

ERIE COUNTY LEGISLATURE
MEETING NO. 10
MAY 27, 2010

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

All members present.

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

The Pledge of Allegiance was led by Mr. Walter.

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 2010. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. DIXON presented a resolution Commemorating the Dedication of the Field of Valor at Lakeside Cemetery.

Item 6 – MR. HARDWICK presented a resolution Congratulating Alexi Salamone for Being Named Grand Island Chamber of Commerce Citizen of the Year, Special Achievement Category.

Item 7 – MR. MILLS presented a resolution Congratulating St. John Vianney School in Orchard Park on Their 50th Anniversary.

Item 8 – MR. MILLS presented a resolution Congratulating Linda & Ron Shenne, Proprietors of the Dog Bar Restaurant in West Falls, on the Restaurant's 70th Anniversary.

Item 9 – MR. MILLS presented a resolution Congratulating William Freitag Troop 599, on Obtaining the Rank of Eagle Scout.

Item 10 – MR. MILLS presented a resolution Congratulating Shelby Buckley of Colden Elementary School on Being a State Winner in the Be Aware of New York Agriculture Contest Entry.

Item 11 – MR. FUDOLI presented a resolution Congratulating Christopher J. Waver of Troop 290, on Attaining the Rank of Eagle Scout.

Item 12 – MR. FUDOLI presented a resolution Congratulating Timothy N. Mather of Troop 290, on Attaining the Rank of Eagle Scout.

Item 13 – MR. FUDOLI presented a resolution Congratulating Kevin J. Ingraham of Troop 290, on Attaining the Rank of Eagle Scout.

MS. WHYTE moved for consideration of the above nine items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above nine items by adding one for MR. HARDWICK (Commending John McKenna for his Devotion and Dedication to the Children of Tonawanda School District and the Residents of the City of Tonawanda and the County of Erie), and also by adding Et Al Sponsorship. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above ten items as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 14 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLER-WILLIAMS directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLER-WILLIAMS directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – 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 18 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 20 – 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

None.

LEGISLATOR RESOLUTIONS

Item 21 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

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

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH and MR. WALTER. NOES: MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. (AYES: 6; NOES: 9)

FAILED.

CHAIR MILLER-WILLIAMS moved the previous question, and directed that a roll-call vote be taken.

AYES: MR. HARDWICK, MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. MILLS, MR. RATH and MR. WALTER. (AYES: 10; NOES: 5)

CARRIED.

RESOLUTION NO. 117

RE: Supporting Low-Cost Power for
WNY Businesses
(INTRO 10-1)

A RESOLUTION TO BE SUBMITTED

**BY LEGISLATORS KOZUB, MILLER-WILLIAMS,
WHYTE, GRANT & MARINELLI**

WHEREAS, the New York State Power for Jobs program has been successful in attracting businesses to Western New York with the incentive of low cost power or rebates on their electricity costs; and

WHEREAS, a portion of the electricity produced under the Power for Jobs program is generated at Niagara Falls; and

WHEREAS, the New York State Legislature and the Governor are negotiating to replace the Power for Jobs program with a new incentive program that will assure long term contracts for manufacturers throughout the state that create jobs with the money saved on their energy costs; and

WHEREAS, the Power for Jobs program also previously saved consumers in Western New York a small amount on their home electricity bills and now that savings is being proposed to aid economic development by offering low cost power to create jobs in New York; and

WHEREAS, homeowners in Upstate New York will see a positive economic impact in the form of lower taxes because jobs are created under this program that will more than offset the credit they were previously receiving on their home energy bills; and

WHEREAS, the economic impact of offering low cost power to those businesses and industries that choose to locate in Western New York can be an important incentive to job creation in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urges the New York State Legislature and New York Governor David Paterson to extend the Power for Jobs program or its successor in such a way that the incentives given will encourage strong economic development in Erie County and Upstate New York; and be it further

RESOLVED, that copies of this certified resolution be sent to the members of the Western New York state delegation and Governor David Paterson.

Item 22 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 10-2 from DIXON, MILLS, RATH, WALTER, FUDOLI & HARDWICK.
Requesting that the EC Clerk's Office Cease Practice of Imposing Unwarranted Restrictions on Licenses to Carry Pistol.

Item 23 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 118

RE: Supporting Tax Credit for the
Rehabilitation of Historic
Properties in NYS
(INTRO 10-3)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS RATH, MILLS, WALTER, DIXON, FUDOLI & HARDWICK**

WHEREAS, New York State in general, and Buffalo in particular, are home to many historic properties with great cultural, historic and architectural significance; and

WHEREAS, many of these properties find themselves in disrepair and are in need of rehabilitation to retain these historic gems; and

WHEREAS, in an effort to preserve historic properties in New York State, New York State Assembly Bill A09710B includes a provision to provide a tax credit for the rehabilitation of historic properties; and

WHEREAS, such a tax incentive makes corporate franchise taxes for banks and insurance companies eligible for the New York State rehabilitation tax credit program; and

WHEREAS, the tax incentive is a significant step forward in retaining historic properties throughout New York State.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the provision of New York State Assembly Bill A.09710B that provides a tax credit for the rehabilitation of historic properties; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader Pedro Espada, Jr. and the local delegation to the New York State Legislature.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 24 – (COMM. 10E-1) Appointments to the EC Disaster Preparedness Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 25 – (COMM. 10E-2) ECC - City Campus - Exterior Masonry Restoration

Item 26 – (COMM. 10E-3) ECMCC - 462 Grider Street - Demolition of Buildings 5A, 5B, 5D, 5E, 8, 10, 12 & 15

Item 27 – (COMM. 10E-4) EC Courts - 2010 - Exterior Site Work - Old County Hall & EC Court Building

Item 28 – (COMM. 10E-5) Intermunicipal Agreement - Village of Springville, South Buffalo Street - Committee Agenda Placeholder

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

Item 29 – (COMM. 10E-6) ECSD No. 4 - Vanderbilt Pumping Station, Depew Pumping Station & Overflow Retention Facility Upgrades Project

Item 30 – (COMM. 10E-7) ECSD No. 2 - Engineer Term Agreement - Wendel Duchscherer - Work Order WD - 3

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

Item 31 – (COMM. 10E-8) 2010 Capital Overlay Contract A - Award of Construction Contract & Construction Inspection Services

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 32 – (COMM. 10E-9) ECC 2010-2011 Budget

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE SHERIFF

Item 33 – (COMM. 10E-10) Aviation Reserve Fund Transfer

Item 34 – (COMM. 10E-11) Asset Forfeiture Funded Program SAFS

Item 35 – (COMM. 10E-12) Law Enforcement Terrorism Prevention Program (LETPP) for Bomb Squads

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

FROM CHAIR MILLER-WILLIAMS

Item 36 – MR. WALTER presented the following item and moved for immediate consideration and approval. MR. FUDOLI seconded.

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

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KENNEDY and CHAIR MILLER-WILLIAMS. (AYES: 6; NOES: 9)

FAILED.

CHAIR MILLER-WILLIAMS moved the previous question, and directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KENNEDY and CHAIR MILLER-WILLIAMS. NOES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. (AYES: 9; NOES: 6)

CARRIED.

RESOLUTION NO. 119

RE: Letter to Clerk of Legislature Regarding
an Appointment to the EC Water
Authority - Placeholder
(COMM. 10E-13)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of JOHN O'DONNELL, 125 Edward St., Buffalo, NY 14201, to the Erie County Water Authority for a three (3) year term commencing May 27, 2010 and expiring on April 27, 2013.

COMMUNICATIONS FROM THE DEPARTMENTS

None.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE AFRICAN AMERICAN CULTURAL CENTER INC.

Item 37 – (COMM. 10M-1) Letter to Clerk of Community Enrichment Committee Concerning 2009 EC Funding

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE LOCKPORT TOWN CLERK

Item 38 – (COMM. 10M-2) Notice of Public Hearing for Proposed Amendment to Zoning Code of the Town of Lockport

Received and Filed.

ANNOUNCEMENTS

Item 39 – CHAIR MILLER-WILLIAMS announced that the committee schedule for upcoming meetings has been distributed.

MEMORIAL RESOLUTIONS

Item 40 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Arthur Quinn.

Item 41 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Louise Catalano.

Item 42 – Legislator Dixon requested that when the Legislature adjourns, it do so in recognition of Sandra Mattimore and Geoffrey Richter.

Item 43 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Ernest ‘Sonny Boy’ Walker.

Item 44 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of all those who lost their lives in defense of the United States.

ADJOURNMENT

Item 45 - 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, June 10, 2010 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, June 10, 2010 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE