

**ERIE COUNTY LEGISLATURE  
MEETING NO. 10  
MAY 28, 2009**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Ms. Whyte, who read a short prayer.

The Pledge of Allegiance was led by Ms. Konst.

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 9 from 2009. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. WROBLEWSKI presented a resolution Paying Tribute to George H. McCoy, World War II Hero, Named "Chevalier" of the Legion of Honor by the President of France.

Item 6 – MS. MILLER-WILLIAMS presented a resolution Honoring SFC Wayne M. Green.

Item 7 – MR. REYNOLDS presented a resolution Honoring David Boehm Upon His Retirement.

Item 8 – MS. KONST presented a resolution Congratulating Eva Fertig on Being Awarded the Alden Chamber of Commerce 2009 Distinguished Citizen Award.

Item 9 – MR. WALTER presented a resolution Recognizing Michael Joseph Hanley on Achieving the Rank of Eagle Scout.

Item 10 – MR. WALTER presented a resolution Recognizing Wendell B. Butler on Achieving the Rank of Eagle Scout.

Item 11 – MR. RATH presented a resolution Recognizing Amanda Wise for Taking First Place in the Fashion Merchandizing Promotion Plan Category of the National DECA Competition in Anaheim, CA

Item 12 – MR WALTER presented a resolution Recognizing Lawrence Padasak on Achieving the Rank of Eagle Scout.

Item 13 – MR. MILLS presented a resolution Congratulating David Boehm on His Retirement From the EC Dept. of Public Works.

Item 14 – CHAIR MARINELLI & MS. IANNELLO presented a memorial resolution Honoring the Memory of Carmella M. Thomas.

MS. WHYTE moved for consideration of the above ten items. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above ten items by adding one for MS. WHYTE, and also by including Et Al Sponsorship. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above eleven items as amended. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 15 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 16 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2009 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

### **COMMITTEE REPORTS**

Item 18 – MS. KONST presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147

May 19, 2009	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR GRANT.  
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 8E-1 (2009)  
COMPTROLLER: "Erie County's 1% Sales and Compensating Use Tax Revenue Sharing with Local Governments"  
(5-0)
  - b. COMM. 8E-2 (2009)  
COMPTROLLER: "Erie County Payment - Tonawanda Creek Bonded Capital Project"  
(5-0)
  - c. COMM. 8E-6 (2009)  
COMPTROLLER: "Refrigerator Payment Request"  
(5-0)
  - d. COMM. 9E-6 (2009)  
COMPTROLLER: "2009 First Quarter Financial Report"  
(5-0)
  - e. COMM. 9E-38 (2009)  
COMPTROLLER: "Letter Concerning EC Sales & Use Tax - Revenues Below Budget"  
(5-0)
  - f. COMM. 9D-4 (2009)  
DIRECTOR OF BUDGET AND MANAGEMENT: "BMR Report for EC - Period Ending March 31, 2009"  
(5-0)
  - g. COMM. 9D-10 (2009)  
DIRECTOR OF SIX SIGMA: "Quarterly Status Report"  
(5-0)
2. COMM. 19D-2 (2008)  
REAL PROPERTY TAX SERVICES AS AMENDED  
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 209158 through 209168, 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 2007                      Petition No.                      209,158.00

ASSESSOR                      Refund                      \$136.32

S-B-L 217.00-3-29.1                      145000 HOLLAND

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$136.32	Town/SpecialDist/School
<u>Charge To :</u>	145000 HOLLAND	\$136.32	
	Relevy School	\$136.32	145001 HOLLAND CENTRAL

RPTL 550(2): ERROR IN THE COMPUTATION OF AN AGED EXEMPTION  
REFUND TO BE ISSUED TO: ROBERT GARNIER

FISCAL YEAR 2008                      Petition No.                      209,159.00

ASSESSOR                      Refund                      \$218.89

S-B-L 217.00-3-29.1                      145000 HOLLAND

	Acct. No. 112	\$189.03	County
	Acct. No. 132	\$29.86	Town/SpecialDist/School
<u>Charge To :</u>	145000 HOLLAND	\$29.86	

RPTL 550(2): ERROR IN THE COMPUTATION OF A AGED EXEMPTION  
REFUND TO BE ISSUED TO: ROBERT GARNIER

FISCAL YEAR 2008                      Petition No.                      209,160.00

ASSESSOR                      Refund                      \$15,732.44

S-B-L 132.20-1-11                      140200 BUFFALO

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$15,732.44	Town/SpecialDist/School
	9992 ECSD#6 SAN SEWER	\$15,732.44	
<u>Charge To :</u>	140200 BUFFALO	\$0.00	

RPTL 550(2): SEWER FLOW CHARGE CHARGED IN ERROR  
REFUND TO BE ISSUED TO: SHIP CERTAIN LLC

FISCAL YEAR 2009                      Petition No.                      209,161.00

ASSESSOR                      Refund                      \$20,364.33

S-B-L 132.20-1-11                      140200 BUFFALO

Acct. No. 112                      \$0.00      County

Acct. No. 132                      \$20,364.33      Town/SpecialDist/School

9992 ECSD#6 SAN SEWER                      \$20,364.33

Charge To :                      140200 BUFFALO                      \$0.00

RPTL 550(2): SEWER FLOW CHARGE CHARGED IN ERROR  
REFUND TO BE ISSUED TO: SHIP CERTAIN LLC

FISCAL YEAR 2008                      Petition No.                      209,162.00

ASSESSOR                      Refund                      \$788.02

S-B-L 170.07-1-42                      144889 HAMBURG

Acct. No. 112                      \$0.00      County

Acct. No. 132                      \$788.02      Town/SpecialDist/School

48600 RPTL 520                      \$788.02

Charge To :                      144889 HAMBURG                      \$0.00

RPTL 550(2): ERROR IN THE COMPUTATION OF A RPTL 520  
REFUND TO BE ISSUED TO: JMS-S PROPERTIES (JOHN APGAR)

FISCAL YEAR 2009                      Petition No.                      209,163.00

ASSESSOR                      Refund                      \$1,895.21

S-B-L 170.07-1-42                      144889 HAMBURG

Acct. No. 112                      \$0.00      County

Acct. No. 132                      \$1,895.21      Town/SpecialDist/School

48600 RPTL 520                      \$1,895.21

Charge To :                      144889 HAMBURG                      \$0.00

RPTL 550(2): ERROR IN THE COMPUTATION OF AN RPTL 520  
REFUND TO BE ISSUED TO: JMS-S PROPERTIES (JOHN APGAR)

FISCAL YEAR 2008                      Petition No.                      209,164.00

ASSESSOR                      Refund                      \$141.70

S-B-L 57.05-5-5.2/37 143200 CLARENCE

	Acct. No. 112	\$89.13	County
	Acct. No. 132	\$52.57	Town/SpecialDist/School
<u>Charge To :</u>	143200 CLARENCE		\$52.57

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION  
REFUND TO BE ISSUED TO: PAUL E CUNNINGHAM

FISCAL YEAR 2009	Petition No.	209,165.00
ASSESSOR	Refund	\$144.02

S-B-L 57.05-5-5.2/37 143200 CLARENCE

	Acct. No. 112	\$90.30	County
	Acct. No. 132	\$53.72	Town/SpecialDist/School
<u>Charge To :</u>	143200 CLARENCE		\$53.72

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION  
REFUND TO BE ISSUED TO: PAUL E CUNNINGHAM

FISCAL YEAR 2008	Petition No.	209,166.00
ASSESSOR	Refund	\$459.61

S-B-L 164.9-2-5 142401 EAST AURORA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$459.61	Town/SpecialDist/School
52850 RPTL520	\$459.61		
<u>Charge To :</u>	142401 EAST AURORA		\$0.00

RPTL 550(2): A RPTL 520 CHARGED IN ERROR  
REFUND TO BE ISSUED TO: ROSELLA M FRETZ

FISCAL YEAR 2008	Petition No.	209,167.00
ASSESSOR	Refund	\$564.72

S-B-L 67.20-5-49 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$564.72	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$564.72
	Relevy School	\$564.72	142201 AMHERST CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
REFUND TO BE ISSUED TO: JAMES F & STATHOULA SMEADER

FISCAL YEAR 2009	Petition No.	209,168.00
ASSESSOR	Cancel	\$1,283.24

S-B-L 183.18-1-1.1 144803 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,283.24	Town/SpecialDist/School
<u>Charge To :</u>	144803 HAMBURG		\$1,283.24
	Relevy Village	\$1,283.24	Village of HAMBURG

RPTL 550(2): PARCEL WAS TAKEN OVER BY D.O.T.  
NEW TAX BILL TO BE ISSUED TO: NEW YORK STATE DEPARTMENT OF  
TRANSPORTAN

and be it further

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

3. INTRO 8-8 (2009)  
KONST, MILLS, MILLER-WILLIAMS, WROBLEWSKI,  
IANNELLO, REYNOLDS & RATH AS AMENDED  
WHEREAS, in 2005, the Erie County Legislature took numerous steps to stabilize County government, which faced a fiscal crisis of such magnitude that it was forced to conduct massive layoffs of personnel, along with an increase in the sales and compensating use tax; and

WHEREAS, the County Legislature also instituted new fees on wireless cellular telephones and probationers, increased fees for County Clerk Records and Pistol Permits, and instituted additional revenue-generating measures; and

WHEREAS, on November 15, 2005, the Legislature also imposed "Erie County Motor Vehicle Use Taxes" as an additional revenue generating measure; and

WHEREAS, pursuant to Sections 1202(a) & 1201(e) of the NY Tax Law, Erie County is authorized to impose taxes on the use of passenger motor vehicles of a type commonly used for non-commercial purposes owned by residents of Erie County at a rate per annum for each such vehicle of not in excess of \$5.00 if such vehicle weighs 3,500 pounds or less and not in excess of \$10.00 per annum if such vehicle weighs more than 3,500 pounds; and taxes on the use of trucks, buses and other such commercial motor vehicles used principally in connection with a business carried on within Erie County, except when owned and used in connection with the operation of a farm by the owner or tenant thereof, at a rate per annum for each such vehicle of not in excess of \$10.00; and

WHEREAS, legislation imposing “Erie County Motor Vehicle Use Taxes” stated that collection of said taxes would commence upon the renewal of a individual’s vehicle registration commencing on January 1, 2006; and

WHEREAS, New York State this year passed a budget that has imposed new or increased fees or surcharges on an array of products and services; and

WHEREAS, many residents of the State are already experiencing an unfair burden financially due to current economic conditions; and

WHEREAS, new or increased fees and surcharges resulting from the mismanagement of the previous administration were never meant to remain long-term tax burdens on the residents of Erie County; and

WHEREAS, Erie County’s financial health has significantly strengthened since the 2005 County fiscal meltdown; and

WHEREAS, the Erie County Executive asserts that by the end of 2009, Erie County will have saved approximately \$7 million due to efficiencies attributed to the implementation of Six Sigma principles; and

WHEREAS, as of 2007, Erie County has an audited balance of \$47 million in the County’s Reserve Account, and it is also estimated that Erie County will be adding an additional \$10 million to Reserve Account totals; and

WHEREAS, furthermore, Erie County is projected to receive \$74.2 million in Federal stimulus money over 27 months to help the County pay for the Medicaid program, and also to avoid an onerous property tax increase.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is hereby directed to appear before the next regularly-scheduled meeting of the Legislature’s Finance and Management Committee to explain the ramifications of this roll back on the Erie County Budget; and be it further

RESOLVED, that the County Attorney is hereby directed to attend the next regularly-scheduled meeting of the Legislature’s Finance and Management Committee to explain the proper procedures that the Legislature needs to follow to remove “Erie County Vehicle Use Taxes;” and be it further

RESOLVED, that certified copies to this resolution be sent to Erie County Executive Chris Collins; County Comptroller Mark Poloncarz; County Clerk Kathleen Hochul; Director of Budget & Management Gregory Gach, and County Attorney Cheryl Green.

(5-0)

4. COMM. 9E-27 (2008)  
COUNTY EXECUTIVE

AS AMENDED



WHEREAS, Pay as You Go Capital Project authorizations for phases I and II were approved by the Erie County Legislature in 1996 and 1997, and Social Services components were wholly funded through County local share and State and Federal reimbursement restricted to Social Services operations; and

WHEREAS, no bonds were sold to fund this Capital Project and there are no bond covenants on expenditure; and

WHEREAS, the Social Services project description statement of purpose for the Pay As You Go Project was broad ranging in expansion of the Department technological platform for hardware and software, but the description does not specifically include multiple non computer related capital purchases received and paid for in prior years; and

WHEREAS, the priority needs for the Department evolved to include the replacement of an obsolete delivery vehicle and a 2009 Ford truck with a 14 foot body and a 2,000 pound capacity lift gate has been purchased, delivered and titled from West Herr Ford in Hamburg utilizing an approved NYS contract; and

WHEREAS, the Department seeks to pay for this acquisition from the Pay As You Go capital project; and

WHEREAS, this resolution seeks legislative authority to amend the description of the funded Pay As You Go Capital Project to include the phrase “and other reimbursable capital expenses.”

NOW, THEREFORE, BE IT

RESOLVED, that the description of the funded 1999 Department of Social Services Pay As You Go Capital Project (A.00168) created for computer hardware and software upgrades shall be amended to include the phrase “and other reimbursable capital expenses” provided that no other such expenditures shall be made from this account without the prior approval of the Erie County Legislature; and be it further

RESOLVED, that the Erie County Comptroller is authorized to pay West Herr Ford in Hamburg an amount not to exceed 54,377 dollars for a 2009 Ford truck through the amended 1999 Department of Social Services capital account (A.00168); and be it further

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

(5-0)

**KATHY KONST**  
**CHAIR**

Item 19 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 148

May 21, 2009	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

CHAIR MARINNELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 8E-26 (2009)  
COMPTROLLER: "Vehicle Purchase - Dept. of Social Services"  
(5-0)
  - b. COMM. 8D-5 (2009)  
MEDICAL DIRECTOR: "Board of Health Agenda Items for Meeting Held 1/8/09, and  
Agenda for Meeting Scheduled for 5/7/09"  
(5-0)
  - c. COMM. 8M-1 (2009)  
COLUCCI & GALLAHER, PC: "ECMCC Agenda Items for Meeting Held 3/25/09"  
(5-0)
  - d. COMM. 9E-15 (2009)  
COUNTY EXECUTIVE: "Appointments to Senior Services Advisory Board"  
(5-0)
  - e. COMM. 9M-34 (2009)  
COLUCCI & GALLAHER, P.C.: "ECMCC Agenda Items for Board of Directors Meeting  
Held 4/28/09"  
(5-0)
  - c. COMM. 9M-38 (2009)  
FRANCESCA KURNIK: "Enhanced Private Duty Nurse Rate"  
(5-0)
2. COMM. 9E-10 (2009)  
COUNTY EXECUTIVE  
RESOLVED, the Erie County Legislature hereby confirms the appointment of the following  
individual to the Board of Directors of the Erie County Medical Center Corporation for a term  
ending December 31, 2011:

Dr. Dietrich Jehle  
36 Deer Run Ct.  
Williamsville, NY 14221

(5-0)

3. COMM. 9E-26 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Department has been awarded an amount of \$143,883 in 100% Federal share Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence; and

WHEREAS, the text additional federal TANF funding is awarded for contract expansion for vendors with existing State approval to deliver non-residential services to victims of domestic violence; and

WHEREAS, the provisions of the award specifically prohibit the supplantation of existing funding agreements and also prohibit the use of funds for County government operations; and

WHEREAS, only new contractual services or expansion of existing contractual services are eligible for this funding, and the vendors used must be among those named in the Department's Consolidated Services Plan (CSP) approved by the State; and

WHEREAS, there is no local share fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into or amend contracts with Child and Family Services, Crisis Services, and Hispanics United for expanded non-residential services to victims of domestic violence; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2009 Adopted Budget:

<u>Department of Social Services, Fund 110, Department 120</u>			
		Current Budget	Amended Budget
REVENUES			
Account	Description		
414000	Federal Aid	0	\$143,883
	TOTAL REVENUE		<u>\$143,883</u>
APPROPRIATIONS			
516010	Crisis Services	91,500	\$137,897
516010	Hispanics United of Buffalo	111,250	136,796
516010	Child and Family Services	262,788	<u>71,940</u>
	TOTAL APPROPRIATIONS		<u>\$143,883</u>

and be it further

RESOLVED, that because only State-approved providers of non-residential services to victims of domestic violence are eligible to receive these funds and because these special services

are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived; and be it further

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

(5-0)

4. COMM. 9E-28 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services is seeking approval to execute contracts with community providers for the 2009 Summer Primetime program; and

WHEREAS, the availability of Community Optional Preventive Services match from New York State and local share funding provided in the 2009 Adopted Budget enable this program implementation; and

WHEREAS, Operation Primetime provides for an adult supervised environment for the ten week school summer recess period, and program activities consist of structured recreation that prevent delinquency, increase socialization and foster respect for authority; and

WHEREAS, a Request for Proposals was distributed for this program and Youth Board panel recommendations were utilized to determine contract amount awards; and

WHEREAS, there is no additional local share necessary for these awards and there is no fiscal impact based on this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to execute contracts with the following providers:

Community Provider	Contract Amount
African American Cultural Center	13,500
Americorps Vista	6,000
Back to Basics	17,500
Be-A-Friend	14,500
Blossom Garden	11,000
Bob Lanier Center	14,000
Boys & Girls Club- Buffalo Detention	25,000
Boys and Girls Clubs Buffalo	36,000
Boys and Girls Clubs East Aurora	14,500
Boys and Girls Clubs Eden	10,000
Boys and Girls Clubs Elma	5,000

Boys and Girls Clubs Holland	10,000
Boys and Girls Clubs Northtowns	27,000
Boys and Girls Clubs Orchard Park	5,000
Buffalo Community Collaborative	8,000
Buffalo Museum of Science	12,800
Butler Mitchell Association Camp	10,000
C.R.U.C.I.A.L.	12,000
CEPA Gallery	12,000
Community Action Organization - SOS	8,000
Community Action Organization	10,000
Computers for Children	20,000
Cradle Beach	14,500
Delavan Grider	14,500
Erie Regional Housing (BELLE Center)	14,500
F.L.A.R.E (Fillmore-Leroy)	10,000
First Hand Learning	15,000
Friends of Asarese	5,000
Hispanics United of Buffalo	14,000
Jericho Road	8,950
Lackawanna Sports	5,000
Literacy Volunteers	18,000
Love Alive Christian Cathedral	7,500
Massachusetts Project	14,500
Matt Urban Center	18,000
Northwest Buffalo Community Center	14,000
Old First Ward	14,500
Police Athletic League	30,000
Primetime Picnic/Computers for Children	15,000
Read To Succeed	15,000
Schiller Park	10,000
Seneca-Babcock	11,000
The Family 25, Inc.	14,000
Town of Tonawanda Youth	13,000
University Heights (Gloria Parks)	12,000
Urban Christian Ministries	8,500
Valley Community Association	14,500
West Side Community Center	14,500
Willie Hutch Jones	10,000
Youth Leadership Erie County	<u>14,178</u>
total	671,428

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.  
(5-0)

**THOMAS J. MAZUR  
CHAIR**

Item 20 – MS. GRANT presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149

May 21, 2009	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KENNEDY.  
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 8M-13 (2009)  
BFLO. & EC PUBLIC LIBRARY: “Board of Trustees Agenda Items for Meeting Held 4/16/09”  
(5-0)
  - b. COMM. 8M-20 (2009)  
BFLO. & EC PUBLIC LIBRARY: “Public Access Computer Statistics”  
(5-0)
  - c. COMM. 9D-7 (2009)  
EC HISTORIAN: “Progress Report for Projects Completed or In-Progress - April 2009”  
(5-0)
  - d. COMM. 9D-8 (2009)  
BFLO. & EC PUBLIC LIBRARY: “RFID Project Update and 2010 Planning”  
(5-0)
2. COMM. 9E-24 (2009)  
COUNTY EXECUTIVE  
WHEREAS, your honorable body previously awarded a General Architectural/Engineering contract to Zaxis Architectural, P.C. for work at the Buffalo and Erie County Public Library – Main Branch; and

WHEREAS, the Library Board of Trustees further authorized the Library Director, in cooperation with the Erie County Department of Public Works, Division of Real Estate and Asset Management to proceed with the work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to issue an Agreement to Zaxis Architectural, P.C. in an amount not to exceed \$35,000.00 for the work; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment from the following SAP Account:

'99 Central Library - Renovations	Project F.00001	<u>\$35,000.00</u>
Total Not to Exceed		\$35,000.00

and be it further

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

(5-0)

**BETTY JEAN GRANT**  
**CHAIR**

Item 21 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 150

May 21, 2009	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR WHYTE.  
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 4-13 (2009)  
MARINELLI, MILLS, WALTER, KONST, IANNELLO & RATH: "Supporting the Creation of a New Pension Tier with the NYS and Local Public Employee Retirement System"  
(5-0)

- b. COMM. 6M-14 (2009)  
RE-MEDIA ELECTION TRANSPARENCY COALITION: "Letter to County Leaders Seeking Leadership & Support for Fiscal Responsibility: Save Our Lever Voting System"  
(5-0)
- c. COMM. 9E-14 (2009)  
COUNTY EXECUTIVE: "Appointment to EC Board of Ethics"  
(5-0)
- d. COMM. 9D-11 (2009)  
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"  
(5-0)

2. COMM. 5E-18 (2009)  
COUNTY EXECUTIVE  
WHEREAS, the Erie County Legislature has already authorized the County Executive to continue the sponsorship program concerning Going Places vehicles in the adopted 2009 budget; and

WHEREAS, the established fees have been in place since 2004; and

WHEREAS, the Department of Senior Services (Department) has determined that it can receive \$3,800 annually per vehicle, \$200 above the established fees; and

WHEREAS, the Department desires to revise the sponsorship fee to \$3,800 annually, with the sign modification fee remaining at \$400 per year, and a maximum of three changes per year; and

WHEREAS, \$3,000 in additional revenue will be realized as a result of the increase in the van sponsorship fee.

NOW, THEREFORE, BE IT

RESOLVED, that the van sponsorship fees be revised as follows:

Initial signage	\$3,800 annually
Signage modification	\$ 400 per year, maximum of three changes per year

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, the Department of Law and the Department of Senior Services.  
(5-0)

3. COMM. 8E-14 (2009)  
COUNTY EXECUTIVE



WHEREAS, Erie County has requested grant funds from the Erie County Fiscal Stability Authority (ECFSA) relative to off-setting costs associated with a successor collective bargaining agreement between Erie County and the New York State Nurses Association; and

WHEREAS, the ECFSA in Resolution #09-04, February 4, 2009, approved Erie County's funding request in the amount of \$570,000.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to accept an Efficiency Grant from the ECFSA relative to the costs associated with negotiation of the successor collective bargaining agreement between Erie County and the New York State Nurses Association in the amount of \$570,000; and be it further

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

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

(5-0)

4. COMM. 9E-7 (2009)  
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of Bridget Corcoran (424 Eden St., Buffalo, NY 14220) to the position of Director of Purchasing:

(5-0)

5. COMM. 9E-30 (2009)  
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 3 Automated External Defibrillator (AED) Training Units, with a total value of \$1,041.90, 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 and to Dr. Anthony J. Billittier, IV, Commissioner, in the Erie County Department of Health, 9<sup>th</sup> Floor, Rath Building.  
(5-0)

**BARBARA MILLER-WILLIAMS**  
**CHAIR**

Item 22 – MR. WROBLEWSKI presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 151

May 21, 2009	PUBLIC SAFETY COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KENNEDY.  
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 9M-28 (2009)  
NAACP: “Letter Requesting Answers to the Findings of Two Comptroller Audits Regarding EC Correctional Facility and the EC Holding Center”  
(5-0)
  - b. COMM. 9M-40 (2009)  
STATE DIRECTOR, DIVISION OF PROBATION & CORRECTIONAL ALTERATIONS:  
“Letter Regarding Meeting with Al Hammonds - Role of Public Service and the Value of Strong Leadership”  
(5-0)
2. COMM. 8E-18 (2009)  
COUNTY EXECUTIVE  
WHEREAS, the New York State Division of Criminal Justice Services (hereinafter called DCJS) requests authorization to enter into an agreement with Erie County Central Police Services to provide a Statewide Automated Fingerprint Identifications System (hereinafter called SAFIS) Regional Site; and

WHEREAS, DCJS has purchased equipment and software licenses to enhance the fingerprinting processing capabilities at DCJS and at law enforcement and criminal justice agencies throughout the State of New York, and DCJS has an interest in providing for security of the equipment and data and in abiding by the contractual warranty conditions and software licenses imposed by SAGEM MORPHO Systems, Inc. (hereinafter SAGEM MORPHO); and

WHEREAS, in 1990 the Erie County Central Police Services, a qualified criminal justice agency, was selected by DCJS as a Regional Latent Site for the Statewide Automated Fingerprint

Identification System (hereinafter SAFIS or System) and will be utilizing the equipment and software license purchased by DCJS to perform latent fingerprint processing.

NOW, THEREFORE, BE IT

RESOLVED that authorization is hereby provided for the County Executive to enter into a continued agreement with DCJS; and be it further

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

(5-0)

3. COMM. 9E-2 (2009)

SHERIFF

WHEREAS, Erie County has been a participant in the Department of Homeland Security Grant Program receiving funding under the Law Enforcement Terrorism Prevention Program since 2004; and

WHEREAS, the State of New York Office of Homeland Security has awarded \$115,000 to the Erie County Sheriff's Office in LETPP funding specifically allocated to agencies with established Bomb Squads Units; and

WHEREAS, these funds will be used to purchase equipment that will enhance the Sheriff's Office ability to respond to terrorist attacks and minimize the danger to the officers assigned to the explosive ordnance disposal unit; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to accept funding in the amount of \$115,000 from the State of New York Office of Homeland Security; and be it further

RESOLVED, that authorization is hereby provided to establish a grant and budget those funds as follows:

LETTP Bomb Squad Grant – Fund Center 11510

<u>REVENUE</u>	<u>Increase</u>
SAP Account 409000 – State Aid Revenues	<u>115,000</u>
TOTAL REVENUE	<u>115,000</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>

SAP Account 506200 – Maintenance & Repair	1,675
SAP Account 561410 - Lab & Technical Equipment	63,125
SAP Account 561440 – Motor Vehicles	<u>50,200</u>
<b>TOTAL APPROPRIATIONS</b>	<b>\$ <u>115,000</u></b>

and be it further

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

(5-0)

4. COMM. 9E-17 (2009)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following individuals to the Erie County Disaster Preparedness Advisory Board for a term expiring on December 31, 2010:

Mr. Tim Balunis  
50 Sweeney Ct.  
North Tonawanda, NY 14120

Dr. Anthony Billittier  
Commissioner, DOH  
95 Franklin St. – 8<sup>th</sup> Floor  
Buffalo, NY 14202

Mr. Greg Butcher  
798 Alt Blvd.  
Grand Island, NY 14072

Chief Ed Gehen  
Town of West Seneca Police Dept.  
1250 Union Rd.  
West Seneca, NY 14224

Mr. Rich Jones  
RTSO, Systems Operations Unit  
100 Seneca St.  
Buffalo, NY 14203

Mr. Dan McCarton  
70 Queens Dr.  
West Seneca, NY 14224

Mr. Terry Reinke  
181 Ellicott St.  
Buffalo, NY 14203

Mr. Jeffrey Shaw, CBCP, CISM  
3105 Angle Rd.  
Orchard Park, NY 14127

Mr. George White  
NYS Thruway Authority  
3901 Genesee St.  
Cheektowaga, NY 14225

(5-0)

5. COMM. 9E-20 (2009)

COUNTY EXECUTIVE

WHEREAS, U.S. Department of Homeland Security and the Federal Emergency Management Agency has agreed to provide funding in the amount of \$750,000 to enhance the ability for Erie County to manage emergency, disaster and terrorist situations; and

WHEREAS, the said funding will be utilized to test the County's Emergency Management Response Plan within an earthquake scenario which includes Federal, State and local governments along with first responders.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into contract with the U.S. Department of Homeland Security and the Federal Emergency Management Agency to receive \$750,000 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that the County Executive is authorized to enter into subcontracts with local governments who participate in grant related activities for the reimbursement of expense as provided for under the grantor guidelines; and be it further

RESOLVED, that the following budgetary accounts be established in the grant fund:

Department of Emergency Services  
Interoperable Emergency Communications Grant Program (IECGP)  
Fiscal Year 2009 Grant

Revenue	Increase
Account 414000 Federal Aid	\$750,000
Appropriations	Increase
Account 501000 Overtime	\$320,000
Account 502000 Fringe Benefits	40,000
Account 516010 Payments to Other Gov.	200,000
Account 516020 Professional Services	<u>190,000</u>
Total Appropriations	\$750,000

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust the above grant budget as required to comply with the grantor 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 Emergency Services c/o Melissa Calhoun, the Department of Central Police Services, the County Comptroller and the County Attorney.

(5-0)

6. COMM. 9E-23 (2009)  
COUNTY EXECUTIVE

WHEREAS, your honorable body has previously agreed to fund a \$5,000,000.00 Capital Improvements program to upgrade the fire training facilities located at the Fire Training Academies throughout Erie County; and

WHEREAS, the approved 2007, 2008 and 2009 Capital budgets fund the \$5 million in Capital Improvements; and

WHEREAS, the Commissioner of Emergency Services has requested that we proceed with the next phase of Capital Improvements by constructing the Live Burn Buildings at Chestnut Ridge Park and Town of Amherst locations; and

WHEREAS, Fire Facilities, Inc. is the only manufacturer of Live Burn Building structures to employ the technologically advanced WestTec Insulation system. This system is a proprietary design of Fire Facilities, Inc. and is designed to provide, industry-wide, the strongest insulation of the structure, up to 1800 degrees F. Several Municipalities and fire agencies in and around Erie County have successfully used Fire Facilities, Inc. Live Burn Buildings; and

WHEREAS, your honorable body has previously authorized the purchase of the first building as a sole source manufacturer from Fire Facilities, Inc. on March 6, 2008 and these two buildings will be identical to the first; and

WHEREAS, your honorable body previously authorized the County Executive to enter into a General Architectural/Engineering Agreement with DiDonato Associates for providing Professional Design Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Estate is hereby authorized to negotiate a contract as a sole source with Fire Facilities, Inc. for providing two (2) pre-engineered Live Burn Buildings at Chestnut Ridge Park and the Town of Amherst sites for an amount not to exceed \$850,000.00; and be it further

RESOLVED, that the Director of Real Estate is authorized to issue a supplemental agreement to DiDonato Associates General Architectural/Engineering Agreement for an amount not to exceed \$160,500.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00321 – 2008 – Renovations to Training Center Complex for an amount not to exceed \$1,010,500.00; and be it further

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

(5-0)

**TIMOTHY M. WROBLEWSKI**  
**CHAIR**

Item 23 – MR. KOZUB presented the following report, moved to separate item Numbers 4, 5, and 6, and moved to approve the balance of the report. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 152

May 21, 2009	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KONST.  
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 9E-1 (2009)  
WHYTE: “Christopher Grant's Visit to the 6th District”  
(4-0) Legislator Mills absent for vote.
  - b. COMM. 9E-9 (2009)  
IANNELLO: “Copy of Letter Inviting Commissioners Sinnott and Sentz to Green Actions Community Sub-Committee - May 19, 2009”  
(4-0) Legislator Mills absent for vote.
  - c. COMM. 9E-22 (2009)  
COUNTY EXECUTIVE: “ECSD #3 - Central Maintenance Facility - Modifications Contract #32B - HVAC - Change Order #1”  
(4-0) Legislator Mills absent for vote.
  - d. COMM. 9D-1 (2009)  
COUNTY ATTORNEY: “Receipt of LL INT. 1-1 "The Strategic Development Act"”  
(4-0) Legislator Mills absent for vote.
  - e. COMM. 9D-2 (2009)  
COMMISSIONER OF PARKS & RECREATION: “Statement of Cost of Outdoor Pools and Park Seasonals”  
(4-0) Legislator Mills absent for vote.
  - f. COMM. 9D-3 (2009)  
ASSISTANT SANITARY ENGINEER - DEPT. OF ENVIRONMENT AND PLANNING:  
“Vanderbilt Pump Station/Depew Pump Station and ORF Modifications”  
(4-0) Legislator Mills absent for vote.
  - g. COMM. 9D-5 (2009)  
ASSISTANT SANITARY ENGINEER - DEPT. OF ENVIRONMENT AND PLANNING:  
“Aurora North Pump Station -Elimination Project”

- (4-0) Legislator Mills absent for vote.
- h. COMM. 9D-6 (2009)  
COUNTY ATTORNEY: "Notice of Public Hearing: LL INT. 1-1 "The Strategic Development Act""  
(4-0) Legislator Mills absent for vote.
- i. COMM. 9M-5 (2009)  
BUFFALO COMMON COUNCIL MEMBER LOCURTO: "Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board"  
(4-0) Legislator Mills absent for vote.
- j. COMM. 9M-15 (2009)  
NYSDEC: "Cleanup Plan Finalized for Hanna Furnace Parcel - Available for Public Review"  
(4-0) Legislator Mills absent for vote.
- k. COMM. 9M-24 (2009)  
OLMSTED PARKS: "Legislature Budget Accountability Act Report"  
(4-0) Legislator Mills absent for vote.
- l. COMM. 9M-39 (2009)  
NYSDEC & NYSDOH: "Fact Sheet Regarding Environmental Cleanup Underway at Former Our Cleaners Site"  
(4-0) Legislator Mills absent for vote.

2. COMM. 8E-22 (2009)  
COUNTY EXECUTIVE AS AMENDED  
WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 3, Village of Blasdell/Town of Hamburg Sanitary Sewer Rehabilitation Project, Contract 36 at 2:00 P.M. on May 7, 2009

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
36	Sicar Management & Construction, Inc 1128 Jamison Road Elma, New York 14059	\$3,376,889.50

and

WHEREAS, the aforementioned lowest responsible bidder has successfully performed similar work in Erie County; and

WHEREAS, Erie County on behalf of Erie County Sewer District No. 3 has entered into a Cooperative Agreement with the Town of Hamburg to combine the sanitary sewer rehabilitation projects of the County and Town to take advantage of economies of scale; and

WHEREAS, the Town of Hamburg has agreed to reimburse Erie County Sewer District No. 3 \$1,133,161.50 for the Town's portion of the contract with Sicar Management & Construction, Inc.



NOW, THEREFORE, BE IT

RESOLVED, that the Village of Blasdell/Town of Hamburg Sanitary Sewer Rehabilitation Project, Contract No. 36 be awarded to Sicar Management & Construction, Inc., 1128 Jamison Road, Elma, New York 14059; and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute the Contract with aforementioned lowest responsible bidder subject to approval as to form by the County Attorney and certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the Director of Budget is authorized and directed to allocate \$2,683,161.50 from Sewer Capital, Erie County Sewer District No. 3 Account C.00039 and \$693,728.00 from Capital, Erie County Sewer District No. 3 Account C.00062; and be it further

RESOLVED, that the Comptroller's Office and the Director of Budget is authorized to increase appropriations and estimated revenues in Capital Account C.00039 by \$1,133,161.50 for Town of Hamburg's share of Contract No. 36; and be it further

RESOLVED, that the Clerk of the Erie County Legislature be directed to send one certified copy each of this resolution to the County Executive, Director of Budget, Comptroller's Office, County Attorney's Office and two (2) certified copies to Michael J. Quinn, P.E., Department of Environment and Planning, Rath Building, 10<sup>th</sup> Floor.  
(4-0) Legislator Mills absent for vote.

3. INTRO 9-4 (2009)  
REYNOLDS

WHEREAS, pursuant to state law, the Erie County Legislature must appoint members to the Erie County Soil and Water Conservation District; and

WHEREAS, the terms of the two at-large Board Members, Darlene Vogel and Francis Gernatt expired on December 31, 2008 and Farm Bureau Representative, Stanley Travis's term also expired on December 31, 2008; and

WHEREAS, appointments to the Board of Directors are made by a majority of the weighted vote of the Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature seeks to re-appoint in the at-large positions and the farm bureau position on the Board of Directors of the Erie County Soil and Water Conservation District; and be it further

RESOLVED, that the Erie County Legislature does hereby re-appoint to the at-large positions:

Darlene Vogel  
43 Errington Terrace

Orchard Park, NY 14127

Francis Gernatt  
13384 Oswald Road  
Collins, NY 14034

and be it further

RESOLVED, that the Erie County Legislature does hereby re-appoint to the farm bureau position:

Stanley Travis  
2095 Eastwood Road  
East Aurora, NY 14052

and be it further

RESOLVED, that the two at-large members and one farm bureau member will serve three year terms that shall be retroactive to December 31, 2008 and shall expire on December 31, 2011; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Soil & Water Conservation District, 50 Commerce Way, East Aurora, NY 14052; Erie County Farm Bureau, 21 S. Grove Street, East Aurora, NY 14052; Darlene Vogel, 43 Errington Terrace, Orchard Park, NY 14127; Francis Gernatt, 13384 Oswald Road, Collins, NY 14034 and Stan Travis, 2095 Eastwood Road, East Aurora, NY 14052.

(5-0)

4. INTRO 9-7 (2009)

REYNOLDS, WHYTE, MILLER-WILLIAMS, GRANT & IANNELLO

WHEREAS, our Nation's vast farming industry contributes to our nation's health and prosperity every day of the year and the dairy farming industry is the important business of Erie County; and

WHEREAS, it is estimated that dairy farmers are currently being paid about 95 cents per gallon of milk, while it costs them \$1.50 to produce that same gallon and the rising costs of production, along with the extreme drop in price per hundred weight of milk has many dairy farmers in Erie County concerned about providing for their families now and in the future; and

WHEREAS, United States Senators Arlen Specter and Robert P. Casey, Jr. have introduced S-889 "The Federal Milk Marketing Improvement Act of 2009" (This bill replaces the former S-1722) which is "an act to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of milk or for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production and other purposes"; and

WHEREAS, The Class II price will be the national average cost of production. This price will be uniform in all federal and state orders as well as unregulated areas. The Class I price will be determined by using the Class II price plus the existing Class I differentials that are currently in

place in each federal order. The state of California and other unregulated areas will be assigned a Class I differential by the US Secretary of Agriculture; and

WHEREAS, this bill was designed to correct the disparity in payment versus cost and the reintroduction of this bill would mean a raise in the price per hundredweight from a current approximate price of just under \$12 to an approximate price of \$22.46.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby supports the passage of Federal Senate bill S-889 the "Federal Milk Marketing Improvement Act of 2009"; and be it further

RESOLVED, that the United States Congressional Senate pass this bill to correct the many inequities the dairy farming industry is facing in our nation, as well as Erie County; and be it further

RESOLVED, that a certified copy of this resolution be sent to our two senate representative (Schumer & Gillibrand) in the United States Congress, Senator Specter and Senator Casey both of Pennsylvania, and any other persons of interest.  
(5-0)

5. INTRO 9-9 (2009)

IANNELLO, MARINELLI, WHYTE, MILLER-WILLIAMS & REYNOLDS

WHEREAS, the Intergovernmental Panel on Climate Change, awarded the Nobel Peace Prize in 2007, projected that temperatures would rise more rapidly if greenhouse gases are not abated; and

WHEREAS, this Panel concluded that the worst impacts of global warming could be prevented if greenhouse gas emissions were reduced by 80 percent by mid-century; and

WHEREAS, Bill A.7572 passed the Assembly on May 5, 2009, was delivered to the Senate and was referred to the Environmental Conservation Committee; and

WHEREAS, the forward momentum of this legislation requires that citizens who are concerned about global warming, and their elected representatives, share their support of this measure with members of the State Senate and the Governor of New York State.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its support for Bills A.7572/S.4315 as they move through the legislative process in Albany this session; and be it further

RESOLVED, that certified copies of this legislation be conveyed to the Governor, the State Senate Majority Leader, the WNY Legislative Delegation to the State Senate and all others deemed necessary and proper.  
(5-0)

6. INTRO 9-10 (2009)

REYNOLDS, WHYTE, MILLER-WILLIAMS, GRANT & IANNELLO

WHEREAS, this Honorable Body has gone on record in support of measures that move Erie County and New York State to a “greener” environment, simultaneously saving energy costs for consumers and producing “green collar” job opportunities; and

WHEREAS, these measures have encouraged Erie County’s purchase of government vehicles that reduce emissions; encouraged the purchase of renewable energy; adopted LEED standards through The Green Buildings Act; supported the U.S. Cool Counties Climate Stabilization Declaration – all measures that aim to reduce our government’s and our community’s carbon footprint in the world; and

WHEREAS, it is indisputable that the businesses of Erie County are competing in a global economy and it behooves this Honorable Body to continue to explore the economic development potential of establishing power generation facilities from non-renewable resources; and

WHEREAS, we must take action now to take advantage of an emerging, national trend in employment referred to as “green collar;” and

WHEREAS, this Honorable Body strives to do everything in its power to improve the environment, quality of life and economic opportunity that are present in Erie County, in part by increasing the number of educated and trained “green collar” workers available to environmentally friendly businesses that wish to locate in Erie County; and

WHEREAS, a step in this forward-thinking direction is to express our support for any statewide initiatives to achieve the aforementioned goals; and

WHEREAS, Bill A.187/S.2715 fits well into this strategy, as it would require certain providers of electric service to purchase electricity from eligible electric generators and would require a report to the Governor and the State Legislature concerning the effect of the purchase by providers of electric service of electricity generated from renewable energy sources; and

WHEREAS, the current regimen of incentive programs from renewable energy generation in New York State has not gone far enough in increasing the amount of renewable energy generated; and

WHEREAS, similar feed-in tariff legislation passed in Germany has resulted in a doubling of the renewable energy-generating capacity in only four years; and

WHEREAS, we must break our nation’s dependence on imported oil and the pollution, price spikes and political instability that come with it if we are to continue as a prosperous nation; and

WHEREAS, New York State has the opportunity to become a national leader in the generation of renewable electricity and to guarantee economic prosperity for future generations through the strategic development of green jobs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature express its support for Bills A.187/S.2715, measures that would require certain providers of electric service to purchase electricity from eligible electric generators powered by renewable sources; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the Governor, the Speaker of the Assembly, the Senate Majority Leader, the members of the WNY Delegation of the NYS Legislature and all others deemed necessary and proper.  
(5-0)

7. COMM. 9E-21 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has awarded four contracts pertaining to the Central Maintenance Facility Modifications Projects: Contract 32A – General with Miller Enterprises, Inc.; Contract 32B – HVAC with O’Connor Mechanical Corp.; Contract 32C – Plumbing with W.C. Roberson Plumbing and Construction Corp.; and Contract 32D – Electrical with Electrical Service & Systems Installations, Inc; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 32A – General in the final contract amount of \$239,835.00 together with Change Order No. 1 (final), a decrease of \$165.00; Contract No. 32B – HVAC in the final contract amount of \$56,046.00 together with Change Order No. 2 (final), a decrease of \$1,054.00; Contract No. 32C – Plumbing in the final contract amount of \$53,212.59 together with Change Order No. 1 (final), a decrease of \$3,787.41; Contract No. 32D – Electrical in the final amount of \$63,269.00 together with Change Order No. 1 (final), an increase of \$1,269.00 and approval of final payments.

NOW, THEREFORE, BE IT

RESOLVED, that the Central Maintenance Facilities Modifications funds allocated from Erie County Sewer District No. 3 Bond Account C.00015 are accepted in the amounts listed below

<u>Contract</u>	<u>Contract No.</u>	<u>Original Contract</u>	<u>C. O. Amnt</u>	<u>Final Cont. Amnt</u>
Miller Enterprises	32A	\$240,000.00	\$(165.00)	\$239,835.00
O’Connor Mech.	32B	\$45,900.00	\$(1,054.00)	\$56,046.00
W.C. Roberson	32C	\$57,000.00	\$(3,787.41)	\$53,212.59
Electrical Service	32D	\$62,000.00	\$1,269.00	\$63,269.00

and be it further

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

8. COMM. 9E-34 (2009)  
COUNTY EXECUTIVE AS AMENDED  
WHEREAS, the Erie County Department of Environment and Planning has identified the need to submit applications for the Green Innovation Grant Program; and

WHEREAS, the New York State Environmental Facilities Corporation administers the Green Innovation Grant Program, which is designed to preserve and create jobs, promote economic recovery, and invest in environmental protection and green innovation to provide short and long-term economic benefits; and

WHEREAS, funding for the Green Innovation Grant Program was authorized by the American Recovery and Reinvestment Act of 2009, the Federal Clean Water Act, the Federal Safe Drinking Water Act, and is being implemented through the New York State Clean Water and Drinking Water State Revolving Funds, authorized by New York State Public Authorities Law sections 1285-j and 1285-m; and

WHEREAS, the Department of Environment and Planning has identified viable projects for funding through the Green Innovation Grant Program, including energy performance contracts in Erie County Sewer Districts Nos. 2, 3, and 6 (approximate total cost \$2.1 million), cistern installation for municipal separate storm sewer systems (approximate total cost \$0.2 million), green roof and wet weather infrastructure installations (approximate total cost \$0.6 million), and downspout disconnection / rain garden and rain barrel programs (approximate total cost \$0.3 million).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Environment and Planning be authorized to submit applications to the New York State Environmental Facilities Corporation under the Green Innovation Grant Program for the above mentioned projects; and be it further

RESOLVED, that the grant applications for these projects may be submitted and signed by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy of this resolution to Holly A. Sinnott, AICP, Department of Environment and Planning, Michael J. Quinn, P.E., Department of Environment and Planning, the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, and Martin A. Polowy, Second Assistant County Attorney.  
(5-0)

**DANIEL M. KOZUB**  
**CHAIR**

MR. KOZUB moved to approve item Number 4. MR. REYNOLDS seconded.

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

AYES: MR. MILLS, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. NOES: MR. RATH and MR. WALTER. (AYES: 13; NOES: 2)

CARRIED.

MR. KOZUB moved to approve item Number 5. MS. IANNELLO seconded.

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

AYES: MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. NOES: MR. MILLS, MR. RATH and MR. WALTER. (AYES: 12; NOES: 3)

CARRIED.

MR. KOZUB moved to approve item Number 6. MS. IANNELLO seconded. MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (12-3)

### **LEGISLATOR RESOLUTIONS**

Item 24 – CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 10-1 from REYNOLDS Expressing Support and Urging Passage of NYS Legislation Concerning Landbanking for the Revitalization of Vacant & Abandoned Properties.

Item 25 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 153

RE: Assessing the Initial Impact on the Cultural Community of the Administration's Alterations to the Cultural Funding Process for 2010 (INTRO 9-2)

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

WHEREAS, on May 27, 2009, the Erie County Cultural Resources Advisory Board (ECCRAB) held its annual Applicant Briefing regarding the 2010 cultural funding process; and

WHEREAS, this process will inform the recommendations to this Legislature that will be forthcoming in the County Executive's proposed budget for 2010; and

WHEREAS, during the 2009 budget process, the Erie County Legislature made an upward adjustment in cultural funding from the County Executive's proposed \$4.8 million to the Legislature's adopted cultural funding of \$5.1 million; and

WHEREAS, in the County Executive's proposed four-year plan, he maintains cultural funding at a steady state of his original appropriation of \$4.8 million; and

WHEREAS, it is appropriate for this Honorable Body to obtain a briefing from the Administration and ECCRAB on the proposed alterations in the cultural funding process; and

WHEREAS, at an April 30, 2009 meeting of the Community Enrichment Committee, Commissioner Holly Sinnott stated she would return to the Legislature to fully brief the Community Enrichment Committee on the new ECCRAB process for 2010 cultural funding grants; and

WHEREAS, it is fitting and proper for this Honorable Body to also ascertain the cultural community's initial response to these alterations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature request that Commissioner Holly Sinnott of the Erie County Department of Environment & Planning and the Chair of the Erie County Cultural Resources Advisory Board (ECCRAB) to attend the June 4, 2009 meeting of the Community Enrichment Committee; and be it further

RESOLVED, that any cultural organizations that wish to attend the June 4 meeting are welcome to do so, both to provide their input and to listen to the dialogue on this important community enrichment topic; and be it further

RESOLVED, that certified copies of this resolution be provided to the County Executive, Environment & Planning Commissioner Holly Sinnott, the Chair of ECCRAB and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED. (12-3)



Item 26 – MS. IANNELLO presented the following resolution and moved for immediate consideration. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 154

RE: Clean Up of West Valley Nuclear Waste Site  
(INTRO 10-3)

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

WHEREAS, located thirty miles south of Buffalo, New York, the West Valley nuclear site is contaminated with vast amounts of toxic and radioactive waste, including plutonium, uranium, strontium-90 and iodine-129; and

WHEREAS, these chemicals are known to cause leukemia and cancer, even at very low doses over a long period of time; and

WHEREAS, this site was abandoned in 1976 by Nuclear Fuel Services, thereby passing cleanup responsibilities on to the government and taxpayers; and

WHEREAS, the site is located on a sole source aquifer and has been known to create radioactive groundwater which has been identified as far away as the shore of the Niagara River and Lake Ontario; and

WHEREAS, this raises the issue of potentially dangerous leakage into the drinking water supplies for millions of people; and

WHEREAS, the United States Department of Energy (DOE) and the New York State Energy Research and Development Corporation (NYSERDA) originally proposed leaving the buried waste onsite, including high level radioactive waste tanks which could leak contamination at the end of their useful lives; and

WHEREAS, a recent cost study focused on the costs of digging up radioactive waste versus leaving waste buried onsite for the next 1,000 years and found that a full waste excavation cleanup costs less at \$9.9 billion, and presents the least risk to the population than leaving buried waste onsite, which is \$13 billion and carries high risks of catastrophic release of radioactive waste into the drinking water supplies; and

WHEREAS, scientists have determined that erosion is a powerful and fast moving force in the West Valley region, adding to the risk factor that if leakage occurs, dangerous radioactive waste could pollute local, regional and international waterways into Lake Erie, the Niagara River and beyond; and

WHEREAS, it is feared that if as little as 1% of radioactivity leaked from the site, Lake Erie water users could be exposed to substantial radiation, cancer deaths, and the cost of water replacement could be in the millions to just Erie County and Buffalo; and

WHEREAS, scientists and economists both conclude that if the radioactive wastes are left in the ground at West Valley, and should any release occur, it would have expensive and disastrous consequences irreparably contaminating the water supply of the Great Lakes region, and the costs of maintaining buried waste is far more costly than removal; and

WHEREAS, in 1997 a Citizen Task Force (CTF) was formed to assist in the development of a preferred alternative for the West Valley Demonstration Project and cleanup, closure or long-term management of the facilities at the site; and

WHEREAS, the Citizens Task Force has been meeting regularly with the DOE and NYSERDA and have arrived at a preferred alternative that DOE and NYSERDA are planning to accomplish cleanup work at the site that the CTF deems essential, including the removal of the source area of the North Plateau Groundwater Plume and a significant number of the contaminated facilities.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie supports full cleanup of the entire West Valley nuclear waste site through waste excavation; and be it further

RESOLVED, that the cleanup process standards be as protective as current state radiation standards and unrestricted use toxic standards, and are fully protective of vulnerable populations, including children, fish, wildlife and water; and be it further

RESOLVED, that the County of Erie supports the work of the proposed Preferred Alternative Phase 1 work plan and that it be completed without further delay and in a manner that enhances future decisions for total cleanup of the West Valley site; and be it further

RESOLVED, that while Phase 1 removal takes place, ongoing discussions continue with the general public, the CTF, the DOE and NYSERDA, keeping in mind, the eventual goal of a full cleanup of the site; and be it further

RESOLVED, that certified copies of this resolution be forwarded to our State and Federal Representatives, the US Department of Energy and the NYS Energy Research and Development Authority.

MS. WHYTE moved to amend the resolution by adding MR. MILLS, MR. KOZUB, MR. KENNEDY, MS. KONST, MR. MAZUR, MR. WROBLEWSKI and MR. LOUGHRAN as Co-Sponsors. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 27 – CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 10-4 from RATH, MILLS & WALTER The Need to Reform NYS Labor Law 240.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 28 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 9E-25 (2009). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 155

RE: Request for Additional Senior Caseworker Position for HEAP (COMM. 9E-25, 2009)

WHEREAS, the ever-increasing demand for energy assistance services has created a need for additional staffing resources dedicated to HEAP operations for services to elderly and at risk clientele in special need of enhanced case services; and

WHEREAS, the addition of a Sr. Caseworker position is needed to maintain an adequate level of customer service and regulatory compliance; and

WHEREAS, the increase in the cost of energy has substantially increased demand for HEAP program services; and

WHEREAS, there is no fiscal impact to this resolution as there is 100% federal reimbursement with no local share.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2009 Adopted Budget:

**Department of Social Services Fund 110, Cost Center 1201050 HEAP**

<u>Account</u>	<u>Description</u>	<u>Adopted Budget</u>	<u>Change</u>	<u>Amended Amount</u>
500000	Full Time Wages	\$1,558,684	\$35,286	\$1,593,970
502000	Fringe Benefits	<u>\$751,597</u>	<u>\$16,973</u>	<u>\$768,570</u>
		\$2,310,281	\$52,259	
			Total Expenditure	<u>\$2,362,540</u>

<u>Account</u>	<u>Description</u>			<u>Amount</u>
411590	Federal Aid for Home Energy Assistance	\$2,310,281	\$52,259	<u>\$2,362,540</u>
			Total Revenue	<u>\$2,362,540</u>

and be it further

RESOLVED, that the following staff position be created and filled:

Sr Caseworker (HEAP)	JG 9	<u>B-100#</u> <u>#4702</u>
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and be it further

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

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

CARRIED UNANIMOUSLY.

Item 29 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of INTRO 9-5 (2009). MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 156

RE: Amending Sec. 1622 of the Vehicle and  
Traffic Law  
(INTRO 9-5, 2009)

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

MS. WHYTE moved to amend the resolution to include content and to attach the required copies of NYS Legislature resolutions. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

WHEREAS, under current law, towns with populations of 50,000, suburban class towns and all cities and villages, are allowed to set speed limits within their jurisdiction; and

WHEREAS, there are 852 towns in New York State that are prohibited from addressing speed limit issues in their jurisdiction without petitioning the State Department of Transportation; and

WHEREAS, Under the current system many towns have found that their request to reduce speed limits on town roads within their jurisdiction have taken long amounts of time and in often cases their request has been denied by the State Department of Transportation; and

WHEREAS, many of the villages that are setting their own speed limits are smaller in population than the towns which are currently seeking the same ability; and

WHEREAS, there are currently 17 towns in Erie County that cannot address speed limits within their own jurisdictions; and

WHEREAS, the population in many of these towns has increased and the need to address road safety through speed limits in a timely fashion has also increased; and

WHEREAS, NYS Assembly Bill A03587 and Senate Bill S293 would amend section 1622 of the Vehicle and Traffic Law to authorize towns to establish maximum speed limits on all town highways that are classified as "local roads;" and

WHEREAS, this bill would allow towns to elect to set maximum speed limits on all local roads under their jurisdiction; and

WHEREAS, towns which decide to set speed limits would need to do so in accordance with engineering specifications and other factors applicable to speed limits set forth in the NYS manual and specifications for a uniform system of traffic control devices, certified by a licensed professional engineer specializing in traffic operations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby request the State Legislature to act favorably on NYS Assembly Bill 03587 and NYS Senate Bill 293; and be it further

RESOLVED, that certified copies of this resolution be forwarded to all members of the Western New Delegation.

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

CARRIED UNANIMOUSLY.

### **SUSPENSION OF THE RULES**

None.

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

#### **FROM THE COMPTROLLER**

Item 30 – (COMM. 10E-1) Erie County Merchant Card Processing and Electronic Payments System

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 31 – (COMM. 10E-2) Veto Message Concerning Local Law Intro. 1-1, "The Strategic Development Act"

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 32– (COMM. 10E-3) Certificate of Determination

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 33 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 157

RE: Ralph Wilson Stadium - 2009 - Lease Agreement Capital Improvements (COMM. 10E-4)

WHEREAS, in order for the Department of Public Works, Division of Real Estate and Asset Management to complete a portion of this years' capital improvements prior to the start of the 2009 football season, the County Executive is seeking prior authorization from your honorable body to award contracts to the lowest responsible bidders; and

WHEREAS, on October 19, 2008, Ralph Wilson Stadium experienced an unusual power outage due to a mylar balloon coming in contact with the stadium incoming electrical power feeders; and

WHEREAS, the Buffalo Bills and Erie County retained the services of Frey Electric Construction Company for surveying the stadium electrical systems for damage and to determine if all areas of the stadium have sufficient emergency power lighting; and

WHEREAS, the County Executive is seeking authorization to enter into a contract with Frey Electric Construction Company for the electrical repair and corrective work that was required to have the stadium electrical and emergency power systems working prior to the next home football game in November 2008.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract with Frey Electric Construction Company for the electrical repair and corrective work that was required to have the stadium power and emergency power systems working prior to the next home game in November 2008 for an amount not to exceed \$117,425.00; and be it further

RESOLVED, that the County Executive be authorized to award contracts for a portion of this year's capital improvements, so the work can be completed prior to the start of the 2009 football season. This authorization is for the County Executive to enter into contracts with the lowest responsible bidders, for a total of all contracts not to exceed \$650,000.000; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management include in the contracts awarded, the Department of Public Works, Division of Real Estate and Asset Management standard general conditions and compliance with all local laws; and be it further

RESOLVED, that the Department of Public Works, Division of Real Estate and Asset Management will report to the Legislature the value of the contracts awarded and to whom; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00318 – 2008 – Rehabilitation of Ralph Wilson Stadium in an amount not to exceed \$767,425.00; and be it further

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

Item 34 – (COMM. 10E-5) Appointment to the Senior Services Advisory Board

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 35 – (COMM. 10E-6) 2008 Year-End Budget Balancing Amendments

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 36 – (COMM. 10E-7) NYSDOT Federal Aid Bridge Cleaning Project - Requiring Local Share

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 37 – (COMM. 10E-8) ECSD Nos. 1,2,4 & 6 - Engineer Term Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 38 – (COMM. 10E-9) Supplemental Agreement - Town of Clarence - Greiner Rd. & Shimerville Rd.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 39 – (COMM. 10E-10) EC Soil & Water Conservation District Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 40 – (COMM. 10E-11) Contract with Stuart I. Brown Associates, Inc. - Community Development Block Grant Income Surveys

Item 41 – (COMM. 10E-12) Elimination of a Permanent Easement at 2245 Walden Avenue - Town of Cheektowaga

Item 42 – (COMM. 10E-13) EC Department of Public Works - Response to NYS Department of Transportation - Conditions of County Bridges

Item 43 – (COMM. 10E-14) EC Correctional Facility - 2008 - Roof Replacement - Architectural/Engineering Fee

Item 44 – (COMM. 10E-15) EC Highway Building - Facility Survey 2008

Item 45 – (COMM. 10E-16) Community Development Block Grant - Recovery Act - Grant Agreement with HUD and Sub-Recipient Organizations

Item 46 – (COMM. 10E-17) ECC - City Campus - Masonry, Roof and Exterior Restoration - North and South Campuses - Elevator Upgrades

Item 47 – (COMM. 10E-18) Contract with Homeless Alliances of WNY, Inc. - Preparation of the 2010-2014 Consolidated Plan & Annual Action Plan for the EC Community Development Block Grant Consortium and the Town of Hamburg

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

Item 48 – (COMM. 10E-19) COMM. 8E-22 - ECSD No. 3 - Contract No. 36

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 49 – (COMM. 10E-20) Sale Approval - County-Owned Properties - Sold at Public Auction May 6, 2009

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 50 – (COMM. 10E-21) Establish ARRA Senior Aides and Senior Employment Programs Grant Budgets

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.



FROM CHAIR MARINELLI

Item 51 – (COMM. 10E-22) Statement Concerning 21st Century Commission Reform Recommendations

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR WHYTE

Item 52 – (COMM. 10E-23) Concerning Restaurants Displaying Caloric Content

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE

FROM THE COUNTY EXECUTIVE

Item 53 – (COMM. 10E-24) Conveyance of a Portion of 462 Grider St. to Community Health Center of Buffalo and Partial Release of Ground Lease Between EC and ECMCC

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

FROM THE COUNTY ATTORNEY

Item 54 – (COMM. 10D-1) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER, ENVIRONMENT & PLANNING

Item 55 – (COMM. 10D-2) Letter in Response to Request for Documents Relating the Annual Review of Cultural Funding Requests

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE MAJORITY COUNSEL, EC LEGISLATURE

Item 56 – (COMM. 10D-3) Copy of Letter to County Attorney Regarding Request for Documents Relating the Annual Review of Cultural Funding Requests

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE CHAIR, 21ST CENTURY COMMISSION

Item 57 – (COMM. 10D-4) Final Report of the Commission

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CHAIR, 21ST CENTURY COMMISSION

Item 58 – (COMM. 10D-5) Copy of News Release Concerning Commission Recommendations

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPUTY EC COMPTROLLER

Item 59 – (COMM. 10D-6) City of Buffalo Cellblock Payments to Erie County

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 60 – (COMM. 10D-7) Erie County Cultural Resources Advisory Board

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM THE NFTA

Item 61 – (COMM. 10M-1) NFTA - Notice of Proposed Rulemaking

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEPT OF HEALTH

Item 62 – (COMM. 10M-2) Expressing Support Regarding EC Role in WIC Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE TOWN CLERK, TOWN OF WALES

Item 63 – (COMM. 10M-3) Copy of Town Board Resolution Opposing the Establishment of a County Planning Board and Supporting the Veto of Local Law Intro 1-1 "The Strategic Development Act"

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN CLERK, TOWN OF NORTH COLLINS

Item 64 – (COMM. 10M-4) Copy of Town Board Resolution Opposing County Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CITY CLERK, CITY OF LACKAWANNA

Item 65 – (COMM. 10M-5) Copy of City Council Resolution Dedicating Ridge Road as 'Father Baker Boulevard'

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE AMERICAN COUNCIL OF ENGINEERING  
COMPANIES OF NY - WESTERN REGION

Item 66 – (COMM. 10M-6) Copy of Letter to County Executive Regarding Engineering Firms Providing Professional Services to EC

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR, NEW YORKERS FOR VERIFIED VOTING

Item 67 – (COMM. 10M-7) Information Regarding Why NY Should Not Keep Lever Voting Machines

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**ANNOUNCEMENTS**

Item 68 – CHAIR MARINELLI announced that the schedule of upcoming committee meetings has been distributed. The chair further stated that a public hearing will be held during the Health & Human Services Committee meeting scheduled for Thursday, June 4, 2009 at 8:30 A.M. concerning Local Law Intro No. 2, 2009. She also mentioned that during the Community Enrichment Committee meeting scheduled for Thursday, June 4, 2009 at 9:30 A.M., issues concerning cultural funding and the process by which organizations receive funding from the County will be discussed. Chair Marinelli also said that during the Government Affairs Committee meeting, scheduled for Thursday, June 4, 2009 at 12:30 P.M., the 21<sup>st</sup> Century Commission report concerning the proposed Legislature downsizing and term of office change will be discussed. Finally, the chair informed the Legislature that the Erie County Fiscal Stability Authority is set to meet on Tuesday, June 2, 2009.

Item 69 – LEGISLATOR GRANT announced that committee discussions concerning the 2009-2010 Erie Community College budget will begin at the Community Enrichment Committee scheduled for Thursday, June 4, 2009 at 9:30 A.M. A public hearing will also be scheduled before the Legislature can vote on the budget.

Item 70 – LEGISLATOR IANNELLO announced that on Friday, May 29, 2009, from 12:00 Noon until 4:00 P.M., there will be a 'Go Green' Open House at the IBEW Training Center, located on California Rd., in Orchard Park.

**MEMORIAL RESOLUTIONS**

Item 71 – Chair Marinelli, along with Legislator Iannello, requested that when the Legislature adjourns, it do so in memory of Democratic Party leader Carmella M. Thomas.

Item 72 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Joseph F. Bratek, Joseph Dudek, and Susan Zukic.

Item 73 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Michael I. ‘Ozzie’ Overdorf.

Item 74 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Rita T. Vezina.

Item 75 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Leah Naomi Carter, a 37 year employee of Erie County, who worked at the Martin Luther King Branch of the Buffalo & Erie County Public Library, and also worked in the main office at the Central Library downtown.

**ADJOURNMENT**

Item 76 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. MILLS moved that the Legislature adjourn until Thursday, June 11, 2009 at 2:00 P.M. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, June 11, 2009 at 2:00 P.M. Eastern Standard Time.

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