Federal Aid	\$104,537	<u>-\$31,696</u>	\$72,841
	<b>TOTAL REVENUE</b>		<u><u>-\$31,696</u></u>	

APPROPRIATIONS

500000	Full Time Salaries	62,400	-62,400	\$0
500020	Regular Part Time Wages	0	28,424	28,424
502000	Fringe Benefits	31,555	-15,000	16,555
	Professional Services Contracts &			
516020	Fees	3,470	12,000	15,470
530000	Other Expenses	9,240	5,280	14,520
			<u><u>-\$31,696</u></u>	

and be it further

RESOLVED, that the III-E grant (163III-E2010) be revised as follows:

<u>REVENUES</u>		<u>CURRENT</u>	<u>CHANGES</u>	<u>AMENDED</u>
		<u>BUDGET</u>		<u>BUDGET</u>
Account	Description			
414000	Federal Aid	\$577,202	<u>\$8,034</u>	\$585,236
	<b>TOTAL REVENUE</b>		<u><u>\$8,034</u></u>	

APPROPRIATIONS

516026	Home Care Services	\$39,115	<u>\$8,034</u>	\$47,149
	<b>TOTAL CHANGE</b>		<u><u>\$8,034</u></u>	

and be it further

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

(4-0)

7. COMM. 7E-35 (2010)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services for the Elderly (CSE) and Expanded In-home Services for the Elderly Program (EISEP) grants for the period April 1, 2010 to March 31, 2011; and

WHEREAS, those budgets contain undesignated funds in the Contractual Services account pending the outcome of a pilot project conducted in 2009 by North Buffalo Community Development Corporation (North Buffalo) and Northwest Buffalo Community Center, Inc. (Northwest Buffalo); and

WHEREAS, the two agencies completed a successful pilot project to jointly improve the effectiveness and efficiency of case management services to older adults in the northwest section of the county; and

WHEREAS, both agencies have agreed to continue this service configuration during the 2010-2011 program period; and

WHEREAS, the Department desires to transfer the undesignated CSE and EISEP funds to North Buffalo and Northwest Buffalo to continue these case management services to seniors in their respective community; and

WHEREAS, the CSE and EISEP grant budgets are in need of revision; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into contracts with North Buffalo and Northwest Buffalo for the period April 1, 2010 to March 31, 2011; and be it further

RESOLVED, that the budget for the CSE grant, 163CSE1011, be revised as follows:

<u>APPROPRIATIONS</u>		<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>AMENDED</u> <u>BUDGET</u>
Account	Description			
516010	Contractual Services No. Buffalo Comm. Development	\$116,148	-\$116,148	\$0
517733	Corp.	0	35,014	35,014
517737	Northwest Buffalo Comm. Center	0	81,134	81,134
	TOTAL APPROPRIATIONS		<u>\$0</u>	

and be it further

RESOLVED, that the budget for the EISEP grant, 163EISEP1011, be revised as follows:

<u>APPROPRIATIONS</u>		<u>CURRENT</u> <u>BUDGET</u>	<u>CHANGES</u>	<u>AMENDED</u> <u>BUDGET</u>
Account	Description			
516010	Contractual Services	\$94,685	-\$94,685	\$0
	No. Buffalo Comm. Development			
517733	Corp.	0	51,195	51,195
517737	Northwest Buffalo Comm. Center	0	43,490	43,490
	TOTAL APPROPRIATIONS		<u>\$0</u>	

and be it further

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

(4-0)

8. COMM. 8E-11 (2010)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Retired Senior Volunteer Program (RSVP) grants for the periods July 1, 2009 to June 30, 2010 and July 1, 2010 to June 30, 2011, and the New York State Retired Senior Volunteer Program (NYSRSVP) grant for the period April 1, 2010 to March 31, 2011; and

WHEREAS, the Department has reviewed its service objectives and position composite in the RSVP unit as a result of recent retirements and workload volume, and desires to delete the vacant Account Clerk Typist position (grade 4) and create a Coordinator of Volunteer Training (grade 8) position in the RSVP grant, effective July 1, 2010; and

WHEREAS, the Department needs the new position to assist with recruiting, training and supervising increasing numbers of older adults wishing to volunteer in community service organizations; and

WHEREAS, sufficient funds are available in the grant to cover the personnel changes, which will result in overall program operational efficiencies; and

WHEREAS, the new position will be 80% federally reimbursable and the personnel changes are reflected in the SAP system on B-100 Control number 5438; and

WHEREAS, the grant budgets need to be revised; and

WHEREAS, there is no change to local match levels.

NOW, THEREFORE, BE IT

RESOLVED, that the Account Clerk Typist position be deleted and the Coordinator of Volunteer Training position be created in the RSVP grant effective July 1, 2010; and be it further

RESOLVED, that a portion of the NYSRSVP employee's salary and fringe benefits for the last quarter of the grant period, January 1, 2010 to March 31, 2010 be charged to the RSVP grant in order to fully expend state and federal funds; and be it further

RESOLVED, that the RSVP grant (163RSVP0910) be revised as follows:

	<u>CURRENT</u>		<u>AMENDED</u>
	<u>BUDGET</u>	<u>CHANGES</u>	<u>BUDGET</u>
<u>APPROPRIATIONS</u>			
500000 Full Time Salaries	\$86,740	-7,300	\$79,440
502000 Fringe Benefits	49,730	-6,000	43,730
505000 Office Supplies	1,328	200	1,528
510000 Local Mileage-Volunteers	26,385	7,000	33,385
510100 Out of Area Travel	1,000	300	1,300
530000 Other Expenses	170	3,800	3,970
980000 ID DISS Services	5,500	2,000	7,500
TOTAL APPROPRIATIONS		<u>\$0</u>	

and be it further

RESOLVED, that the RSVP grant (163RSVP1011) be revised as follows:

	<u>CURRENT</u>		<u>AMENDED</u>
	<u>BUDGET</u>	<u>CHANGES</u>	<u>BUDGET</u>
<u>APPROPRIATIONS</u>			
500000 Full Time Salaries	\$86,759	\$7,444	\$94,203
502000 Fringe Benefits	51,873	3,763	55,636
505000 Office Supplies	1,028	-328	700
510000 Local Mileage-Volunteers	24,223	-6,618	17,605
510200 Training and Education	0	100	100
Professional Service Contracts and			
516020 Fees	9,750	-4,750	5,000
516030 Maintenance Contracts	0	660	660
530000 Other Expenses	470	-70	400
545000 Rental Charges	0	380	380
555050 Insurance Premiums	4,200	119	4,319
980000 ID DISS Services	5,500	-700	4,800
TOTAL APPROPRIATIONS		<u>\$0</u>	

and be it further

RESOLVED, that the NYSRSVP grant (163NYSRSVP1011) be revised as follows:

		<u>CURRENT</u>		<u>AMENDED</u>
		<u>BUDGET</u>	<u>CHANGES</u>	<u>BUDGET</u>
<u>APPROPRIATIONS</u>				
Account	Description			
500000	Full Time Salaries	\$9,388	-\$9,388	\$0
502000	Fringe Benefits	2,007	-2,007	0
510000	Local Mileage-Volunteers	0	11,395	11,395
<b>TOTAL APPROPRIATIONS</b>			<u>\$0</u>	

and be it further

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

(4-0)

**THOMAS J. MAZUR  
CHAIR**

Item 42 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 101

May 11, 2010	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 4M-14 (2010)  
VILLAGE OFFICIALS ASSOCIATION OF EC: "Copy of Resolution Concerning EMP (Electromagnetic Pulse) Event"  
(6-0)
  - b. COMM. 4M-40 (2010)  
NYSERDA: "Copy of West Valley Decommissioning Final Environmental Impact Statement"  
(6-0)
  - c. COMM. 4M-58 (2010)  
TOWN OF ALDEN: "Copy of Resolution Concerning EMP (Electromagnetic Pulse) Event"



- (6-0)
- d. COMM. 4M-61 (2010)  
ASSOCIATION OF EC GOVERNMENTS: “Copy of Resolution Concerning EMP (Electromagnetic Pulse) Event”  
(6-0)
- e. COMM. 7E-3 (2010)  
MILLER-WILLIAMS: “Letter to Legislator Kozub Concerning Appointment/Re-Appointment of Commissioner to the EC Water Authority”  
(6-0)
- f. COMM. 7E-4 (2010)  
MILLER-WILLIAMS: “Letter to Clerk Regarding the Expiration of the Term of Commissioner of the EC Water Authority”  
(6-0)
- g. COMM. 7M-4 (2010)  
FRANK SWIATEK: “Letter Expressing Interest in Position of Commissioner of EC Water Authority”  
(6-0)
- h. COMM. 7M-7 (2010)  
PATRICK HOOKER: “Letter to Legislature Regarding Funds in the Sum of \$50,000 Awarded to Assist in its Agricultural & Farmland Protection Planning Program”  
(6-0)
- i. COMM. 7M-9 (2010)  
NYSDEC: “Fact Sheet - Brownfield Cleanup Program - Phase IA Business Park Site Available for Public Comment”  
(6-0)
- j. COMM. 7M-10 (2010)  
NYSDEC: “Fact Sheet - Brownfield Cleanup Program - Phase II Business Park Site in Lackawanna”  
(6-0)
- k. COMM. 7M-15 (2010)  
JOHN ELMORE: “Letter Expressing Interest in Position of Commissioner of EC Water Authority”  
(6-0)
- l. COMM. 7M-16 (2010)  
DAVID BUXTON: “Letter Expressing Interest in Position of Commissioner of EC Water Authority”  
(6-0)
- m. COMM. 7M-17 (2010)

JOHN O'DONNELL: "Letter Expressing Interest in Position of Commissioner of EC Water Authority"  
(6-0)

n. COMM. 7M-18 (2010)  
HORMOZ MANSOURI: "Letter Expressing Interest in Position of Commissioner of EC Water Authority"  
(6-0)

o. COMM. 7M-19 (2010)  
NYS PUBLIC SERVICE COMMISSION: "Notice of Public Hearings Concerning Electric & Gas Rates"  
(6-0)

p. COMM. 7M-21 (2010)  
JOANNE HORTMAN: "Letter Expressing Interest in Position of Commissioner of EC Water Authority"  
(6-0)

q. COMM. 8M-4 (2010)  
NYSDEC: "Region 9 Fish & Wildlife Monthly Highlights"  
(6-0)

2. COMM. 7E-40 (2010)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received funding from the New York State Department of Environmental Conservation (NYSDEC) in the amount of \$113,656.00 for the period April 1, 2009 through March 31, 2014; and

WHEREAS, this is the third five-year contract with the NYSDEC; and

WHEREAS, the contract calls for review and approval of plans for private sewage disposal systems with daily flow rates that are greater than 1,000 gallons per day and for sanitary sewer extensions and pump stations; and

WHEREAS, the Erie County Health Department is required to review waterline plans and Realty Subdivision plans per the New York State Sanitary Code; and

WHEREAS, sanitary sewers are an integral part of Realty Subdivision reviews and are often submitted on the same plan sheets as waterlines; and

WHEREAS, the amount of time it takes to receive an approval for a project is greatly reduced by this Department completing the reviews and approval under contract with NYSDEC.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a five year agreement and accept the funding from the New York State Department of Environmental Conservation; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Comptroller's Office, the Division of Budget & Management, the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner, in the Department of Health, Rath Building, 9<sup>th</sup> Floor.  
(6-0)

3. COMM. 8E-4 (2010)  
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature *hereby confirms the* reappoint of the following individuals to the Erie County Fisheries Advisory Board:

Reappointment

<u>Name</u>	<u>Term Expires</u>
Mr. Richard W. Davenport 208 Walter Avenue Tonawanda, NY 14150	12/31/2012
Mr. Joseph J. Fischer 17 Kingston Lane Cheektowaga, NY 14225	12/31/2012
Mr. Scott Gauld 59 Dolphann Drive Tonawanda, NY 14150	12/31/2012

(6-0)

4. COMM. 8E-5 (2010)  
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature *hereby confirms the appointment of* the following member of the Board of Managers for Erie County Sewer District No. 8:

Appointment

<u>Name</u>	<u>Term Expires</u>
Allan Kasprzak 571 Main Street East Aurora, NY 14052	12/31/2012

(6-0)

**DANIEL M. KOZUB  
CHAIR**

Item 43 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 102

May 11, 2010	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS RATH & BOVE  
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 22E-2 (2009)  
KENNEDY: “WNY Falls Prevention Walkability Study Results”  
(4-0)
  - b. COMM. 7D-3 (2010)  
COMPTROLLER'S OFFICE: “EC Department of Public Works - Highway Division Audit of Road & Bridge Related Construction Contracts for the Period 1/1/2005 - 12/31/2008”  
(4-0)
  - c. COMM. 7M-6 (2010)  
NFTA: “Copy of Revised Five Year Capital Plan for Fiscal Years Ending 3/31/2011 - 2015 & the Annual Operating Budget for Fiscal Year End 2011”  
(4-0)
  - d. COMM. 8M-1 (2010)  
NFTA: “Minutes from Meeting Held 2/22/2010”  
(4-0)
  - e. COMM. 8M-2 (2010)  
NFTA: “NFTA Metro EC Service Restructuring & Fare Analysis Strategic Assessment”  
(4-0)
2. COMM. 7E-22 (2010)  
COUNTY EXECUTIVE

WHEREAS, Erie County must comply with 40 Code Federal Regulation, Part 112 regarding Spill Prevention Control and Countermeasure (SPCC) and determine what corrective measures are needed to meet current codes, standards, and measures to provide a safe working environment; and

WHEREAS, your honorable body has previously authorized Wendel Duchscherer as a project engineer via Comm.12E-31 of July 9, 2009; and

WHEREAS, the County Executive is requesting authorization from your honorable body to execute an Agreement with Wendel Duchscherer for providing Professional Services to site specific Spill Prevention Control and Countermeasure (SPCC) Plans Phase II.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute an Agreement with Wendel Duchscherer for providing Professional Services to site specific Spill Prevention Control and Countermeasure (SPCC) Plans Phase II in the amount of \$16,200.00; and be it further

RESOLVED, that the payment for the above agreement be allocated from SAP Project B.00057 – 2003 – County-wide Highway and DPW Fuel Tank Program in the amount of \$16,200.00; and be it further

RESOLVED, that three certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(4-0)

3. COMM. 7E-23 (2010)

COUNTY EXECUTIVE

WHEREAS, Erie County is desirous of seeking monies from the New York State Affordable Housing Corporation for a home improvement/housing rehabilitation project within the Lake Erie Beach neighborhood in the Town of Evans and the First Ward area in the City of Lackawanna; and

WHEREAS, said neighborhoods have been identified as target areas for community revitalization within the 2010-14 Erie County/Town of Hamburg Community Development Consolidated Plan as so submitted to the United States Department of Housing and Urban Development on February 14, 2010; and

WHEREAS, the requested AHC monies will be matched with \$120,000 in federal Community Development Block Grant funds administered by the Erie County Department of Environment and Planning, thereby allowing the rehabilitation of 20 residential structures.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to submit an application for an amount not to exceed \$180,000 to the New York State Affordable Housing Corporation under their Housing Rehabilitation/Home Improvement Program; and be it further

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

(4-0)

4. COMM. 7E-24 (2010)

COUNTY EXECUTIVE

WHEREAS, the Erie County SFY 2008-09 Bridge Painting Project, Five (5) Bridges in various Towns of Erie County, PIN 5758.90 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment 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 desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design V&VI) of this project: PIN 5758.90; and

WHEREAS, the total Project is \$50,000.00 and the County is required to provide the local share portion for the Project in the amount of \$10,000.00.

NOW, THEREFORE, BE IT

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

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

RESOLVED, that the sum of \$10,000.00 in non-federal local share is hereby appropriated from B.20909 - 2009 Bridge Painting Program and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that the Project budget be increased in revenue and appropriation to reflect this agreement total of \$50,000.00; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the projects' Preliminary Engineering (Design V&VI) phase exceeds \$50,000.00 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 be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal 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 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 ten (10) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(4-0)

**TIMOTHY M. KENNEDY  
CHAIR**

Item 44 – MS. WHYTE presented the following report and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 103

May 17, 2010	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 8E-1 (2010)  
COMPTROLLER: “2010 Overtime in the Sheriff’s Office & Department of Public Works’ Division of Buildings & Grounds”  
(6-0)
  - b. COMM. 8E-7 (2010)  
COUNTY EXECUTIVE: “Budget Monitoring Report (BMR) for the Period Ending 3/31/2010”  
(6-0)
  - c. COMM. 8D-2 (2010)  
COMPTROLLER’S OFFICE: “Audit of the Payment in Lieu of Tax "Pilot" Process for the Period 1/1/2006 - 12/31/2008”  
(6-0)
2. COMM. 8D-3 (2010)  
EC REAL PROPERTY TAX SERVICES AS AMENDED  
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 210152 through 210161, 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	2010	Petition No.	210,152.00
	OWNER	Refund	\$3,790.38

S-B-L 28.14-5-4

Acct. No. 112	\$0.00	County
Acct. No. 132	\$3,790.38	Town/SpecialDist/School
		\$3,790.38

Charge To :

RPTL 550(2): INCORRECT SEWER CHARGED IN ERROR  
REFUND TO BE ISSUED TO: JOHN J & SANDRA MCGUIRE

FISCAL YEAR	2009	Petition No.	210,153.00
	OWNER	Cancel	\$3,991.62

S-B-L

Acct. No. 112	\$0.00	County
Acct. No. 132	\$3,991.62	Town/SpecialDist/School
		\$3,991.62

Charge To :

RPTL 550(2): INCORRECT SEWER CHARGED IN ERROR  
REFUND TO BE ISSUED TO: CHARLES P PEZZINO

FISCAL YEAR	2010	Petition No.	210,154.00
	OWNER	Refund	\$3,993.21

S-B-L 28.14-5-13

Acct. No. 112	\$0.00	County
Acct. No. 132	\$3,993.21	Town/SpecialDist/School
		\$3,993.21

Charge To :

RPTL 550(2): INCORRECT SEWER CHARGED IN ERROR  
REFUND TO BE ISSUED TO: CHARLES P PEZZINO

FISCAL YEAR	2009	Petition No.	210,156.00
	OWNER	Refund	\$3,723.22

S-B-L 28.14-5-4



Acct. No. 112 \$0.00 County  
Acct. No. 132 \$3,723.22 Town/SpecialDist/School

Charge To : \$3,723.22

RPTL 550(2): INCORRECT SEWER CHARGED IN ERROR  
REFUND TO BE ISSUED TO: JOHN J & SANDRA MCGUIRE

FISCAL YEAR 2010 Petition No. 210,157.00

OWNER Refund \$1,665.03

S-B-L 67.56-1-5

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$1,665.03 Town/SpecialDist/School  
52002 2009 COMM COLLEGE \$2.93

Charge To : \$1,662.10

RPTL (2): AGED EXEMPTION WAS CALCULATED INCORRECTLY IN ERROR  
REFUND TO BE ISSUED TO: JEAN I WOLF

FISCAL YEAR 2007 Petition No. 210,158.00

OWNER Refund \$3,417.39

S-B-L 28.14-5-6

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$3,417.39 Town/SpecialDist/School

Charge To : \$3,417.39

RPTL 550(2): INCORRECT SEWER CHARGED IN ERROR  
REFUND TO BE ISSUED TO: JAMES A GIBLIN

FISCAL YEAR 2008 Petition No. 210,159.00

OWNER Refund \$3,701.27

S-B-L 28.14-5-6

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$3,701.27 Town/SpecialDist/School

Charge To : \$3,701.27

RPTL 550(2): INCORRECT SEWER UNITS CHARGED IN ERROR  
REFUND TO BE ISSUED TO: JAMES A GIBLIN

FISCAL YEAR 2009 Petition No. 210,160.00

OWNER Refund \$3,923.58

S-B-L 28.14-5-6

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$3,923.58 Town/SpecialDist/School  
\$3,923.58

Charge To :

RPTL 550(2): INCORRECT SEWER CHARGED IN ERROR  
REFUND TO BE ISSUED TO: JAMES A GIBLIN

FISCAL YEAR 2010 Petition No. 210,161.00

OWNER Refund \$3,975.61

S-B-L 28.14-5-6

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$3,975.61 Town/SpecialDist/School  
\$3,975.61

Charge To :

RPTL 550(2): INCORRECT SEWER CHARGED IN ERROR  
REFUND TO BE ISSUED TO: JAMES A GIBLIN

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

**BARBARA MILLER-WILLIAMS  
AS CHAIR OF THE ERIE COUNTY LEGISLATURE**

Item 45 – MS. BOVE presented the following report and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 104

May 17, 2010	PUBLIC SAFETY COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT.  
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 7D-5 (2010)  
COUNTY ATTORNEY: “Legislature General Matters (Public Safety Committee Request)”  
(6-0)

2. COMM. 7E-17 (2010)  
COUNTY EXECUTIVE

WHEREAS, the New York State Emergency Management Office has agreed to provide funding in the amount of \$52,855.76 in State assistance to develop and implement a jurisdiction-wide strategic plan for Citizen Corps Councils; and

WHEREAS, the Erie County Legislature needs to authorize the County Executive to accept \$52,855.76 in State resources to provide funding for training, public education, and citizen outreach to enhance the ability of Erie County to promote community and family safety; and

WHEREAS, the Department of Emergency Services will manage this program in conjunction with Niagara University to deliver these services, which will require monthly reports from Niagara University on the progress of the services; and

WHEREAS, the Department of Emergency Services goals and objectives are to promote community and family safety during emergencies and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the New York State Emergency Management Office in order to receive \$52,855.76 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a subcontract with Niagara University in the amount of \$52,855.76 to deliver the goals and objectives established for this grant which are to develop and implement a jurisdiction-wide strategic plan for the Citizen Corps Councils; and be it further

RESOLVED, that Niagara University will provide monthly reports on the progress of these services; and be it further

RESOLVED, that the following budgetary accounts be established in the Grant Fund in order to complete the above task:

Erie County Department of Emergency Services  
Grant Fund  
Citizen Corps Grant Program

Revenue	Increase
Account 409000 State Aid	\$52,855.76
Appropriations	Increase
Account 516020 Professional Contracts & Fees	\$52,855.76

and be it further

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

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

(6-0)

3. COMM. 7E-29 (2010)  
COUNTY EXECUTIVE

WHEREAS, the New York State Office of Homeland Security has agreed to provide funding in the amount of \$1,600,000 in Federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency, disaster and terrorist situations; and

WHEREAS, a Request for Proposal for radiological preparedness was issued in December 2009 and reviewed in compliance with Section 1908 of the Erie County Administrative Code which resulted in two submissions which are available for public inspection during regular business hours; and

WHEREAS, a committee appointed by the Commissioners of Health and Emergency Services reviewed said proposals and has recommended that the contracts be awarded to MJW Corporation, Inc.; and

WHEREAS, the contracts with MJW Corporation, Inc. will provide radiological event emergency planning and preparedness and calibration of equipment as required by the terms of the grant; and

WHEREAS, the contracts will be managed by the Erie County Department of Health.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contracts for the period May 1, 2010 through June 30, 2011 with the MJW Corporation, Inc. for the purpose of providing radiological event emergency planning and preparedness training in an amount of \$55,000 and \$15,000 for the purpose of annual calibration of radiation instruments; and be it further

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

(6-0)

4. COMM. 8E-10 (2010)  
COUNTY EXECUTIVE

WHEREAS, Erie County is eligible to apply to the New York State Local Enhanced Wireless 911 Program for reimbursement of certain costs associated with the provision of Wireless 911 Services; and

WHEREAS, Erie County is eligible for an allocation from the 2008 – 2009 State Budget for costs incurred from April 1, 2008 through March 31, 2011 in the amount of \$516,146; and

WHEREAS, Erie County is eligible for an allocation from the 2009 – 2010 State Budget for costs incurred from April 1, 2009 through March 31, 2012 in the amount of \$516,206; and

WHEREAS, existing capital project A.00254, originally created to purchase equipment for the new public safety facility, has a balance of \$754,299 derived from State Aid funding; and

WHEREAS, it is requested that the available funds from capital project A.00254 be transferred to the new capital project to be used to enhance the County E-911 system; and

WHEREAS, Central Police Services requests that all funds be dedicated to upgrading the 911 center system and police communications equipment.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept funds from the New York State Local Enhanced Wireless 911 Program in an amount not to exceed \$1,032,352; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to made all required budget adjustments in capital project A.00254 in order to make available State Aid revenue for the new capital project created by this resolution, and be it further

RESOLVED, that a new capital project shall be created for the purchase of E-911 center and other public safety communication equipment to be established as follows:

Capital Fund 410	
Project A.21001	
Public Safety Communications Next Generation 911	
165 Central Police Services	
<u>Revenue</u>	<u>Increase</u>
Acct. 409000 State Wireless Aid	\$1,032,352
Acct. 409000 State Aid (from A.00254)	<u>754,299</u>
Total Revenue	\$1,786,651
<u>Appropriation</u>	<u>Increase</u>
Acct. Capital Projects	\$1,786,651

and be further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the County Comptroller, the Director of Budget and Management, and the Department of Central Police Services, c/o Kathy Gumulak, 45 Elm Street, Buffalo, NY 14203.

(6-0)

**CHRISTINA W. BOVE**  
**CHAIR**

Item 46 – MS. WHYTE presented the following report and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 105

May 17, 2010	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 22-1 (2009)  
MILLER-WILLIAMS: “Opposing the Proposed Mid-Year State Budget Cuts to the Boys & Girls Clubs of Buffalo”  
(6-0)
  - b. COMM. 27M-10 (2009)  
FRANK J. HOTCHKISS: “Home Improvement Tax Abatement”  
(6-0)
  - c. COMM. 6D-1 (2010)  
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”  
(6-0)
  - d. COMM. 6D-6 (2010)  
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”  
(6-0)
  - e. COMM. 7E-21 (2010)  
COUNTY EXECUTIVE: “Copy of Six Sigma Status Report”  
(6-0)
  - f. COMM. 7D-1 (2010)  
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”  
(6-0)
  - g. COMM. 7D-2 (2010)  
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”

(6-0)

- h. COMM. 7D-4 (2010)  
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"  
(6-0)
- i. COMM. 7D-6 (2010)  
EC BOARD OF ELECTIONS: "Letter to Legislature Regarding Election Law, Section 3 - 420"  
(6-0)
- j. COMM. 7D-7 (2010)  
DIRECTOR OF REAL ESTATE: "Copy of Quarterly Update - Real Estate/Space Utilization Initiative - March 2010"  
(6-0)
- k. COMM. 7M-8 (2010)  
EC BAR ASSN. - AID TO INDIGENT PRISONERS SOCIETY INC. - ASSIGNED COUNCEL PROGRAM: "Quarterly Report for the 1st Quarter of 2010"  
(6-0)
- l. COMM. 7M-12 (2010)  
ESSEX COUNTY BOARD OF SUPERVISORS: "Copy of Resolution Calling on Governor Paterson to Enforce the Collection of Sales Tax on Tobacco Sold on Indian Land"  
(6-0)
- m. COMM. 8E-6 (2010)  
COUNTY EXECUTIVE: "Vacancy Report for the Period Ending 3/31/2010"  
(6-0)
- n. COMM. 8D-1 (2010)  
COUNTY ATTORNEY: "Transmittal of New Claim Against EC"  
(6-0)
- o. COMM. 8D-6 (2010)  
EC BOARD OF ELECTIONS: "Letter to Legislature asking for Additional Compensation for Election Inspectors"  
(6-0)
- 2. COMM. 7E-38 (2010)  
COUNTY EXECUTIVE  
WHEREAS, the Erie County Department of Health's Division of Emergency Medical Services (EMS) is responsible for conducting EMS training courses; and

WHEREAS, the Wyoming Erie Regional E.M.S. Council donated 4 (four) extrication devices, with a total value of \$395.80, to be used to train students in the EMS training program conducted by the Division of Emergency Medical Services; and

WHEREAS, this equipment will be stored and deployed when necessary to conduct E.M.S. training courses.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept the donated equipment from the Wyoming Erie Regional E.M.S. Council; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, the Commissioner of Emergency Services and to Dr. Anthony J. Billittier, IV, Commissioner, in the Erie County Department of Health, 9th Floor, Rath Building.  
(6-0)

3. COMM. 8E-8 (2010)  
COUNTY EXECUTIVE

WHEREAS, Erie County is in possession of unused office materials; and

WHEREAS, The Village of Orchard Park approached the County looking to acquire them to save them the cost of having to purchase them; and

WHEREAS, Erie County has no use for the office materials, and agreed to conduct the transfer.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Purchasing Director is hereby authorized to transfer ownership of the following items from Erie County to the Village of Orchard Park:

WOOD SHELF	#153105
WOOD SHELF	#283672
METAL SHELF	#209157
METAL CART	#87807
FILE CABINET	#91577
FILE CABINET	#190523
FILE CABINET	#278268
METAL SHELF	#162850
CD HOLDERS	#522656

and be it further

RESOLVED, that certified copies of this resolution be delivered to Dan Pfohl, Erie County Director of Intergovernmental Affairs and Bridget Corcoran, Erie County Director of Purchasing.  
(6-0)

**BARBARA MILLER-WILLIAMS  
AS CHAIR OF THE ERIE COUNTY LEGISLATURE**



Item 47 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 106

May 17, 2010	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MAZUR.  
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6M-1 (2010)  
BUFFALO & EC NAVAL & MILITARY PARK: “EC Legislature Budget Accountability Act - 2009 Close-Out Report”  
(5-0)
  - b. COMM. 6M-2 (2010)  
SHAKESPEARE IN DELAWARE PARK: “2010 Budget Accountability Act Submission”  
(5-0)
  - c. COMM. 6M-4 (2010)  
BUFFALO ARTS STUDIO: “EC Legislature Budget Accountability Act - 2009 Close-Out Report”  
(5-0)
  - d. COMM. 6M-5 (2010)  
BUFFALO & EC PUBLIC LIBRARY BOARD OF TRUSTEES: “Minutes of Meeting Held 2/18/10”  
(5-0)
  - e. COMM. 7M-1 (2010)  
BUFFALO SOCIETY OF NATURAL SCIENCES: “EC Legislature Budget Accountability Act - 2009 Close-Out Report”  
(5-0)
  - f. COMM. 7M-11 (2010)  
HALLWALLS, INC.: “2010 Budget Accountability Act Submission”  
(5-0)
  - g. COMM. 7M-13 (2010)  
BUFFALO & EC PUBLIC LIBRARY: “Minutes of Meeting held 4/5/2010”  
(5-0)

h. COMM. 8M-3 (2010)  
NIAGARA ERIE REGIONAL COALITION: "Copy of Agenda from Meeting Held  
4/23/2010"  
(5-0)

2. COMM. 1E-15 (2010)  
COUNTY EXECUTIVE  
RESOLVED, the Erie County Legislature *hereby confirms the* appointments of the following  
individuals to the Erie County Commission on the Status of Women Advisory Board for a term  
expiring June 30, 2012:

Ms. Eras Bechakas  
144 Leicester Rd.  
Buffalo, NY 14217

Ms. Molly Mallia  
Damon Morey LLP  
200 Delaware Ave., Suite 1200  
Buffalo, NY 14202

Ms. Amitra Hall  
Buffalo State College  
1300 Elmwood Ave., HB 307  
Buffalo, NY 1422

Ms. Grace Huff  
106 Glen Oak Dr.  
East Amherst, NY 14051

Ms. Liz Buscaglia  
Hodgson Russ LLP  
140 Pearl St., Suite 100  
Buffalo, NY 14202

(5-0)

3. COMM. 1E-18 (2010)  
COUNTY EXECUTIVE  
RESOLVED, the Erie County Legislature *hereby confirms the re-*appointments of the  
following individuals to the Buffalo & Erie County Public Library Board of Directors for a term  
ending December 31, 2014:

Mr. Wayne Wisbaum, Esq.  
180 Greenway Rd.  
Egbertsville, NY 14226

Mr. Jack Connors  
5517 Coachman's Ln.  
Hamburg, NY 14075

(5-0)

**THOMAS A. LOUGHRAN**  
**CHAIR**

**LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 107

RE: Transfer of Beeman Creek Park  
to the Town of Clarence  
(INTRO 9-1)

**A RESOLUTION TO BE SUBMITTED  
BY LEGISLATOR RAYMOND W. WALTER**

WHEREAS, Beeman Creek Park (the "Park") is one of six Conservation Parks within the Erie County Park System and consists of 391 acres of land all of which are located within the geographic boundaries of the Town of Clarence; and

WHEREAS, the Town of Clarence has requested the County of Erie to transfer and convey fee title of Beeman Creek Park to the Town of Clarence, to give it greater control over drainage issues concerning Beeman Creek and surrounding wetlands; and

WHEREAS, the Legislature of the County of Erie adopted a resolution on May 29, 2008 which, inter alia, authorized the County of Erie to enter into an intermunicipal agreement which would transfer the control, operation and maintenance of Beeman Creek Park to the Town of Clarence pending enabling legislation by the New York State Legislature; and

WHEREAS, said resolution recites that the intermunicipal agreement, Home Rule Request, Sales Agreement and Deed shall include language reverting ownership of Beeman Creek Park to the County should the Town of Clarence cease operating the Park as a public park or in the event the Town fails to make the Park accessible to all County of Erie residents on the same terms and conditions as apply to Town of Clarence residents; and

WHEREAS, the County does not have the power to authorize the conveyance of public parkland, such power being vested exclusively in the New York State Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that this Legislature hereby requests the New York State Senate and Assembly, respectively, to approve an Act authorizing the County of Erie to transfer to the Town of Clarence, for the sum of one dollar (\$1.00), Erie County Parkland commonly known as Beeman Creek Park and more specifically described in the attached Schedule A; and be it further

RESOLVED, that said Act shall also provide that title to and ownership of Beeman Creek Park shall revert to the County of Erie in the event that the Town of Clarence shall cease operating the Park as a public park, or in the event that the Town fails to make the Park accessible to all County of Erie residents on the same terms and conditions as apply to Town of Clarence residents; and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Senator Michael H. Razenhofer and New York State Assemblywoman Jane L. Corwin and all other members of the Western New York State delegation; and be it further

RESOLVED, that certified copies of this resolution also be forwarded to County Executive

Chris Collins; James E. Hornung, Sr., Commissioner of Parks, Recreation & Forestry; Joseph Maciejewski, Deputy Commissioner of Real Property Tax Services; County Attorney Cheryl A. Green; and the Erie County Advisory Review Committee.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 108

RE: Establishing Rate of Pay for  
Election Inspectors  
(INTRO 9-2)

**A RESOLUTION SUBMITTED BY  
LEGISLATORS MILLER-WILLIAMS & MARINELLI**

WHEREAS, pursuant to the authority of New York State Election Law, Section 3-420, the Erie County Legislature has the responsibility to set the compensation levels for election inspectors; and

WHEREAS, the Erie County Legislature approved Budget Resolution # 65 in the Adopted 2010 Budget which authorized that the pay for election inspectors to be set at up to \$170.00 per day; and

WHEREAS, the two Election Commissioners for Erie County have jointly recommended to the Erie County Legislature that the rate of compensation for election inspectors be set at \$160.00 per day; and

WHEREAS, the Commissioners also recommend that the Chair of each election district receive an additional \$15.00 per day because of their additional duties and responsibilities; and

WHEREAS, the Commissioners also recommend that attendance by election inspectors at state mandated training be compensated at a rate of \$25.00 per day; and

WHEREAS, there exists adequate funding in the Board of Elections 2010 budget to provide the rates of compensation described above.

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Elections is authorized to compensate election inspectors at a rate of \$160.00 per day; and be it further

RESOLVED, that the Board of Elections is authorized to compensate the Chair of each election district an additional \$15.00 per day; and be it further

RESOLVED, that the Board of Elections is authorized to compensate inspectors \$25.00 per day for attendance at state mandated training; and be it further

RESOLVED, that certified copies of this resolution be to Commissions Mohr and Ward of the Erie County Board of Elections, the Budget Director, the Comptroller and to all others deemed necessary and proper.

MS. MARIELLI moved to amend the resolution by including Et Al Sponsorship. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 50 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 9-3 from RATH. Opposing Cuts to Tax Incentives Offered to Locate and/or Expand Businesses in NY State.

Item 51 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 9-4 from DIXON. Opposing Wind Farms in Lake Erie.

Item 52 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 9-5 from WHYTE, GRANT, MARINELLI, LOUGHRAN, KOZUB & MAZUR. Empowering Citizen Voices in Effective Public Safety.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 109

RE: Enrolling EC-Owned Cell  
Phones with "Wireless Amber  
Alerts"  
(INTRO 9-6)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS BOVE, MILLER-WILLIAMS, MILLS, KOZUB,**

**WALTER, FUDOLI, HARDWICK, MARINELLI, DIXON & RATH**

WHEREAS, the Amber Alert plan is a voluntary partnership involving law enforcement agencies, broadcasters and transportation agencies designed to recover abducted children before they meet physical harm; and

WHEREAS, Amber Alert encourages everyone to watch for the abducted child and suspect as statistics show the first three hours after a child's abduction are most critical to recovery efforts; and

WHEREAS, the National Wireless Amber Alerts Initiative is a voluntary partnership between the wireless industry, the United States Department of Justice and the National Center for Missing and Exploited Children to distribute Amber Alerts at no charge to wireless subscribers who opt in to receive the text messages on their wireless devices; and

WHEREAS, The Erie County Sheriff's Department participates in the New York State Amber Alert program to instantly notify the entire area when a child is abducted in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Director of Information and Support Services is requested to coordinate the enrollment of all county owned cell phones with Wireless Amber Alerts allowing county owned cell phones to receive messages regarding child abductions in Erie County and that the Erie County Legislature encourages all cell phone owners to sign up to receive wireless alerts of child abductions in the Erie County area by logging onto [www.wirelessamberalerts.org](http://www.wirelessamberalerts.org), thus aiding law enforcement; and be it further

RESOLVED, that Certified Copies of this resolution be sent by the Clerk of the Erie County Legislature to the Director of Information and Support Services and the Erie County Sherriff's Department.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 54 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 110

RE: The Important Role ECC Plays  
in Our Region's Competitiveness  
in the Global Economy

(INTRO 9-7)

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

WHEREAS, it is widely understood that the 21st century global economy is and will continue to be knowledge-based, thereby positioning the colleges and universities of Western New York strongly in terms of our region's economic competitiveness; and

WHEREAS, community colleges statewide, and Erie Community College (ECC) in particular, have demonstrated their capacity in responding to the human resource needs and demands of employers for the highest caliber of intellectual capital within the workforce of this new century; and

WHEREAS, there are 96 academic degree and certificate programs offered at ECC, many leading to immediate jobs; and

WHEREAS, the college has also been highly effective in keeping critically needed training dollars in Western New York, and often provides this service on-site to the region's employers; and

WHEREAS, in terms of the college's insightful, proactive advances in curriculum development, the retraining of our workforce or increasing the technological savvy of our workers, ECC employs every innovative means to strengthen the pool of workers in our region and to add value to the intellectual capital of our workforce, demonstrating that ECC is on the cutting edge of positive change in higher education and workforce development; and

WHEREAS, the residents of Erie County recognize the value of the education provided by ECC, evidenced by the college's 58% enrollment increase in the past eleven years and decreased full-time staffing by over 12% in the past 17 years; and

WHEREAS, despite the strengths of ECC and the wisdom of making a phased, sustainable and strategic investment in this community asset, the financial contribution by its sponsor, Erie County government, toward the college's mission falls short and, indeed, represents a failure to meet the minimum investment set forth in state law and called for in the accreditation standards; and

WHEREAS, given the county's surplus due to federal stimulus dollars, Erie County's share of 17.3% of the college's proposed 2010-11 budget is not in compliance with State Education Law, and is below the 26.7% called for in state law, and could manage an increase; and

WHEREAS, compared to community colleges across the state, ECC educates the highest percent of economically disadvantaged students; and

WHEREAS, ECC's proposed 2010-11 budget has no tuition increase, and has the lowest overall increases over the past six years; and

WHEREAS, almost 94% of ECC's students come from Erie County which is the 2nd highest percentage in the entire state; and

WHEREAS, ECC's graduates stay in Western New York, annually contributing \$668 million in earnings to the local economy; and

WHEREAS, a greater contribution on the part of Erie County will have a number of positive outcomes, including increased per student chargeback revenues and an overall increase of the value of the intellectual capital and economic competitiveness of Erie County's workforce; and

WHEREAS, in 2010, the Middle States' accreditation team will return to ECC, looking for long-term fiscal stability that can be demonstrated by a more robust county contribution, an increase in the fund balance and other key indicators of a financially strong community college with a vibrant future.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature call upon the county administration to work collaboratively with the Board of Trustees and administrators of Erie Community College and the Legislature's Community Enrichment Committee to develop a phased, strategic and sustainable overall increase in Erie County's investment in our own economy by enhancing its contribution to ECC; and be it further

RESOLVED, that this Honorable Body duly recognize the important role Erie Community College plays in our region's competitiveness in the global economy of the 21st century and demonstrate this recognition by supporting an annual increase in the county share with a first-year (2010-11) increase of no less than \$750,000; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive, the Erie County Budget Director, the Board of Trustees and the President of Erie Community College.

MS. WHYTE moved to amend the resolution for content, and also by adding Et Al Sponsorship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Add the Following Whereas Clause after the Eighth Whereas Clause:

WHEREAS, New York State aid currently accounts for 30% of ECC's overall budget, significantly less than prescribed formula of 40%, a difference of \$8 million; and

Add the Following Whereas Clause after the Thirteenth Whereas Clause:

WHEREAS, increasing the Erie County share of the ECC budget by \$750,000 would increase the chargeback rate charged when out-of-county students attend ECC by approximately \$50, with a positive revenue impact on Erie County's budget of \$60,000; based on current enrollment figures; and

Delete the Second Resolved Clause in Its Entirety and Replace with the Following:



RESOLVED, that this Honorable Body duly recognize the important role Erie Community College plays in our region's competitiveness in the global economy of the 21st century and demonstrate this recognition by supporting an annual increase in the county share with a first-year (2010-11) increase of no less than \$750,000, provided that such increase does not contribute to an increase in tax rates for Erie County taxpayers; and be it further

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 55 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of COMM. 7E-36 (2010). MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111

RE: EC Record Storage & Surplus  
Warehouse Currently Located on  
ECMCC Campus  
(COMM. 7E-36, 2010)

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

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

WHEREAS, in accordance with Section 302 of the Erie County Charter, as amended by Local Law No. 2003-7, the County Executive is charged with appointing the County Records Management Officer and providing a system for the orderly and efficient management of all county records, including the provision of storage; and

WHEREAS, pursuant to the Local Law 2003-7, the then County Clerk, David J. Swarts was appointed County Records Management Officer, and

WHEREAS, Kathleen C. Hochul, Erie County Clerk, was thereafter appointed as the County Records Management Officer; and

WHEREAS, previous to the amendment of the County Charter, the Division of Information and Support Services was responsible for the County Records Management under the direction of their department head; and

WHEREAS, the County Executive and the County Clerk are desirous of returning the duties of the position of County Records Management Officer to the Division of Information and Support Services under the direction of the County's Chief Information Officer; and

WHEREAS, responsibility of the day-to-day records management currently rests with the Records Manager assigned to the Erie County Clerk's Office; and

WHEREAS, to better manage the county records both physically and electronically, it is sensible and efficient for the responsibilities of the County Records Management Officer and Records Manager to be within the Division of Information and Support Services; and

WHEREAS, the County Executive has appointed Gregory J. Turner, Chief Information Officer, Division of Information and Support Services as the Records Management Officer of Erie County; and

WHEREAS, in order to effectuate this change in responsibility, the Records Manager will be moved to the Division of Information and Support Services; and

WHEREAS, on March 25, 2010, the Erie County Legislature approved the ECMC Settlement Agreement, which among other things, establishes the eventual relocation of the County Records Storage Center and County Surplus to the structures which currently house the ECMC County Home in Alden, New York; and

WHEREAS, in order to temporarily house the county Records Storage Center and County Surplus until such time as the current Erie County Home is relocated to the Grider Street Campus, and the Alden property is available for use by the County for Records and Surplus, the County is in need of temporary leased space; and

WHEREAS, suitable warehouse space has been identified by the Director of Real Estate and Asset Management.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve of the appointment of Gregory J. Turner, Chief Information Officer, Division of Information and Support Services as the Records Management Officer of Erie County; and be it further

RESOLVED, that the Records Manager shall be transferred and the position shall be moved to the Division of Information and Support Services effective July 1, 2010; and be it further

RESOLVED, that the following Budget adjustment is authorized:

Fund 110 – Business Area 11310 – County Clerk Registrar

Delete (1) Records Manager - JG 8 (Position #51002361)

<u>Commitment Item</u>	<u>Decrease</u>
500000 Full-Time Salaries	\$20,262
502000 Fringe Benefits	\$10,131

Fund 110 – Business Area 105 – Division of Information and Support Services

Add (1) Records Manager – JG 8

<u>Commitment Item</u>	<u>Increase</u>
500000 Full-Time Salaries	\$20,262

502000 Fringe Benefits

\$10,131

and be it further

RESOLVED, that the County Executive is hereby authorized to execute a lease agreement for property located at 3080 William Street, Cheektowaga, New York to store county records and county surplus, commencing on June 1, 2010 for a term of five years; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Clerk, the Chief Information Officer, the Director of Real Estate, the Director of Purchase, the County Attorney, and the Director of Budget.

Delete the First Resolved Clause in its Entirety and Insert the Following:

RESOLVED, that the Erie County Legislature does hereby approve of the appointment of Gregory J. Turner, Chief Information Officer, Division of Information and Support Services as the Records Management Officer of Erie County effective immediately; and be it further

Delete the Fourth Resolved Clause in its Entirety and Insert the Following:

RESOLVED, that the County Executive is hereby authorized to execute a lease agreement for property located at 3080 William Street, Cheektowaga, New York to store county records and county surplus, commencing on June 1, 2010 for a term of five years with a termination option after the third year; and be it further

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

CARRIED UNANIMOUSLY.

Item 56 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of INTRO 8-3 (2010). MR. MAZUR seconded. MR. WALTER voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 112

RE: Advocating Continued Funding for the  
TANF Summer Youth Employment  
Program for EC  
(INTRO 8-3, 2010)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MARINELLI, BOVE, MILLER-WILLIAMS, WHYTE, KOZUB, MAZUR,  
LOUGHRAN, FUDOLI, DIXON, HARDWICK, MILLS & RATH**

WHEREAS, for each of the last ten years, New York State has provided Local Workforce Investment Areas across New York State with funding for summer jobs for low-income youth. The funding for this Summer Youth Employment Program has come from the Temporary Assistance for Needy Families (TANF) program; and

WHEREAS, this important program has provided youth with summer jobs where they were able to earn a wage while attaining important job readiness skills. The program also helped not for profit and community-based organizations, as well as local government with temporary summer employment assistance; and

WHEREAS, last year the State allocation to Buffalo and Erie County from New York State for the Summer Youth Employment Program was \$1,590,979; and

WHEREAS, funding for this year's TANF Summer Youth Employment Program has been, unfortunately, entirely eliminated from the Governor's proposed 2010-2011 budget. Our nation's teen employment rate is at an all time low of 29.2% – a drop of nearly 16 percentage points from 2000 to 2009. During these challenging economic times, our young people need this program; and

WHEREAS, some statistics concerning the TANF Summer Youth Program in Erie County for 2009 include the following:

- 1,060 low-income or disabled youth were provided with a summer job. (Approx. 75% from the City of Buffalo and 25% from the balance of Erie County)
- \$982,208 in total wages were earned by our youth
- 135,477 hours were worked by our youth
- Each youth earned an average of \$927 during the summer; and

WHEREAS, the TANF Summer Youth Employment Program is a vital tool in assisting low income and disabled youth in Erie County with academic enrichment and employment experience. As most of the youth earnings are spent in Erie County, this program has great economic impact to our local area as well.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body goes on record requesting the New York State Legislature to restore funding for the Summer Youth Employment Program, which has been done for the past decade through the Temporary Assistance for Needy Families; and be it further

RESOLVED, that certified copies of this resolution be sent to members of the Western New York delegation to the New York State Legislature and others deemed appropriate.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MS. MARINELLI seconded. MR. WALTER voted in the negative.

CARRIED. (14-1)

Item 57 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of INTRO 8-1 (2010). MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 113

RE: Adopting a Smart Smoking Policy for  
All of EC Parks, Beaches & Recreation  
Areas  
(INTRO 8-1, 2010)

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

WHEREAS, smoking is responsible for the premature deaths of over 430,000 Americans each year from lung cancer, heart disease, respiratory illness and other diseases; and

WHEREAS, secondhand smoke is responsible for over 50,000 deaths among nonsmokers each year; and

WHEREAS, tobacco kills more Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, accidents, fires and AIDS combined; and

WHEREAS, 80% of smokers started smoking before the age of 18, and the average initiation age is 12 years old; and

WHEREAS, everyday an estimated 3,900 young people under the age of 18 try their first cigarette and one-third of these children will die prematurely from tobacco-related illnesses; and

WHEREAS, it is important to help role model non-smoking behavior to children and youth; to provide children, youth and their families with a safe, smoke-free environment; and

WHEREAS, there is no safe level of exposure to secondhand smoke and children playing in Erie County parks, beaches and recreation areas should be free of the harmful effects of secondhand smoke; and

WHEREAS, Erie County is teaming up with the Erie-Niagara Tobacco Free Coalition for a Young Lungs at Play Initiative.

NOW, THEREFORE, BE IT

RESOLVED, that all of Erie Counties parks, beaches and recreation areas will adopt a smart smoking policy by asking our park and beach patrons not to smoke in our recreation areas; and be it further

RESOLVED, that the Erie County Legislature is asking the County Executive to commit to creating separate smoking areas as a part of the County Parks Master Plan; and be it further

RESOLVED, that the Erie County Legislature forward certified copies of this resolution to Erie County Parks, Recreation and Forestry Commissioner Jim Horning, NYS Commissioner of Parks Carol Ash, County Executive Chris Collins, Erie County Commissioner of Health Dr. Anthony Billittier, and County Attorney Cheryl Green.

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 58 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 9M-20 from THEODORE KIRKLAND Re: Letter to Legislature Concerning Local Law Intro 4-1 (2010)

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 59 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 9D-10 from ECC Re: Community Enrichment Committee Meeting Follow-up

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR MARINELLI**

Item 60 – (COMM. 9E-1) Letter to Clerk of Legislature - Absence From Committee Meetings Held 5/11/2010

Received and Filed.

**FROM THE COMPTROLLER**

Item 61 – (COMM. 9E-2) First Quarter 2010 Financial Report

Item 62 – (COMM. 9E-3) Certificate of Determination Relative to the Sale & Issuance of Bonds

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

Item 63 – (COMM. 9E-4) Copy of Audited Financial Statements & Management Letter for ECC for Fiscal Year Ended 8/31/09

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LEGISLATOR RATH

Item 64 – (COMM. 9E-5) Letter to Clerk of Legislature - Absence From Committee Meetings Held 5/11/2010

Received and Filed.

FROM THE COMPTROLLER

Item 65 – (COMM. 9E-6) Salary Increases for EC Health Commissioner

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 66 – (COMM. 9E-7) First Quarter 2010 Sales Tax Revenues

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR MILLER-WILLIAMS, LEGISLATORS WHYTE, KOZUB, KENNEDY, GRANT, MAZUR, BOVE, MARINELLI & LOUGHRAN

Item 67 – (COMM. 9E-8) Letter to NYS Representatives Concerning TANF Funding

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 68 – (COMM. 9E-9) Ontario Street Boat Launch/Black Rock Canal Park - Grant Agreement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE

Item 69 – (COMM. 9E-10) Pollution Prevention, Recycling & Reuse - Technical Assistance Project Contracts for Engineering Feasibility Studies for Partner Companies

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 114

RE: Payment in Lieu of Taxes (PILOT)  
Agreement for St. Martin Village  
Housing - City of Buffalo Affordable  
Housing  
(COMM. 9E-11)

WHEREAS, St. Martin Village Housing Development Fund Company, Inc. is developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Project, located at 564 Dodge Street in the City of Buffalo, New York will serve low and very low income households and will include 24 two-bedroom units, 24 three-bedroom townhouses, 12 four-bedroom townhouses and a community building; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for St. Martin Village Housing Development Fund Company, Inc. to operate the housing complex it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with St. Martin Village Housing Development Fund Company, Inc. relating to the St. Martin Village and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto. Payment under the Agreement will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

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

SCHEDULE A

ST. MARTIN VILLAGE  
564 Dodge Street  
Buffalo, New York

YEAR	CITY	COUNTY
1	\$9,205.92	\$3,068.64
2	\$9,482.10	\$3,160.70



3	\$9,766.56	\$3,255.52
4	\$10,059.56	\$3,353.19
5	\$10,361.34	\$3,453.78
6	\$10,672.18	\$3,557.39
7	\$10,992.35	\$3,664.12
8	\$11,322.12	\$3,774.04
9	\$11,661.78	\$3,887.26
10	\$12,011.64	\$4,003.88
11	\$12,371.99	\$4,124.00
12	\$12,743.15	\$4,247.72
13	\$13,125.44	\$4,375.15
14	\$13,519.20	\$4,506.40
15	\$13,924.78	\$4,641.59

Item 71 – (COMM. 9E-12) Appointment to the EC Commission on the Status of Women Advisory Board

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 72 – (COMM. 9E-13) WNY Stormwater Coalition Local Ordinance Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 73 – (COMM. 9E-14) Assistant Commissioner/Administration Variable Minimum

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 74 – (COMM. 9E-15) Buffalo & EC Botanical Gardens - Improvements to Houses No. 2 & No. 3 - NYS Office of Parks, Recreation & Historic Preservation

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 75 – (COMM. 9E-16) ECSD No. 3 Contract - Boston Valley Pumping Station Generator Replacement & Flood Mitigation - Bid Opening

Item 76 – (COMM. 9E-17) EC Sewer Districts/WNY Council on Occupational Safety & Health Proposed Agreement

Item 77 – (COMM. 9E-18) ECSD No. 3 - Contract No. 23 - Bid Opening

Item 78 – (COMM. 9E-19) ECSD No. 5 - CRA Infrastructure & Engineering, Inc. Agreement - Merger Feasibility Study - Change Order No. 2

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

Item 79 – (COMM. 9E-20) Right-of-Way Acquisition - Pavement Rd. Railroad Bridges, Town of Lancaster

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 80 – (COMM. 9E-21) ECSD No. 3 Engineering Term Agreement - CHA Work Order

Item 81 – (COMM. 9E-22) ECSD No. 8 Engineering Term Agreement - CHA Work Order

Item 82 – (COMM. 9E-23) ECSD No. 6 Contract No. 45 - Bid Opening

Item 83 – (COMM. 9E-24) Sherwood Greenway Trail - Maintenance Agreement

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

Item 84 – (COMM. 9E-25) Elmwood Ave. Signal Replacement Project - NYSDOT Supplemental Agreement No. 2

Item 85 – (COMM. 9E-26) Award of Construction Contract - Change Order for Engineering & Construction Inspection Services - Elmwood Ave. Traffic Signal Replacements - Village of Kenmore & Town of Tonawanda

Item 86 – (COMM. 9E-27) Ralph Wilson Stadium - 2010 - Phase II - Miscellaneous Improvements - A/E Fees

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

Item 87 – (COMM. 9E-28) Child Passenger Safety Program 2010

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 88 – (COMM. 9E-29) Intermunicipal Agreement - EC Water Authority - Indian Church Rd. Repaving Project

Item 89 – (COMM. 9E-30) Intermunicipal Agreement - Town of Lancaster - William Street Repaving Project

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

Item 90 – (COMM. 9E-31) ECSD No. 4 Professional Services Agreement with CRA Infrastructure & Engineering, Inc. - Vanderbilt Pumping Station, Depew Pumping Station & Overflow Retention Facility Upgrades - Change Order No. 2

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 91 – (COMM. 9E-32) Lean Six Sigma & Culture Change Training & Consultation

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 92 – (COMM. 9E-33) Sale Approval - County-Owned Properties Sold at Public Auction on 5/12/2010

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 93 – (COMM. 9E-34) Authorization to Enter into Agreement for Construction of Two Disc Golf Courses & Gift Acceptance

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 94 – (COMM. 9E-35) Acceptance of Grant from the Erie-Niagara Tobacco-Free Coalition

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 95 – (COMM. 9E-36) EC Division of Sewerage Management - EC Sewer Districts - 3 - Year Engineer Agreements - Change Order No. 1

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 96 – (COMM. 9E-37) Consultant Services for Tax Map Conservation Project

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 97 – (COMM. 9E-38) Grant Budget Revision - WNY Stormwater Coalition: Public Education & Illicit Discharge Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 98 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

RE: District Attorney's Office Investigative  
Task Force Grant  
(COMM. 9E-39)

WHEREAS, the Division of Criminal Just Services would like to develop an Investigative Task Force within the District Attorney's Office to work in collaboration with the Erie Crime Analysis Center in order to combat Part One crimes in Erie County; and

WHEREAS, funds have been made available to the District Attorney's Office in the amount of \$450,000 for the purpose of creating such task force for a two year period; and

WHEREAS, these funds will be used by District Attorney's Office to hire three additional investigators; and

WHEREAS, the proposed reorganization of the current investigative staff resulting from the creation of three additional investigators will be implemented while keeping within the District Attorney's adopted general fund appropriations for 2010.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the New York State Division of Criminal Justice Services to accept grant funding, which will allow for the creation of an Investigative Task Force in the District Attorney's Office; and be it further

RESOLVED, that authorization is hereby provided to create one position of Senior Chief Task Force Investigator, Job Grade 14, and two positions of Task Force Investigator, Job Grade 12, in the District Attorney's Investigative Task Force grant (B-100 #5482 & #5483) to be effective July 1, 2010; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to establish the District Attorney's Investigative Task Force Grant as follows:

Investigative Task Force Grant  
July 1, 2010 to June 30, 2012  
Fund: 281, Cost Center: 1140050, Grant: 114TASKFORCE1012

Revenues	
409000 State Revenue	\$ 450,000
Total Revenues	\$ 450,000
Appropriations	
500000 Salaries	\$ 351,403
502000 Fringe Benefits	98,597
Total Appropriations	\$450,000

and be it further

RESOLVED, that effective July 1, 2010, the Erie County Legislature does hereby authorize a variable minimum step 4 for the position of Chief Confidential Criminal Investigator (Position #51003268) in fund center 11400, which will be newly vacated by the creation of the Senior Chief Task Force Investigator; and be it further

RESOLVED, that effective July 1, 2010, that the position of Confidential Criminal Investigator – Part Time (Position #51005727) be changed from a JG10 to that of a JG12 in fund center 11400 (B100 #5476); and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate the following appropriations to the 2010 Adopted Budget:

District Attorney (114)  
2010  
Fund 110, Fund Center 11400

500000 Full Time - Salaries	\$ (1,770)
500010 Part Time - Wages	1,770

and be it further

RESOLVED, that during the grant fiscal year, the Director of Budget and Finance is hereby authorized to adjust budgets to comply with grantor approved funding levels resulting from possible grant amendments; and be it further

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

Item 99 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116

RE: District Attorney's Office Asset  
Forfeiture Appropriations  
(COMM. 9E-40)

WHEREAS, it is necessary to transfer funds from the Erie County District Attorney's Asset Forfeiture Trust Fund prior to their being expended; and

WHEREAS, said funds are required to be expended for law enforcement and prosecutorial efforts as Federal guidelines dictate; and

WHEREAS, the District Attorney's Office has received a grant award in the amount of \$450,000 from DCJS in order to enhance collaboration efforts between the DA's Office and the Erie Crime Analysis Center (ECAC) for the overall purpose of reducing firearm related crimes. The Investigative Task Force will be comprised of a Senior Chief Task Force Investigator and two Task Force Investigators; and

WHEREAS, to assist in the implementation of this task force, investigators will need automobiles to be able to maneuver throughout the county; and

WHEREAS, surveillance vehicles need to remain as inconspicuous as possible; and

WHEREAS, a savings will be realized by purchasing used vehicles rather than new vehicles and there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that \$7,425.00 in available balances in the Erie County District Attorney's Assets Forfeiture Trust Fund are hereby transferred to the District Attorney's Assets Forfeiture Program, Funded Program "SAFDA;" and be it further

RESOLVED, that the following budgetary transactions are hereby authorized to provide funding for investigative, surveillance and prosecutorial purposes to benefit the District Attorney's Office:

**DISTRICT ATTORNEY ASSET FORFEITURE PROGRAM  
BUSINESS AREA: 114  
COST CENTER: 1140010  
FUNDED PROGRAM /WBS ELEMENT: SAFDA**

<u>Revenue</u>	<u>Increase</u>
421550 Forfeiture Crime Proceeds	<u>\$7,425</u>
Total Revenue	<u>\$7,425</u>
<u>Appropriation</u>	
561440 Motor Vehicles	7,425
Total Appropriations	<u>\$7,425</u>

and be it further

RESOLVED, that the District Attorney's Office is hereby authorized to purchase three used vehicles from A M Sales, 190 Reading Street, Buffalo, NY 14220, out of Fund 110, Funds Center 11400, Account 561440-Motor Vehicles; and be it further

RESOLVED, the vehicles to be purchased are:

- 2010 CHEVROLET Impala LS, 4 door Sedan, 14,435 miles, not to exceed \$15,675
- 2010 CHEVROLET Impala LS, 4 door Sedan, 17,235 miles, not to exceed \$15,475
- 2010 CHEVROLET Impala LS, 4 door Sedan, 19,584 miles, not to exceed \$15,275

and be it further

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

**FROM THE COUNTY EXECUTIVE**

Item 100 – (COMM. 9E-41) ECC - Health Sciences Building

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 101 – (COMM. 9D-1) Copy of Vacancy Report

Item 102 – (COMM. 9D-2) Copy of (BMR) Budget Monitoring Report

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

**FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING**

Item 103 – (COMM. 9D-3) Aurora Highway Garage Modifications

Item 104 – (COMM. 9D-4) E. Concord Highway - Storage/Office Building Construction

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

**FROM THE COUNTY ATTORNEY**

Item 105 – (COMM. 9D-5) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM ECC**

Item 106 – (COMM. 9D-6) Copy of 2010 - 2011 ECC Budget

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 107 – (COMM. 9D-7) Letter to Legislature Concerning Comm. 7E-14 (2009) & 7E-15 (2009) Currently in the Finance & Management Committee

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE DEPARTMENT OF PUBLIC WORKS**

Item 108 – (COMM. 9D-8) ECDPW - Division of Highways - Audit of Road & Bridge Related Construction Contracts for 1/1/05 - 12/31/08, Departmental Comments

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE MAJORITY CHIEF OF STAFF**

Item 109 – (COMM. 9D-9) Disclosure Notification to Legislature Clerk

Received and Filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM FRANK E. SWIATEK**

Item 110 – (COMM. 9M-1) Letter to Legislature Regarding Accomplishments as Chair of the EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NYS PUBLIC SERVICE COMMISSION**

Item 111 – (COMM. 9M-2) Letter to Legislature Regarding Program for Transmitting Documents Electronically

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE ECIDA**

Item 112 – (COMM. 9M-3) Confirmation of Attendance from Meeting Held 5/10/2010

Received and Filed.

**FROM THE INTERCOUNTY ASSOCIATION OF WNY**

Item 113 – (COMM. 9M-4) Copy of Agenda from Meeting Held 5/14/2010

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM ECMCC**

Item 114 – (COMM. 9M-5) Packet of Materials from Regular Meeting of the Board of Directors Held 3/2/2010

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE NFTA**

Item 115 – (COMM. 9M-6) Copy of Cash Flow Statements for the Period 4/1/09 - 3/31/10 & Projected Cash Flow for the Period 4/1/10 - 3/31/11

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM CORNELL COOPERATIVE EXTENSION**



Item 116 – (COMM. 9M-7) Copy of 2009 - 2012 Strategic Plan of Work & 2009 - 2010 Business Plan

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM PRO PUBLICA

Item 117 – (COMM. 9M-8) Article Entitled "Small County Jail in Upstate NY Has Big Problems With Suicides"

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM ECMCC

Item 118 – (COMM. 9M-9) Packet of Materials from Regular Meeting of the Board of Directors Held 5/4/2010

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NYSDEC

Item 119 – (COMM. 9M-10) Additional Investigation Activities to Begin Around the Leica Site in Town of Cheektowaga

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 120 – (COMM. 9M-11) Minutes From Meeting Held 3/22/2010

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM EMPIRE STATE DEVELOPMENT

Item 121 – (COMM. 9M-12) Empire State Development Corporation Findings Statement: Canal Side Project

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NATIONAL ASSOCIATION FOR  
THE ADVANCEMENT OF COLORED PEOPLE

Item 122 – (COMM. 9M-13) Letter to Legislature Concerning the "EC Community Corrections Advisory Board"

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE ECIDA

Item 123 – (COMM. 9M-14) Information on Meeting Held 4/13/2010 on Audit of Payment in Lieu of Taxes "PILOT"

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NFTA

Item 124 – (COMM. 9M-15) Notice of Proposed Rule Making

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM MAYOR BROWN

Item 125 – (COMM. 9M-16) Letter to Commissioners of the Board of Elections Concerning New Voting Process

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE FULTON COUNTY BOARD OF SUPERVISORS

Item 126 – (COMM. 9M-17) Resolution Urging Governor to Delay Provisions of Leandra's Law

Received and Filed.

FROM GLORIA M. LAUGHLIN

Item 127 – (COMM. 9M-18) Letter to Legislature Regarding the "EC Community Corrections Advisory Board"

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 128 – (COMM. 9M-19) Minutes of Meeting Held 4/15/2010

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ANNOUNCEMENTS

Item 129 – CHAIR MILLER-WILLIAMS announced that the committee schedule for upcoming meetings has been distributed.

MEMORIAL RESOLUTIONS

Item 130 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of David G. Poette.

Item 131 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of George M. Hardy Jr. and Jean Gaulin.

Item 132 – Legislator Mazur requested that when the Legislature adjourns, it do so in recognition of Beverly Nix Meier and David Gerald Jay.

Item 133 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of James Velazquez and Susan M. Guastafarro.

Item 134 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of William Davis, Joseph Kohler and David Gerald Jay.

Item 135 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of James J. Parkinson, John P. ‘Jack’ Fahey, Jean M. Higgins and Casimir M. Krause Jr.

Item 136 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of John P. ‘Jack’ Fahey and Michael Bona.

**ADJOURNMENT**

Item 137 - At this time, there being no further business to transact, CHAIR MILLER-WILLIAMS announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, May 27, 2010 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, May 27, 2010 at 2:00 p.m. Eastern Standard Time.

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