

ERIE COUNTY LEGISLATURE
MEETING NO. 11
JUNE 11, 2009

The Legislature was called to order by Chair Marinelli.

All members present, except Legislator Reynolds.

An Invocation was held, led by Mr. Mazur, who read a short prayer, entitled, "Peace."

The Pledge of Allegiance was led by Ms. Grant.

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 10 from 2009. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. IANNELLO presented a resolution Congratulating Benjamin Soos for Being Named a 2009 Student Ambassador for Grand Island.

Item 6 – MS. IANNELLO presented a resolution Congratulating Lauren Fermoile for Being Named a 2009 Student Ambassador for Grand Island.

Item 7 – MR. WROBLEWSKI presented a resolution Honoring Monsignor William J. Gallagher on the 40th Anniversary of His Ordination to the Priesthood.

Item 8 – MR. WROBLEWSKI presented a resolution Congratulating Terry Siuta on Her Retirement as Principal of St. John Vianney School.

Item 9 – MR. MILLS presented a resolution Recognizing Alan Kawahara on Achieving the Rank of Eagle Scout.

Item 10 – MR. MILLS presented a resolution Recognizing R.J. Graber on Achieving the Rank of Eagle Scout.

Item 11 – MR. RATH presented a resolution Congratulating Tom Barnett on Receiving the First Mark Messier Youth Leadership Award.

Item 12 – MR. MILLS presented a resolution Congratulating Laurie Cichocki on Earning a 2009 Time Warner Cable National Teacher Award.

Item 13 – MS. IANNELLO presented a resolution Honoring the Memory of Victoria A. 'Vicky' Eikenburg.

Item 14 – MS. IANNELLO presented a resolution Congratulating James McDonald on Being Selected to Serve as a Consultant from the Boys & Girls Clubs of the Northtowns at the European Conference in Germany Later this Month.

Item 15 – MS. IANNELLO presented a resolution Congratulating Ray Ertel on Being Selected to Serve as a Consultant from the Boys & Girls Clubs of the Northtowns at the European Conference in Germany Later this Month.

Item 16 – CHAIR MARINELLI & MS. WHYTE presented a resolution Congratulating Muriel A. Howard, Ph. D. on Her Retirement as President of Buffalo State College.

Item 17 – MR. MILLS presented a resolution Congratulating Sara Wach on Her Team's Erie County Envirothon Championship and 5th Place Finish at the New York State Envirothon.

Item 18 – MR. MILLS presented a resolution Congratulating Stacie Zwolski on Her Team's Erie County Envirothon Championship and 5th Place Finish at the New York State Envirothon.

Item 19 – MR. MILLS presented a resolution Congratulating Amanda Wach on Her Team's Erie County Envirothon Championship and 5th Place Finish at the New York State Envirothon.

Item 20 – MR. MILLS presented a resolution Congratulating Chelsea Zalikowski on Her Team's Erie County Envirothon Championship and 5th Place Finish at the New York State Envirothon.

Item 21 – MR. MILLS presented a resolution Congratulating Krista Kellner on Her Team's Erie County Envirothon Championship and 5th Place Finish at the New York State Envirothon.

Item 22 – MS. WHYTE presented a resolution Honoring Hispanics United of Buffalo's 2009 "Nuestro Orgullo Latino" Award Winners.

Item 23 – MS. WHYTE presented a resolution Recognizing the STAR Program at Concerned Ecumenical Ministries (CEM).

Item 24 – MS. KONST presented a resolution Honoring All of the Winners of the Depew-Lancaster Sertoma Club 2009 Freedom in America Poster & Essay Contest.

Item 25 – MS. KONST presented a resolution Congratulating Bradley Orcutt on Winning First Place in the Depew-Lancaster Sertoma Club 2009 Freedom in America Essay Contest.

Item 26 – MS. KONST presented a resolution Congratulating Danielle DiGiacomo on Winning First Place in the Depew-Lancaster Sertoma Club 2009 Freedom in America Poster Contest.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twenty-two items by adding one for MR. LOUGHRAN and MR. MAZUR, and also by including Et Al Sponsorship. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 27 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 28 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 29 – MS. WHYTE moved to remove Local Law No. 2 (Print #1) 2009 from the table. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW INTRO NO. 2 - 2009
LOCAL LAW NO. - 2009

A LOCAL LAW providing for the sale of a 2.15 acre portion of the real property known as 462 Grider Street, Buffalo to Community Health Center of Buffalo, Inc., and the conveyance of a permanent, non-exclusive easement over the access road adjacent and appurtenant to such real property.

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ERIE AS FOLLOWS:

SECTION 1. Notwithstanding the provisions of Section 215 of the New York State County Law or any special act or local law to the contrary, the County may sell a 2.15 acre portion of the Grider Street Campus of the Erie County Medical Center as may be determined by the Erie County Legislature to not be required for County use, to Community Health Center of Buffalo, Inc., and convey a permanent, non-exclusive easement for ingress and egress over the access road adjacent and appurtenant thereto, without competitive bidding or public advertisement, on such terms and conditions as may be approved by the Erie County Legislature.

SECTION 2. If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 3. This local law shall take effect immediately in accordance with the provisions of the Municipal Home Rule Law.

SPONSORS:

BETTY JEAN GRANT

THOMAS J. MAZUR

BARBARA MILLER WILLIAMS

ROBERT B. REYNOLDS

LYNN M. MARINELLI

MS. WHYTE moved to approve Local Law Int. No. 2 (Print #1) 2009. MS. GRANT seconded.

CHAIR MARINELLI directed that a roll-call be taken.

AYES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MS. WHYTE and MR. WROBLEWSKI. NOES: None. (AYES: 14; NOES: 0)

CARRIED UNANIMOUSLY.

Item 30 – CHAIR MARINELLI directed that Local Law No. 3 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 31 – CHAIR MARINELLI directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 32 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 33 – CHAIR MARINELLI directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 34 – MR. KOZUB presented the following report, moved to separate item Number 1-a, and moved to approve the balance of the report. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 158

June 2, 2009	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 8
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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. LL INT. 5-1 (2008)
MILLS: “A Local Law to Change the Name of the Department of Environment and Planning to the Department of Economic Development, Environment and Planning and Update Position Titles”
(6-0)
 - b. COMM. 10E-8 (2009)
COUNTY EXECUTIVE: “ECSD Nos. 1,2,4 & 6 - Engineer Term Agreement”
(6-0)
 - c. COMM. 10E-19 (2009)
COUNTY EXECUTIVE: “COMM. 8E-22 - ECSD No. 3 - Contract No. 36”
(6-0)
 - d. COMM. 10M-3 (2009)
TOWN CLERK, TOWN OF WALES: “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"”
(6-0)
 - e. COMM. 10M-4 (2009)

TOWN CLERK, TOWN OF NORTH COLLINS: “Copy of Town Board Resolution Opposing County Planning Board”
(6-0)

- f. COMM. 10M-5 (2009)
CITY CLERK, CITY OF LACKAWANNA: “Copy of City Council Resolution Dedicating Ridge Road as 'Father Baker Boulevard’”
(6-0)

DANIEL M. KOZUB
CHAIR

MR. KOZUB moved to receive & file item Number 1-a. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 35 – MS. KONST presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 159

June 3, 2009	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-2 (2009)
COMPTROLLER: “Potential Federal Financial Assistance to Erie County”
(6-0)
 - b. INTRO 8-2 (2009)
REYNOLDS: “Requesting Real Property Tax Services to Provide Update and Final Tally Received as a Result of the May 6, 2009 Foreclosure Sale”
(6-0)
 - c. COMM. 9E-12 (2009)
COUNTY EXECUTIVE: “Revised 2009-2012 EC Four-Year Plan”
(6-0)
 - d. COMM. 10E-3 (2009)
COMPTROLLER: “Certificate of Determination”
(6-0)

2. INTRO 2-3 (2009)

WALTER, MILLS, RATH,

AS AMENDED

WHYTE, KONST & REYNOLDS

WHEREAS, the Erie County Legislature has approved capital borrowing plans for 2007 and 2008 to maintain and improve the infrastructure of County owned and maintained assets; and

WHEREAS, these projects are vital to the safety and welfare of Erie County residents, and, in certain instances, address contractual obligations; and

WHEREAS, the Erie County Fiscal Stability Authority was established to assist Erie County during a difficult fiscal and budgetary period; and

WHEREAS, Erie County finds itself in an improved fiscal and budgetary situation but is in need of financing in order to execute its Capital Project Plan; and

WHEREAS, Erie County and the Erie County Fiscal Stability Authority remain at an impasse as to which entity is in the best position to engage in long-term financing at the lowest cost to the County considering the operational cost of the Fiscal Stability Authority versus the amount it could potentially save in interest charges; and

WHEREAS, because some projects must be addressed on an emergency basis, the failure of Erie County to borrow has also put enormous strains on the county's operating budget; and

WHEREAS, in addition to causing a further deterioration of Erie County's infrastructure, the failure to borrow for capital projects has resulted in many vendors not receiving payment for services provided to the county; and

WHEREAS, in New York State, the State Comptroller, pursuant to Section 33 of the General Municipal Law has the authority to review the accounts of agencies, including performance reviews, and to make recommendations regarding future fiscal practices; and

WHEREAS, this authority provides a legitimate avenue for the State Comptroller to intervene in matters regarding municipal finance, especially when public safety and health, capital investment and fiscal health are threatened; and

WHEREAS, policymakers in Erie County will be undertaking the development of a capital projects program and borrowing for 2009, which based on the inability to borrow for 2007 and 2008, would appear to be an exercise in futility and a disservice to the public; and

WHEREAS, policymakers in Erie County need the best possible information provided to them in order to make an informed decision as to whether Erie County or the Fiscal Stability Authority should undertake the long-term financing necessary to complete the County's Capital Projects and which will provide the greatest overall savings to the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature respectfully request that the State Comptroller conduct a Performance Review of the Erie County Fiscal Stability Authority to determine its effectiveness and to make recommendations regarding the fiscal impact of any proposed financing assistance to Erie County; and be it further

RESOLVED, that certified copies be sent to New York State Governor David Paterson, New York State Comptroller Thomas DiNapoli, the WNY State Delegation, County Executive Chris Collins, County Comptroller Mark Poloncarz, County Budget Director Greg Gach, County Attorney Cheryl Green and members of the Erie County Fiscal Stability Authority.
(6-0)

3. INTRO 10-1 (2009)
REYNOLDS, MARINELLI, WHYTE, MILLS AS AMENDED
GRANT & LOUGHRAN

WHEREAS, the Erie County Legislature's Distressed Real Property Task Force, which is composed of stakeholders from city, suburban and rural communities throughout Erie County, has been meeting monthly to discuss our vacant and abandoned property crisis and potential solutions to address this problem; and

WHEREAS, the Task Force members have reached a consensus that one of the core problems that has created the vacant and abandoned property crisis in Erie County and all of Upstate New York, is the lack of a defined plans for the management and reuse of vacant and abandoned property; and

WHEREAS, the Task Force believes that the use of "Land Banks" is appropriate as a tool to help facilitate the planning, management and reuse of vacant or abandoned real property in our community; and

WHEREAS, the New York State Legislature is currently considering AB No. 00700 and SB No. 4281 which would allow communities to use this valuable tool to assist in addressing the problems associated with vacant and or abandoned real property in a comprehensive manner; and

WHEREAS, the Task Force has recommended that a formal communication from the Erie County Legislature be sent requesting that State Legislators as well as Governor Paterson compromise and pass and approve legislation authorizing the use of land banks in New York State; and

WHEREAS, this legislation would be extremely helpful to further the goals of the Erie County Distressed Real Property Task Force and provide a much needed tool to address the management and reuse of current and future vacant and abandoned real property in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature implores our State legislators to enact "Land Banking" bills that have the support of both houses and the Governor of our great state of New York; and be it further

RESOLVED, that official copies of this resolution be sent the Assembly and Senate sponsors, Governor Paterson, all Western New York State legislative delegation and any other parties that may be of interest.

(6-0)

4. COMM. 10E-1 (2009)
COMPTROLLER

WHEREAS, the use of merchant credit and debit account cards, automated clearing house/electronic fund transfer services and electronic checks in combination with use of the telephone, Internet and other electronic payment processing options for products and services is a widely accepted and established form of payment between payees and payers for Erie County to utilize such technology for the public's benefit; and

WHEREAS, for taxpayers and consumers of services within a municipality, electronic payment services can reduce time, effort and financial costs with respect to producing checks, postage and mailing and municipalities can benefit from electronic payment services through enhanced processing and in-bound cash flows by minimizing bank float; and

WHEREAS, Erie County, through the Office of the Comptroller, has sought proposals to provide merchant card, Internet and/or other electronic payment processing services; and

WHEREAS, a Request for Proposals (RFP) was formally issued on September 24, 2008 and reviewed in compliance with Section 19.08 of the Erie County Administrative Code, which resulted in 15 potential vendors submitting proposals; and

WHEREAS, a dedicated committee appointed by the Comptroller reviewed aforementioned potential vendors' proposals and submitted a recommendation to the Comptroller; and

WHEREAS, after consulting with representatives from the County Administration, the Comptroller presented a formal Notice of Award to J.P. Morgan Chase Bank, N.A. with the intention that the County will pursue a formal agreement with J.P. Morgan for provision of said merchant card processing and electronic payment services at no cost to the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the Comptroller to enter into a contract with J.P. Morgan Chase to provide merchant card, telephone, Internet and/or other electronic payment processing services to any County departments wishing to receive electronic payments for a period of three (3) years with options for two (2) one-year extensions; and be it further

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

(6-0)

5. COMM. 10E-20 (2009)
COUNTY EXECUTIVE

WHEREAS, pursuant to prior legislative authorization, a public auction of county-owned properties was conducted for Erie County at the Erie County Legislative Chambers, on May 6, 2009; and

WHEREAS, at said public auction, bids totaling the sum of \$4,200.00 were accepted as to (7) seven properties, as set forth on the list attached hereto.

NOW, THEREFORE, BE IT

RESOLVED, that as to those seven (7) properties, the sale of same is hereby approved, confirmed and ratified; and be it further

RESOLVED, that the County Executive, provided that the full amount of the bid and applicable fees and commissions have first been paid, is hereby authorized and directed to execute, deliver and record a Quit-Claim Deed conveying to the particular bidder-designated purchaser(s) all of the County of Erie's right, title and interest in and to the properties whose public auction sale is approved herein.

County Owned Sale – 5/6/09

<u>TOWN</u>	<u>ADDRESS</u>	<u>SBL#</u>	<u>PURCHASE PRICE</u>
West Seneca	Grant Blvd	152.05-6-8	\$ 600.00
West Seneca	Grant Blvd	152.08-6-9	\$ 600.00
West Seneca	Grant Blvd	152.08-6-15.1	\$ 600.00
West Seneca	Grant Blvd	152.08-6-17	\$ 600.00
West Seneca	Grant Blvd	152.08-6-18	\$ 600.00
West Seneca	Grant Blvd	152.08-6-19.1	\$ 600.00
West Seneca (6-0)	Julius Road	152.08-6-28.1	\$ 600.00

**KATHY KONST
CHAIR**

Item 36 – MR. MAZUR presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 160

	COMMITTEE REPORT NO. 8
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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. 4E-5 (2009)
COUNTY EXECUTIVE: "Public Health Preparedness/Response to Bioterrorism"
(5-0) Chair Marinelli not present for vote.
 - b. COMM. 8E-16 (2009)
COUNTY EXECUTIVE: "Appointments/Reappointments to the EC Mental Hygiene
Community Services Board"
(5-0) Chair Marinelli not present for vote.
 - c. COMM. 10E-5 (2009)
COUNTY EXECUTIVE: "Appointment to the Senior Services Advisory Board"
(5-0) Chair Marinelli not present for vote.

2. INTRO 8-4 (2009)
MAZUR, REYNOLDS, MARINELLI, AS AMENDED
MILLER-WILLIAMS & GRANT

WHEREAS, this Legislature has repeatedly voiced its concern over and disagreement with the Administration's decision to terminate Erie County's Administration of the Federal WIC Program; and

WHEREAS, currently, the Health & Human Services Committee of the Erie County Legislature is reviewing a number of documents related to this decision, including a March 27, 2009 letter of concern from Legislator Thomas J. Mazur, Chair, of the Health & Human Services Committee, to New York State Commissioner of Health Richard F. Daines, MD; a March 31, 2009 letter regarding to this Honorable Body signed by Deputy County Executive Al Hammonds; and an April 15, 2009 letter of response from the State Health Department to the aforementioned Mazur letter; and

WHEREAS, the communications from the Deputy County Executive and State Health Department have given rise to additional questions from this Honorable Body, both from a policy and fiscal standpoint; and

WHEREAS, since the Erie County Legislature has not been furnished with copies of the minutes of the WIC Transition Team Meetings, as requested by Resolution Intro 9-2 (2009) approved on May 14, 2009; and

WHEREAS, research conducted by the Legislature cannot validate the Administration's savings assumptions used, in part, to justify Erie County discontinuing the WIC program, a purported savings of \$1.2 million annually as set forth in the Hammonds' letter referenced above; and

WHEREAS, it is necessary to call on the Erie County Comptroller, the county's chief financial officer, to shed some light on this situation by conducting a review that includes, but is not limited to, the following components:

- 1) asset tracking that also ascertains plans for the disposition of the assets (computers, office equipment, furniture, etc.) of the county's WIC program;
- 2) a financial analysis of the program savings alleged in the Hammonds letter of March 31, 2009;
- 3) a financial analysis of the costs of ending the WIC program, including unemployment, lease terminations and other expenses;
- 4) a review of the WIC contract with New York State; and,
- 5) the details of the verbal or written communication regarding the following statement made in the April 15 State Health Department to Legislator Mazur, to wit: "In the summer of 2008, the Erie County Executive's staff first broached the subject of termination. After they were provided with a review of the situation and the consequences of termination, it was agreed that the Erie County Department of Health would continue its program through September 30, 2009."

and

WHEREAS, this Legislature is gravely concerned by the lack of public accountability and transparency on the part of the Collins Administration regarding its unilateral and unsubstantiated decision to terminate Erie County's administration of the WIC program and, consequently, the displacement of 16,000 clients.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature request a comprehensive, closing review of the WIC program that includes, but is not limited to, the following components: 1) analysis of the anticipated costs of terminating the program; 2) analysis of the purported savings derived from terminating the program, as alleged by Deputy County Executive Al Hammonds in a March 31, 2009 letter about the WIC termination to this Honorable Body; 3) utilizing the asset tracking system, reconciling the WIC program assets from prior reports with the current inventory, and ascertaining plans for the disposition of these assets; 4) a review of the existing contract between Erie County and the New York State Health Department to determine allowable county expenses billed to the state, and the projected net county cost of no longer having the WIC grant to charge certain expenses to, including but not limited to administrative overhead, interdepartmental expenses and fringe benefits; and 5) researching the "consequences of termination" as alluded to by the New York State Department of Health letter of April 15, 2009 to Legislator Thomas J. Mazur regarding the WIC termination by the County Administration; and be it further

RESOLVED, that this review be completed by mid-July 2009 in conjunction with the Legislature's Mid-Year Budget Hearings; and be it further

RESOLVED, that the Deputy County Executive provide the Erie County Legislature a copy of the minutes of the WIC Transition Team meetings; and be it further

RESOLVED, that certified copies of this resolution be conveyed to County Comptroller Mark Poloncarz, Deputy County Executive Al Hammonds, James Clancy, Assistant Commissioner, Governmental and External Affairs, NYS Department of Health (Albany), Commissioner of the Erie County Department of Health, Anthony J. Billitier IV, MD, Kenneth Vetter of the Erie County Fiscal Stability Authority and all others deemed necessary and proper.

(5-1) Legislator Walter voted in the negative.

3. COMM. 10E-21 (2009)
COUNTY EXECUTIVE

WHEREAS, Senior Service America and the New York State Office for Aging has notified the Department of Senior Services (Department) that the Department has been awarded American Recovery and Reinvestment Act (ARRA) allocations for the Senior Aides and Senior Employment programs for the period February 17, 2009 to June 30, 2010; and

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

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

WHEREAS, the ARRA Senior Aides and ARRA Senior Employment grant budgets need to be established; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the ARRA Senior Aides and ARRA Senior Employment funds from Senior Service America, Inc. and the New York State Office for Aging; and be it further

RESOLVED, that the County Executive be and is hereby authorized to contract with Supportive Services Corp. to provide the related employment services for the period February 17, 2009 to June 30, 2010; and be it further

RESOLVED, that the budget for the ARRA Senior Aides grant, 163ARRA-SRAIDES, be established as follows:

REVENUES		INITIAL BUDGET
Account	Description	
414000	Federal Aid	\$157,284
466320	Subcontractor Match	\$20,505
	TOTAL REVENUE	<u>\$177,789</u>

APPROPRIATIONS	
516010 Supportive Services Corp.	<u>\$177,789</u>
TOTAL	
APPROPRIATIONS	<u><u>\$177,789</u></u>

and be it further

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

		INITIAL
		BUDGET
REVENUES		
Account	Description	
414000	Federal Aid	\$179,518
466320	Subcontractor Match	<u>\$19,947</u>
	TOTAL REVENUE	<u><u>\$199,465</u></u>

APPROPRIATIONS	
516010 Supportive Services Corp.	<u>\$199,465</u>
TOTAL	
APPROPRIATIONS	<u><u>\$199,465</u></u>

and be it further

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

(5-0) Chair Marinelli not present for vote.

4. COMM. 10E-24 (2009)
COUNTY EXECUTIVE

WHEREAS, in accordance with Local Law 2-1(2009), the County is authorized to sell a 2.15-acre portion (the "Premises") of the Grider Street Campus of the Erie County Medical Center (ECMCC) and convey a permanent, non-exclusive easement over the access road adjacent and appurtenant to the Premises to Community Health Center of Buffalo, Inc. ("CHC"), without competitive bidding or public advertisement, on such terms and conditions as may be approved by the Erie County Legislature; and

WHEREAS, the County has agreed to sell the Premises to CHC for \$130,000, which has been determined to be the fair market value of the Premises, on such terms and conditions as may be approved by the County Attorney; and

WHEREAS, the County currently leases the grounds of the Grider Street Campus of the ECMCC for a term of fifty (50) years commencing on January 28, 2004, and terminating on January

27, 2054, as evidenced by a Memorandum of Ground Lease Agreement dated as of January 28, 2004, and recorded in the County Clerk's Office at Liber 11067 of Deeds at Page 5681; and

WHEREAS, in order to release the Premises from the ECMCC ground lease, the County, ECMCC, and CHC have agreed to enter into a Partial Release of Ground Lease effective upon the recording of the deed conveying the Premises to CHC.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute such documents and enter into such agreements as are necessary to transfer and convey the Premises and non-exclusive access easement to CHC for \$130,000; and be it further

RESOLVED, that the Erie County Executive is authorized to enter into a Partial Release of Ground Lease agreement with ECMCC and CHC to release the ECMCC ground lease as to the Premises; and be it further

RESOLVED, that the County Attorney shall prepare all necessary legal documents for the conveyance of the Premises, non-exclusive access easement, and the Partial Release of Ground Lease that are necessary to effect this resolution; and be it further

RESOLVED, that the proceeds of \$130,000 from the sale of the Premises will be transferred into transferred into Erie County Fixed Asset Sales Account 480300; and be it further

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

(5-0) Chair Marinelli not present for vote.

**THOMAS J. MAZUR
CHAIR**

MR. MAZUR moved to amend item Number 2. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Delete the Resolution in its Entirety and Replace with the Following:

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

WHEREAS, this Legislature has repeatedly voiced its concern over and disagreement with the Administration's decision to terminate Erie County's Administration of the Federal WIC Program; and

WHEREAS, currently, the Health & Human Services Committee of the Erie County Legislature is reviewing a number of documents related to this decision, including a March 27, 2009 letter of concern from Legislator Thomas J. Mazur, Chair, of the Health & Human Services

Committee, to New York State Commissioner of Health Richard F. Daines, MD; a March 31, 2009 letter regarding to this Honorable Body signed by Deputy County Executive Al Hammonds; and an April 15, 2009 letter of response from the State Health Department to the aforementioned Mazur letter; and

WHEREAS, the communications from the Deputy County Executive and State Health Department have given rise to additional questions from this Honorable Body, both from a policy and fiscal standpoint; and

WHEREAS, since the Erie County Legislature has not been furnished with copies of the minutes of the WIC Transition Team Meetings, as requested by Resolution Intro 9-2 (2009) approved on May 14, 2009; and

WHEREAS, research conducted by the Legislature cannot validate the Administration's savings assumptions used, in part, to justify Erie County discontinuing the WIC program, a purported savings of \$1.2 million annually as set forth in the Hammonds' letter referenced above; and

WHEREAS, it is necessary to call on the Erie County Comptroller, the county's chief financial officer, to shed some light on this situation by conducting a review that includes, but is not limited to, the following components:

- 1) asset tracking that also ascertains plans for the disposition of the assets (computers, office equipment, furniture, etc.) of the county's WIC program;
- 2) a financial analysis of the program savings alleged in the Hammonds letter of March 31, 2009;
- 3) a financial analysis of the costs of ending the WIC program, including unemployment, lease terminations and other expenses;
- 4) a review of the WIC contract with New York State; and,
- 5) the details of the verbal or written communication regarding the following statement made in the April 15 State Health Department letter to Legislator Mazur, to wit: "In the summer of 2008, the Erie County Executive's staff first broached the subject of termination. After they were provided with a review of the situation and the consequences of termination, it was agreed that the Erie County Department of Health would continue its program through September 30, 2009."

and

WHEREAS, this Legislature is gravely concerned by the lack of public accountability and transparency on the part of the Collins Administration regarding its unilateral and unsubstantiated decision to terminate Erie County's administration of the WIC program and, consequently, the displacement of 16,000 clients.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature request a comprehensive, closing review of the WIC program that includes, but is not limited to, the following components: 1) analysis of the anticipated costs of terminating the program; 2) analysis of the purported savings derived from

terminating the program, as alleged by Deputy County Executive Al Hammonds in a March 31, 2009 letter about the WIC termination to this Honorable Body; 3) utilizing the asset tracking system, reconciling the WIC program assets from prior reports with the current inventory, and ascertaining plans for the disposition of these assets; 4) a review of the existing contract between Erie County and the New York State Health Department to determine allowable county expenses billed to the state, and the projected net county cost of no longer having the WIC grant to charge certain expenses to, including but not limited to administrative overhead, interdepartmental expenses and fringe benefits; and 5) researching the “consequences of termination” as alluded to by the New York State Department of Health letter of April 15, 2009 to Legislator Thomas J. Mazur regarding the WIC termination by the County Administration; and be it further

RESOLVED, that this review be completed by mid-July 2009 in conjunction with the Legislature’s Mid-Year Budget Hearings; and be it further

RESOLVED, that the Deputy County Executive provide the Erie County Legislature a copy of the minutes of the WIC Transition Team meetings; and be it further

RESOLVED, that certified copies of this resolution be conveyed to County Comptroller Mark Poloncarz, Deputy County Executive Al Hammonds, James Clancy, Assistant Commissioner, Governmental and External Affairs, NYS Department of Health (Albany), Commissioner of the Erie County Department of Health, Anthony J. Billitier IV, MD, Kenneth Vetter of the Erie County Fiscal Stability Authority and all others deemed necessary and proper.

MR. MAZUR moved to approve item Number 2 as amended. MR. KOZUB seconded. MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (11-3)

Item 37 – MS. GRANT presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 161

June 4, 2009	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 9E-11 (2009)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature confirms the appointments of the following individuals to the Buffalo & Erie County Public Library Board of Directors for the terms stated:

Appointee

Term Expires

Mr. John Schmidt
887 Parkside Ave.
Buffalo, NY 14216

December 31, 2012

Mr. Rick Lewis
12 Briarhill Rd.
Williamsville, NY 14221

December 31, 2013

Mr. Albert Michaels
925 Delaware Rd.
Campinile Building
Buffalo, NY 14209

December 31, 2013

(6-0)

BETTY JEAN GRANT
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 162

JUNE 4, 2009	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 8M-8 (2009)
SENECA ONE REALTY LLC: “Copy of Resolution Asking the NYS Legislature to Reject Gov. Paterson's "Sweep" of NY Power Authority Funds as a Hidden Tax on Power Customers”
(6-0)
 - b. COMM. 9E-31 (2009)
COUNTY EXECUTIVE: “Sherwood Greenway - Town of Tonawanda: Receipt of Deed Conveyance for NYS Dept. of Transportation”
(6-0)
 - c. COMM. 9M-26 (2009)

ECIDA: "Letter Requesting Confirmation of Attendance for Annual Membership Meeting - May 11, 2009"
(6-0)

d. COMM. 9M-29 (2009)
ECIDA: "Copy of 2008 Annual Audited Financial Statements"
(6-0)

e. COMM. 9M-36 (2009)
NFTA: "NFTA Board Minutes for Meeting Held 3/23/09"
(6-0)

f. COMM. 10M-1 (2009)
NFTA: "NFTA - Notice of Proposed Rulemaking"
(6-0)

2. INTRO 4-8 (2009)
MARINELLI, MILLS, KOZUB, MILLER-WILLIAMS, AS AMENDED
WALTER, KONST, GRANT, MAZUR, IANNELLO, RATH,
KENNEDY, WROBLEWSKI & REYNOLDS
WHEREAS, the Empire Zone Program provides tax benefits to businesses for a ten-year period in return for creating jobs and investing in New York; and

WHEREAS, the 2009-2010 Executive Budget Proposal makes drastic changes to the New York State Empire Zone Program that will devastate the economic development efforts of New York's county governments; and

WHEREAS, these sweeping changes include:

- significantly expanding the basis for Empire Zone decertification;
- requiring all business enterprises to be recertified by the Commissioner of the Department of Economic Development prior to qualifying for their 2008 zone benefits;
- requiring that all existing zone businesses meet or exceed a 20:1 ratio of actual wages, benefits and capital investments for at least a three-year period;
- limiting new certifications to firms that are strictly defined manufacturing enterprises, financial services or a somewhat ambiguous "extraordinary projects" category;
- removing the "economic circumstances or unforeseen conditions" exception as a means to prevent decertification;
- terminating the authority to designate new Empire Zones or increase zone areas after April 1, 2009; and

WHEREAS, it is estimated that the new cost-benefit ratio requirement alone could jeopardize more than 2,000 businesses with removal from the program; and

WHEREAS, in total, these proposals will have a destructive effect on economic development across New York State, especially in areas where the Empire Zone Program has been the primary incentive used to encourage numerous business attraction and expansion projects; and

WHEREAS, while the Executive Budget Proposal does create a new \$50 million New York Growth, Achievement and Investment Strategy (GAINS) and allocates \$50 million in research and development grants through the expansion of existing programs; these actions do not outweigh the disastrous changes proposed to the Empire Zone Program, which must be overturned during the budget negotiation process; and

WHEREAS, the current Empire Zone Program has existing mechanisms to ensure that companies are accountable and that counties realize these benefits; and

WHEREAS, in times of national recession, it is critical that the State and counties do all they can to attract jobs and not kill these job-creating opportunities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urge the State Legislature to reject the sweeping changes to the New York State Empire Zone Program proposed in the 2009-2010 Executive Budget Proposal; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor David Paterson, the Western New York Delegation to the State Legislature and all others deemed necessary and proper.

(6-0)

3. INTRO 5-14 (2009)
KENNEDY, WHYTE, KOZUB, WROBLEWSKI, AS AMENDED
REYNOLDS & LOUGHRAN

WHEREAS, the recently approved federal stimulus package includes approximately \$8 billion for high-speed rail; and

WHEREAS, New York State is uniquely poised and prepared to accept these funds for the development of high-speed rail between Albany and Buffalo, as well as Buffalo and Niagara Falls; and

WHEREAS, beginning in 1970, there have been numerous studies assessing the viability of this project and validating that New York State is in a shovel-ready position to put this federal investment to immediate use as there is sufficient room on the existing Empire Corridor for a third track and time-consuming land acquisition is not necessary; and

WHEREAS, experts project that the entire project could be completed in three to five years, reinvigorating commerce throughout Upstate by shortening the five hour trip from Buffalo to Albany to 3 ½ hours; and

WHEREAS, construction of the high-speed rail line would immediately create up to 12,000 construction jobs and increase state economic output by nearly \$2 billion, including Upstate's ability to access the millions of tourists who visit Niagara Falls annually; and

WHEREAS, the opportunity for job sharing among the cities of Buffalo, Rochester and Syracuse is a probable outcome, according to the Center for Governmental Research; and

WHEREAS, the Upstate New York Congressional Caucus regards this initiative as the new "Erie Canal" for the 21st Century in terms of its economic development impact.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record in full support of the development of a high-speed rail corridor linking Niagara Falls, Buffalo and Albany as a forward-thinking economic development strategy; and be it further

RESOLVED, that this Honorable Body believes that the investment of federal stimulus funds for the development of high-speed rail in Upstate New York would provide the federal investment an expeditious return-on-investment from the economic activity that will certainly take place; and be it further

RESOLVED, that certified copies of this resolution be provided to U.S. Senators Chuck Schumer and Kirsten Gillebrand, the WNY Congressional Delegation, the WNY Delegation to the NYS Legislature, Governor David A. Paterson, Speaker Sheldon Silver, Senate Majority Leader Malcolm Smith and all others deemed necessary and proper.

(6-0)

4. COMM. 10E-7 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County 2008-09 Bridge Clearing Project – PIN 5758.10 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the appointment of the costs such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) and Construction & Construction Inspection phases of this project: PIN 5758.10; and

WHEREAS, the NYSDOT will provide 80% of funding through Federal aid to accomplish bridge washing; and

WHEREAS, the total 2008-2009 Project is \$485,000.00 and the County is required to provide the local share portion for the Project in the amount of \$97,000.00; and

WHEREAS, the 2009 Adopted Budget included \$90,000.00 as "pay-as-you-go" funding in Fund 210, \$7,000.00 to be used for the 2008-2009 project and \$83,000 as a set aside for the 2009-2010 required County share for the bridge project.

NOW, THEREFORE, BE IT

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

RESOLVED, that the sum of \$97,000.00 in non-federal local share is hereby appropriated from B.00192 - 2008 Bridge Maintenance Program and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to establish the following budget amendments in Capital Fund 420 project B.00192 - 2008 Bridge Maintenance,

	<u>Current Budget</u>	<u>Increase</u>	<u>Adjusted Budget</u>
Revenue			
414000 Federal Aid	\$360,000	\$28,000	\$388,000
486000 Interfund Subsidy	<u>90,000</u>	<u>90,000</u>	<u>180,000</u>
	\$450,000	\$118,000	\$568,000
Expense			
Capital Projects Expense	\$450,000	\$118,000	\$568,000

and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-VI and Construction & Construction Inspection phase) exceeds \$485,000.00 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

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

RESOLVED, that ten (10) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County

Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(6-0)

5. COMM. 10E-9 (2009)
COUNTY EXECUTIVE

WHEREAS, a Project for the Intersection Improvement of CR 37, Greiner Road and CR 279, Shimerville Road in the Town of Clarence, Erie County, PIN 5756.85 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal Funds and 20% Non-Federal funds or the ratio of 90% Federal funds and 10% Non-Federal funds, depending on the Federal Aid Funding Program; and

WHEREAS, the County of Erie previously appropriated \$170,000.00 (\$34,000.00 non-Federal share) for the Project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidental phases via County Resolution Comm. 13E-42 on June 24, 2004; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the increased costs of the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction and Construction Inspection phases of the Project, PIN 5756.85 in the amount of \$1,305,250.00 (\$152,050.00 non-Federal share).

NOW, THEREFORE, BE IT

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

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

RESOLVED, that the required, non-Federal share sum of \$118,050.00 is hereby appropriated from B.00125 2004-2006 Signal & Intersection Improvement Projects (in addition to \$34,000.00 previously appropriated for the non-Federal share of the project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals phases via County Resolution No. 13E-42 adopted on June 24, 2004; and be it further

RESOLVED, that the Project's revenue and appropriations be equally increased to reflect the supplemental agreement in the total amount of \$1,305,250.00; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares the cost of the project's Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction and Construction Inspection phases exceeds the amount appropriated, and/or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition and Construction and Construction Inspection phases exceeds \$1,305,250.00 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount

immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

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

RESOLVED, that ten (10) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.
(6-0)

6. COMM. 10E-11 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning administers the Federal Community Development Block Grant program on behalf of thirty-four municipalities comprising the Erie County Community Development Consortium; and

WHEREAS, said Consortium receives approximately \$3,500,000 annually from the United States Department of Housing and Urban Development; and

WHEREAS, said funds must primarily benefit low and moderate income households within the Consortium; and

WHEREAS, the Consortium municipalities are desirous of having access to a professional planning firm having skill in household income survey techniques which can be utilized to determine the CDBG eligibility of certain proposed projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with Stuart I. Brown Associates, Inc. for an amount not to exceed \$20,000 for the purpose of undertaking household income surveys within neighborhoods comprising the Erie County Community Development Block Grant Consortium; and be it further

RESOLVED, that the source of said funds shall be Project Number J.00 507.1.9 for the Erie County Community Development Block Grant Program; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of Budget and Management, and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.
(6-0)

7. COMM. 10E-12 (2009)
COUNTY EXECUTIVE

WHEREAS, the County has no interest in continuing ownership of a permanent easement for drainage purposes located at 2245 Walden Avenue, Cheektowaga, New York; and

WHEREAS, the original reason for taking the easement in 1952 no longer exists; and

WHEREAS, that said easement is identified as Parcel 3 on Map SK151-4 and described in Liber of Deeds 5288, Page 168 on file in the Erie County Clerk's Office.

NOW, THEREFORE, BE IT

RESOLVED, that permanent easement Parcel 3 on Map SK151-4 located on the property at 2245 Walden Avenue, Cheektowaga, New York, SBL 102.16-2-2.1 be terminated such that the County shall no longer have maintenance jurisdiction over the easement; and be it further

RESOLVED, that five (5) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the New York State Department of Transportation, the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

8. COMM. 10E-13 (2009)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Transportation (NYSDOT) is currently performing annual and biannual inspections of County-owned bridges; and

WHEREAS, as a result of these inspections Erie County was cited with numerous yellow and red flags which restricts access to the traveling public and requires the County to respond to NYSDOT with a plan of action as soon as practicable; and

WHEREAS, the Department of Public Works – Division of Highways determined that Clough, Harbour & Associates, a legislatively approved Term Agreement consultant via Comm. 14E-19 adopted July 17, 2008, has the appropriate experience in construction management, technical services, and construction inspection of bridges; and

WHEREAS, in order for the Department of Public Works – Division of Highways to urgently respond to these cited County bridge deficiencies with bridge repairs and construction during the 2008 construction season and while the legislative body is in recess, it requires authorization to award construction contracts.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be allowed to execute a contract to Clough, Harbour & Associates for an amount not to exceed \$200,000.00, from 2008 Preservation of Bridges, Culverts and Dams (County-wide) Fund B.00191; and be it further

RESOLVED, that the Commissioner of the Department of Public Works – Division of Highways is authorized to requisition for purchase orders for bridge repair and construction through the Department of Purchase approved Highways Material Bid or through an open competitive bidding process during the 2009 Legislative recess; and be it further

RESOLVED, that the cumulative award of bridge repair and construction contracts will not exceed \$800,000.00 from 2008 Preservation of Bridges, Culverts, and Dams (County-wide) Fund B.00191; and be it further

RESOLVED, that the Erie County Legislature be provided with an informational item upon return from recess that includes a report of progress, vendors awarded, and contract amounts from the Department of Public Works – Division of Highways; and be it further

RESOLVED, that five (5) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the New York State Department of Transportation, the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, and the Department of Purchase.

(6-0)

9. COMM. 10E-14 (2009)
COUNTY EXECUTIVE

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

WHEREAS, your honorable body has previously authorized the County Executive to enter into an Agreement with the firm of E I Team, Inc. for providing Professional Architecture/Engineering Services for design and construction for Phase I. The County now wants to proceed with the full project scope; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue an Amendment to E I Team, Inc. for providing Design and Construction Documents for the Roof Replacement Project at the Correctional Facility for the full scope of the project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue an Amendment to E I Team, Inc. for providing Professional Design and Construction Document Services for the Erie County Correctional Facility – 2008 – Roof Replacement Project, Phase II, for the full scope of the project including security fencing and cameras for an amount not to exceed \$185,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project A.00315 – 2007 – ECCF Roof Replacement for an amount not to exceed \$185,000.00; 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, and the Office of the Comptroller.

(6-0)

10. COMM. 10E-15 (2009)
COUNTY EXECUTIVE

WHEREAS, the existing Highway building facilities are over 40 years old, are showing signs of deterioration and need to be evaluated to determine what corrective measures are needed to maintain the buildings and provide a safe working environment; and

WHEREAS, your honorable body has previously authorized a General Architectural/Engineering Term Agreement with the firm of Lauer-Manguso & Associates; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue an Agreement amendment to Lauer-Manguso & Associates for providing Professional Services to evaluate the existing Highway facilities.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue an Agreement amendment to Lauer-Manguso & Associates for providing Professional Services to evaluate the existing Highway facilities for an amount not to exceed \$36,655.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project A.00309 – 2007 – Code Compliance and Building Reconstruction for an amount not to exceed \$36,655.00; 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.

(6-0)

11. COMM. 10E-16 (2009)
COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Block Grant Consortium (Consortium); and

WHEREAS, the federal American Recovery and Reinvestment Act of 2009 has required that an allocation of \$878,421 be made to Erie County for the purpose of carrying out projects eligible under the federal Community Development Block Grant Program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium is hereby authorized to execute an agreement with HUD to undertake the CDBG-R Program in an amount not to exceed \$878,421; and be it further

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

RESOLVED, that said funds shall be established in SAP Fund Account 290, J.00709; and be it further

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

(6-0)

12. COMM. 10E-17 (2009)
COUNTY EXECUTIVE

WHEREAS, your honorable body has approved funding in the 2006, 2007, 2008 and 2009 adopted as amended capital budgets for exterior restoration work, including but not limited to roofing, masonry, brick, trim and iron work at the Erie Community College – City campus main building (old Post Office); and

WHEREAS, your honorable body has approved funding in the adopted as amended 2006 capital budget for upgrading the elevators and making them code and ADA compliant at Erie Community College – North and South campuses; and

WHEREAS, New York State has approved all of the above projects and will reimburse the County for 50% of the total costs; and

WHEREAS, your honorable body has previously approved General Architectural/Engineering agreements for Professional Services with the firm of Trautman & Associates; and

WHEREAS, Requests for Proposals were received for the Erie Community College – City campus exterior restoration work and Flynn Battaglia Architects, PC was selected as having the necessary expertise and manpower to prepare the design and construction documents for this historical building restoration.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into Agreements for Professional Architectural/Engineering services with the firms of Trautman Associates for an

amount not to exceed \$47,000.00 and Flynn Battaglia Architects, PC for an amount not to exceed \$500,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all the above from the following SAP accounts:

E.00065 – 2006 – Exterior Building Renovations (Buffalo) ECC	\$500,000.00
E.00064 – 2006 – Elevator Safety Upgrades – ECC	\$ 47,000.00

for a total amount not to exceed \$547,000.00; 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, Erie Community College – Chief Financial Officer, and the Office of the Comptroller.

(6-0)

13. COMM. 10E-18 (2009)
COUNTY EXECUTIVE

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

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Erie County/Town of Hamburg HOME Consortium, is hereby authorized to execute any and all agreements with the Homeless Alliances of Western New York, Inc. in an amount not to exceed \$8,338 for the purpose of preparing the Homeless Section of the five-year Consolidated Plan and Annual Action Plan; and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the County Comptroller; the County Attorney; the Director of the Division of Budget and Management; and the Commissioner of the Department of Environment and Planning.
(6-0)

TIMOTHY M. KENNEDY
CHAIR

Item 39 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 163

June 4, 2009	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9E-13 (2009)
COUNTY EXECUTIVE: “Real Estate/Space Utilization - Efficiency Grant - Quarterly Update”
(6-0)
 - b. COMM. 10E-22 (2009)
MARINELLI: “Statement Concerning 21st Century Commission Reform Recommendations”
(6-0)
 - c. COMM. 10D-1 (2009)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(6-0)
 - d. COMM. 10D-5 (2009)
CHAIR, 21ST CENTURY COMMISSION: “Copy of News Release Concerning Commission Recommendations”
(6-0)
 - e. COMM. 10M-7 (2009)
DIRECTOR, NEW YORKERS FOR VERIFIED VOTING: “Information Regarding Why NY Should Not Keep Lever Voting Machines”
(6-0)

**BARBARA MILLER-WILLIAMS
CHAIR**

LEGISLATOR RESOLUTIONS

Item 40 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 164

RE: Expressing Support of Maintaining the
Effectiveness of the SWAT Program
(INTRO 11-1)

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

WHEREAS, the Erie County Department of Health (ECDOH) has announced that it will reduce its financial support for the SWAT program; and

WHEREAS, towns and villages in Erie County have come to rely upon county financial support for this critical program; and

WHEREAS, in various parts of the county, there have been past episodes of severe mosquito infestation which have brought loud and strong citizen outcry pointing out the both the extreme personal discomfort as well as the serious health implications that are associated with mosquito infestations; and

WHEREAS, an aggressive mosquito surveillance program which includes the appropriate use of larvicide has proven to be both effective and acceptable to local governments; and

WHEREAS, it is essential that the total effectiveness of the SWAT program be maintained at its highest level in the face of 'budgetary constraints.'

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Commissioner of Health be invited to attend the next meeting of the Energy and Environment Committee to join in discussion with concerned participants in the SWAT program to assure that the past success of the SWAT program will not be diminished as a result of the recent announcement of a reduction of Erie County financial support; and be it further

RESOLVED, the local government participants in the SWAT program be invited to attend this meeting of the Energy and Environment to add their thoughts to a satisfactory solution of this important issue.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to further amend the resolution. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

Add a Third Resolved Clause:

RESOLVED, that certified copies of this resolution be conveyed to the Commissioner of the Erie County Department of Health; Supervisor Satish Mohan, Deputy Supervisor Mark Manna and Highway Superintendent Robert Anderson of Amherst; Supervisor Mary Holtz and Highway Superintendent Mark Wegner of Cheektowaga; Supervisor Anthony Caruana and Highway Superintendent Bradley Rowles of the Town of Tonawanda, and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

Item 41 – CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 11-2 from IANNELLO Calling for Residents of East River Road, Grand Island, to Meet with the Economic Development Committee Regarding Repeated Requests for Repairs to Sections of East River Road, Grand Island.

Item 42 – CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 11-3 from WHYTE, KONST, IANNELLO & REYNOLDS Assessing the Impact of Health Permit Fees on the Ability of Not-for-Profit Veterans Organizations to Provide Services to Veterans.

Item 43 – CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 11-4 from WALTER Opposing NYS Assembly Bills A.1093, A.1275, A.2884 - Which Infringe Upon NYS Residents' Right to Bear Arms.

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

GRANTED.

INTRO 11-5 from WHYTE Domestic Partnership Benefits for Erie County Employees.

Item 45 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 165

RE: Supporting the Reopening of Docket
#FD-33388
(INTRO 11-6)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS IANNELLO, MARINELLI,
WHYTE, KONST & REYNOLDS**

WHEREAS, CSX Transportation Incorporated, a company that had long-planned investments at its facility in Buffalo, recently laid off 132 workers; and

WHEREAS, even in this difficult time for businesses, when job stability is a vital component in stabilizing and stimulating the economy, CSX has signaled its intention to lay off even more workers in the near future, and has plans on shifting business out of the city of Buffalo and even to another state; and

WHEREAS, on July 20, 1998, in decision FD-33388, the Surface Transportation Board allowed CSX to acquire Conrail's assets under the condition that CSX would maintain and improve the rail service within Buffalo; and

WHEREAS, the Board even specifically stated that they will hold CSX accountable to this investment within the docket, stating on page 198 that the transportation company is responsible for "maintaining or increasing current employment levels in the Buffalo area," "investing substantial funds in network improvements," and "upgrading Conrail's existing computer technology and fueling facilities at Buffalo;" and

WHEREAS, Congressman Brian Higgins sent a letter to the acting Chairman of the STB, Francis P. Mulvey, asking to reopen this decision and expressing his disconcerted and angered feelings in regards to these blatant abuses of this contract by the CSX laid out in Docket #FD-33388; and

WHEREAS, Congressman Higgins also outlined ideas such as monetary penalties, displaced worker compensation, and "forced divestiture of rail assets" against CSX as solutions to this appalling behavior; and

WHEREAS, the 132 laid-off workers from CSX is a major defiance against the agreement between the STB and the transportation company in 1998; and

WHEREAS, it is unacceptable for CSX to continue in engaging in activities that are in direct contravention to the intent and stipulations of Docket #FD-33388; and

WHEREAS, the rail shipping industry and the economy of both the city of Buffalo and Western New York has been harmed by the disinvestment of CSX in Buffalo; and

WHEREAS, the company must be held accountable for these egregious violations, and their actions call for the reopening of this significant decision and swift action that will remedy the irresponsible behavior perpetrated by CSX Transportation Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature support the reopening of Docket #FD-33388, which would hold CSX Transportation Incorporated responsible for its actions in light of its breaking the agreement forged with the Surface Transportation Board in 1998; and be it further

RESOLVED, that congruent with the letter sent by United States Congressman Brian Higgins in regards to this matter, we encourage that these violations, which are extremely detrimental to our economy, be reviewed and penalties be issued by the STB to prevent further damage and injustice against workers and the economic state of our region; and be it further

RESOLVED, that certified copies of this resolution be sent to the Acting Chairman of the Surface Transportation Board, U.S. Senators Charles Schumer and Kirsten Gillebrand, the WNY Delegation to the House of Representatives and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED. (11-3)

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 46 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 10E-6 (2009). MS. KONST seconded.

CARRIED UNANIMOUSLY.

Amendments
(COMM. 10E-6, 2009)

WHEREAS, year end budget balancing amendments are necessary to close the County's books and prepare financial statements for review by the County's independent auditors for the 2008 fiscal year; and

WHEREAS, amendments were identified in cooperation with the Erie County Comptroller's Office and in consultation with departmental accountants based on year-end financial reports; and

WHEREAS, 2008 funding within the County Attorney's Risk Retention Fund, the Auto Bureau, Medical Examiner's Office, STOP DWI Program, Social Services, Mental Health, and Department of Environment and Planning, is designated for reappropriation into 2009; and

WHEREAS, the amendments require no additional funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Budget, Management and Finance is hereby authorized to adjust the 2008 Budget in order to facilitate the completion of 2008 financial statements, based on the attached schedule; and be it further

RESOLVED, that authorization is provided to designate available 2008 funding within the County Attorney's Risk Retention Fund in the amount of \$2,551,156; \$136,000 for the County Clerk's Auto Bureau; \$8,172 for various environmental programs within the Department of Environment and Planning; \$123,369 for the Medical Examiner's Office; \$71,461 for the STOP DWI Program; \$179,053 in the Department of Social Services; and \$1,371,736 in the Department of Mental Health; and be it further

RESOLVED, that the County Executive is hereby authorized to enter into agreement and amend the 2008 contract with the Erie County Bar Association Aid to Indigent Program in order to fund \$6,723.95 of mandated 2008 expense for the provision of indigent defense services; and be it further

RESOLVED, that the Director of Budget and Management is authorized to make any further 2008 Budget adjustments that may be required based on adjusting entries identified by the Erie County Comptroller or the County's independent auditors, said adjustments would be made in conjunction with the Office of the Comptroller in preparation of their final financial statements and for no other purpose; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the County Executive, the County Attorney, the Office of the Comptroller and two (2) copies to the Director of Budget and Management.

The following list of accounts is balanced by fund and indicates where adjustments are needed to match year end spending. In most cases the source of funds was obtained from within the department where the shortfall occurred.

Fund Center	Department	Account	Increase/ (Decrease)
Fund 110 - Expense			
100	Legislature		
		500000 FULL-TIME SALARIES	(19,169)
		500020 REGULAR PART TIME WAGES	19,169
	Legislature Total		0
105	Division of Information and Support Services		
		500000 FULL-TIME SALARIES	(20,549)
		500020 REGULAR PART TIME WAGES	20,549
		506200 REPAIRS & MAINTENANCE	(17,186)
		545000 RENTAL CHARGES	17,186
	Division of Information and Support Services Total		0
116	Jail Management		
		500000 FULL-TIME SALARIES	(1,903,640)
		500020 REGULAR PART TIME WAGES	10,434
		500330 HOLIDAY WORKED	10,497
		500350 OTHER EMPLOYEE PYMTS	12,241
		501000 OVERTIME	1,516,563
		505400 FOOD & KITCHEN SUPPLIES	97,658
	Jail Management Total		(256,247)
120	Social Services		
		500000 FULL-TIME SALARIES	(6,496,875)
		500020 REGULAR PART TIME WAGES	688,312
		501000 OVERTIME	1,464,880
		502000 FRINGE BENEFITS	(350,021)
		510000 LOCAL MILEAGE REIMBURSEMENT	44,348
		516010 COMMUNITY AGENCIES	(1,800,000)
		525000 MMIS-MEDICAID LOCAL SHARE	3,556,156
		525040 FAMILY ASSISTANCE (FA)	(2,403,300)
		525050 CWS - FOSTER CARE	(2,964,000)
		525060 SAFETY NET ASSISTANCE	(5,038,000)
		525070 EMERGENCY ASSIST TO ADULTS HANDICAPPED CHILD-LOCAL DIST	425,346
		525080 MAINT	239,330
		525090 CHILD CARE-DSS	560,584
		525130 STATE TRAINING SCHOOL (STS)	819,671
		525150 DSH EXPENSE PIVOT PROGRAM CLIENT WAGE	8,289,569
		530030 SUBSIDIES	(1,336,000)
	Social Services Total		(4,300,000)
163	Senior Services		
		500000 FULL-TIME SALARIES	(24,215)

Fund Center	Department	Account	Increase/ (Decrease)
		500020 REGULAR PART TIME WAGES	24,215
	Senior Services Total		0
500	ECMCC		
		FRINGE BENEFITS-RETIREE MED	
		502070 INSUR.	116,877
		516050 DEPT PAYMENTS TO ECMCC/H	179,020
	ECMCC Total		295,897
510	ECHOME		
		FRINGE BENEFITS-RETIREE MED	
		502070 INSUR.	(145,520)
	ECHOME Total		(145,520)
10610	Division of Purchase		
		500000 FULL-TIME SALARIES	(10,000)
		500010 PART-TIME WAGES	(10,000)
		500350 OTHER EMPLOYEE PYMTS	20,000
	Division of Purchase Total		0
10910	Office of Public Advocacy		
		500000 FULL-TIME SALARIES	(47,639)
		500020 REGULAR PART TIME WAGES	47,639
	Office of Public Advocacy Total		0
11200	Comptroller		
		500000 FULL-TIME SALARIES	(50,814)
		516020 PRO SER CNT AND FEES	50,814
	Comptroller Total		0
11510	Sheriff Division		
		500000 FULL-TIME SALARIES	127,041
		500010 PART-TIME WAGES	(45,070)
		500330 HOLIDAY WORKED	31,451
		500340 LINE-UP	11,541
		500350 OTHER EMPLOYEE PYMTS	136,396
		501000 OVERTIME	474,856
		502000 FRINGE BENEFITS	(419,323)
		510100 OUT OF AREA TRAVEL	(10,645)
		561410 LAB & TECH EQUIP	(50,000)
	Sheriff Division Total		256,247
12210	DPW Commissioner		
		500000 FULL-TIME SALARIES	(8,681)
		501000 OVERTIME	17,333
	DPW Commissioner Total		8,652
12220	Division of Buildings & Grounds		
		500000 FULL-TIME SALARIES	(522,260)
		500020 REGULAR PART TIME WAGES	181,284
		501000 OVERTIME	229,332
		502000 FRINGE BENEFITS	(51,988)

516020	PRO SER CNT AND FEES	51,028
575040	INTERFUND-UTILITIES FUND	103,952
Division of Buildings & Grounds Total		(8,652)

Fund Center	Department	Account	Increase/ (Decrease)
12230	DPW - Bureau of Weights & Measures		
		500000 FULL-TIME SALARIES	(21,429)
		500020 REGULAR PART TIME WAGES	21,429
	DPW - Bureau of Weights & Measures Total		0
12420	Mental Health Forensic Services		
		500000 FULL-TIME SALARIES	(13,758)
		500020 REGULAR PART TIME WAGES	13,758
	Mental Health Forensic Services Total		0
12520	Youth Detention		
		500000 FULL-TIME SALARIES	(24,322)
		501000 OVERTIME	24,322
	Youth Detention Total		0
12610	Probation		
		500000 FULL-TIME SALARIES	(163,703)
		500020 REGULAR PART TIME WAGES	163,703
		502000 FRINGE BENEFITS	(23,550)
		510000 LOCAL MILEAGE REIMBURSEMENT	21,885
		559000 COUNTY SHARE - GRANTS	85,665
		561410 LAB & TECH EQUIP	(84,000)
	Probation Total		0
12700	Health Division		
		516020 PRO SER CNT AND FEES	(64,898)
		516050 CONTRACTUAL-ECMC	64,898
	Health Division Total		0
12720	Health - Emergency Medical Services		
		516050 CONTRACTUAL-ECMC	24,200
		561410 LAB & TECH EQUIP	(24,200)
	Health - Emergency Medical Services Total		0
12730	Health - Public Health Lab		
		500000 FULL-TIME SALARIES	(78,290)
		500020 REGULAR PART TIME WAGES	(52,430)
		501000 OVERTIME	113,242
		502000 FRINGE BENEFITS	(144,797)
		505800 MEDICAL SUPPLIES	(51,000)
		510000 LOCAL MILEAGE REIMBURSEMENT	53,473
		516020 PRO SER CNT AND FEES	(169,300)
		516050 CONTRACTUAL-ECMC	705,553
	Health - Public Health Lab Total		376,451
12740	Health - Medical Examiner's Division		
		500000 FULL-TIME SALARIES	(44,858)
		500020 REGULAR PART TIME WAGES	11,182

Fund Center	Department	Account	Increase/ (Decrease)
		501000 OVERTIME	33,676
		Health - Medical Examiner's Division Total	0
12750	Health - Persons/Special Needs		
		500000 FULL-TIME SALARIES	(23,345)
		500010 PART-TIME WAGES	23,345
		Health - Persons/Special Needs Total	0
14010	County Wide Budget Accounts		
		504990 REDUCTIONS FOR PERSONNEL SRVS	4,300,000
		516020 PRO SER CNT AND FEES	634,580
		County Wide Budget Accounts Total	4,934,580
14020	County Wide Interfund Accounts		
		570020 INTERFUND-ROAD	3,392,300
		County Wide Interfund Accounts Total	3,392,300
14030	Community College		
		CO RESIDENTS ENROLLED COMM	
		520020 COLL	527,079
		Community College Total	527,079
15000	Board of Elections		
		500000 FULL-TIME SALARIES	(153,524)
		501000 OVERTIME	153,524
		Board of Elections Total	0
16110	Personnel Department		
		500000 FULL-TIME SALARIES	(53,116)
		500020 REGULAR PART TIME WAGES	37,058
		500350 OTHER EMPLOYEE PYMTS	16,058
		Personnel Department Total	0
16410	Parks		
		500000 FULL-TIME SALARIES	(179,090)
		500020 REGULAR PART TIME WAGES	34,164
		501000 OVERTIME	17,908
		575040 INTERFUND-UTILITIES FUND	127,018
		Parks Total	0
16440	Parks - City of Buffalo		
		500000 FULL-TIME SALARIES	(86,301)
		500020 REGULAR PART TIME WAGES	86,301
		Parks - City of Buffalo Total	0
16500	Central Police Services		
		500000 FULL-TIME SALARIES	(42,730)
		500020 REGULAR PART TIME WAGES	42,730

	Central Police Services Total	0
16700	Emergency Services	
	500000 FULL-TIME SALARIES	(50,688)
	500010 PART-TIME WAGES	50,688
	Emergency Services Total	0
1335010	Aid to Local Governments	
	SALES TAX TO LOCAL GOVERNMENTS	
	516060	5,493,445
	Mass Transit Total	5,493,445
	Total Fund 110 Expense Adjustment	10,574,232

Fund Center	Department	Account	Increase/ (Decrease)
Fund 110 - Revenue			
14010	County Wide Budget Accounts		
	402000	SALES TAX COUNTY SHARE	2,346,207
	402100	1% SALES TAX	2,100,000
	402140	SALES TAX LOCAL GOV	5,493,445
	415360	LEGAL SETTLEMENTS	634,580
	County Wide Budget Accounts Total		10,574,232
	Total Fund 110 Revenue Adjustment		10,574,232
	Net Change Fund 110		0

Fund 210 - Expense			
123	Highways (DPW)		
	500000	FULL-TIME SALARIES	(530,581)
	500300	SHIFT DIFFERENTIAL	24,039
	500330	HOLIDAY WORKED	(25,852)
	500350	OTHER EMPLOYEE PYMTS	65,257
	501000	OVERTIME	1,050,357
	502000	FRINGE BENEFITS	152,281
	505600	AUTO SUPPLIES	(77,878)
	506200	REPAIRS & MAINTENANCE	(58,623)
	506400	HIGHWAY SUPPLIES	(104,905)
	Highways (DPW) Total		494,095

Fund 210 - Revenue			
123	Highways (DPW)		
	486000	INTERFND REV SUBSIDY	494,095
	Highways (DPW) Total		494,095
	Net Change Fund 210		0

Fund 310 - Debt Service Adjustments

173	Sewer Debt District 1, 4, 5			
	550000	PRINCIPAL – BONDS		(35,289)
	570000	INTERFUND TRANSFER SUBSIDY		35,289
	Sewer Debt District 1, 4, 5 Total			0
174	Sewer Debt District 2			
	550110	BOND ISSUE COST		(16,000)
	570000	INTERFUND TRANSFER SUBSIDY		16,000
	Sewer Debt District 2 Total			0
175	Sewer Debt District 3/Southtowns			
	550000	PRINCIPAL – BONDS		(43,000)
	570000	INTERFUND TRANSFER SUBSIDY		43,000
	Sewer Debt District 3/Southtowns Total			0
Fund Center	Department	Account		Increase/ (Decrease)
176	Sewer Debt District 6			
	550000	PRINCIPAL – BONDS		(13,000)
	570000	INTERFUND TRANSFER SUBSIDY		13,000
	Sewer Debt District 3/Southtowns Total			0
Total Fund 310 Adjustment				0
Adjustments to Fund 240 – Downtown Mall				
10200	Monitored by Budget			
	Revenue			
		400050	INT & PEN ON REAL PROP TAXES	9,627
	Appropriations			
		516010	CONTRACTUAL PMTS	9,627
Net Change Fund 240				0
Adjustments to Fund 220 – Sewer Districts				
18010	Sewerage Management			
	Appropriations			
		500000	FULL TIME SALARIES	(141,139)
		500020	REGULAR PART TIME	45,980
		500350	OTHER EMPLOYEE PAYMENTS	34,054
		980000	ID DISS SERVICES	61,105
Net Change Fund 220				0

Additional Adjustments to Fund 110

The following reclassifications and adjusting entries to fund 110, are recommended by the Comptroller's Office

17000	County-wide Comptroller Revenue		
	400050	INT & PEN ON REAL PROP TAXES	1,518,382
	402110	SALES TAX TO ECFSA	(386,851,389)
	445010	ECFSA INTERET INTERCEPT	(368,315)
	486000	INTERFUND REVENUE SUBSIDY	<u>386,851,389</u>
	Total Revenue		1,150,067
	Appropriations		
	511000	CONTROL BOARD EXPENSE	(368,315)
	570000	INTERFUND TRANSFER SUBSIDY	<u>1,518,382</u>
	Total Expense		1,150,067
Net Change County-wide Comptroller Total			0

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

CARRIED UNANIMOUSLY.

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

RESOLVED, that the authorization is provided to designate for reappropriation into 2009 available 2008 funding within the County Attorney's Risk Retention Fund in the amount of \$2,551,156; \$136,000 for the County Clerk's Auto Bureau; \$8,172 for various environmental programs within the Department of Environment and Planning; \$123,369 for the Medical Examiner's Office; \$71,461 for the STOP DWI Program; \$179,053 in the Department of Social Services; and \$1,371,736 in the Department of Mental Health provided that all such funds shall be used for the same purpose as provided in the 2008 budget; and be it further

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

CARRIED UNANIMOUSLY.

Item 47 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 10E-10 (2009). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 167

RE: EC Soil & Water Conservation District Agreement
(COMM. 10E-10, 2009)

WHEREAS, the County of Erie had previously entered into a contract with the Erie County Soil and Water Conservation District who have the necessary expertise and personnel to perform the necessary inspections, evaluations and carry out administrative responsibilities related to the delivery of various technical services including stream bank maintenance, bridge and culvert scour maintenance; and

WHEREAS, it has become necessary to implement the County-wide Stream Maintenance Program to continue to reduce erosion and localized flood related risk to roads, bridges, culverts and

rights-of-way by removing gravel bars and vegetative debris obstructing or diverting natural flow of streams, repair bridge and culvert scour or prevention of same; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipalities and districts to contract to perform together that which each public entity is authorized to perform individually; and Article 5, Section 99-R of the same General Municipal Law authorizes Erie County and the District to contract by direct negotiations for services of government not regularly provided to the public as part of general government services; and

WHEREAS, the Legislative Body of Erie County and the Board of Directors of the Erie County Soil and Water Conservation District have previously authorized a municipal agreement on May 10, 2001 at Meeting Number 11, Communication Number 9E-34, and on March 4, 2004 at Meeting Number 6, Communication Number 5E-18 for the purpose of performing a County-wide Stream Maintenance Program.

NOW, THEREFORE, BE IT

RESOLVED, that the Agreement between the County of Erie and the Erie County Soil and Water Conservation District be renewed in an amount of \$250,000.00 to be allocated within Fund 210, Highways - Cost Center 1231010, 506400 - Highway Supplies to 516020 – Professional Services, for technical services to reduce erosion, scour, and localized flooding related risk to roads, bridges, culverts, and rights-of-way at various locations; and be it further

RESOLVED, that the Erie County Legislature does hereby approve the following budget amendments:

Fund 210, Cost Center 1231010

<u>ACCOUNT</u>	<u>Reduce</u>
506400- Highway Supplies	\$250,000.00
	<u>Increase</u>
516020 – Professional Services	\$250,000.00

and be it further

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

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 48 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11E-29 from KENNEDY Re: Letter to Chair Marinelli requesting a Public Hearing on Local Law Intro 4-1

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY CLERK

Item 49 – (COMM. 11E-1) NYS Mortgage Tax Semi-Annual Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 50 – (COMM. 11E-2) ECC 2009-2010 Budget

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LEGISLATOR IANNELLO & CHAIR MARINELLI

Item 51– (COMM. 11E-3) Copy of Letter to Congress - CSX Disinvesting in its Buffalo Facility

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMPTROLLER

Item 52 – (COMM. 11E-4) Copies of Audited Financial Statements and Management Letter for ECC Fiscal Year Ending 8/31/08

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LEGISLATOR REYNOLDS

Item 53 – (COMM. 11E-5) Notice of Absence From Legislative Session to be Held June 11, 2009

Received, Filed and Printed.

June 1, 2009

Robert M. Graber, Clerk
Erie County Legislature
Old County Hall, 4th Floor
Buffalo, New York 14202

Re: Absence From Legislative Session Held Thursday, June 11 2009

Dear Mr. Graber,

I will be unable to attend the Legislative Session on Thursday, June 11, 2009, as I will be out of town. This is a family scheduled trip that was planned last year to visit my daughter and grandson in New Jersey.

Please note this as an unavoidable absence in the official record of the Legislature.

Thank you for your attention to this matter.

Sincerely,

Robert B. Reynolds
Erie County Legislator-District 12

FROM LEGISLATOR GRANT

Item 54– (COMM. 11E-6) Copy of Letter to Commissioner of the Env. & Planning - Requesting Attendance at the Community Enrichment Committee Meeting to be Held June 18, 2009

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 55 – (COMM. 11E-7) ECSD #2 - Lake St. & Point Breeze Pumping Station - Bid Opening

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 56 – (COMM. 11E-8) Appointment to Senior Services Advisory Board

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 57 – (COMM. 11E-9) Appointment of Probation Director

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 58 – (COMM. 11E-10) Authorization to Renew Lease - 438 Main St., Buffalo

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 59 – (COMM. 11E-11) Emery Park - 2009 - Ski Lodge Roof Replacement

Item 60 – (COMM. 11E-12) Chestnut Ridge Park - 2009 - Casino Building Roof & Facade Improvements

Item 61 – (COMM. 11E-13) Buffalo & Erie County Botanical Gardens - 2009 - New Growing House

Item 62 – (COMM. 11E-14) Rath Building - 2009 - Parking Garage Improvements

Item 63 – (COMM. 11E-15) Rath Building - Low Rise Elevator Modernization - Architectural/Engineering Fee

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

Item 64 – (COMM. 11E-16) Establish ARRA Congregate Dining & Home Delivery Meals Programs Grant Budgets

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 65 – (COMM. 11E-17) Right of Way Acquisition - Cemetery Rd., Bridge Replacement - Lancaster

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 66 – (COMM. 11E-18) 2009 Revenue Anticipation Notes Resolution ("RAN")

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 67 – (COMM. 11E-19) Erie County Correctional Facility - 2009 - Roof, Exterior and Security Improvements

Item 68 – (COMM. 11E-20) Dr. Gajewski Human Services Center - 2009 - Roof Replacement

Item 69 – (COMM. 11E-21) Buffalo Niagara Convention Center - 2009 - Exhibit Hall & Kitchen Improvements - Architectural/Engineering Fee

Item 70 – (COMM. 11E-22) Old County Hall - 2009 - Clock Tower & Exterior Window Improvements - Architectural/Engineering Fee

Item 71 – (COMM. 11E-23) Erie County Court Building - 2009 - Roof Replacement

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

Item 72 – (COMM. 11E-24) Grant Programs - Authorization to Contract

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 73 – (COMM. 11E-25) Transfer of Fleet Mechanics Positions to Division of Highways

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 74 – (COMM. 11E-26) Chestnut Ridge Park - 2008 - Toboggan Run Tower Improvements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 75 – (COMM. 11E-27) Personnel Adjustment - Health Dept. - Special Needs Division

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 76 – (COMM. 11E-28) Professional Fees Appropriations - Forensic Accounting Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 77 – (COMM. 11D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER OF ENVIRONMENT & PLANNING

Item 78 – (COMM. 11D-2) State Environmental Quality Review - Sanitary Sewer Service to 7584 Boston State Rd.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 79 – (COMM. 11D-3) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF BUDGET AND MANAGEMENT

Item 80 – (COMM. 11D-4) Budget Monitoring Report for Period Ending 4/30/09

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF PUBLIC WORKS

Item 81 – (COMM. 11D-5) Copy of Letter from Town of Holland Supervisor - Serious Road Erosion on Certain Holland Roads

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE DEPUTY COMMISSIONER, ENVIRONMENT & PLANNING

Item 82 – (COMM. 11D-6) State Environmental Quality Review - Botanical Gardens Cistern Installation Project

Item 83 – (COMM. 11D-7) State Environmental Quality Review - Erie County Highways Cistern Installation Project

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

FROM THE COUNTY ATTORNEY

Item 84 – (COMM. 11D-8) Freedom of Information Law ("FOIL") Request

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ENVIRONMENT REVIEW COORDINATOR,
ENVIRONMENT & PLANNING

Item 85 – (COMM. 11D-9) State Environmental Quality Review - South Main St. Waterline Improvements - Village of Angola

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC HISTORIAN

Item 86 – (COMM. 11D-10) Progress Report for Projects Completed or In-Progress - May 25, 2009

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 87 – (COMM. 11M-1) Audubon Branch Library - Agenda Items for Meeting Held Thursday 5/21/09

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ECIDA

Item 88 – (COMM. 11M-2) Letter Requesting Confirmation of Attendance at Meeting to be Held June 8, 2009

Received and Filed.

FROM THE NFTA

Item 89 – (COMM. 11M-3) Cash Flow Statements for 4/1/08 - 3/31/09 and 4/1/09 - 3/31/10

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE TOWN CLERK - TOWN OF ALDEN

Item 90 – (COMM. 11M-4) Copy of Town Board Resolution Opposing the Establishment of a County Planning Board - Local Law Intro 1-1, "The Strategic Development Act"

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM MUSICAL FARE

Item 91 – (COMM. 11M-5) Letter Thanking Legislature for its Support of Musical Fare Theatre and Other Organizations in its 2009 Budget

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE STATE OF NY PUBLIC SERVICE COMMISSION

Item 92 – (COMM. 11M-6) Notice Soliciting Comments - Re: Proceedings to Evaluate a Standardized Facility & Equipment Transfer Program (SAFE-T)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 93 – (COMM. 11M-7) Public Access Computer Statistics - April 2009

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 94 – (COMM. 11M-8) Fact Sheet - NYSDEC Modifies Cleanup Plan for Spaulding Fibre Site, Tonawanda

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN CLERK - TOWN OF WEST SENECA

Item 95 – (COMM. 11M-9) Unanimously Adopted Resolution in Support of Renaming Ridge Rd., "Father Baker Boulevard"

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM MICHAEL H. HOFFERT - PRES.,
BUFFALO AFL-CIO LABOR COUNCIL

Item 96 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 168

RE: Letter Requesting Consideration
for Appointment to ECMCC
Board of Directors
(COMM. 11M-10)

MS. WHYTE moved to amend the item. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

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

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for the two (2) non-voting Ex-Officio direct appointments to the ECMCC Board of Directors; and

WHEREAS, the terms for the Legislature's two (2) non-voting Ex-Officio direct appointments, one (1) Majority Caucus appointment and one (1) Minority Caucus appointment, to the ECMCC Board of Directors have expired and the appointees are presently serving in a holdover capacity; and

WHEREAS, in order to bring the non-voting Ex-Officio appointments current, Legislature action is necessary to ensure the proper functioning of the ECMCC Board of Directors on behalf of and directly for the County of Erie.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby makes the following Non-Voting Ex-Officio direct appointments representing the Majority Caucus and the Minority Caucus of the Legislature to the ECMCC Board of Directors:

Majority Caucus Appointment
Michael H. Hoffert
55 Coburg St.
Buffalo, NY 14216

Term Expires:
December 31, 2009

Minority Caucus Appointment:
Ronald P. Bennett
280 Parkdale Ave.
East Aurora, NY 14052

Term Expires:
December 31, 2009

and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward a certified copy of this resolution to Ms. Pat Grasha, Erie County Medical Center Corporation Board of Directors' Office.

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

CARRIED UNANIMOUSLY.

FROM 1199 SEIU - UNITED HEALTHCARE WORKERS EAST

Item 97 – (COMM. 11M-11) Elimination of Kaleida Health Early Childhood Program (ECP)

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM SENATOR VOLKER

Item 98 – (COMM. 11M-12) Letter Acknowledging Receipt of Certified Resolutions

Received and Filed.

FROM THE NFTA

Item 99 – (COMM. 11M-13) Minutes from NFTA Board Meeting Held April 27, 2009

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM COLUCCI & GALLAHER, P.C.

Item 100 – (COMM. 11M-14) ECMCC Agenda Items for Board of Directors Meeting Held 5/27/09

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM MEALS ON WHEELS FOUNDATION OF WNY

Item 101 – (COMM. 11M-15) Copy of Letter to Legislator Whyte Regarding Update on Meals on Wheels Commissary Project

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ERIE CANAL HARBOR DEVELOPMENT CORP.

Item 102 – (COMM. 11M-16) Copy of Letter to Chair Marinelli Inviting Legislature to Attend Meeting Scheduled for 6/16/09 - Draft Coordination Plan/Initial Project Meeting

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEC

Item 103 – (COMM. 11M-17) Fact Sheet - Environmental Cleanup Plan for 200 Ship Canal - Parkway Site - Available for Public Comment

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM SOUTH BUFFALO DEVELOPMENT, LLC

Item 104 – (COMM. 11M-18) Copy of Letter Informing the Public that the Cleanup & Redevelopment of the Buffalo Color Site Has Begun

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEC

Item 105 – (COMM. 11M-19) Copy of Notice of Public Meeting to be Held 6/12/09 - Tonawanda Community Air Quality Study

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 106 – CHAIR MARINELLI announced that the schedule of upcoming committee meetings has been distributed, and noted the scheduling of Legislature Public Hearings on Wednesday, June 24, 2009.

MEMORIAL RESOLUTIONS

Item 107 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Patrick J. Maxwell and Kathy Murphy Mayfield.

Item 108 – Legislator Wroblewski requested that when the Legislature adjourns, it do so in memory of Renee C. Greco.

Item 109 – Legislator Konst requested that when the Legislature adjourns, it do so in memory of Joseph E. Goodell Jr., a member of the Erie County Fiscal Stability Authority.

Item 110 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Fanny V. Rogers and Donald R. ‘Corky’ Sobocinski.

Item 111 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of NBA Great Randy Smith; and Kowat Rual, age 15.

Item 112 – Legislator Grant requested that when the Legislature adjourns, it also do so in memory of Randy Smith.

Item 113 – Legislator Whyte requested that when the Legislature adjourns, it also do so in memory of John T. Rockmore. Legislator Whyte further spoke of the rise in youth violence which took the life of Mr. Rockmore.

Item 114 – Legislator Kozub requested that when the Legislature adjourns, it also do so in memory of Alex Goldstein and Darleen T. Jones.

ADJOURNMENT

Item 115 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MS. KONST moved that the Legislature adjourn until Thursday, June 25, 2009 at 2:00 P.M. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, June 25, 2009 at 2:00 P.M. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE