

**ERIE COUNTY LEGISLATURE  
MEETING NO. 11  
JUNE 12, 2008**

The Legislature was called to order by Chair Marinelli.

All members present, except Legislator Miller-Williams.

An Invocation was held, led by Joanne Russ of the Concerned Ecumenical Ministry, who attended this Session of the Legislature upon the request of Mr. Mazur.

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 2008. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. REYNOLDS presented a resolution Congratulating the Hamburg American Legion Post #527 for Hosting the 90th Erie County Convention and the 8th District Convention.

Item 6 – MR. MAZUR presented a resolution Honoring the Memory of Terrence J. Smerka.

Item 7 – MR. MAZUR presented a resolution Honoring the Memory of Daniel J. Lazich.

Item 8 – MR. KENNEDY & CHAIR MARINELLI presented a resolution Applauding Governor Paterson's Appointment of Robert G. Wilmers of Buffalo as Chair of Empire State Development Corporation.

Item 9 – MR. MAZUR presented a resolution Celebrating the 50th Year of Ordination of Rev. Stanley F. Nowak.

Item 10 – MS. IANNELLO presented a resolution Recognizing Jeremy Sawyer for Winning the American Legion Poppy Poster Contest in the Erie-Niagara Region.

Item 11 – MS. IANNELLO presented a resolution Recognizing Rebecca Russell Upon Receipt of the DeGraff Memorial Hospital Auxiliary's Scholarship.

Item 12 – MS. IANNELLO presented a resolution Recognizing Eric Mikos Upon His Promotion to the Rank of Specialist in the Headquarters Company Brigade Special Troops Battalion 27th.

Item 13 – MS. IANNELLO presented a resolution Recognizing Gerald Griffin on His Promotion to the Rank of Private in the Headquarters Company Brigade Special Troops Battalion 27th.

Item 14 – MS. IANNELLO presented a resolution Recognizing Maryann Orcutt on Her Promotion to the Rank of Private First Class in the 29th Personnel Service Detachment Unit.

Item 15 – MS. IANNELLO presented a resolution Recognizing John Percy Upon Receiving the Julia Reinstein Award for Outstanding Service as a Public Historian.

Item 16 – MS. IANNELLO presented a resolution Honoring the Memory of Leatrice A. Miller.

Item 17 – MS. IANNELLO presented a resolution Recognizing Alicia Jean Sommer on Being Named a Rotary/PTSA Student of the Month.

Item 18 – MS. IANNELLO presented a resolution Recognizing Caitlin Radecki on Being Named a Rotary/PTSA Student of the Month.

Item 19 – MS. IANNELLO presented a resolution Recognizing Jacob Ferrante on Being Named a Rotary/PTSA Student of the Month.

Item 20 – MS. IANNELLO presented a resolution Recognizing Jessica Oyer on Being Named a Rotary/PTSA Student of the Month.

Item 21 – MS. IANNELLO presented a resolution Recognizing Stefane Samland on Being Named a Rotary/PTSA Student of the Month.

Item 22 – MS. IANNELLO presented a resolution Recognizing James Sica on Being Named a Rotary/PTSA Student of the Month.

Item 23 – MS. IANNELLO presented a resolution In Honor of Monsignor Dino A. Lorenzetti Upon the Anniversary Celebration of 55 Years Since His Ordination to the Priesthood.

Item 24 – MS. IANNELLO presented a resolution Recognizing Kenneth Manning Upon Receiving the 2008 President's Pro Bono Service Award from the New York State Bar Association for Pro Bono Service.

Item 25 – MS. IANNELLO presented a resolution Recognizing Neal Hodgson Upon His Retirement from Erie County for His Many Years of Dedicated Service.

Item 26 – MS. IANNELLO presented a resolution Honoring the Memory of Genevieve B. Lee.

Item 27 – MS. IANNELLO presented a resolution Honoring the Memory of Lillian I. Mezzie.

Item 28 – MS. IANNELLO presented a resolution Recognizing Grand Island Fire Company for 70 Years of Emergency Service and Sacrifice for the Community.

Item 29 – MR. MILLS presented a resolution Honoring Kevin Shelley on His Retirement as Colden Highway Superintendent.

Item 30 – MR. MILLS presented a resolution Honoring Angelo J. Caruana on Achieving the Rank of Eagle Scout.

Item 31 – MR. MILLS presented a resolution Honoring Matthew Simson on Achieving the Rank of Eagle Scout.

Item 32 – MR. MILLS presented a resolution Honoring Erik Schuster on Achieving the Rank of Eagle Scout.

Item 33 – MR. RATH & CHAIR MARINELLI presented a resolution Honoring the Holy Angels Sage Team for Their National 2nd Place Award and Wishing Them Luck at the Sage World Cup in Nigeria.

Item 34 – CHAIR MARINELLI, MR. KOZUB, MR. MAZUR & MR. WROBLEWSKI presented a resolution Congratulating Ralph Galanti, Jr. on His Induction Into the Erie Community College Athletics Hall of Fame.

Item 35 – MR. KENNEDY presented a resolution Honoring Timothy Kennedy for Signing an NHL Contract with the Buffalo Sabres.

Item 36 – CHAIR MARINELLI presented a resolution Honoring Kevin Quick Jr. for Signing an NHL Contract with the Tampa Bay Lightning.

Item 37 – MR. KENNEDY presented a resolution Honoring Michael Ratchuk for Signing an NHL Contract with the Philadelphia Flyers.

Item 38 – MS. GRANT & MS. MILLER-WILLIAMS presented a resolution Honoring the 2008 NAACP Award Winners.

Item 39 – MR. KENNEDY presented a resolution Honoring South Buffalo Alive and Their Parade of Circles.

Item 40 – MS. IANNELLO presented a resolution Honoring Dominik Hasek Upon His Retirement After Sixteen Years in the National Hockey League.

Item 41 – CHAIR MARINELLI, MS. WHYTE, MR. KOZUB, MS. MILLER-WILLIAMS, MS. GRANT & MR. REYNOLDS presented a resolution National "Dump The Pump Day" - June 19, 2008.

MS. WHYTE moved for consideration of the above thirty-seven items. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above thirty-seven items by including Et Al Sponsorship and adding one from CHAIR MARINELLI. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 42 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 43 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 44 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 45 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 46 - CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 47 – CHAIR MARINELLI directed that the agenda be taken out of order and the forty-seventh item for consideration would be INTRO 11-7 (2008).

GRANTED.

MR. KENNEDY presented the following resolution and asked for immediate consideration. MS. WHYTE seconded. MR. KOZUB abstained.

CARRIED. (13-0-1)

RESOLUTION NO. 193

RE: Legislature Recommendation for  
Appointment to the Niagara Frontier  
Transportation Authority Board of  
Commissioners  
(INTRO 11-7)

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

WHEREAS, the New York State Public Authorities Law, Section 1299-C, provides that of the ten members of the NFTA Board of Commissioners, one shall be appointed upon the recommendation of the Erie County Legislature; and

WHEREAS, the previous Legislature recommended appointee has submitted his resignation resulting in a vacancy in this important public policy position, and as such, the Legislature must act expeditiously to recommend to Governor David A. Paterson a Commissioner to ensure that the Commissioner is approved by the New York State Senate before that Honorable Body adjourns in the coming weeks; and

WHEREAS, James J. Eagan has established a lifetime of excellence in service to our community; he has earned a strong reputation of leadership in business and community involvement, and he is known for consistently demonstrating a spirit of cooperation and mutual respect in his volunteer and professional endeavors.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby respectfully calls upon the Governor of New York State, the Honorable David A. Paterson, to appoint James J. Eagan (231 Pinewood Dr., West Seneca, NY 14224), as a member of the Niagara Frontier Transportation Authority Board of Commissioners, to complete the balance of a five-year term ending on June 30, 2011; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to forward certified copies of this resolution to Governor Paterson; the Majority Leader of the New York State Senate, the Honorable Joseph L. Bruno; the Secretary of the NFTA Board of Commissioners; and James J. Eagan.

MR. KENNEDY moved to amend the resolution by adding Et Al Sponsorship. MR. MAZUR seconded. MR. KOZUB abstained.

CARRIED. (13-0-1)

MR. KENNEDY moved to approve the resolution as amended. MR. MAZUR seconded. MR. KOZUB abstained.

CARRIED. (13-0-1)

**LOCAL LAWS - CONTINUED**

Item 48 – MS. IANNELLO moved to take Local Law No. 3 (Print #2) 2008 off the table. MR. REYNOLDS seconded.

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

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

FAILED.

Item 49 – MS. WHYTE moved to take Local Law No. 4 (Print #1) 2008 off the table. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the following item, Local Law No. 4 (Print #1) 2008. MR. RATH seconded.

**COUNTY OF ERIE**

LOCAL LAW NO. 3 -2008

LOCAL LAW INTRO NO.      -2008

A LOCAL LAW relating to the leasing of approximately 2 acres of vacant land on the South Campus of Erie Community College to West Herr Imports, LLC d/b/a West Herr Toyota of Orchard Park.

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1.

The Erie County Legislature hereby finds that certain vacant land comprising approximately 2 acres on the South Campus of Erie Community College is not presently needed for County purposes and that such land shall be best utilized to the County's and the College's benefit by permitting the County to lease the property for fair and reasonable consideration to West Herr Imports LLC d/b/a West Herr Toyota of Orchard Park, New York whose principal offices are located at 3448 McKinley Parkway, Blasdell, New York 14219 ("West Herr"). Said property will be used as a site for the construction and operation of a parking surface for displaying vehicles for sale by West Herr. The property is adjacent to the West Herr Toyota Dealership at 4141

Southwestern Boulevard in Orchard Park, replacing property lost by West Herr through eminent domain proceedings brought by the State of New York for the reconstruction and widening of Southwestern Boulevard, Route 20.

Section 2.

The County of Erie, on behalf of ECC may enter into a Lease Agreement for such surplus vacant land with West Herr upon such terms and conditions as may be set forth in a resolution enacted by the Erie County Legislature including, but not limited to, the conditions set forth in Section 3 hereafter.

Section 3.

The County of Erie, on behalf of Erie Community College, shall enter into a Lease Agreement that shall provide for the lease of said vacant land for an initial term of five years which shall begin as soon as practical upon the approval of the Erie County Legislature and the Erie County Fiscal Stability Authority, whichever occurs last; provided, however, that West Herr shall have the right to renew the Lease for up to three additional five-year terms upon written notice to the County at any time prior to the end of the initial term and each renewal term.

Section 4.

This local law shall take effect immediately upon its filing in accordance with Section 27 of the Municipal Home Rule Law.

JOHN J. MILLS  
MICHAEL H. RANZENHOFER  
EDWARD A. RATH

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

AYES: MR.MILLS, MR. RANZENHOFER, MR. RATH, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. NOES: None. (AYES: 14, NOES: 0)

CARRIED UNANIMOUSLY.

Item 50 - CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 51 - MR. MAZUR presented the following report, moved to separate item Number 3, and moved to approve the balance of the report. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 194

JUNE 5, 2008

HEALTH & HUMAN SERVICES  
COMMITTEE  
REPORT NO. 9

ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MILLER-WILLIAMS AND REYNOLDS. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 7E-18 (2008)  
**RATH:** Letter to Health & Human Services Chair Thomas J. Mazur Concerning Project Sticker Shock  
(7-0)
2. COMM. 10E-13 (2008)  
**COUNTY EXECUTIVE**  
WHEREAS, on April 3, 2008 the Erie County Legislature approved a non-recurring bonus allocation in the amount of \$361,037 from the New York State Office of Temporary and Disability Assistance (OTDA) – reference COMM. 6E-16; and  
  
WHEREAS, authorization to enter into a \$49,000 contract for Employee Training and Education with the Center for Development of Human Services (CDHS) was approved as part of that resolution; and  
  
WHEREAS, Erie Community College (ECC) can provide the training with minimal overhead charges; and  
  
WHEREAS, there is no fiscal impact to this resolution.  
  
NOW, THEREFORE, BE IT  
  
RESOLVED, that the County Executive and/or the Commissioner of Social Services be authorized to execute a \$49,000 contract with Erie Community College for Employee Training and Education; and be it further  
  
RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.  
(4-0)
3. COMM. 10E-30 (2008)  
**COUNTY EXECUTIVE**



WHEREAS, the Division of the Medical Examiner of the Erie County Health Department is mandated to provide a system of death investigations to determine cause of death; and

WHEREAS, the need exists to re-structure the Division of the Medical Examiner to maintain viability and increase the ability to attract and recruit highly trained forensic pathologists; and

WHEREAS, the Division of the Medical Examiner has conducted a national search for over six (6) months to replace the forensic pathologist who retired; and

WHEREAS, there are only four hundred (400) board certified forensic pathologists nationally; and

WHEREAS, the National Accreditation of Medical Examiners (NAME) recommends a caseload of 250-300 cases for each forensic pathologist, and the caseload at the Medical Examiner's Office is over 1200 cases which is currently divided between 2.5 forensic pathologists due to the retiring of one of the forensic pathologist back in August; and

WHEREAS, the candidate that applied is board certified and has over twenty (20) years experience; and

WHEREAS, the vacant full-time position of Associate Chief Medical Examiner, position # 583, JG 22, Step E, needs to be deleted, and one full time Deputy Chief Medical Examiner position, JG 24, Step 5, commensurate with the training, education and experience of the individual needs to be created; and

WHEREAS, to further aid in recruitment and retention activities, the Division of Medical Examiner wishes to create a title of Medical Examiner, JG 23, Step 1, which would only be filled when an incumbent Associate Medical Examiner has received Board Certification as a Forensic Pathologist. Funding for the position will be derived from the vacated Associate Medical Examiner position; and

WHEREAS, with current medical staffing, in the event of an extended illness, absence, or a natural or man-made disaster, the office would be unable to conduct the necessary functions and responsibilities; and

WHEREAS, the Medical Examiner Division continually operates twenty-four (24) hours a day, seven (7) days a week, three-hundred-sixty-five (365) days a year; this includes medical staff regularly being on-call for medical decisions, in addition to performing autopsies on weekends and holidays; and

WHEREAS, sufficient funds are available in Account 500000 because the position has remained vacant since 1/1/08.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes deletion of one vacant full-time position (position #583) of Associate Chief Medical Examiner, JG 22, Step E, and the creation

of one full time position of Deputy Chief Medical Examiner, JG 24, with the variable hiring minimum Step 5, as indicated on B100 #3855.

The following personnel detail is hereby submitted:

Title: Deputy Chief Medical Examiner

JG: 24

Step: 5

Annual Salary: \$166,616

Fringe Benefit Cost: \$70,928

Fiscal impact on the budget for the remaining portion of the fiscal year: Depends upon date position filled.

Position will be filled from: National search.

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full time position of Medical Examiner, JG 23, Step 1, as indicated on B100#3860.

The following personnel detail is hereby submitted:

Title: Medical Examiner

JG: 23

Step: 1

Annual Salary: \$121,358

Fringe Benefit Cost: \$51,662

Fiscal impact on the budget for the remaining portion of the fiscal year: None.

Position will be filled from: Only after an Associate Medical Examiner becomes Board Certified as a Forensic Pathologist and the existing Associate position is deleted;

and be it further

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

(4-0)

**THOMAS J. MAZUR**  
**CHAIR**

MR. MAZUR moved to approve item Number 3. MR. REYNOLDS seconded. MS. IANNELLO voted in the negative.

CARRIED. (13-1)

Item 52 – MS. GRANT presented the following report, moved to separate item Number 4, and moved to approve the balance of the report. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 195

JUNE 5, 2008

COMMUNITY ENRICHMENT  
COMMITTEE  
REPORT NO. 9

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 10D-2 (2008)  
**BUFFALO & ERIE COUNTY PUBLIC LIBRARY:** Agenda & Minutes of Board of Trustees Meeting Held on May 15, 2008  
(7-0)
  - b. COMM. 10M-19 (2008)  
**TERRANEXT:** Request for Comments Concerning Proposed Cellular Antenna Rawland Site  
(7-0)

2. COMM. 10E-8 (2008)  
**COUNTY EXECUTIVE**  
RESOLVED, that the Legislature confirms the appointment of the following individual to serve in the County Executive's ex-officio position on the Buffalo and Erie County Botanical Gardens Society Board of Directors:

Ms. Corinne Rice  
33 Tudor Place  
Buffalo, NY 14222  
(7-0)

3. COMM. 10E-9 (2008)  
**COUNTY EXECUTIVE**  
RESOLVED, that the Legislature confirms the appointment, pursuant to Section 1607 of the Erie County Charter and Section 16.07 of the administrative Code, the following individual to the Buffalo & Erie County Public Library Board of Trustees for a term expiring December 31, 2012:

Ms. Anne M. Leary  
859 Oakwood Ave.  
East Aurora, NY 14052  
(7-0)

4. COMM. 10E-22 (2008)  
**COUNTY EXECUTIVE**

RESOLVED, that the Legislature confirms the appointment, pursuant to the Erie County Charter Article XVI-E, the following individuals to the Erie County Commission on the Status of Women for terms which will end June 30, 2010:

Ms. Kim Colaiacovo  
190 Kinsey Ave.  
Buffalo, NY 14217

Ms. Lori Nagel  
438 Huntington Ave.  
Buffalo, NY 14214

Ms. Amy Rath  
111 Chapel Woods  
Williamsville, NY 14221  
(7-0)

5. COMM. 10E-23 (2008)  
**COUNTY EXECUTIVE**

RESOLVED, that the Legislature confirms the appointment of the following individual to serve in the County Executive's ex-officio position on the Buffalo Society of Natural Sciences:

Ms. Holly Sinnott  
219 Highland Ave.  
Buffalo, NY 14222  
(7-0)

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

MS. GRANT moved to approve item Number 4. MR. KOZUB seconded.

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

AYES: MR. MILLS, MR. RANZENHOFER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. NOES: None. ABSTAIN: MR. RATH. (AYES: 13; NOES: 0; ABSTAIN: 1)

CARRIED.

Item 53 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 196

JUNE 5, 2008

ECONOMIC DEVELOPMENT  
COMMITTEE  
REPORT NO. 9

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 9M-8 (2008)  
**ECIDA:** Notice of ECIDA Board of Directors Meeting to be Held on May 12, 2008  
(5-0)
  - b. COMM. 9M-11 (2008)  
**NFTA:** Materials from NFTA Board Meeting Held on March 31, 2008  
(5-0)
  - c. COMM. 10M-7 (2008)  
**NFTA:** NFTA Cash Flow Statements 4/07-3/08 and 4/08-3/09  
(5-0)
2. RESOLVED, the following items is hereby received and filed and referred to the Finance and Management Committee:
  - a. COMM. 10M-17 (2008)  
**VILLAGE OF EAST AURORA:** Assisting Merchants of Village of East Aurora -  
Construction of Main Street  
(5-0)
3. COMM. 10E-12 (2008)  
**COUNTY EXECUTIVE**  
WHEREAS, the Erie County Department of Public Works, Division of Highways is planning to reconstruct Aero Drive (CR 324) and Youngs Road (CR 554) intersection, in the Town of Cheektowaga, County of Erie; and

WHEREAS, in order to facilitate the reconstruction of the road, it will be necessary for the County to acquire by fee, portions of real property at Aero Drive and Youngs Road Intersection;

<u>Parcel Number</u>	<u>Township</u>
81.03-3-11.1	Cheektowaga

such property to be acquired by the County is hereinafter referred to as the "Subject Property"; and

WHEREAS, in order to acquire the fee title it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interests to be acquired and to thereafter make a written offer to purchase the real property interests for the respective just compensation amounts; and

WHEREAS, the acquisitions of the portions of the Subject Property are de minimis in nature so that the public interest will not be prejudiced by the improved pavements conditions, replacement of the traffic signal systems with a modern roundabout and other general improvements to the subject section of Aero Drive (CR 324) and Youngs Road (CR 554); and

WHEREAS, should the owner of the Subject Property refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings; and

WHEREAS, extensive community outreach, public meetings, individual property owner meetings and thorough design review with redesign as necessary and appropriate has been performed in order to minimize property acquisition; and

WHEREAS, without this property acquisition, the project cannot meet Federal Aid Guidelines and therefore put an effective end of the project.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is authorized to acquire fee to the aforementioned Subject Property for the purpose of reconstructing and improving the aforementioned intersection of Aero Drive (CR 324) and Youngs Road (CR 554); and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real property to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Property for the purpose of acquiring interests in portions of their respective parcel of real property by fee, which acquisitions are necessary for the Aero Drive (CR 324) and Youngs Road (CR 554) highway reconstruction project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Property; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Property are de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee in the Subject Property; and be it further

RESOLVED, that the expenses of acquiring the Subject Property shall be derived from funds not to exceed \$29,150 previously appropriated by the County Legislature for Right-of-Way Incidentals and Right-of-Way Acquisition Phases for the Reconstruction of Aero Drive and Youngs Road intersection, such appropriations having been made by Resolution Communication Number

7E-28 on May 26, 2006, and included in the 2002 Youngs /Aero Intersection Design Program (SAP B.00043); and be it further

RESOLVED, should the owner of the Subject Property refuse to convey such portions of their real property to the County for an amount not to exceed fair market value, the County Executive be authorized to commence eminent domain procedures; and be it further

RESOLVED, that three (3) certified copies of this resolution shall be sent to the Department of Public Works, Office of the Commissioner and one copy each to the County Executive, the County Comptroller, the County Attorney, and the Director of Budget, Management and Finance. (5-0)

4. COMM. 10E-33 (2008)

**COUNTY EXECUTIVE**

WHEREAS, a project for the rehabilitation of CR 192, Maple Road, from U.S. Route 62, Niagara Falls Boulevard to Flint Road and North Bailey Avenue from Maple Road to Romney Road, in the Town of Amherst, Erie County, PIN 5755.47 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of 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 above Project by making a commitment of 100% of the non-Federal share of the costs of Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5755.47; and

WHEREAS, in order to facilitate the rehabilitation of the road, it will be necessary for the County to acquire by temporary easement, portions of real property in the vicinity of the road;

<u>PORTIONS OF TAX MAP SBL NUMBERS</u>	<u>TOWNSHIP</u>
054.03-1-13	Amherst
054.03-1-9.11	Amherst
054.04-1-17.1	Amherst
054.04-1-9.111	Amherst
054.74-3-13	Amherst

such property to be acquired by the County is hereinafter referred to as the "Subject Properties"; and

WHEREAS, in order to acquire the temporary easements for the project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interests to be acquired and to thereafter make a written offer to purchase the real property interests for the respective just compensation amounts; and

WHEREAS, the acquisitions of the portions of the Subject Properties are de minimis in nature so that the public interest will not be prejudiced by the improved pavements conditions and other general improvements to the subject section of Maple Road (CR 192); and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

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

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

RESOLVED, that the sum of \$302,000.00 has previously been appropriated from the 2001 Federal Aid Road and Bridge Project Program (SAP B.00020) via County Resolution 13E-22 adopted July 10, 2003 and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds the amount appropriated \$302,000.00 and/or 100% of the full Federal and non-Federal shares of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Right-of-Way Acquisition Phases exceeds \$1,509,000.00, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

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

RESOLVED, that the County of Erie is authorized to acquire easement title to the aforementioned Subject Properties for the purpose of reconstructing and improving the aforementioned Maple Road (CR 192) Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real property to be acquired; and be it further



RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Properties for the purpose of acquiring interests in portions of their respective parcel of real property by temporary easement, which acquisitions are necessary for the Maple Road (CR 192) highway rehabilitation project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Properties; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed fair market value, the County Executive be authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Office of Budget, Management and Finance and the Office of the Commissioner.  
(5-0)

5. COMM. 10E-34 (2008)

**COUNTY EXECUTIVE AS AMENDED**

WHEREAS, the existing Boiler Fuel Tank is 40 years old and in need of replacement and does not comply with DEC regulations; and

WHEREAS, the Department of Public Works received bids on May 1, 2008 for the Erie County Home Boiler Fuel Tank Replacement; and

WHEREAS, the Erie County Home Administration, M.E. Engineering, and the Department of Public Works are recommending award to the lowest responsible bidder, L&O Plumbing and Heating Inc., in the amount of \$219,800.00; and

WHEREAS, the County Executive is requesting authorization from your honorable body to issue a contract to L&O Plumbing and Heating Inc. for the Erie County Home Boiler Fuel Tank replacement and a Supplemental Agreement to the Engineering Firm of M.E. Engineering for Design and Construction Administration Services to complete the project. Your honorable body has previously authorized a General Engineering Agreement to M.E. Engineering to provide Professional Services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract with L&O Plumbing and Heating Inc. for the Erie County Home Boiler Fuel Tank replacement in the amount of \$219, 800.00; and be it further

RESOLVED, that The County Executive be authorized to issue a Supplemental Agreement to M&E Engineering for providing Professional Design and Construction Administration Services for the Erie County Home Boiler Fuel Tank replacement in the amount not to exceed \$18,000.00, including reimbursables; and be it further

RESOLVED, that the sum of \$25,000.00 be allocated to a Construction Contingency Fund with the authorization for the County Executive to approve Change Orders in the amount not to exceed the contingency; and be it further

RESOLVED, that Deduct Change Orders will result in these funds being returned to the Contingency Fund; and be it further

RESOLVED, that the Comptrollers Office be authorized to make payments for all of the above from SAP Project H.00012 – 1997 Oil Tank Replacement in the amount of \$225,524.00 and SAP Project H.00009 – 2003 Fuel Oil Tank Replacement in the amount of \$62,276.00, for a total amount not to exceed \$287,800.00; and be it further

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

(5-0)

**TIMOTHY M. KENNEDY**  
**CHAIR**

Item 54 - MR. WROBLEWSKI presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 197

JUNE 5, 2008

PUBLIC SAFETY COMMITTEE  
REPORT NO. 7

ALL MEMBERS PRESENT.

1. COMM. 10E-6 (2008)  
**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature hereby confirms the appointment of Daniel Neavereth, Jr. to the position of Deputy Commissioner of Emergency Medical Services as pursuant to 11C.03 of the Erie County Code.

(5-0)

2. COMM. 10E-14 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Central Police Services has been awarded a Regional Crime Analysis Center grant in the amount of \$300,000 to be administered by the New York State Division of Criminal Justice Services.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$300,000 from the New York State Division of Criminal Justice Services; and be it further

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

Grant Fund-SAP#165 RCAC0809	
Central Police Services	
05/01/08 to 06/30/09	
<u>Revenue</u>	<u>Increase</u>
409000 State Aid	\$300,000
<u>Appropriation</u>	<u>Increase</u>
516010 Contractual-Non Profit	\$300,000
Total Appropriation	\$300,000

and be it further

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract with The Research Foundation of SUNY on behalf of the University at Buffalo to provide the Regional Crime Analysis Center with four full-time Crime Analysts at a cost of \$300,000; and be it further

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

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

(5-0)

3. COMM. 10E-27  
**SHERIFF**

WHEREAS, procedures have been established by Communication #6E-28 adopted on April 7, 2007; and

WHEREAS, there are adequate funds available in the reserve fund for distribution to the Sheriff's Office from the sale of surplus helicopter parts; and

WHEREAS, the use of these funds will reduce the amount of county tax dollars required for the support and maintenance of the Sheriff's Office Aviation Division.

NOW, THEREFORE, BE IT

RESOLVED, that \$156,400 in available balances in the Appropriated Fund Balance (Reserve for Law Enforcement Purposes) is hereby transferred to the Erie County Sheriff's Office; and be it further,

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE

<u>REVENUE</u>		<u>Increase</u>
402190	Appropriated Fund Balance (Reserve for Law Enforcement Purposes)	<u>156,400</u>
	Total Revenue	<u>156,400</u>

<u>APPROPRIATION</u>		<u>Increase</u>
505200	Clothing Supplies	300
505600	Auto, Truck & Heavy Equipment Supplies	1,500
506200	Maintenance & Repair	33,500
510100	Out-of Area Travel	25,000
516020	Professional Services & Fees	12,500
516030	Maintenance Contracts	1,600
561410	Lab & Technical Equipment	47,000
561440	Motor Vehicle Equipment	<u>35,000</u>
	Total Appropriations	<u>156,400</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Erie County Comptroller, and the Office of the Sheriff for implementation.  
(5-0)

4. COMM. 10E-29 (2008)  
**SHERIFF**

WHEREAS, the State of New York Governor's Traffic Safety Committee has awarded \$32,602 to the Erie County Sheriff's Office to participate in the statewide "Selective Traffic Enforcement" Program; and

WHEREAS, these funds will be used to fund overtime and purchase equipment dedicated to reducing unsafe driving behavior in an effort to decrease serious injury or death from traffic accidents.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to accept funding in the amount of \$32,602 from the State of New York Governor's Traffic Safety Committee; and it be further

RESOLVED, that authorization is hereby provided to budget those funds as follows:

Erie County Sheriff's Office – Fund Center 11510

<u>REVENUE</u>	<u>Increase</u>
409020      Miscellaneous State Aid	<u>32,602</u>
TOTAL REVENUE	<u>32,602</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>
501000      Overtime	26,502
561410      Lab & Technical Equipment	<u>6,100</u>
TOTAL APPROPRIATIONS	<u>32,602</u>

and it be further

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

(5-0)

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

Item 55 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 198

JUNE 5, 2008

ENERGY & ENVIRONMENT  
COMMITTEE

REPORT NO. 7

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 8E-28 (2008)  
**MILLS:** Re-Appointment of a Commissioner to the Erie County Water Authority  
(6-0)
  - b. COMM. 8M-20 (2008)  
**KELLY M. VACCO:** Letter to Chair Marinelli Concerning Re-Appointment as a Commissioner of the Erie County Water Authority  
(6-0)
  - c. COMM. 9E-21 (2008)  
**MARINELLI:** Letter to Legislator Kozub Concerning Appointment of Commissioner to the Erie County Water Authority  
(6-0)
  - d. COMM. 9E-22 (2008)  
**MARINELLI:** Letter to Legislature Clerk Concerning Appointment of Commissioner to the Erie County Water Authority  
(6-0)
  - e. COMM. 9D-3 (2008)  
**CLERK OF LEGISLATURE:** Copy of Letter to Majority & Minority Leaders Concerning Appointment of Commissioner to the Erie County Water Authority  
(6-0)
  - f. COMM. 10D-7 (2008)  
**DEPUTY COMMISSIONER ENVIRONMENT & PLANNING:** State Environmental Quality Review - Negative Declaration - Notice of Determination of Non-Significance  
(6-0)
  - g. COMM. 10M-3 (2008)  
**NYS DEC:** NYS Fish, Wildlife & Marine Resource Goals for 2010 - Ecosystem Protection  
(6-0)
  - h. COMM. 10M-6 (2008)  
**TOWN OF AMHERST:** To Support Recertification of the Amherst Agricultural District, EC #17, by the Erie County Legislature  
(6-0)
  - i. COMM. 10M-15 (2008)  
**CITY OF BUFFALO - NYS DEC:** Update on Brownfield Site Investigation, Cleanup and Reconstruction of Franczyk Park, Buffalo, NY  
(6-0)

2. COMM. 7E-12 (2008)

**COUNTY EXECUTIVE**

**AS AMENDED**

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT

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

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

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

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

RESOLVED, that the County Executive is authorized to enter into contracts with the Town of Tonawanda in amounts not to exceed \$50,000.00 for the purpose of providing services and activities for the purpose of brownfield investigation, testing, remediation, demolition and site preparation which may take place as part of the New York State program or without involvement of the state program; and be it further

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

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

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

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

(6-0)

3. INTRO 8-15 (2008)



**IANNELLO, KONST, REYNOLDS, MARINELLI, AS AMENDED**  
**MILLS, WHYTE & LOUGHRAN**

WHEREAS, there is a consensus among the world's leading scientists that global warming caused by human emission of greenhouse gases is among the most significant problems facing the world today; and

WHEREAS, documented impacts of global warming include but are not limited to increased occurrences of extreme weather events (i.e., droughts and floods), adverse impacts on plants and wildlife habitats, threats to global food and water supplies – all of which have an economic impact on communities and their local governments; and

WHEREAS, leading scientists have projected that stabilization of climate change in time to minimize such impacts will require a reduction of global warming emissions to 80 per cent below current levels by the year 2050; and

WHEREAS, currently the United States is responsible for producing approximately 25% of the world's global warming pollutants; and

WHEREAS, many leading U. S. companies that have adopted greenhouse gas reduction programs to demonstrate corporate and operational responsibility have also publicly expressed preference for the federal government to adopt precise and mandatory emissions targets and timetables as a means by which to provide a uniform and predictable regulatory environment to encourage and enable necessary and long-term business investments; and

WHEREAS, state, regional and local governments throughout the United States are adopting emissions reduction targets and programs; and

WHEREAS, that this effort is bipartisan, coming from Republican and Democratic leadership; and

WHEREAS, the U.S. Conference of Mayors has endorsed the U.S. Mayors Climate Protection Agreement, which commits cities to reduction of global warming emissions to 7 percent below 1990 levels by 2012, and calls for a federal limit on emissions; and

WHEREAS, the State of California has mandated statewide reduction of greenhouse gas emissions to 80 per cent below 1990 levels by 2050; and

WHEREAS, more than 100 county leaders signed a letter written by Dane County, Wisconsin, that was sent to the President in March 2006 calling for increased energy investment and development of jobs focused on clean energy technologies; and

WHEREAS, counties have a unique role to play in reducing greenhouse gas emissions and preparing for the impacts of climate change through their regional jurisdiction over policy areas such as air quality, land use planning, transportation, zoning, forest preservation, water conservation, and wastewater and solid waste management; and

WHEREAS, the economic arguments for implementing climate solutions are compelling, from the near-term economic gains of energy efficiency to the long-term climate stabilization that can prevent irreparable harm from catastrophic climate change impacts; and

WHEREAS, many counties throughout the nation, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reducing energy bills, preserving green space, implementing better land use policies, improving air quality, promoting waste-to-energy programs, expanding transportation and work choices to reduce traffic congestion, and fostering more economic development and job creation through energy conservation and new technologies.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County will take immediate steps to help the federal, state and local governments within Erie County to achieve the 2050 climate stabilization goal by making the following commitments:

- i. Create an inventory of our county government (operational) greenhouse gas (“GHG”) emissions and implement policies, programs and operations to achieve significant, measurable and sustainable reduction of those operational GHG emission to help contribute to the regional reduction targets as identified in paragraph ii.
- ii. Work closely with local, state, and federal governments and other leaders to reduce county geographical GHG emissions to 80 per cent below current levels by 2050, by developing a GHG emissions inventory and regional plan that establishes short-, mid-, and long-term GHG reduction targets, with recommended goals to stop increasing emissions by 2010, and to achieve a 10 per cent reduction every five years thereafter, through to 2050.
- iii. Urge Congress and the Administration to enact a multi-sector national program of requirements, market-based limits, and incentives for reducing GHG emissions to 80 per cent below current levels by 2050. Urge Congress and the Administration to strengthen standards by enacting legislation such as a Corporate Average Fuel Economy (“CAFÉ”) standard that achieves at least 35 miles per gallon (mpg) within 10 years for cars and light trucks.

and be it further

RESOLVED, that the Commissioner of Environment and Planning of Erie County will take immediate steps to identify regional climate change impacts; and be it further

RESOLVED, that the Department of Environment and Planning under the direction of the Commissioner draft and submit to the Erie County Legislature a comprehensive plan to prepare for and build resilience to those impacts; and be it further

RESOLVED, that the Commissioner of Environment and Planning appear before the Energy and Environment Committee of the Legislature to discuss plans for the implementation of these initiatives; and be it further

RESOLVED, that the County Executive, Budget Director and the Commissioner of Environment and Planning seek efficiency grant funding from the Erie County Fiscal Stability Authority to implement the plan developed pursuant to this resolution; and be it further

RESOLVED, that certified copies of this resolution be sent to Senators Charles Schumer and Hillary Rodham Clinton; Congresspersons Louise Slaughter, Thomas M. Reynolds and Brian M. Higgins; the members of the Western New York State Legislative Delegation, the County Executive, the Budget Director and the Commissioner of Environment and Planning for Erie County.

(6-0)

4. COMM. 10E-15 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning is desirous of retaining the service of a Chief Account Clerk having over thirty-five years of County service; and

WHEREAS, said Chief Account Clerk performs work activities relating to grant accounting, payroll processing, personnel management and numerous other accounting tasks; and

WHEREAS, said Chief Account Clerk is retiring from County service on July 25, 2008; and

WHEREAS, said retirement provides an opportunity to retain the services of the Chief Account Clerk and also achieve a cost savings to the department's 2008 personnel budget.

NOW, THEREFORE, BE IT

RESOLVED, that the operating fund budget for the Department of Environment and Planning be revised to reflect the following:

<u>Fund 110</u>	<u>Position</u>	<u>Grade</u>	<u>Job Budget</u>	<u>Current</u>	<u>Revised</u>	<u>Revised Budget</u>
B100 0000003836	Delete	Chief Account Clerk 7, Step E	43,878	(18,564)		25,314
	Create	Chief Account Clerk – Part Time (19 hours)7, Step 0		5,588		5,588
B100 0000003837	Create	Account Clerk Typist 4, Step 0		9,640		9,640
			43,878	(3,336)		40,542

and be it further

RESOLVED, that approval of the budgetary adjustment shall be contingent upon approval of the two new positions by the Erie County Fiscal Stability Authority; and be it further

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

(6-0)

5. COMM. 10E-16 (2008)

**COUNTY EXECUTIVE**

WHEREAS, The United States Environmental Protection Agency (USEPA) provides grant assistance to assist with the retrofit of diesel school buses; and

WHEREAS, The United States Environmental Protection Agency (USEPA) solicited proposals for retrofit projects for school districts; and

WHEREAS, The Erie County Department of Environment and Planning (DEP) developed and submitted a proposal for funding from USEPA to manage and fund a retrofit program for a private bus company and three school districts in Erie County; and

WHEREAS, the USEPA granted approval of the application allocating funding of \$173,997 over two years for a Erie County Clean School Bus Initiative to be implemented in Erie County; and

WHEREAS, the funding available for personnel services and fringe benefits will cover the second year of the services of an existing Environmental Education Specialist (JG 9) who is funded for the first year (01/01/08 to 12/31/08) through the phase I funding received for this continuing grant program; and

WHEREAS, the new grant resources would enable the Department of Environment and Planning to transfer the existing Environmental Education Specialist (JG 9) position to the new grant budget from the existing Diesel School Bus grant budget (162DIESEL\_BUS 0708) that is expiring 12/31/08; and

WHEREAS, the required County match will be met through overhead and in-kind expense contributions.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into the necessary agreements with the USEPA to accept and implement the Erie County Clean School Bus Initiative (grant period: 01/01/08 to 12/31/09) in an amount not to exceed \$173,997 in grant resources; and be it further

RESOLVED, that the revenue from the Erie County Clean School Bus Initiative is hereby appropriated in the Department of Environment and Planning, Business Area 162 in the grant as follows:

REVENUE:

INCREASE

414000 Federal Aid – United States Environmental  
Protection Agency

\$173,997

TOTAL REVENUE \$173,997

APPROPRIATIONS:

500000	Personnel Services	\$47,840
502000	Fringe Benefits	\$20,505
505000	Supplies	\$0
510000	Local Travel and Mileage	\$48
516020	Professional Service Contract & Fees	<u>\$105,604</u>

TOTAL APPROPRIATIONS \$173,997

and be it further

RESOLVED, that the following position will be transferred from the Erie County Clean School Bus Initiative grant budget (162DIESEL\_BUS0708):

Environmental Education Specialist (JG 9) Position  
Position Number: 51001528  
Budgeted Annual Salary: \$46,377

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget and Management; Holly Sinnott, Commissioner of Environment and Planning; William M. Murray, Esq., Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(6-0)

6. COMM. 10E-17 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the New York State Department of Economic Development (NYSDED) provides grant assistance to implement pollution prevention technical assistance initiatives; and

WHEREAS, the NYSDDED has solicited a proposal from Erie County for participation in the Environmental Investment Program; and

WHEREAS, the NYSDDED has provided \$230,501 in funding over the next two years for a Pollution Prevention, Reuse and Recycling Technical Assistance Program to be implemented in Erie County; and

WHEREAS, the ECDEP and the Research Foundation of SUNY at Buffalo State College are partners on a new grant from the U.S. Environmental Protection Agency the funds of which are dedicated to providing pollution prevention technical assistance to the Hospitality Sector; and

WHEREAS, the USEPA has awarded the Research Foundation of SUNY at Buffalo State College a grant to provide pollution prevention technical assistance to the Hospitality sector in Erie

and Niagara Counties and dedicated \$92,805 in grant funding to the ECDEP for their efforts in this program; and

WHEREAS, the new grant resources enable the Department of Environment and Planning to utilize the services of the existing Environmental Compliance Specialist (JG 12) position to manage both of these pollution prevention projects along with a lower grade part time employee; and

WHEREAS, the increased responsibilities associated with managing both grant programs as well as supervising lower level staff warrant the upgrade of the Environmental Compliance Specialist (JG 12) to a Senior Environmental Compliance Specialist (JG 13).

NOW, THEREFORE, BE IT

RESOLVED, that the Pollution Prevention Reuse Recycling Technical Assistance Program grant budget (162PP\_ASSIST0709) (Grant period: 01/01/08 to 06/01/09) will be revised as follows:

APPROPRIATIONS:

	<u>Current</u> <u>Budget</u>	<u>Revisions</u>	<u>Revised</u> <u>Budget</u>
500000 Personnel Services	\$126,000	\$33,437	\$159,437
502000 Fringe Benefits	\$51,849	\$13,709	\$65,558
510000 Local Travel and Mileage	\$2,152	-0-	\$2,152
510100 Out-of-Area Travel	\$500	-0-	\$500
516020 Professional Services	\$50,000	-0-	\$50,000
916290 ID Department of Environment and Planning Services	-0-	(\$47,146)	(\$47,146)
TOTAL APPROPRIATIONS	\$230,501	-0-	\$230,501

and be it further

RESOLVED, that the following positions are created and/or deleted in the grant budget:

Add: Senior Environmental Compliance Specialist Position (JG-13)  
Budgeted Annual Salary: \$62,363  
B-100 No. 000 000 3736

Delete: Environmental Compliance Specialist Position (JG-12)

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget and Management; Holly Sinnott, Commissioner of Environment and Planning; William M. Murray, Esq., Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(6-0)

7. COMM. 10E-18 (2008)

**COUNTY EXECUTIVE**

WHEREAS, approval of a resolution to authorize the transfer of funds from Erie County Sewer District Nos. 3/8 Fund Balance Account needed is due to increase in utility costs, specifically for the increase in fuel oil, in Fiscal Year 2008.

NOW, THEREFORE, BE IT

RESOLVED, that available Fund Balance from year-end 2007 will be appropriated in order to implement this request, and be it further

RESOLVED, that authorization is hereby provided to make the following budget adjustments:

Fund 220-Sewers – Fund Center 18310 SD3/Southtowns

		<u>INCREASE</u>
Revenue	402190 Appropriated Fund Balance	\$350,000
Expense	575040 I/F Expense Utility	<u>\$350,000</u>
		-0-

Fund 140 – Enterprise Fund – Fund Center 12110 – Utilities Fund

		<u>INCREASE</u>
Revenue	450000 Interfund Revenue	\$350,000
Expense	515000 Utility Charges	<u>\$350,000</u>
		-0-

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning, Director of Budget and Management and, Erie County Comptroller. (6-0)

8. COMM. 10E-19 (2008)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to businesses to assist them in preventing pollution and complying with environmental regulations; and

WHEREAS, the ECDEP and the Research Foundation of SUNY at Buffalo State College are partners on a new grant from the U.S. Environmental Protection Agency the funds of which are dedicated to providing pollution prevention technical assistance to the Hospitality Sector; and

WHEREAS, the “Pollution Prevention for the Hospitality Sector” Project will provide technical assistance to 10 businesses in Erie and Niagara Counties with the knowledge and expertise that will enable them to prevent pollution and thereby avoid expenses; and

WHEREAS, the Research Foundation of SUNY at Buffalo State College has provided \$92,805 to the ECDEP to provide pollution prevention technical assistance to 10 businesses in the Hospitality sector in Erie and Niagara Counties.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the Research Foundation of SUNY at Buffalo State College to accept \$92,805 in new grant funding to provide pollution prevention technical assistance to a minimum of 10 businesses in the Hospitality sector in Erie and Niagara Counties, and be it further

RESOLVED, that the revenue from the "Pollution Prevention for the Hospitality Sector" Project is hereby appropriated in the new grant in the Department of Environment (Business Area 162) as follows:

Pollution Prevention for the Hospitality Sector Grant (Grant period: 01/01/08 to 6/1/09)

<u>REVENUE:</u>	<u>INCREASE</u>
420499 Other Local Source – Buffalo State College	<u>\$ 92,805</u>
TOTAL REVENUE	\$92,805
<u>APPROPRIATIONS:</u>	<u>INCREASE</u>
500000 Personnel Services	\$31,673
502000 Fringe Benefits	\$12,986
510000 Local Mileage Reimbursement	\$1,000
916290 ID Department of Environment and Planning Services	<u>\$47,146</u>
TOTAL APPROPRIATIONS	\$92,805

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with Federal & State funding requirements, and be it further

RESOLVED, that the following position will be created in this new grant budget:

Junior Environmentalist (JG VII) Position  
B-100 No. 000 000 3737  
Budgeted Annual Salary: \$30,587

and be it further

RESOLVED, that certified copies of this resolution be sent to the Director of Budget and Management; Holly A. Sinnott, Commissioner of Environment and Planning; William M. Murray,



Esq., Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

(6-0)

9. COMM. 10E-20 (2008)  
**COUNTY EXECUTIVE**

WHEREAS, the County of Erie, is interested in facilitating the re-use of brownfields and creating public access to the region's waterfront; and

WHEREAS, the City of Buffalo owns an approximately 20-acre site surrounding the Union Ship Canal and the former Hannah Furnace Steel site which is an abandoned industrial brownfield. The City and the County desire to construct new roads, utilities, pedestrian walkways and redevelop the parcel into a passive recreational open space; and

WHEREAS, initial environmental and underwater investigations and preliminary designs have been completed in association with the City, state and federal agencies and the County desires to continue the development of the public open space; and

WHEREAS, funding for the this phase of work was previously approved by Bond Resolution on April 28, 2004 (COMM. 8E-54) and the authority to enter into contracts was previously approved by resolutions (COMM. 13E-25, dated June 21, 2001, and COMM. 30E-32, dated January 20, 2005); and

WHEREAS, the County will submit applications for funding to New York State to assist in the funding for the remediation and development of a public open space surrounding the Union Ship Canal and the Buffalo Lakeside Commerce Park; and

WHEREAS, the Commissioners of the Department of Environment and Planning and Department of Public Works, as designated by the County Executive, shall apply for reimbursement of State funds as outlined in State Assistance Contracts.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive shall designate and assign the Commissioner of the Department of Environment and Planning and/or the Commissioner of the Department of Public Works to apply for payments and reimbursements from the State of New York Environmental Restoration Program and other state and federal funding agencies; and be it further

RESOLVED, that the remaining appropriated County funding (\$994,634.28) for the Union Ship Canal Public Open Space Project shall be from the previously authorized bond resolution approved on April 28, 2004 (COMM. 8E-54); and be it further

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

(6-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 199

JUNE 5, 2008

FINANCE & MANAGEMENT  
COMMITTEE  
REPORT NO. 9

ALL MEMBERS PRESENT, EXCEPT REYNOLDS & GRANT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 8-24 (2008)  
**KENNEDY, WHYTE, GRANT & MAZUR:** Capital Funds for Olmsted Parks  
(4-0)
  - b. INTRO 9-2 (2008)  
**RANZENHOFER:** Suspending Collection of Erie County's Share of Sales Tax on Gasoline and Diesel Motor Fuel  
(4-0)
  - c. COMM. 9E-4 (2008)  
**COUNTY EXECUTIVE:** Budget Monitoring Report for First Quarter of County Operations in Fiscal Year 2008  
(4-0)
  - d. COMM. 9E-5 (2008)  
**COUNTY EXECUTIVE:** Four-Year Financial Plan - Fiscal Years 2008-2011  
(4-0)
  - e. COMM. 9E-7 (2008)  
**COMPTROLLER:** Proposed "Capping" of Sales Taxes from Sale of Automotive Fuels  
(4-0)
  - f. COMM. 9E-10 (2008)  
**COUNTY EXECUTIVE:** 2007 Year End Budget Balancing Amendments  
(4-0)
  - g. COMM. 10E-26 (2008)  
**IANNELLO:** Amendment to Comm. 8E-27 (2008)  
(4-0)

- h. COMM. 10D-8 (2008)  
**BUDGET DIRECTOR:** Information/Documentation for ECFSA Concerning Four-Year Financial Plan  
(4-0)
- i. COMM. 10M-12 (2008)  
**VILLAGE OF WILLIAMSVILLE:** Certified Copy of Resolution Urging NYS Passage of "NYS Property Taxpayers Protection Act"  
(4-0)

2. COMM. 17D-2 (2007) **AS AMENDED**  
**DIRECTOR OF REAL PROPERTY TAX SERVICES**  
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 208169 through 208180, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities:

FISCAL YEAR	2008	Petition No.	208,169.00
ASSESSOR		Cancel	\$361.68
S-B-L	269.19-5-4	145801 NORTH COLLINS	
Acct. No. 112	\$184.06	County	
Acct. No. 132	\$177.62	Town/SpecialDist/School	
58050 ERIE CO SEW DST 2		\$38.46	
<u>Charge To :</u>	145801 NORTH COLLINS		\$139.16

RPTL 550(2): INCORRECT ASSESSED VALUE  
NEW TAX BILL TO BE ISSUED TO: KEITH H CROSS

FISCAL YEAR	2006	Petition No.	208,170.00
ASSESSOR		Refund	\$386.44
S-B-L	153.05-5-26	146800 WEST SENECA	

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$386.44 Town/SpecialDist/School  
Charge To : 146800 WEST SENECA \$386.44

RPTL 550(2): INCORRECT SPECIAL DISTRICTS  
REFUND TO BE ISSUED TO: MAUREEN KLINE

FISCAL YEAR 2008 Petition No. 208,171.00

ASSESSOR Refund \$178.14

S-B-L 68.13-7-2 142289 AMHERST

Acct. No. 112 \$71.65 County  
Acct. No. 132 \$106.49 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$106.49

RPTL 550(2): FAILED TO APPLY BASIC STAR  
REFUND TO BE ISSUED TO: MARY ANN T PAUL

FISCAL YEAR 2007 Petition No. 208,172.00

ASSESSOR Refund \$255.38

S-B-L 68.13-7-2 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$255.38 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$255.38  
Relevy School \$255.38 142201 AMHERST CENTRAL

RPTL 550(2): FAILED TO APPLY BASIC STAR  
REFUND TO BE ISSUED TO: MARY ANN T PAUL

FISCAL YEAR 2008 Petition No. 208,173.00

ASSESSOR Cancel \$108.07

S-B-L 142.18-5-15.1 140900 LACKAWANNA

Acct. No. 112 \$108.07 County  
Acct. No. 132 \$0.00 Town/SpecialDist/School  
Charge To : 140900 LACKAWANNA \$0.00

RPTL 550(2): FAILED TO APPLY VETERANS EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: JOSEPH ABRAM

FISCAL YEAR 2008                      Petition No.                      208,174.00

ASSESSOR                                      Refund                      \$2,107.28

S-B-L 141.60-2-3.1                                      140900 LACKAWANNA

Acct. No. 112 \$0.00                                      County

Acct. No. 132 \$2,107.28                      Town/SpecialDist/School

9992 ECSD#6 SAN SEWER                                      \$2,107.28

Charge To :                                      140900 LACKAWANNA                                      \$0.00

RPTL 550(2): ERIE COUNTY FLOW CHARGE CHARGED IN ERROR  
REFUND TO BE ISSUED TO: GAMAL H AZIZ

FISCAL YEAR 2008                      Petition No.                      208,175.00

ASSESSOR                                      Refund                      \$309.07

S-B-L 78.24-1-31                                      141600 TONAWANDA

Acct. No. 112 \$0.00                                      County

Acct. No. 132 \$309.07                      Town/SpecialDist/School

64999 EXEMPTION REMOVAL                                      \$309.07

Charge To :                                      141600 TONAWANDA                                      \$0.00

RPTL 550(2): CALCULATED 520 INCORRECTLY  
REFUND TO BE ISSUED TO: DAVID BORDIERI

FISCAL YEAR 2007                      Petition No.                      208,176.00

ASSESSOR                                      Refund                      \$423.65

S-B-L 20.00-3-27                                      145689 NEWSTEAD

Acct. No. 112 \$0.00                                      County

Acct. No. 132 \$423.65                      Town/SpecialDist/School

Charge To :                                      145689 NEWSTEAD                                      \$423.65

Relevy School                                      \$423.65                      145601 AKRON CENTRAL

RPTL 550(2): FAILED TO APPLY ENHANCED STAR  
REFUND TO BE ISSUED TO: JOHN JENDROWSKI

FISCAL YEAR 2008                      Petition No.                      208,177.00

ASSESSOR                                      Refund                      \$66.99

S-B-L 48.00-1-2.21/A                      145689 NEWSTEAD

Acct. No. 112 \$53.17                      County

Acct. No. 132 \$13.82                      Town/SpecialDist/School

Charge To :                      145689 NEWSTEAD                      \$13.82

RPTL 550(2): FAILED TO COMPUTE INDUSTRIAL DEVELOPMENT  
REFUND TO BE ISSUED TO: ECIDA-FIVE CORNERS BUSINESS PARK

FISCAL YEAR 2007                      Petition No.                      208,178.00

ASSESSOR                                      Refund                      \$143.84

S-B-L 48.00-1-2.21/A                      145689 NEWSTEAD

Acct. No. 112 \$0.00                      County

Acct. No. 132 \$143.84                      Town/SpecialDist/School

Charge To :                      145689 NEWSTEAD                      \$143.84

Relevy School                      \$143.84                      145601 AKRON CENTRAL

RPTL 550(2): WHOLLY EXEMPT- INDUSTRIAL DEVELOPMENT  
REFUND TO BE ISSUED TO: ECIDA-FIVE CORNERS BUSINESS PARK

FISCAL YEAR 2008                      Petition No.                      208,179.00

ASSESSOR                                      Refund                      \$120.59

S-B-L 133.60-1-14                      146800 WEST SENECA

Acct. No. 112 \$0.00                      County

Acct. No. 132 \$120.59                      Town/SpecialDist/School

Charge To :                      146800 WEST SENECA                      \$120.59

RPTL 550(2): INCORRECT SPECIAL DISTRICTS  
REFUND TO BE ISSUED TO: JOSEPH PEIFFER

FISCAL YEAR 2008                      Petition No.                      208,180.00

ASSESSOR                                      Cancel                      \$565.79

S-B-L 266.14-1-2                                      142801 FARNHAM

Acct. No. 112 \$0.00                                      County

Acct. No. 132 \$565.79                      Town/SpecialDist/School

Charge To :                      142801 FARNHAM                                      \$565.79

Relevy Village                                      \$565.79                      Village of FARNHAM  
RPTL 550(5): FAILED TO APPLY VETERANS EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: RAYMOND H & LORRAINE DUNKEL

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.  
(4-0)

**KATHY KONST  
CHAIR**

Item 57 – MS. WHYTE presented the following report, moved to separate item Number 1-J, and moved to approve the balance of the report. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 200

JUNE 5, 2008

GOVERNMENT AFFAIRS  
COMMITTEE  
REPORT NO. 7

ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MILLER-WILLIAMS AND REYNOLDS. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO. 5-7 (2008)  
**IANNELLO:** Requesting Governor Eliot Spitzer and the New York State Legislature to Re-Examine the State Aid Formulas Regarding Aid Incentives for Municipalities (AIM) and Revenue Sharing  
(4-0)

- b. COMM. 9D-2 (2008)  
**PERSONNEL COMMISSIONER & DIRECTOR OF EEO:** Report Detailing Statistical Data Relative to the Diversity of Erie County Workforce, Pursuant to INTRO 7-8 (2008)  
(4-0)
- c. COMM. 10E-3 (2008)  
**WHYTE:** Information Concerning Veterans' Issues  
(4-0)
- d. COMM. 10D-1 (2008)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
(4-0)
- e. COMM. 10D-3 (2008)  
**COUNTY ATTORNEY:** Requesting a Legal Opinion from the County Attorney  
(4-0)
- f. COMM. 10D-4 (2008)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County  
(4-0)
- g. COMM. 10M-1 (2008)  
**NIAGARA ERIE REGIONAL COALITION:** Agenda & Minutes of Board Meeting Held on May 9, 2008  
(4-0)
- h. COMM. 10M-8 (2008)  
**EC BAR ASSN - AID TO INDIGENT PRISONERS - ASSIGNED COUNSEL PROGRAM:** EC Legislature Resolution Comm. 5E-24 (2004)  
(4-0)
- i. COMM. 10M-9 (2008)  
**PROGRESSIVE DEMOCRATS OF AMERICA:** Issues Concerning Iraq and Afghan Wars and the Social Budget Impact  
(4-0)
- j. COMM. 10M-11 (2008)  
**PRESIDENT OF THE BUFFALO COMMON COUNCIL:** City of Buffalo Common Council 2008-2009 Action Plan  
(4-0)
- k. COMM. 10M-13 (2008)  
**LEGAL AID BUREAU OF BUFFALO, INC.:** Monthly Report and Monthly Activity Report for April 2008  
(4-0)
- l. COMM. 10M-18 (2008)



**LEGAL SERVICES FOR THE ELDERLY, DISABLED OR DISADVANTAGED OF  
WNY: 2007 Annual Report**  
(4-0)

- m. COMM. 10M-21 (2008)  
**TOWN OF HOLLAND: Certified Copy of Resolution Concerning Revision of NY General  
Municipal Law**  
(4-0)

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

CHAIR MARINELLI directed that item Number 1-J be returned to the GOVERNMENT  
AFFAIRS COMMITTEE for further consideration.

GRANTED.

**LEGISLATOR RESOLUTIONS**

Item 58 - CHAIR MARINELLI directed that the following item be referred to the HEALTH  
& HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 11-1 from RATH. Controlling Health Insurance Costs for Retirees.

Item 59 - CHAIR MARINELLI directed that the following item be referred to the FINANCE  
& MANAGEMENT COMMITTEE.

GRANTED.

INTRO 11-2 from RANZENHOFER, MILLS & RATH. Terminating Sales Tax Revenue  
Distribution Agreement of December 30, 1977.

Item 60 - CHAIR MARINELLI directed that the following item be referred to the HEALTH  
& HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 11-3 from MARINELLI & MAZUR. Legislature's Recommendations to Governor  
for Appointment to the Erie County Medical Center Corporation Board of Directors.

Item 61 - MS. WHYTE presented the following resolution and moved for immediate  
consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 201

RE: The Dignity for All Students Act  
(INTRO 10-4)

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

WHEREAS, all students need a safe, welcoming and affirming environment in school in order to concentrate on their academic and personal growth; and

WHEREAS, students should never be preoccupied by the threat or actual occurrence of harassment or discrimination, be it verbal or physical, either from school employees or fellow students; and

WHEREAS, the Dignity for All Students Act promotes civility among students and between students and teachers and provides a response to the large numbers of harassed and stigmatized students skipping school and engaging in high risk behaviors like drug use, alcohol abuse, or even suicide; and

WHEREAS, the Dignity for All Students Act authorizes the New York State Commissioner of Education to establish policies and procedures affording all students in public schools an environment free from harassment and discrimination based on actual or perceived race, national origin, ethnic group, religion, disability, sexual orientation, gender, or sex; and

WHEREAS, the Dignity for All Students Act further requires school districts to develop procedures which create a school environment free of discrimination and harassment and to establish guidelines for training school personnel, as well as guidelines for the development of nondiscriminatory instructional and counseling methods.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the Dignity for All Students Act, specifically NYS Senate Bill 1571 and NYS Assembly Bill 3496; and be it further

RESOLVED, that certified copies of this resolution go to Governor David Paterson, the WNY State Delegation, and all school districts throughout Erie County.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 62 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 202

RE: Capitalizing on ECC's Role in Erie  
County's Economic Vitality and  
Competitiveness  
(INTRO 11-5)

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

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

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

WHEREAS, there are more than 80 academic degree and certificate programs offered at Erie Community College, many leading to immediate jobs; and

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

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

WHEREAS, the residents of Erie County recognize the value of the education provided by ECC, evidenced by the college's 35% enrollment increase during the last decade, as well as a nearly 43% increase over eight years at the City campus alone; and

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

WHEREAS, Erie County's current share of 18.7% of the college's budget is not in compliance with State Education Law, and is a full eight percentage points below the 26.7% called for in state law, reflected by a current funding gap of \$7.5 million; and

WHEREAS, five million dollars in capital monies that are available to ECC remain unspent, due to the lack of sufficient local match to draw down these New York State funds; and

WHEREAS, during the most recent Middle States Commission on Higher Education accreditation review, the aforementioned shortcomings – together with the lower than recommended fund balance – have been brought to the attention of both ECC’s Board of Trustees and administrators of the college, as well as executive and legislative policymakers in county government; and

WHEREAS, Erie Community College is a lean and efficient higher education organization, with the second lowest net operating cost among community colleges in the state; and

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

WHEREAS, ECC is the only community college in New York State that did not raise tuition last year and has the lowest overall increase over the past three years; and

WHEREAS, the graduates of Erie Community College stay in Western New York, annually contributing \$668 million in earnings to the local economy; and

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

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

NOW, THEREFORE, BE IT

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

RESOLVED, that this Honorable Body duly recognize the important role Erie Community College plays in our region’s competitiveness in the global economy of the 21<sup>st</sup> century and demonstrate this recognition by supporting an annual increase in the county share with a first-year (2008-09) increase of no less than \$750,000 – a 10% reduction in the current gap; and be it further

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

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 63 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 203

RE: Recruiting the Highest Caliber of  
Forensic Scientists to Assist Erie  
County's Crime Fighting &  
Apprehension of Criminals  
(INTRO 11-6)

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

WHEREAS, forensic laboratories within the state of New York are committed to providing the highest quality forensic services to the communities they serve; and

WHEREAS, accreditation standards mandate the educational requirements, rigorous training and competency testing necessary to ensure competent forensic scientists; and

WHEREAS, the New York State Department of Civil Service requires that certain forensic laboratory personnel titles in forensic laboratories throughout the state be civil service competitive status; and

WHEREAS, the current requirement for competitive testing for forensic scientists is hindering laboratories within the state from hiring the most qualified individuals for these very important and sensitive jobs; and

WHEREAS, Laboratory Directors from Erie, Monroe, and Onondaga Counties have each met with the State Civil Service Commission to voice their concerns about this issue; and

WHEREAS, all strongly believe that crime laboratory titles require unique qualifications and skills that cannot be appropriately assessed through civil service testing; and

WHEREAS, the strongest objection to these tests is that equivalent titles in the two New York City laboratories and the New York State Police Laboratory are exempt from testing causing an inconsistent approach to identical positions within the State, placing counties at an enormous disadvantage with respect to recruitment of the best qualified individuals; and

WHEREAS, it now appears that this appeal to rectify the problems that currently exist within the job titles pertaining to forensic scientists may be addressed by the NYS Civil Service Commission during the month of July.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature strongly urge the New York State Civil Service Commission to re-examine and correct the disparities that currently exist within the titles for Forensic Scientists in New York State accredited Forensic Laboratories; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Nancy G. Groenwegen, Commissioner, NYS Department of Civil Service, Alfred E. Smith State Office Building, Albany, NY 12239, John Greenan, Commissioner, Erie County Department of Personnel, and Dr. Anthony Billittier, Commissioner, Erie County Department of Health.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 64 - CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 11-8 from RATH. Eliminating Project Labor Agreement Exemption from Wicks Law.

Item 65 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 11-9 from MARINELLI, WHYTE, REYNOLDS, LOUGHRAN, IANNELLO, GRANT & MAZUR. The Erie Niagara Framework for Regional Growth and the Establishment of an Erie County Planning Board.

Item 66 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 204

RE: Giving County Probation Officers the Technology and Tools Essential to Their Personal Security and Public Safety (INTRO 11-10)

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

WHEREAS, in 2007, the Erie County Legislature requested that the former county administration review and improve the policy regarding cell phone, beeper and Blackberry usage to ensure that these tools of communication technology were employed judiciously and in the best interests of both public safety and taxpayer accountability; and

WHEREAS, early in 2008, the newly inaugurated County Executive acted expeditiously in evaluating the utilization and cost-effectiveness of cell phone usage and the utilization of other communications devices by all county employees; and

WHEREAS, the revised county policy has resulted in cost savings through the return of cell phones and other devices by some employees; and

WHEREAS, the blanket policy imposed countywide has not adequately taken into account the unique security needs and public safety concerns of some employees who work in criminal justice; and

WHEREAS, Erie County probation officers who monitor individuals convicted of DWI offenses utilize cell phones that are not funded by taxpayer dollars; and

WHEREAS, these cell phones are entirely funded by the fines paid by the DWI offenders themselves; and, according to New York State Vehicle and Traffic Law, these fines are to be reinvested in the STOP-DWI program only and are not to be directed to the general fund of the county; and

WHEREAS, in the interest of enhancing both the safety of the taxpaying public and our valued county employees who are probation officers, it is incumbent upon the administration to return the cell phones in question to the Probation Department for use by the probation officers who monitor DWI offenders.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature hereby direct the Director of the Erie County Department of Probation to request, without delay, that the county administration return the cell phones that had been taken away from the probation officers who monitor DWI offenders; and be it further

**RESOLVED**, that the county administration should review the blanket cell phone policy and consider, as paramount concerns, both public safety and the security of county employees who are called upon to monitor the activities of individuals on probation, sometimes in the most dangerous neighborhoods in our community; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive and to the Director of the Erie County Department of Probation.

Item 67 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 205

RE: Allowing Smaller Municipal  
Governments to Join Multiple Employer  
Health Insurance Plans  
(INTRO 11-11)

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

WHEREAS, according to the Office of the New York State Comptroller's 2007 Annual Report on Local Government, spending by local government is increasing by more than double the rate of inflation; and

WHEREAS, one of the main reasons for this increase is due to the high cost of employee benefits; and

WHEREAS, municipalities are attempting to control the high cost of health insurance by taking advantage of economies of scale and developing shared insurance plans with neighboring municipalities; and

WHEREAS, many larger municipalities have joined multiple employer or similar trusts to jointly purchase health insurance plans; and

WHEREAS, by joining multiple employer and similar trusts and spreading the risk among a larger pool of risks, these municipalities have lowered health insurance costs by reducing administrative costs through negotiating power, amortizing costs across similar pools of risk, and risk sharing, all in an effort to stabilize health claims costs; and

WHEREAS, New York's community rating law requires that individual and small group health insurance policies, those insuring groups of 50 or fewer, be community rated; and

WHEREAS, it also requires that a multiple employer or similar trust comprised of several municipalities must have a community rated health plan if any of its members has 50 or fewer employees; and

WHEREAS, small municipalities have not been allowed to join multiple employer or similar trusts and cannot share in the costs savings benefits associated with these experience rated trusts, because small municipalities with 50 or fewer employees are unable to take advantage of these costs savings due to New York's community rating law; and



WHEREAS, New York State Senate Bill S. 8225 and New York State Assembly Bill A. 11176 seek to amend the insurance law, in relation to excepting from community rating requirement group health insurance policies issued to multiple employer trusts consisting of municipal corporations and public benefit corporations; and

WHEREAS, these bill would allow small municipalities to join multiple employer or similar trusts that are experience rated so they may share in the health insurance costs savings of these trusts.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature supports New York State Senate Bill 8225 and New York State Assembly Bill 11176, which would permit small municipalities to not be bound to a community rating; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader Joseph Bruno, the local delegation to the New York State Legislature and County Executive Christopher Collins.

MS. WHYTE moved to amend the resolution by adding CHAIR MARINELLI, MS. WHYTE, MR. KOZUB, MR. KENNEDY, MR. RANZENHOFER, MS. KONST, MR. MAZUR, MR. WROBLEWSKI, MS. IANNELLO, MR. REYNOLDS, MR. LOUGHRAN and MR. RATH as Co-Sponsors. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 68 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 206

RE: Supporting A State DEC Grant  
for Plantings in Olmsted Parks  
(INTRO 11-12)

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

WHEREAS, the Buffalo Olmsted Parks Conservancy has submitted a grant application to the New York State Department of Environmental Conservation, Urban and Community Forestry Grant Program, to support plantings in the Olmsted Park System in Buffalo; and

WHEREAS, the Buffalo Olmsted Parks Conservancy proposal is ideally suited for the Urban and Community Forestry Grant Program, which strives to improve the quality of place and environment in underserved neighborhoods; and

WHEREAS, the Conservancy has demonstrated an unwavering commitment to protect and enhance the Buffalo Olmsted Parks System, even during the financially trying times faced by both the City of Buffalo and County of Erie; and

WHEREAS, in 2006, Buffalo was devastated by the “October Surprise” – a Columbus Weekend snowstorm which heaped inches of heavy, wet snow on trees in full leaf, causing the destruction of thousands of trees in the Buffalo area; and

WHEREAS, the night of October 12 is sadly remembered as “the night the trees cried,” an event witnessed by residents who ventured outside their homes, hearing the snap of tree limbs succumbing to the weight of the snow, falling to the ground, piercing the still, nighttime air with the sounds of sylvan devastation; and

WHEREAS, the Olmsted Parks System was especially hard hit, evidenced by the urgent need to replant and reforest the 1200 acres of greenery that bore the brunt of this historic storm; and

WHEREAS, the NYS Department of Environmental Conservation grant in the amount of \$80,000 would be utilized to plan, plant and maintain a new tree inventory to replace the nearly 500 trees destroyed within the Olmsted Parks System – including those in Martin Luther King, Jr. Park, Riverside Park and Cazenovia Park; and

WHEREAS, these new trees would also replace about 90% of the more than 11,000 trees in the Olmsted System that sustained heavy damage as a result of this unprecedented storm; and

WHEREAS, Buffalo, despite its status as the second poorest city in the nation, is mindful of the nationally important Olmsted Park System in its midst; and

WHEREAS, given the financial challenges faced by both the City of Buffalo and Erie County, state funds need to be invested in our community so that we can bring our parks back to their pre-storm condition, thereby protecting a regional, state and national asset.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature go on record in support of the grant application submitted by the Buffalo Olmsted Parks Conservancy for an Urban and Community Forestry Grant from the New York State Department of Environmental Conservation to replace the trees lost and damaged in the “October Surprise” Storm of 2006; and be it further

**RESOLVED**, that certified copies of this resolution be conveyed to Governor Paterson, Alexander B. Grannis, Commissioner of the New York State Department of Environmental Conservation, Assembly Speaker Silver, Senate Majority Leader Bruno, the Western New York Delegation to the State Legislature and to Thomas Herrera-Mishler, CEO of the Buffalo Olmsted Parks Conservancy.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 69 - CHAIR MARINELLI directed that the following item be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 11-13 from MILLER-WILLIAMS. Support for the Creation and Development of the Buffalo Urban Arts Center.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

Item 70 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11E-28 from the COUNTY EXECUTIVE Re: Black Rock Canal Park – Feasibility Contract

RESOLUTION NO. 207

WHEREAS, the Black Rock/Riverside Good Neighbors Planning Alliance (GNPA) has prepared a comprehensive concept plan for improving the County's Ontario Street Boat Launch Area in the City of Buffalo; and

WHEREAS, said concept plan includes ambitious recommendations for conversion of the site into a multi-purpose, year round waterfront park; and

WHEREAS, the GNPA concept plan has assigned the name of Black Rock Canal Park to the site; and

WHEREAS, a detailed feasibility analysis of the concept plan is necessary prior to proceeding further with project design; and

WHEREAS, funding for the Feasibility Analysis will be shared equally among Erie County, City of Buffalo, and New York State; and

WHEREAS, the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with and a summary of the process is attached to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute any and all agreements with the City of Buffalo allowing transfer of City funds to Erie County for the purpose of undertaking the Analysis in an amount not to exceed \$50,000; and be it further

RESOLVED, that the County Executive is authorized to execute any and all agreements with the applicable New York State government unit allowing transfer of New York State funds to Erie County for the purpose of undertaking the Analysis in an amount not to exceed \$50,000; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute any and all agreements with Peter J. Smith and Company, Inc. in an amount not to exceed \$150,000 for the purpose of completing a Black Rock Canal Park Feasibility Analysis with execution of said consultant agreement dependent on the County Executive obtaining fully signed funding contracts with the City of Buffalo and New York State; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Environment and Planning; and the Commissioner of the Department of Parks, Recreation and Forestry.

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

CARRIED UNANIMOUSLY.

Item 71 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11E-29 from the COMPTROLLER Re: Investment Guidelines for Daily Cash Management

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 72 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11E-30 from MILLER-WILLIAMS Re: Letter of Absence from Session

Receive, Filed & Printed.

June 12, 2008

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

Dear Chair Marinelli:

Please be advised that I am unable to participate in the June 12, 2008 Session of the Erie County Legislature for medical reasons.

Thank you.

Sincerely,

Barbara Miller-Williams  
Third District Legislator

Item 73 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11E-31 from KONST Re: Letter to Comptroller and ECFSA Concerning 2007-2008 Capital Borrowing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 74 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11E-32 from KOZUB Re: Lease for District Office

RESOLUTION NO. 208

RESOLVED, the Erie County Executive is hereby authorized to sign a Two (2) Year Lease Agreement with Peter A. Vinolus, for Legislative office space for Daniel M. Kozub, located at 609 Ridge Rd., Lackawanna, New York 14218 for a monthly rate of \$650.

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

CARRIED. (13-0-1)

Item 75 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11D-6 from the COUNTY ATTORNEY Re: Letter Concerning Taxpayer Protection Law

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 76 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 11E-33 from KENNEDY Re: Letter to Chair Marinelli - Establishment of Subcommittee on Transportation

Received and Filed.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY EXECUTIVE**

Item 77 – (COMM. 11E-1) Budget Monitoring Report for Period Ending April 30, 2008

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR REYNOLDS**

Item 78 – (COMM. 11E-2) Absence from Committee Meetings Held Thursday, June 5, 2008

Received and Filed.

**FROM THE COMPTROLLER**

Item 79 – (COMM. 11E-3) Audit of Department of CPS Internal Controls Over Computers and Related Devices

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE DISTRICT ATTORNEY**

Item 80 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 209

RE: District Attorney – Crimes  
Against Revenue Program Grant  
- Personnel Change  
(COMM. 11E-4)

WHEREAS, the District Attorney’s Office receives funding from the New York State Division of Criminal Justice Services for the Crimes Against Revenue Program (CARP) Grant; and

WHEREAS, due to potential funding limitations in the future, the District Attorney desires to delete the position of Assistant District Attorney VI (JG17), and to create one position of Assistant District Attorney IV (JG15); and

WHEREAS, in order to properly recruit an experienced individual with the knowledge necessary to perform the duties required by this particular grant program, but at the lower pay grade, the District Attorney feels this position would be more marketable at a variable minimum step 3 in job grade 15, earning \$67,906, as opposed to a step 0, earning only \$56,884; and

WHEREAS, the funds necessary to effectuate the following changes are available through the CARP grant; and

WHEREAS, all requests for authority to recruit at a higher increment level must be approved by the Legislature; and the Legislature has already approved the District Attorney’s Grant Budgets in Book B for 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby provides authorization to delete position #51004757, Assistant District Attorney VI (JG 17) and create one position of Assistant District Attorney IV (JG 15) (B100 #3888); and be it further

RESOLVED, that the salary for the newly created position is hereby authorized to increase to Step 3 in Job Group 15; and be it further

RESOLVED, that authorization is hereby provided to reallocate funds within the District Attorney’s Crimes Against Revenue Program Grant to match state authorized funding levels, to be adjusted as follows:

CRIMES AGAINST REVENUE PROGRAM (CARP)  
Fund: 281, Cost Center: 1140050, Grant: 114CARP0708  
October 1, 2007 to September 30, 2008

<u>Revenue</u>	<u>Original</u>	<u>Change</u>	<u>Final</u>
409000 State Revenue	\$ 180,000	\$ (8,000)	\$ 172,000

Total Revenue	<u>\$ 180,000</u>	<u>\$ (8,000)</u>	<u>\$ 172,000</u>
<u>Appropriation</u>			
500000 Full Time Salaries	\$128,000	\$ (6,000)	\$ 122,000
502000 Fringe Benefits	<u>52,000</u>	<u>(2,000)</u>	<u>50,000</u>
Total Appropriations	<u>\$ 180,000</u>	<u>\$ (8,000)</u>	<u>\$ 172,000</u>

and be it further

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

Item 81 – (COMM. 11E-5) District Attorney - Operation IMPACT Grant - 2008-2009

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 82 – (COMM. 11E-6) Amend AAATRAN Grant and POE Budgets

Item 83 – (COMM. 11E-7) Medical Reserve Corps Grant - 5/5/08 - 7/31/08

Item 84 – (COMM. 11E-8) Bathing Beach Water Quality Sanitary Survey Project

Item 85 – (COMM. 11E-9) Amend Title VII and LTCOP Grant Budgets and Related Contracts

The above four items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 86 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 210

RE: Operation Prime Time  
(COMM. 11E-10)

WHEREAS, the Erie County Youth Bureau has an appropriation of \$714,285 in the 2008 Adopted Budget for Operation Prime Time for community based organization (CBO) contracts for the eight week school summer recess period; and

WHEREAS, this appropriation will fund adult supervised programs consisting of structured recreational and educational activities that increase socialization and foster respect for authority, and prevent delinquency; and



WHEREAS, the Erie County Youth Bureau conducted an extensive, open and transparent Request for Proposals process assisted by the Erie County Youth Board; and

WHEREAS, the Erie County Youth Board is making recommendations based on the agency interview, past history, expenditure detail, community collaboration, and conformance to the requirements of the RFP; and

WHEREAS, the alphabetical recommended list for funding 54 CBO contracts is as follows:

ACCESS of WNY	8,000
Act For Youth for Erie County	13,000
Back To Basics Outreach Ministries	15,000
Be-A-Friend Inc.	9,000
Blossom Garden Friends School	6,000
Bob Lanier Center	10,000
Boy Scouts Of America	35,000
Boys & Girls Club of Buffalo	30,000
Boys & Girls Club of Eden Inc.	10,000
Boys & Girls Club of Holland	10,000
Boys & Girls Club of Orchard Park	8,000
Boys & Girls Club of the North Towns	15,000
Boys & Girls Club of East Aurora	15,000
Boys & Girls Club of Elma, Marilla and Wales	7,000
Buffalo Alliance for Education	20,000
Buffalo Museum of Science	8,000
Butler Mitchell Association Inc.	8,000
Center for Exploratory and Perceptual Arts	15,000
Community Action Organization	40,000
Computers for Children	25,000
Concerned Ecumenical Ministries	8,000
Cradle Beach Camp	15,000
CRUCIAL Human Services	12,285
Delavan Grider Community Center	15,000
Elim Community Corporation	8,000
Erie Regional Housing Development Corp.	15,000
First Hand Learning	10,000
Fillmore Leroy Area Residents	5,000
Hispanics United of Buffalo	10,000
Holy Cross Church	5,000
Lackawanna Yemen Sports & Education	12,000
Lt. Col. Matt Urban Human Services Center	17,000
MAD DADS of Greater Buffalo	5,000
Massachusetts Avenue Project	15,000
Northwest Buffalo Community Center	38,000
Old First Ward Community Center	15,000
P2 Collaborative of WNY - Ginger Kids	10,000
Parkside Community Association of Buffalo	5,000

Pioneer Camp and Retreat Center	10,000
Police Athletic League of Buffalo	32,000
St. Vincent DePaul Camp	10,000
Schiller Park Community Services	22,000
Seneca Babcock Community Association	15,000
The Enlightenment Literary Arts Center Inc.	5,000
The F.A.M.I.L.Y. 25 Inc.	10,000
Town of Tonawanda Youth, Parks, Recreation	10,000
University Heights Community Development Association	8,000
Urban Christian Ministries	7,000
Valley Community Association	15,000
Wellness Institute of Greater Buffalo	5,000
West Seneca Americorp	5,000
Westside Community Services	15,000
Willie Hutch Jones Sport Clinic	8,000
YMCA Buffalo Niagara	10,000

totaling \$714,285; and

WHEREAS, there is no fiscal impact to the 2008 Adopted Budget based on this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services be authorized to execute necessary contracts and agreements for this program and, be it further

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

Item 87 – (COMM. 11E-11) Central Police Services - 2008 Crime Mapping Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 88 – (COMM. 11E-12) Lease Agreements - Women, Infants and Children's (WIC) Program Distribution Sites

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 89 – (COMM. 11E-13) Buffalo and Erie County Library - Main Branch - Fuel Oil Tank Replacement, Sidewalk Replacement and Storage Mezzanine

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 90 – (COMM. 11E-14) Lease of Space on Cell Tower and Construction of Equipment Structure at Erie Community College North Campus

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 91 – (COMM. 11E-15) Payment In Lieu of Taxes (PILOT) Agreement for Broadway Market Apartments

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 92 – (COMM. 11E-16) County of Erie - Revocable Permit Between Erie County & National Fuel Gas Distribution Corporation

Item 93 – (COMM. 11E-17) Erie County Sewer District No. 6 - Lackawanna Wastewater Treatment Plant Elimination Feasibility Study - Phase II

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

Item 94 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 211

RE: Agreement to Grant an Easement  
at ECC North Campus to YMCA  
(COMM. 11E-18)

WHEREAS, the Young Men’s Christian Association Buffalo Niagara, dba YMCA Buffalo Niagara (“YMCA”) maintains various family branch membership facilities for the use of its membership in Western New York; and

WHEREAS, in the year 2007 the YMCA agreed to acquire a parcel of land adjacent to and east of the North Campus of Erie Community College (“ECC”) to construct a new facility on that parcel of land; and

WHEREAS, the YMCA will require roadway access to that parcel of land; and

WHEREAS, there exists, on the North Campus of Erie Community College, a roadway entering the campus from both Main Street and Wehrle Drive known as Tech Drive; and

WHEREAS, the YMCA desires the use of the Tech Drive roadway by their membership, staff and visitors for the purpose of gaining access to their new facility; and

WHEREAS, in January, 2008 the Board of Trustees of ECC approved an agreement with the YMCA conveying an easement of Tech Drive to them by Erie County in return for valuable consideration consisting of: a) no less than thirty (30) paid and unpaid internships/co-ops, b) reimbursement by the YMCA of 50% of the yearly operating costs of Tech Drive (limited to \$6,000 in the initial year, escalating 3% each year thereafter) and all costs associated with any Town of

Amherst required capital improvement/widening of Tech Drive as a result of additional use thereof,  
c) discounted or a no-joining fee for ECC students, faculty and staff to join the YMCA; and

WHEREAS, the YMCA is agreeable to the possibility of the college renting portions of the facility from time to time.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the YMCA has a need relative to access to its Amherst property situated on Main St. east of and adjacent to ECC's North Campus and that Erie County can provide access to that property through the granting of an easement over Tech Drive on the ECC North Campus, and be it further

RESOLVED, that the Legislature recognizes that the YMCA is a valuable not-for-profit entity contributing to the health, social and economic well being of Erie County, and be it further

RESOLVED, that the County Executive is authorized to execute an easement agreement and all related ancillary documents and/or instruments necessary to grant said easement to the Young Men's Christian Association Buffalo Niagara, dba YMCA Buffalo Niagara, and be it further

RESOLVED, that the easement shall authorize the YMCA to use ECC's North Campus Tech Drive to gain access to their adjacent property, and be it further

RESOLVED, that the easement shall be effective upon execution of said easement agreement, and the YMCA's obtaining all applicable approvals from the Town of Amherst for construction of its Northtowns facility, and will continue indefinitely subject to both parties performing their duties as described therein, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Erie County Comptroller, President of ECC, Deputy Commissioner of Real Property Tax, Assistant County Attorney Gregory J. Dudek, and the Erie County Fiscal Stability Authority.

Item 95 – (COMM. 11E-19) Department of Social Services - Employee Education & Training

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 212

RE: State Aid for Snowmobile  
Department, 2007-2008  
(COMM. 11E-20)

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for

Snowmobile Trail Development during the 2007-2008 snowmobile season for funding in an amount not to exceed \$126,225.00; and

WHEREAS, the sum of \$1,000.00 is budgeted as a state revenue for snowmobile development in the 2008 Adopted Budget of the Division of Parks; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the Erie County Department of Parks, Recreation and Forestry within the County parks and forest lots, as well as similar work performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$126,225.00 as pertains to snowmobile trail maintenance performed during the 2007-2008 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$120,200.00 for the purpose of snowmobile trail maintenance on club trails during the 2007-2008 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$10,825.00
Eden Trail Blazers Inc.	\$11,575.00
Grand Island Snowmobile Club Inc.	\$ 5,200.00
Hamburg Snowmobile Club Inc.	\$12,775.00
Holland Sno-Rascals Inc.	\$13,800.00
Marilla Sno-Mob Inc.	\$11,650.00
Northern Erie Snowseekers Inc.	\$14,375.00
Pioneer Sno-Surfers Inc.	\$ 5,975.00
Southern Tier Snowdrifters Inc.	\$15,650.00
WNY Snowmobile Club of Boston Inc.	\$18,375.00

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account 409010, in the amount of \$126,225.00, of which \$6,025.00 will be Park revenue, and an increase in appropriations in the amount of \$120,200.00, in the Division of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of snowmobile Clubs; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, the Commissioner of the Department of Environment and Planning, the

Office of the Erie County Comptroller and Assistant County Attorney, Greg Dudek, of the Law Department..

Item 97 – (COMM. 11E-21) Emergency Services Microwave Project

Received and referred to the PUBLIC SAFETY COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 213

RE: Lease Renewal - 85 Manitou,  
Depew, NY  
(COMM. 11E-22)

WHEREAS, the Erie County Department of Health operates district offices for the provision of Public Health Services in various locations throughout the County; and

WHEREAS, the County leases space at 85 Manitou from the Village of Depew for its Lancaster District Environmental Health Office. The lease expired at the end of business October 31, 2007; and

WHEREAS, the County is in the process of moving that Environmental Health District office to a county-owned facility, and it is the desire of the County to extend the current lease on a month-to-month basis until the new office space becomes available; and

WHEREAS, the Village of Depew has agreed to this month-to-month extension at the monthly rate of \$3,867.45 per month; and

WHEREAS, monies are available in Account 545000 – Rental Charges of the 2008 Adopted Budget to fund this extension.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to extend the existing lease with the Village of Depew for rental of space at 85 Manitou, Depew, New York to be utilized by the Erie County Department of Health's Environmental Health District Office; and be it further

RESOLVED, that the terms of the lease extension shall be on a month-to-month basis at the rate of \$3,867.45 per month commencing November 1, 2007 until the Erie County Department of Health departs the premises at 85 Manitou; and be it further

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

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

CARRIED UNANIMOUSLY.

Insert the Following:

RESOLVED, this lease shall not exceed one year and monthly renewals will not go beyond December 31, 2008.

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

CARRIED UNANIMOUSLY.

Item 99 – (COMM. 11E-23) Buffalo/Niagara Convention Center - 2008 Capital Projects - Architect/Engineer Agreement Amendment

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 100 – (COMM. 11E-24) Semi-Annual Report of Receipts and Disbursements - Mortgage Tax Collections - October 1, 2007 - March 31, 2008

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 101 – (COMM. 11E-25) County Attorney's Office Staff Adjustments

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE SHERIFF

Item 102 – (COMM. 11E-26) Erie County Sheriff's Office - Variable Minimum for Supervising Auto Mechanic

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR WHYTE

Item 103 – (COMM. 11E-27) Appointments to the Erie County Commission on the Status of Women

Received, Filed and Printed.

Mr. Robert Graber  
Clerk, Erie County Legislature  
92 Franklin St.

Buffalo, NY 14202

June 10, 2008

RE: Appointments to the Erie County Commission on the Status of Women

Dear Mr. Clerk:

I write to officially appoint Ms. Lou Anne Santiago (176 15<sup>th</sup> Street, Buffalo, NY 14213) and Ms. Pamela Perry-Cahill (126 William Price Parkway, Buffalo, NY 14214) to the Erie County Commission on the Status of Women. Ms. Santiago has worked as a bilingual HIV/AIDS educator for the Red Cross and Erie County, focusing her attention on education among women and minorities. Ms. Cahill currently serves as a distinguished member of the Buffalo Board of Education. Both are leaders in our community and will make valuable contributions to the Women's Commission.

Thank you very much for your attention to this matter.

Sincerely,

Maria R. Whyte  
Majority Leader

CC: Susan Sizemore  
Lynn Marinelli  
Lou Anne Santiago  
Pamela Perry-Cahil

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM ERIE COMMUNITY COLLEGE**

Item 104 – (COMM. 11D-1) Follow-Up to Legislative Questions Re: West Herr Lease/Local Law

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE DEPARTMENT OF LAW**

Item 105 – (COMM. 11D-2) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE DEPARTMENT OF HEALTH**

Item 106 – (COMM. 11D-3) Agenda for EC Board of Health Meeting on July 8, 2008 and Minutes from January 10, 2008



Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 107 – (COMM. 11D-4) Revised Designation in the Event of Vacancy, Absence or Inability

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPARTMENT OF HEALTH

Item 108 – (COMM. 11D-5) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM THE NYS DEPARTMENT OF TRANSPORTATION

Item 109 – (COMM. 11M-1) US Route 62, SH5172, Niagara Falls Boulevard, Ridge Lea/Koenig Rd. Intersection, I-290 Overpass to Ridge Lea/Koenig Rd. Intersection, Amherst & Tonawanda

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE GOVERNOR'S OFFICE

Item 110 – (COMM. 11M-2) Acknowledgement of Receipt of Certified Resolution

Received and Filed.

FROM THE ASSOCIATION OF ERIE COUNTY GOVERNMENTS

Item 111 – (COMM. 11M-3) Certified Resolution Regarding Supporting an Amendment to NYS RPTL in Relation to Assessments of New Condominiums

Received and Filed.

FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Item 112 – (COMM. 11M-4) Steelfields Ltd. Project Bulletin - Cleanup Activities Complete

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM COLUCCI & GALLAHER, P.C.

Item 113 – (COMM. 11M-5) Materials Distributed at the May 29, 2008 Regular Meeting of the Board of Directors of Erie County Medical Center Corporation

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NFTA

Item 114 – (COMM. 11M-6) NFTA Board Minutes for Meeting Held on April 28, 2008

Item 115 – (COMM. 11M-7) Notice of Proposed Rulemaking Regarding 21 NYCRR Part 1159, NFTA's Procurement Guidelines

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

FROM PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS

Item 116 – (COMM. 11M-8) Letter and DVD Concerning Elephant Abuse at Carson & Barnes Circus

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE EC LEGISLATURE MAJORITY COUNSEL

Item 117 – (COMM. 11M-9) Letter to ECFSA Regarding Resolution 08-51 Payments to AFSCME Local 1095

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM JAMES J. EAGAN

Item 118 – (COMM. 11M-10) Letter Regarding NFTA Board of Commissioners Vacancy

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE LEGAL AID BUREAU OF BUFFALO, INC.

Item 119 – (COMM. 11M-11) Monthly Report and Monthly Activity Report for May 2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 120 – LEGISLATOR KONST announced that the Finance & Management Committee will hold mid-year budget hearings for three full days (June 16<sup>th</sup> to June 18<sup>th</sup>), with possible callbacks on Friday, June 20<sup>th</sup>.

Item 121 – LEGISLATOR GRANT announced that a Public Hearing will be held concerning the proposed 2008-2009 Erie Community College budget on Thursday, June 19<sup>th</sup> at 5:00 P.M. in the Chambers of the Legislature.

Item 122 – LEGISLATOR MAZUR announced that tomorrow, Friday, June 13<sup>th</sup> at 3:15 P.M. there will be rally in support of ECMC, at 701 E. Delavan Ave. Legislator Grant also mentioned that the community needs to preserve ECMC, and that this rally will determine where the community stands on this important matter.

Item 123 – CHAIR MARINELLI announced that a graduation ceremony for the police training academy will be held tomorrow, Friday, June 13, 2008.

### **MEMORIAL RESOLUTIONS**

Item 124 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Daniel J. Lazich and Terrence J. Smerka.

Item 125 - Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of John M. Cleary, Sr.

Item 126 - Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Genevieve B. Lee.

Item 127 - Legislator Grant requested that when the Legislature adjourns, it do so in memory of the four Boy Scouts killed when a tornado hit a Boy Scout Camp in Iowa; and in memory of the two young girls who were murdered in Weleetka, Oklahoma.

### **ADJOURNMENT**

Item 128 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. WROBLEWSKI moved that the Legislature adjourn until Thursday, June 26, 2008 at 2:00 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, June 26, 2008 at 2:00 p.m. Eastern Standard Time.

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