

**ERIE COUNTY LEGISLATURE
MEETING NO. 12
JUNE 25, 2009**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Ms. Iannello, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Wroblewski.

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 11 from 2009. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – CHAIR MARINELLI, MS. WHYTE, MS. KONST & MS. IANNELLO presented a resolution Congratulating Carmela Trippi on Her 100th Birthday.

Item 6 – MR. MAZUR & CHAIR MARINELLI presented a resolution Commemorating the 10th Anniversary of the U.S. Supreme Court's Olmstead Decision Regarding Services for the Disabled.

Item 7 – MS. GRANT & CHAIR MARINELLI presented a resolution Recognizing David Lacki on His Years of Service to the Buffalo Niagara Convention & Visitors Bureau.

Item 8 – MR. MILLS, MR. RATH & MR. WALTER presented a resolution Congratulating Michael Weiner on His Retirement from the EC Department of Social Services.

Item 9 – CHAIR MARINELLI & MR. MAZUR presented a resolution Honoring EC Department of Social Services Commissioner Michael Weiner Upon Retiring After 30 Years of Service.

Item 10 – MS. KONST presented a Memorial Resolution for Joseph Green Jr.

Item 11 – MS. IANNELLO presented a resolution Honoring Spencer Miliotto for Being Named New York's Top Energy Detective.

Item 12 – MS. KONST presented a Memorial Resolution for Jeffrey F. Snaza.

Item 13 – MR. REYNOLDS presented a resolution Congratulating Jennifer Parker for Her Outstanding Service as a Member and Chair of the Buffalo Niagara Convention and Visitors Bureau Board of Directors.

Item 14 – MR. REYNOLDS presented a resolution Congratulating Richard Geiger for His Outstanding Service as President and Chief Executive Officer of the Buffalo Niagara Convention and Visitors Bureau.

Item 15 – MR. RATH presented a resolution Recognizing Brad Archdeacon on Achieving the Rank of Eagle Scout.

Item 16 – CHAIR MARINELLI, MS. WHYTE, MR. MILLS, MR. KOZUB, MR. WALTER, MR. KONST, MS. GRANT, MR. MAZUR, MS. IANNELLO, MR. REYNOLDS & MR. RATH presented a resolution Congratulating Erie County Office for the Disabled Executive Director Emily Kaznica Upon the Occasion of Her Retirement.

MS. WHYTE moved for consideration of the above twelve items. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twelve items by including Et Al Sponsorship. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above twelve items as amended. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 17 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 18 – CHAIR MARINELLI directed that Local Law No. 3 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR MARINELLI directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR MARINELLI directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR MARINELLI directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 – CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2009 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 24 – MS. KONST presented the following report and moved for immediate consideration and approval MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 169

June 16, 2009	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 8-9 (2009)
IANNELLO & KONST: “AS AMENDED - Requesting that the Erie County Fiscal Stability Authority Deny Job Request Authorization Concerning DISS Chief Information Officer Position”
(6-0)

- b. COMM. 11E-1 (2009)
COUNTY CLERK: “NYS Mortgage Tax Semi-Annual Report”
(6-0)
 - c. COMM. 11D-4 (2009)
DIRECTOR OF BUDGET AND MANAGEMENT: “Budget Monitoring Report for Period
Ending 4/30/09”
(6-0)
 - d. COMM. 11M-15 (2009)
MEALS ON WHEELS FOUNDATION OF WNY: “Copy of Letter to Legislator Whyte
Regarding Update on Meals on Wheels Commissary Project”
(6-0)
2. COMM. 11E-24 (2009)
COUNTY EXECUTIVE
WHEREAS, the following grant programs are included in Book B of the 2009 Adopted
Budget; and

WHEREAS, the 2009 Adopted Budget resolutions require legislative approval for the
County Executive to enter into contracts with grantor agencies for the purpose of receiving grants
awarded or budgeted for fiscal 2009.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with
grantor agencies for the purpose of receiving grants, following review and approval by the Director
of Budget and Management with respect to the availability of State and/or Federal funds, for the
following grant programs:

District Attorney	Start Date	Appropriation
Aid to Prosecution Program	4/1/2009	1,501,668
BE SAFE Program	10/1/2009	457,939
Crimes Against Revenue Program	10/1/2009	193,596
Federal Family Violence Prevention Services Act	3/31/2009	51,791
Motor Vehicle Theft & Insurance Fraud Prevention	3/1/2009	108,003
Operation Impact Program	7/1/2009	620,947
S.T.E.P.S./ Road to Recovery	1/1/2009	65,800
Stop Violence Against Women Program	10/1/2009	138,268
Victim/Witness Assistance Program	10/1/2009	401,167
 Sheriff		
Human Trafficking	1/1/2009	160,000
Impact IV	7/1/2009	189,459

Department of Social Services		
Day Care Registration Program	1/1/2009	1,035,470
Energy Services Packaging Project	10/1/2009	67,906
Intensive Case Services for Non-Compliant Families	6/1/2009	706,390
LTC Point of Entry Program	10/1/2009	205,000
Strengthening Families Program	4/1/2009	250,000
Safety Net Assistance Project	10/1/2009	80,000
Mental Health Department		
Family Voices	1/1/2009	1,798,497
SPOA: Children's Intensive Community Services	1/1/2009	3,003,918
Probation		
ATI - Pre-Trial Services Program	1/1/2009	322,286
ATI - Community Service Sentencing Pgm	1/1/2009	225,616
ATI - Women's Residential Resource Ctr	1/1/2009	8,000
Intensive Supervision Program	1/1/2009	323,622
Juvenile Incentive Accountability Block Grant	10/1/2009	14,103
Operation Impact Program - Probation	7/1/2009	190,028
Crime Victim Board	10/1/2009	55,784
Juvenile Justice Delinquency Prevention Grant	1/1/2009	141,000
Health Department		
Beach Water Quality Monitoring Program	10/1/2009	9,060
Breast and Cervical Cancer Early Detection	6/30/2009	71,952
Childhood Lead Poisoning Prevention Program	4/1/2009	620,505
Enhanced Drinking Water Program	4/1/2009	250,000
Expanded Syringe Access Program	7/1/2009	56,812
Facilitated Enroll. Child/Fam Hlth Plus & Medicaid	1/1/2009	300,471
Healthy Heart Worksite Wellness	4/1/2009	113,000
Healthy Neighborhoods Grant	10/1/2009	263,955
HIV Partner Notification Program	10/1/2009	207,551
Immunization Action Plan	4/1/2009	294,000
Laboratory Response Network	8/10/2009	200,000
Lead Primary	10/1/2009	434,119
Medical Examiner Toxicology Lab Aid	4/1/2009	119,512
National Forensic Improvement Grant	10/1/2009	25,000
Partners for Prevention Program	4/1/2009	312,620
Prevention of Type 2 Diabetes in Children	4/1/2009	50,000
Public Health Campaign STD	4/1/2009	114,364
Public Health Campaign TB	3/31/2009	297,583

Public Health Preparedness Response to Bioterrorism	8/9/2009	1,041,782
WNY Coalition for Diabetes Prevention	10/1/2009	100,000
Women's Health Services	1/1/2009	1,338,502
Youth Tobacco Enforcement & Prevention Grant	10/1/2009	348,000
Western New York Public Health Alliance	8/10/2009	74,605
Partners for Prevention Clinical Services	4/1/2009	528,997
Lead Hazard Control Program	11/1/2009	1,336,364
STD Outreach	1/1/2009	103,815
Law		
Aid to Localities - Indigent Defense Program	4/1/2009	254,003
Senior Services		
Cash in Lieu of Commodity Foods	10/1/2009	702,669
Community Services for the Elderly Program	4/1/2009	1,499,419
Congregate Dining Nutrition Program	1/1/2009	2,298,806
Congregate Services Initiative (CSI)	4/1/2009	67,742
Disease Prevention and Health Promotion Grant	1/1/2009	117,400
Elder Abuse Prevention Ombudsman Pgm (Title VII)	1/1/2009	48,051
Elder Caregiver Support Program	1/1/2009	809,242
Expanded In-Home Svcs for the Elderly Pgm	4/1/2009	4,100,749
Hlth Insurance Info. Counseling & Assistance Pgm	4/1/2009	42,494
Home Delivered Nutrition Program	1/1/2009	1,323,584
Long Term Care Insurance Education & Outreach Program	4/1/2009	49,830
Long Term Care Ombudsman Program (LTCOP)	4/1/2009	43,983
NYS Retired Senior Volunteer Program	4/1/2009	11,395
Retired Senior Volunteer Program (RSVP)	7/1/2009	184,803
Senior Aides Program	7/1/2009	1,113,841
Senior Community Service Employment	7/1/2009	310,445
Supplemental Nutrition Assistance Program	4/1/2009	1,761,980
Weatherization Referral and Packaging Program SOFA	4/1/2009	320,456
Areawide Agency on Aging	1/1/2009	1,767,166
New York State AAA Transportation	4/1/2009	109,787
Central Police Services		
Aid to Crime Labs Program	7/1/2009	855,397

Firearms Lab Capacity Enhancement Initiative	7/1/2009	106,726
Project Safe Neighborhoods	10/1/2009	10,269
DNA Crime Lab Improvement Grant	7/1/2009	561,079
Project Impact	7/1/2009	128,863
National Forensic Sciences Improvement	10/1/2009	52,835
Library		
Central Library Book Aid	1/1/2009	67,925
Central Library Development Aid	1/1/2009	294,450
Continuity of Service	1/1/2009	47,500
Coordinated Outreach Program	1/1/2009	160,470
Library Services to County Correctional Facilities	4/1/2009	7,353
Library Services to State Correctional Facilities	1/1/2009	34,571
NYS Library System Automation Grant Non-Competitive	1/1/2009	72,675
Special Needs		
Children with Special Health Care Needs	10/1/2009	73,868
County Executive		
Office of Workforce Development	1/1/2009	195,390

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into subcontracts with community agencies funded under the above grants as indicated in Book B of the 2009 Adopted Budget; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to grantor awards, provided there are no changes to authorized personnel levels and county share amounts; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: District Attorney, the Office of the Sheriff, Probation, Social Services, Law, Senior Services, Central Police Services, Mental Health, Health, the Library and the Office of the Comptroller and the Division of Budget and Management.
(6-0)

KATHY KONST
CHAIR

Item 25 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 170

June 16, 2009	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11D-2 (2009)
COMMISSIONER OF ENVIRONMENT & PLANNING: "State Environmental Quality Review - Sanitary Sewer Service to 7584 Boston State Rd."
(6-0)
 - b. COMM. 11D-9 (2009)
ENVIRONMENT REVIEW COORDINATOR, ENVIRONMENT & PLANNING: "State Environmental Quality Review - South Main St. Waterline Improvements - Village of Angola"
(6-0)
 - c. COMM. 11M-4 (2009)
TOWN CLERK - TOWN OF ALDEN: "Copy of Town Board Resolution Opposing the Establishment of a County Planning Board - Local Law Intro 1-1, "The Strategic Development Act""
(6-0)
 - d. COMM. 11M-8 (2009)
NYSDEC: "Fact Sheet - NYSDEC Modifies Cleanup Plan for Spaulding Fibre Site, Tonawanda"
(6-0)
 - e. COMM. 11M-9 (2009)
TOWN CLERK - TOWN OF WEST SENECA: "Unanimously Adopted Resolution in Support of Renaming Ridge Rd., 'Father Baker Boulevard'"
(6-0)
 - f. COMM. 11M-17 (2009)
NYSDEC: "Fact Sheet - Environmental Cleanup Plan for 200 Ship Canal - Parkway Site - Available for Public Comment"
(6-0)
2. INTRO 8-12 (2009)
KOZUB

WHEREAS, Mittal Steel recently completed a dredging of Smokes Creek, which FEMA (Federal Emergency Management Agency) in collaboration with the New York State Department of Environmental Conservation, had included in flood zone maps and identified as having a potential flood risk for communities adjacent to Smokes Creek in Lackawanna; and

WHEREAS, this area has not flooded in recent memory, yet remains in the “100 Year Flood Zone” category, which causes undue extra insurance coverage and premium payments for homeowners and businesses in this part of Lackawanna; and

WHEREAS, the decades-long absence of flooding, paired with the completion of the dredging project, calls for immediate relief for the residents and businesses in the designated flood plain area from the onerous burden of these insurance premium costs; and

WHEREAS, draft preliminary maps establishing the federal flood zone for this region are expected to be completed by FEMA by year’s end (2009).

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature call upon FEMA and the New York State Department of Environmental Conservation to immediately prioritize the removal of certain communities in Lackawanna from the 100 Year Flood Zone Map, as the absence of flooding and the dredging of Smokes Creek have rendered this designation archaic, onerous and costly to the residents and businesses of this area; and be it further

RESOLVED, that representatives of the NYS DEC and/or FEMA be invited to a future meeting of the Erie County Legislature’s Energy & Environment Committee to explain the timeframe for the review, analysis and removal of communities in Lackawanna from the flood zone map; and be it further

RESOLVED, that this Honorable Body request the assistance of U.S. Senators Charles Schumer and Kirsten Gillebrand, as well as the WNY Congressional Delegation, to monitor this situation in order to ensure that the people and businesses of Lackawanna are treated equitably; and be it further

RESOLVED, that certified copies of this resolution be conveyed to U.S. Senators Charles Schumer and Kirsten Gillebrand, the WNY Congressional Delegation, FEMA, NYS Department of Environmental Conservation – Western Region and all others deemed necessary and proper.
(6-0)

DANIEL M. KOZUB
CHAIR

Item 26 – MR. WROBLEWSKI presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

June 16, 2009	PUBLIC SAFETY COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 8E-4 (2009)
COMPTROLLER: "Copy of Letter to Acting Probation Director & CPS Commissioner Concerning 2009 Audit of Erie County Dept. of Probation"
(5-0)
 - b. COMM. 8D-7 (2009)
COMMISSIONER OF CPS & ACTING PROBATION DIRECTOR: "Copy of Letter to County Comptroller Concerning 2009 Audit of Erie County Dept. of Probation"
(5-0)
 - c. COMM. 9E-16 (2009)
COUNTY EXECUTIVE: "Appointment to the Central Police Services Board of Trustees"
(5-0)
 - d. COMM. 10D-6 (2009)
DEPUTY EC COMPTROLLER: "City of Buffalo Cellblock Payments to Erie County"
(5-0)
2. COMM. 11E-9 (2009)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby confirms the appointment of Rachelle Cybulski as the Director of the Erie County Department of Probation.
(5-0)
3. COMM. 11E-28 (2009)
DISTRICT ATTORNEY AS AMENDED
WHEREAS, the Office of the District Attorney prosecutes approximately 1,000 financial and white collar crime cases annually; and

WHEREAS, the investigation of these types of crimes involves analyzing and auditing numerous financial transactions and sorting through various types of financial records received from both the injured parties and financial institutions; and

WHEREAS, the District Attorney's Office does not have the qualified personnel on staff necessary to perform the financial services necessary to develop and appropriately prosecute these crimes; and

WHEREAS, unlike investigations of violent crimes, local police agencies do not have the resources and training to conduct white collar criminal investigations; and

WHEREAS, the District Attorney would like to utilize outside forensic accountants on a case by case basis as expert witnesses for the delivery of these services; and

WHEREAS, the Erie County Executive has identified \$50,000 in unanticipated revenues within the 2009 Budget, to be used for just such purposes.

NOW, THEREFORE, BE IT

RESOLVED, that in order to pay for these forensic accounting services the Erie County Legislature does hereby authorize the following changes to the 2009 Adopted Budget:

FUND 110

County Wide Budget Accounts – Fund Center 14010

Revenue	<u>Decrease</u>
400010 Exemption Removal	\$50,000

District Attorney’s Office – Fund Center 11400

Expenses	<u>Increase</u>
516020 Professional Services	\$50,000

and be it further

RESOLVED, that the Director of Budget and Management and the Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to effectuate this change; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Comptroller, the Erie County Executive and the Director of Budget and Management.
(5-0)

TIMOTHY M. WROBLEWSKI
CHAIR

Item 27 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 172

June 18, 2009	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR WALTER.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10M-2 (2009)
NYS DEPT OF HEALTH: "Expressing Support Regarding EC Role in WIC Program"
(5-0)
 - b. COMM. 11E-8 (2009)
COUNTY EXECUTIVE: "Appointment to Senior Services Advisory Board"
(5-0)
 - c. COMM. 11M-14 (2009)
COLUCCI & GALLAHER, P.C.: "ECMCC Agenda Items for Board of Directors Meeting Held 5/27/09"
(5-0)

2. COMM. 11E-16 (2009)
COUNTY EXECUTIVE
WHEREAS, the New York State Office for Aging has notified the Department of Senior Services (Department) that the Department has been awarded American Recovery and Reinvestment Act (ARRA) allocations for the Congregate Dining and Home Delivered Meals programs for the period March 18, 2009 to December 31, 2009; and

WHEREAS, ARRA funds are expected to be utilized for the provision of meals to the elderly, with the goal of expansion of the current Older Americans Act Title III Nutrition programs; and

WHEREAS, the Department desires to use the ARRA funds to increase the meals served at the congregate dining sites throughout Erie County and to reduce the wait list for home delivered meals; and

WHEREAS, the Department currently contracts with the Town of Amherst; the Salvation Army; Sodexo, Inc.; Meals on Wheels for WNY, Inc.; and Southtowns Meals on Wheels, Inc. to prepare and/or deliver meals in the respective nutrition programs; and

WHEREAS, the Department desires to transfer a portion of the existing contracts' meal costs to the ARRA grants which will enable the Department to increase the meals served at the congregate dining sites throughout Erie County and to reduce the wait list for home delivered meals; and

WHEREAS, the ARRA Congregate Dining and ARRA Home Delivered Meals grant budget needs to be established; and

WHEREAS, the subcontractors will provide the required local match.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the ARRA Congregate Dining and ARRA Home Delivered Meals funds from New York State Office for Aging; and be it further

RESOLVED, that the County Executive be and is hereby authorized to amend the contracts with the Town of Amherst (includes \$15,750 match); the Salvation Army (includes \$7,492 match); Sodexo, Inc.; Meals on Wheels for WNY, Inc. (includes \$11,259 match); and Southtowns Meals on Wheels, Inc. to recognize the subcontractor match and to allow the transfer of meal costs to the ARRA grants for the period March 18, 2009 to December 31, 2009; and be it further

RESOLVED, that the budget for the ARRA Congregate Dining grant, 163ARRACONG2009, be established as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
414000	Federal Aid	\$209,172
466320	Subcontractor Match	\$23,242
	TOTAL REVENUE	<u>\$232,414</u>
APPROPRIATIONS		
516010	Town of Amherst	99,389
516010	Salvation Army	47,785
516020	Meal Preparation Services	85,240
	TOTAL APPROPRIATIONS	<u>\$232,414</u>

and be it further

RESOLVED, that the budget for the ARRA Home Delivered Meals grant, 163ARRAHDM2009, be established as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
414000	Federal Aid	\$101,324
466320	Subcontractor Match	11,259
	TOTAL REVENUE	<u>\$112,583</u>
APPROPRIATIONS		
	Meals on Wheels for	
516010	WNY, Inc.	\$107,583
516010	Southtowns MOWs	5,000
	TOTAL APPROPRIATIONS	<u>\$112,583</u>

and be it further

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

(5-0)

3. COMM. 11E-27 (2009)
COUNTY EXECUTIVE

WHEREAS, the Special Needs Division currently claims \$1,700,000 in Medicaid revenues annually; and

WHEREAS, the Special Needs Division currently utilizes a staff member from the Department of Social Services to access Medicaid revenues and needs to create a position within its budget and jurisdiction upon the impending retirement of said Department of Social Services employee; and

WHEREAS, there is sufficient funds in the personal services and fringe benefit accounts to cover this position.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the creation of one full-time position of Chief Account Clerk, JG VII, Step 0, as indicated on B100 #4761.

The following personnel detail is hereby submitted:

Title: Chief Account Clerk	Annual Salary: \$\$30,587
JG: VII	Fringe Benefits: \$14,715
Step: 0	Manner in which position will be filled: Civil Service
County Share: 64%	

Fiscal Impact on the budget for the remaining portion of the fiscal year: Positive – ensures collection of budgeted revenue.

and be it further

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

(5-0)

**THOMAS J. MAZUR
CHAIR**

Item 28 – MS. GRANT presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 173

June 18, 2009	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11E-3 (2009)
IANNELLO & MARINELLI: “Copy of Letter to Congress - CSX Disinvesting in its Buffalo Facility”
(6-0)
 - b. COMM. 11E-4 (2009)
COMPTROLLER: “Copies of Audited Financial Statements and Management Letter for ECC Fiscal Year Ending 8/31/08”
(6-0)
 - c. COMM. 11D-10 (2009)
EC HISTORIAN: “Progress Report for Projects Completed or In-Progress – May 25, 2009”
(6-0)
 - d. COMM. 11M-1 (2009)
BUFFALO & EC PUBLIC LIBRARY: “Audubon Branch Library - Agenda Items for Meeting Held Thursday 5/21/09”
(6-0)
 - e. COMM. 11M-7 (2009)
BUFFALO & EC PUBLIC LIBRARY: “Public Access Computer Statistics - April 2009”
(6-0)

BETTY JEAN GRANT
CHAIR

Item 29 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

JUNE 18, 2009	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9M-37 (2009)
ASSEMBLYMEMBER CALHOUN: "EC Legislature Actions Regarding Buffalo Bills"
(6-0)
 - b. COMM. 11D-5 (2009)
COMMISSIONER OF PUBLIC WORKS: "Copy of Letter from Town of Holland
Supervisor - Serious Road Erosion on Certain Holland Roads"
(6-0)
 - c. COMM. 11M-3 (2009)
NFTA: "Cash Flow Statements for 4/1/08 - 3/31/09 and 4/1/09 - 3/31/10"
(6-0)
 - d. COMM. 11M-13 (2009)
NFTA: "Minutes from NFTA Board Meeting Held April 27, 2009"
(6-0)
 - e. COMM. 11M-16 (2009)
ERIE CANAL HARBOR DEVELOPMENT CORP.: "Copy of Letter to Chair Marinelli
Inviting Legislature to Attend Meeting Scheduled for 6/16/09 - Draft Coordination
Plan/Initial Project Meeting"
(6-0)
 - f. COMM. 11M-18 (2009)
SOUTH BUFFALO DEVELOPMENT, LLC: "Copy of Letter Informing the Public that the
Cleanup & Redevelopment of the Buffalo Color Site Has Begun"
(6-0)
2. COMM. 9E-29 (2009)
COUNTY EXECUTIVE
WHEREAS, Erie County, through the Department of Environment and Planning, serves as
the administrative agent for the Erie County/Town of West Seneca Community Development Block
Grant Consortium (Consortium); and

WHEREAS, the federal American Recovery and Reinvestment Act of 2009 has required that
an allocation of \$1,209,200 be made to Erie County for the purpose of carrying out a Homelessness
Prevention and Rapid Re-Housing Program within the Consortium communities.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium is hereby authorized to execute a grant agreement with HUD to undertake a Homelessness Prevention and Rapid Re-Housing Program in an amount not to exceed \$1,209,200; and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium is hereby authorized to execute any and all agreements with non-profit organizations necessary to implement the above program; and be it further

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

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

(6-0)

3. COMM. 11E-17 (2009)
COUNTY EXECUTIVE

WHEREAS, a project for replacement of Cemetery Road Bridge BR 341-RR-1, PIN 5755.27 (the "Project") was authorized by this honorable body on April 29, 1999 via Comm. 6D-19; and

WHEREAS, in a resolution dated November 20, 2008 Comm. 21E-12, the Legislature authorized the County of Erie to acquire the acquisition in fee, permanent easement or temporary easement for the Project; and

WHEREAS, in order to facilitate the replacement of Cemetery Road Bridge, it will be necessary for the County to acquire by acquisition in fee, permanent easement or temporary easement, portions of real property in the vicinity of the Project:

PORTIONS OF TAX MAP SBL NUMBERS

TOWNSHIP

105.03-01-20	Lancaster
105.00-05-47.3	Lancaster
105.00-05-46	Lancaster
105.00-05-35.12	Lancaster
105.00-05-47.11	Lancaster
105.03-01-18	Lancaster
105.00-05-37	Lancaster
105.00-05-38	Lancaster

105.03-01-16	Lancaster
105.03-01-14.21	Lancaster
105.03-01-19	Lancaster
105.03-05-23	Lancaster

such property to be acquired by the County is herein referred to as the “Subject Properties;” and

WHEREAS, in order to acquire the acquisition in fee, permanent easement or temporary easement 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 reconstructed bridge and other general improvements to the subject section of Cemetery Road BR 341-RR-1 (CR 341); 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 actions; and be it further

RESOLVED, that the sum of \$930,000.00 has previously been appropriated from the 2007 Bridge Reconstruction, Federal Aid Program - Cemetery Road Bridge ROW (SAP B.00199) via County Resolution Comm. 21E-12 of November 20, 2008 and made available to cover the cost of Right-of-Way acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquiring fee and/or easement title to the aforementioned Subject Properties for the purpose of reconstructing and improving the aforementioned Cemetery Road Bridge Replacement BR 341-RR-1 (CR 341) 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 fee, permanent easement or temporary easement, which acquisitions are necessary for the Cemetery Road Bridge Replacement BR 341-RR-1 (CR 341) 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 the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is 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.
(6-0)

4. COMM. 11E-26 (2009)
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works received bids on June 17, 2008 for the Chestnut Ridge Park – 2008 – Toboggan Run Tower Improvements and is recommending award, along with the Engineer, to the lowest responsible bidder; and

WHEREAS, Hohl Industrial Services, Inc. is the lowest responsible bidder for the work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for the Chestnut Ridge Park – 2008 – Toboggan Run Tower Improvements with Hohl Industrial Services, Inc. for an amount not to exceed \$129,883.00; and be it further

RESOLVED, that the sum of \$18,000.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.20913 – County-wide Park Improvements for an amount not to exceed \$147,883.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, the Division of Parks, Recreation and Forestry, and the Office of the Comptroller.
(6-0)

TIMOTHY M. KENNEDY
CHAIR

Item 30 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 175

June 18, 2009	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10D-4 (2009)
CHAIR, 21ST CENTURY COMMISSION: “Final Report of the Commission”
(6-0)
 - b. COMM. 11E-29 (2009)
KENNEDY: “Letter to Chair Marinelli requesting a Public Hearing on Local Law Intro 4-1”
(6-0)
 - c. COMM. 11D-1 (2009)
COUNTY ATTORNEY: “Transmittal of New Claims Against Erie County”
(6-0)
 - d. COMM. 11D-3 (2009)
COUNTY ATTORNEY: “Transmittal of New Claims Against Erie County”
(6-0)
2. RESOLVED, the following item is hereby received, filed and referred to the Health & Human Services Committee:
 - a. INTRO 11-3 (2009)
WHYTE, KONST, IANNELLO & REYNOLDS: “Assessing the Impact of Health Permit Fees on the Ability of Not-for-Profit Veterans Organizations to Provide Services to Veterans”

(6-0)

3. INTRO 11-4 (2009)

WALTER, MILLS, KOZUB, KONST,
WROBLEWSKI AND REYNOLDS

AS AMENDED

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that “the right of the people to keep and bear Arms, shall not be infringed;” and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, “The defense and protection of the state and of the United States is an obligation of all persons within the state;” and

WHEREAS, Assembly Bill A. 1093 creates undue burdens on civilians renewing and applying for licenses and imposes extreme financial obligations on merchants who legally sell firearms; and

WHEREAS, Assembly Bills A.1275 and A. 2884, unfairly makes the otherwise legal sale of firearms a misdemeanor if the sales venue is located on public property; and

WHEREAS, the County of Erie is home to a thriving sporting industry, as evidenced by the presence of the Alden Rod & Gun Club, Allied Sportsmen of WNY, Bassmasters, Bison City Rod & Gun Club, Blasdell Rod & Gun Club, Boston Valley Conservation Society, Bow, Rod & Gun Conservation Club, Buffalo Bowhunter’s, Buffalo Rod & Gun Club, Collin’s Conservation Club, Crow’s Nest Fishing Club, Deer Search, Inc., Depew Rod & Gun Club, East Aurora Fish & Game Club, Inc., Eastern Lake Erie Charter Boat Association, Eden-North Collin's Gun Club, Elks Head Hunting & Fishing Club, Elma Conservation Club, Inc., Erie County Bassmaster's, Erie County Conservation Society, Erie County Trapper's, Erie Fish & Game Protective Association, Evan's Rod & Gun Club, Finger Lakes & WNY Waterfowl Association, Friends & Neighbors Rod & Gun Club, George Washington Fishing & Camping Club, Inc., Glen Coe Conservation Club, Hamburg Rod & Gun Club, Inc., Hawkeye Bowmen, Inc., Holland Rod & Gun Club, Inc., Horn & Fin Sportsmen, Lackawanna Conservation Club, Lake Shore Fire Co. Exempt's Sportsmen's Club, Leo's Archery, Mark IV Fishing & Hunting Club, Millgrove Sportsmen's Club, Mohawk Rifle & Pistol Club, Inc., Niagara Musky Association, Inc., Niagara River Angler's Association, Niagara River Station Fishing Club, NWTF-Niagara Chapter, New York Bowhunters, Inc., NY Walleye Association, Pheasant's Forever of WNY, Safari Club International, Inc., SCOPE - WNY Chapter, Simon Girty Long Rifles, Southtowns Walleye Association of W.N.Y. Inc., Springville Field & Stream, Trailblazer's R & D Club, West Falls Conservation Society, Inc., Winchester Rifle & Gun Club, Wincrest Sportsmen Association, WNY Bassmasters, WNY Sportsmen's Association, WNY Trout Unlimited, Wood & Brook Sportsman's Club, Inc, among others; and

WHEREAS, it is the right of the citizens of Erie County to take measures necessary to be secure in their homes against criminals and other dangerous trespassers, which may include the use of a firearm for protection.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby oppose the enactment of any legislation by the New York State Legislature that fundamentally alters or abridges the right to keep and bear arms; and be it further

RESOLVED, that the Erie County Legislature calls upon our elected representatives in New York State government to reject Assembly Bills 1093, 1275 and 2884, and any companion bills to the same in the New York State Senate; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader Dean Skelos and the local delegation to the New York State Legislature.

(6-0)

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

WHEREAS, the County Executive's office is seeking authorization to enter into a lease agreement and continue occupancy at 438 Main Street with Main Court LLC; and

WHEREAS, the New York State Judiciary Law requires the County in which an Associate Judge of the Court of Appeals is resident to provide local chambers for that Judge; and

WHEREAS, Judge Pigott has approved the County's entry into the lease for local chambers that meet his requirements and those of his staff and satisfy the many specifications of the New York State Office of Court Administration; and

WHEREAS, it is necessary to approve the County's entry into the lease with Main Court LLC, the landlord; and

WHEREAS, the proposed lease is a five year lease term with a termination option at the end of year three upon giving the Landlord 120 days written notice; and

WHEREAS, the base per square foot rental renewal amount is reduced compared to previous lease agreements; and

WHEREAS, there are no additional County funds required to renew this lease, as funding for this leased space is budgeted and is available in the 2009 Adopted Budget, with all expenditures being 100% reimbursed by New York State.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a 5 year lease agreement with the Landlord proposed, Main Court LLC; and be it further

RESOLVED, due to the immediate need to continue occupancy, the requirement for Request for Proposals is waived; and be it further

RESOLVED, that the Erie County Executive and/or the Director of Real Estate are authorized to execute the lease for 438 Main Street; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Department of Public Works - Director of Real Estate, the Erie County Comptroller, Director of the Division of Budget and Management, and the Department of Law.
(6-0)

**BARBARA MILLER-WILLIAMS
CHAIR**

LEGISLATOR RESOLUTIONS

Item 31 – MR. RATH presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 176

RE: Urging Support for NYS
Assembly Bill A.8712a,
Reinvesting New York Power
Authority Profits in WNY
(INTRO 12-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS, RATH, KENNEDY,
WALTER, KONST & REYNOLDS**

WHEREAS, the New York Power Authority (“NYPA”) sets aside 695 megawatts of power annually for industry within thirty miles of the Niagara Power Project; and

WHEREAS, as much as twenty-one percent of that power has gone unused each year since 2006; and

WHEREAS, NYPA has sold that unused power on the open market, earning an estimated \$161 million from 2005-2008, including \$45 million last year; and

WHEREAS, although the power was intended for economic development in Western New York, the profits from the sale of the unused power are not earmarked for Western New York; and

WHEREAS, New York State Assembly Bill A. 8712a calls for the profits from the sale of unused power designated for use within thirty miles of the Niagara Power Project to be deposited into a Western New York Development Fund to create jobs and encourage economic development locally.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls upon our elected representatives in New York State government to approve Assembly Bill A. 8712a and any companion bill in the New York State Senate; and be it further

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

MR. RATH moved to amend the resolution by adding CHAIR MARINELLI, MS. WHYTE, MS. MILLER-WILLIAMS, MS. GRANT, MR. MAZUR, MR. WROBLEWSKI and MR. IANNELLO as Co-Sponsors. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MR. RATH moved to approve the resolution as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 32 – CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 12-2 from KOZUB, MARINELLI, GRANT, REYNOLDS & IANNELLO Updating the Empire Zone Program to Retain Manufacturing Jobs.

Item 33 – CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 12-3 from MILLS, KOZUB, WALTER, KONST, REYNOLDS & RATH Opposing NYS Senate Bill S. 5212, Also Known as the "Farm Death Bill," Which Increases Costs to Farmers.

Item 34 – CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 12-4 from MILLS, KOZUB, WALTER, KONST & RATH Opposing NYS Senate Bill S. 5791 and Assembly Bill A. 8742, Raising Disability Costs, Which Would Cripple Small Businesses Across NYS.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 35 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 11E-18 (2009). MS. KONST seconded.

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

AYES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI.
NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

RE: 2009 Revenue Anticipation Notes
Resolution ("RAN")
(COMM. 11E-18, 2009)

RESOLUTION NO. 177-2009

RESOLUTION DELEGATING TO THE COUNTY COMPTROLLER THE POWERS TO AUTHORIZE THE ISSUANCE OF \$75,000,000 REVENUE ANTICIPATION NOTES OF THE COUNTY OF ERIE, NEW YORK, OR SO MUCH THEREOF AS MAY BE NECESSARY, IN ANTICIPATION OF THE RECEIPT OF CERTAIN REVENUES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009, AND TO PRESCRIBE THE TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENT OF SUCH NOTES.

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the County of Erie, in the State of New York (the "County" and "State", respectively), in the aggregate principal amount of not to exceed \$75,000,000, and any notes in renewal thereof, is hereby delegated to the County Comptroller, as chief fiscal officer of the County.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due to the County in the 2009 fiscal year from (i) State Social Services aid, (ii) Social Services aid from the United States government, and (iii) the collection or receipt of revenues due and payable to the County in the 2009 fiscal year from sales and compensating use taxes; and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the County for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the County, and the faith and credit of the County shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the County and a tax sufficient to provide for the payment thereof shall be levied and collected.

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

AYES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI.
NOES: None. (AYES: 15; Noes: 0)

CARRIED UNANIMOUSLY.

***CHAIR MARINELLI directed that the Legislature enter into recess at 3:28 P.M.

***CHAIR MARINELLI declared the Legislature reconvened at 3:43 P.M.

All members present.

Item 37 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 10E-2 (2009). MR. KOZUB seconded.

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

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

CARRIED.

RESOLUTION NO. 179

RE: Veto Message Concerning Local Law
Intro. 1-1, "The Strategic Development
Act"
(COMM. 10E-2, 2009)

RESOLVED, the Erie County Legislature hereby overrides the County Executive's veto of Local Law Intro #1 (Print No. 1) 2009, entitled The Strategic Development Act.

MS. WHYTE moved the adoption. MR. KENNEDY seconded.

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

AYES: MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS and MS. WHYTE.
NOES: MR. MILLS, MR. RATH, MR. WALTER, MR. KOZUB, MR. REYNOLDS and MR. WROBLEWSKI. (AYES: 9; NOES: 6)

FAILED.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIR MARINELLI, LEGISLATORS WHYTE & GRANT

Item 38 – (COMM. 12E-1) Copy of Letter to County Attorney - Reminder - Opinion of the Term "Ex Officio"

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMPTROLLER

Item 39 – (COMM. 12E-2) Letter to Legislature Concerning April 2009 Sales Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR KONST

Item 40– (COMM. 12E-3) Copy of Letter to County Executive Requesting Participation in the Mid-Year Budget Hearings

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 41 – (COMM. 12E-4) Letter to Legislature Concerning Erie County's Medicaid Anti-Fraud Initiatives

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CHAIR MARINELLI

Item 42 – (COMM. 12E-5) Letter to Legislative Clerk - Changing Dates of Legislature Sessions

Received, Filed and Printed.

June 18, 2009

Mr. Robert M. Graber
Clerk, Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, N.Y. 14202

Dear Mr. Graber:

There is a need to change the dates of the Regular Sessions of the Erie County Legislature scheduled for Thursday, July 9, 2009 and Thursday, July 16, 2009.

The Regular Session scheduled for Thursday, July 9, 2009 at 2:00 p.m. must be changed to Thursday, July 2, 2009 at 2:00 p.m.; and the Regular Session scheduled for Thursday, July 16, 2009 at 2:00 p.m. must be changed to Thursday, July 9, 2009 at 2:00 p.m.

Accordingly, please notify Members of the Legislature, elected officials, Erie County staff, and news media about this change.

Thank you.

Sincerely,

Lynn M. Marinelli, Chair
Erie County Legislature

Item 43 – (COMM. 12E-6) 2009 Schedule of Legislative Sessions - Updated 6/18/09

Received, Filed and Printed.

To: Robert M. Graber, Clerk
From: Lynn M. Marinelli, Chair
Subject: 2009 SCHEDULE OF LEGISLATIVE SESSIONS
UPDATED JUNE 18, 2009

JANUARY

8
29

JULY

2
9

FEBRUARY

5
19

AUGUST

Recess

MARCH

12
26

SEPTEMBER

10
24

APRIL

2
23

OCTOBER

8
22

MAY

NOVEMBER

14
28

5
19

JUNE
11
25

DECEMBER
1 *Budget*
3
8 *Budget Override*
17

Item 44 – (COMM. 12E-7) 2009 Schedule of Legislative Sessions Invocation & Pledge
Schedule - Updated 6/18/09

Received, Filed and Printed.

To: Robert M. Graber, Clerk

From: Lynn M. Marinelli, Chair

Subject: 2009 SCHEDULE OF LEGISLATIVE SESSIONS
INVOCATION & PLEDGE SCHEDULE – Updated 6-18-09

ORDER OF LEGISLATORS: INVOCATION & PLEDGE

JANUARY
8 – Kozub and Kennedy
29 – Miller-Williams and Walter

JULY
2 – Mills and Reynolds
9 – Rath and Loughran

FEBRUARY
5 – Konst and Whyte
19 – Grant and Mazur

AUGUST
Recess

MARCH
12 – Wroblewski and Iannello
26 – Reynolds and Mills

SEPTEMBER
10 – Kozub and Kennedy
24 – Miller-Williams and Walter

APRIL
2 – Loughran and Rath
23 – Kennedy and Kozub

OCTOBER
8 – Konst and Whyte
22 – Grant and Mazur

MAY
14 - Walter and Miller-Williams
28 – Whyte and Konst

NOVEMBER
5 – Wroblewski and Iannello
19 – Reynolds and Mills

JUNE
11 – Mazur and Grant
25 – Iannello and Wroblewski

DECEMBER
1 – *Budget*
3 – Loughran and Rath
8 – *Budget Override*

17 – Kennedy and Kozub

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 180

RE: Buffalo & Erie County Botanical
Gardens - Amendment to Asset
Transfer Management
Agreement
(COMM. 12E-8)

WHEREAS, the Legislature authorized the County to enter into an Asset Transfer & Management Agreement (ATMA) with the Buffalo & Erie County Botanical Gardens Society (BECBGS) on July 21, 2004; and

WHEREAS, the County is desirable in amending the current ATMA to permit the BECBGS to undertake capital improvement projects when funded directly by the BECBGS or when a recipient of grant funds for capital improvement projects; and

WHEREAS, this honorable body has previously authorized a term agreement with the firm of Wendel Duchscherer for providing professional Architectural/Engineering services on County projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to execute an Agreement Amendment with the firm of Wendel Duchscherer for providing professional design services for an amount not to exceed \$40,000.00; and be it further

RESOLVED, that the County Executive is hereby authorized to execute an amendment to the Botanical Gardens Asset Transfer & Management Agreement (ATMA) to set forth the terms and conditions under which the County will permit the Buffalo & Erie County Botanical Gardens Society (BECBGS) to undertake capital improvements to the Botanical Gardens, other than those capital improvement projects provided for under the ATMA, when the BECBGS is directly funding the capital improvement projects or is otherwise the direct recipient of grant funding for the purpose of making capital improvement projects; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the professional services of Wendel Duchscherer from SAP Project A.00291 – 2006 – Botanical Gardens Master Plan Reconstruction for an amount not to exceed \$40,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Buffalo & Erie

County Botanical Gardens Society, the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 46 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 181

RE: STOP-DWI GoSafe Project
(COMM. 12E-9)

WHEREAS, the STOP-DWI Office received prior legislative approval to accept private donations for Go Safe, a taxi ride system for bar patrons; and

WHEREAS, high costs and administrative challenges required closing Go Safe on October 3, 2008; and

WHEREAS, donations totaling \$16,662.42 are reserved for Go Safe and currently held in the STOP-DWI Deferred Revenue Account; and

WHEREAS, the STOP-DWI Office seeks to reestablish Go Safe as a tool to prevent DWI and its consequences; and

WHEREAS, the Center for Transportation Excellence (CTE) possesses technology and 24 hour, informed associates that will allow Go Safe to operate at a lower cost and with better customer service; and

WHEREAS, the CTE is a Erie County vendor that supplies similar services to other county departments; and

WHEREAS, no tax or DWI fine revenue will be used to operate Go Safe.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to contract with the Center for Transportation Excellence (CTE) to dispatch taxis under the STOP-DWI Go Safe Project; and be it further

RESOLVED, that such contract will contain provisions naming Erie County as an additional insured on CTE Insurance policies; and be it further

RESOLVED, that the CTE will accept a fee of no more than \$5.00 for each ride arranged using the Go Safe System, the county will pay the fee plus the cost of the taxi fare to CTE; and be it further

RESOLVED, that a trust account be established in order to accept donations and payments from participating establishments; and be it further

RESOLVED, that the following entries are authorized in order to reestablish the Go Safe Project:

CENTRAL POLICE SERVICES

Cost Center #1650060 STOP-DWI/TRAFFIC SAFETY

WBS #SGSP

REVENUE

Acct.	466220	GO SAFE DONATIONS	10,000
Acct.	466230	GO SAFE PARTICIPANT CONTRIBUTION	<u>1,500</u>
TOTAL REVENUES			<u>11,500</u>

APPROPRIATIONS

Acct.	510200	TRAINING & EDUCATION	1,500
Acct.	516020	PROFESSIONAL SERVICES	8,000
Acct.	530000	OTHER EXPENSE	<u>2,000</u>
TOTAL APPROPRIATIONS			<u>11,500</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Office of the Comptroller, Division of Budget and Management, and the STOP-DWI Office.

Item 47 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 182

RE: Transferring Jail Management
Medical Functions to the
Department of Health
(COMM. 12E-10)

WHEREAS, the Erie County Sheriff is responsible for the health care at the Erie County Correctional Facility and the Erie County Holding Center; and

WHEREAS, the 2009 Adopted Budget created numerous medically related positions in the Sheriff's Jail Management budget which were needed to augment the medical operation; and

WHEREAS, staff from the Office of the Sheriff and the Health Department have been meeting to evaluate the provision of medical services and have concluded that the service should be brought under the daily supervision of the Health Department, with the Sheriff maintaining a supervisory role, which will allow for better utilization of staff, integration with Department of

Health clinical functions and access to the Department of Health's expertise in providing medical care.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the transfer of all Medical Services related positions from the Sheriff's Division of Jail Management to the Erie County Health Department, the following positions will be effected by this move:

	Number of Positions
Holding Center Medical Services	
Full Time Positions	
Dental Assistant (Holding Center)	1
Dental Hygienist (Holding Center)	1
Head Nurse (Holding Center)	1
Holding Center Medical Aide	5
Medical Office Assistant (HC)	1
Medical Records Administrator (HC)	1
Nurse Clinician – Psychiatry	1
Registered Nurse (Holding Center)	7
Registered Nurse (Holding Center) Span	1
Senior Medical Secretary	1
Senior Medical Secretary (Sheriff)	<u>1</u>
Total Full Time Positions	21
Part Time Positions	
Registered Nurse (Holding Center) PT	2
Correctional Facility Medical Services	
Full Time Positions	
Correctional Facility Medical Aide	6
Head Nurse (Correctional Facility)	1
Registered Nurse (Holding Center)	5
Senior Corr Facility Medical Aide	<u>1</u>
Total Full Time Positions	13

and be it further

RESOLVED, that any of the above positions which are vacant shall be established in the Health Department within the NYSNA bargaining unit except where there is no comparable title in the NYSNA unit, in such case they shall remain in their current bargaining unit of CSEA or AFSME; and be it further

RESOLVED, that any position which is currently occupied shall be established in the Health Department under their current bargaining unit and shall be transferred in compliance with section 70.2 of the New York State Civil Service Law; and be it further

RESOLVED, that authorization is hereby provided; pending review by the Division of Personnel and the Division of Labor Relations, to reclassify the title of currently occupied positions to NYSNA represented positions within the Health Department; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to transfer funds from the 2009 budget of the Division of Jail Management to the 2009 budget of the Department of Health, which also adjusts interdepartmental billing accounts, to implement this request as follows:

Jail Management - Fund Center 116	Increase/(Decrease)
500000 Full Time - Salaries	(631,000)
500010 Part Time - Wages	(36,500)
500300 Shift Differential	(8,890)
500320 Uniform Allowance	(11,250)
500330 Holiday Worked	(11,900)
500340 Line-up Pay	(14,200)
502000 Fringe Benefits	(224,500)
505800 Medical & Health	
Supplies	(10,000)
516020 Pro Ser Cnt And Fees	(1,000)
912700 ID Health Services	949,240
Total Expense	0

Health Department - Fund Center 12700	
500000 Full Time - Salaries	524,500
500010 Part Time - Wages	8,000
500300 Shift Differential	8,890
500320 Uniform Allowance	11,250
500330 Holiday Worked	11,900
500340 Line-up Pay	14,200
501000 Overtime	135,000
502000 Fringe Benefits	224,500
505800 Medical & Health	
Supplies	10,000
516020 Pro Ser Cnt And Fees	1,000
912700 ID Health Services	(949,240)
Total Expense	0

and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Sheriff, the County Executive, the Office of the Comptroller, the Department of Personnel, the Department of Labor Relations, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner, in the Erie County Department of Health, 9th Floor, Rath Building.

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

CARRIED UNANIMOUSLY.

After the Third Whereas Clause Insert the Following:

WHEREAS, the New York State Commission of Corrections and the United States Department of Justice have expressed concern regarding the delivery of medical services at the Erie County Correctional Facility and the Erie County Holding Center; and

WHEREAS, the proposed changes will help the County comply with New York State Commission of Corrections requirements.

Delete the Second, Third, Fourth and Sixth Resolved Clauses in Their Entirety and Insert the Following:

RESOLVED, that any of the above positions which are vacant shall be established in the Health Department within the NYSNA bargaining unit except where there is no comparable title in the NYSNA unit, in such case they shall remain in their current bargaining unit of CSEA or AFSCME; and be it further

RESOLVED, that any position which is currently occupied shall be established in the Health Department under their current bargaining unit including Teamsters, NYSNA, AFSCME and or CSEA and shall be transferred in compliance with section 70.2 of the New York State Civil Service Law; and be it further

RESOLVED, that authorization is hereby provided; pending review by the Department of Personnel and the Department of Labor Relations, a copy of said review to be provided to the Erie County Legislature, to reclassify the title of currently occupied positions to NYSNA represented positions within the Department of Health; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Sheriff, the County Executive, the Office of the Comptroller, the Department of Personnel, the Department of Labor Relations, the division of Budget and Management, the Department of Law, to Dr. Anthony J. Billittier, IV, Commissioner, in the Erie County Department of Health, 9th Floor, Rath Building and the New York State Commission of Corrections.

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

CARRIED UNANIMOUSLY.

Item 48 – (COMM. 12E-11) NYSDOT Federal Aid Bridge Painting Project - Agreement - Committee Agenda Placeholder

Item 49 – (COMM. 12E-12) Dingens St. Drainage - Intermunicipal Agreement - Committee Agenda Placeholder

Item 50 – (COMM. 12E-13) 2009 Overlay A, B & C Program - Construction Award - Committee Agenda Placeholder

Item 51 – (COMM. 12E-14) Cedar St. Bridge Construction - Niagara County Intermunicipal Agreement - Committee Agenda Placeholder

Item 52 – (COMM. 12E-15) EC Capital Bridge and Culvert Project Consultant Design - Committee Agenda Placeholder

Item 53 – (COMM. 12E-16) Aero-Youngs Federal Aid Intersection Project - NYSDOT Construction Agreement - Committee Agenda Placeholder

Item 54 – (COMM. 12E-17) Groth Rd. FEMA Slide Project - Construction Award - Committee Agenda Placeholder

Item 55 – (COMM. 12E-18) Blakeley Corners Rd. and Zoar Valley Rd. FEMA Road Slide Project - Right-of-Way Acquisition - Committee Agenda Placeholder

Item 56 – (COMM. 12E-19) Harris Hill Rd. - Pleasantview Dr. - Wehrle Dr. - Federal Aid Intersection Project - NYSDOT Right-of-Way Agreement - Committee Agenda Placeholder

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

Item 57 – (COMM. 12E-20) Request Authorization to Accept Efficiency Grant Funds - Six-Sigma Staffing and Training

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 58 – (COMM. 12E-21) ECSD #3 Engineering Term Agreement - CHA Work Order

Item 59 – (COMM. 12E-22) Approve Funding for Parks Forestry Operations

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

Item 60 – (COMM. 12E-23) Appointment of Rev. Dave Borowiak to the Chaplain Corps

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 61 – (COMM. 12E-24) Amend III-C-1 Grant Budget

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 62 – (COMM. 12E-25) Authorization to Gift Boat Docks to the City of Buffalo

Item 63 – (COMM. 12E-26) State Assistance Application and Contract Execution - Household Hazardous Waste Collection Program

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

Item 64 – (COMM. 12E-27) Prescription Drug Discount Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 65 – (COMM. 12E-28) Sale of County Owned Property - Morris Ave., West Seneca

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 66 – (COMM. 12E-29) Request for Qualifications - General Energy Performance Contracting Services (2009)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 67 – (COMM. 12E-30) Authorization to Allow EC Dept. of Mental Health to Contract with Pride Center of WNY, Inc. to Provide Substance Abuse Prevention and Intervention Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 68 – (COMM. 12E-31) Highway Fuel Tank Spill Prevention Control and Countermeasure (SPCC) Plans - Wendel Duchscherer

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 69 – (COMM. 12E-32) Adjustments to the Protective Services for Older Adults Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 70 – (COMM. 12E-33) Leasing of EC Owned Rail Lines to the EC Industrial Development Agency

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 71 – (COMM. 12E-34) ECSD #2, 3 & 6 - Engineering Service Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE SHERIFF

Item 72 – (COMM. 12E-35) Aviation Reserve Fund Transfer

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 73 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 183

RE: Asset Forfeiture Appropriations
(COMM. 12E-36)

WHEREAS, the Erie County District Attorney's Office maintains its City Court and Domestic Violence bureaus on a portion of the 4th floor of the Buffalo City Court Building located at 50 Delaware; and whereas this office space is in serious need of renovations and new furniture due to significant disrepair and an overall unsafe working environment; and

WHEREAS, the District Attorney's Office will be contracting with various vendors and/or County departments for painting; minor carpentry; carpeting; new computer and telephone wiring; and moving costs; and

WHEREAS, the District Attorney's Office has received furniture cost estimates from a state and county approved vendor to furnish the office space as current furnishings and cubicles in the office are extremely outdated, mismatched and in significant disrepair; thus necessitating the need to purchase new modular and office furniture for that space; and

WHEREAS, vehicles are used by the District Attorney's Office for investigative, surveillance and prosecutorial purposes on a daily basis; however, two of the vehicles currently maintained by said office have mileage exceeding 100,000 miles and are simply no longer safe to drive; and

WHEREAS, the source of funds for the above mentioned projects will be paid from the District Attorney's asset forfeiture proceeds, and it is necessary to transfer funds from the Erie County District Attorney's Asset Forfeiture Trust Fund prior to their being expended.

NOW, THEREFORE, BE IT

RESOLVED, that \$196,000 in available balances in the Erie County District Attorney's Assets Forfeiture Trust Fund are hereby transferred to the District Attorney's Assets Forfeiture Program, Funded Program "SAFDA;" and be it further

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

DISTRICT ATTORNEY ASSET FORFEITURE PROGRAM
FUND: 110
BUSINESS AREA: 114
COST CENTER: 1140010
FUNDED PROGRAM /WBS ELEMENT: SAFDA

<u>Revenue</u>	<u>Increase</u>
421550 Forfeiture Crime Proceeds	<u>\$196,000</u>
Total Revenue	<u>\$196,000</u>

<u>Appropriation</u>	
561020 Professional Fees	\$ 10,000
561420 Office Furniture & Fixtures	124,000
561440 Motor Vehicles	32,000
912220 ID Buildings & Grounds	20,000
980000 ID DISS Service	<u>10,000</u>
Total Appropriations	<u>\$196,000</u>

BUILDINGS AND GROUNDS

FUND: 110

BUSINESS AREA: 122

COST CENTER: 1222040

	<u>(DECREASE)</u>
912220 ID Buildings & Grounds	\$ (20,000)

DIVISION OF INFORMATION & SUPPORT SERVICES

FUND: 110

BUSINESS AREA: 105

COST CENTER: 1052010

	<u>(DECREASE)</u>
980000 ID DISS Service	\$ (10,000)

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Comptroller, the Commissioner of Real Estate and Asset Management, the Deputy Commissioner of Buildings and Grounds, the Director of Information and Support and the Director of Budget and Management.

Item 74 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 184

RE: District Attorney's Office
Restructure
(COMM. 12E-37)

WHEREAS, in order for the Erie County District Attorney to retain the most experienced and high performing personnel to fill the most challenging positions within his office, it is important that they are compensated appropriately; and

WHEREAS, salaries for these positions were determined based on the County's respective Managerial Confidential and CSEA pay scales and have been prorated for the remaining 10 pay periods to reflect changes taking place as of August 1, 2009; and

WHEREAS, both the Erie County District Attorney's staff reorganization and salary authorization will have no additional personal services costs, and will be implemented while keeping within the District Attorney's adopted appropriations for 2009 resulting in an overall savings in County tax dollars of \$2,098.

NOW, THEREFORE, BE IT

RESOLVED, that the position of Assistant District Attorney III (JG14), position # 51005668, be deleted from fund center 11400 (B100 #4812); and be it further

RESOLVED, that one position of Assistant District Attorney VI (JG17) and one position of Legal Secretary, be created in fund center 11400 (B100 #4811, #4813); and be it further

RESOLVED, that the Director of Budget and the Commissioner of Personnel make any changes necessary to effectuate the implementation of this resolution effective August 1, 2009; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to allocate funds to additionally compensate those prosecutors as designated by the District Attorney who did not previously receive compensation under the DA's 2009 Recruitment and Retention program that this Honorable Body previously approved; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the District Attorney's Office 2009 appropriations (Fund 110, Fund Center 11400) and to make those funds available to provide for the adjustments to be effective August 1, 2009 as follows:

<u>Appropriations</u>	Increase (Decrease)
500000 Personal Services	\$ 17,991
500350 Other Employee Payments	5,000
911490 ID DA Grant Services – Mental Health	(25,089)

and be it further

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

FROM THE SHERIFF

Item 75 – (COMM. 12E-38) Asset Forfeiture Funded Program SAFS

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DEPUTY COMPTROLLER

Item 76 – (COMM. 12D-1) Copy of Letter to Buffalo Mayor & City Comptroller Concerning City of Buffalo Cellblock Payments to Erie County (Second Request)

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 77 – (COMM. 12D-2) Copy of Letter to Legislature Chair Concerning 2009 Cultural Funding Contracts

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE AUDIT COMMITTEE FOR ERIE COUNTY

Item 78 – (COMM. 12D-3) Annual Report for Year Ended 12/31/07

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 79 – (COMM. 12D-4) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF LEGISLATURE

Item 80 – (COMM. 12D-5) Changing Dates of Legislature Sessions

Received, Filed and Printed.

DATE: June 18, 2009

TO: All Members of the Erie County Legislature, Erie County Elected Officials, Erie County Departments, New Media and Interested Citizens

FROM: Robert M. Graber, Clerk

RE: CHANGING DATES OF LEGISLATURE SESSIONS

Please be advised that Legislature Chair Lynn M. Marinelli has changed the dates of the sessions of the Erie County Legislature scheduled for Thursday, July 9, 2009 and Thursday, July 16, 2009.

The Regular Session scheduled for Thursday, July 9, 2009 at 2:00 p.m. is changed to Thursday, July 2, 2009 at 2:00 p.m.; and the Regular Session scheduled for Thursday, July 16, 2009 at 2:00 p.m. is changed to Thursday, July 9, 2009 at 2:00 p.m.

Pursuant to Section 2.01 of the Rules of Order for the Erie County Legislature, the Chairperson is authorized to establish the schedule for regular sessions of the Legislature.

Thank you.

FROM THE ASSOCIATE DEPUTY COMPTROLLER

Item 81 – (COMM. 12D-6) Letter to Legislature Concerning Status of 2009 Payments to Cultural and Related Organizations

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 82 – (COMM. 12D-7) Notice of Public Hearing to be Held 7/1/09 Concerning LL INTRO 2-2009

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 83 – (COMM. 12D-8) Transmittal of New Claim Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NIAGARA ERIE REGIONAL COALITION

Item 84 – (COMM. 12M-1) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 85 – (COMM. 12M-2) Fish and Wildlife Monthly Highlights - 3/16/09 - 4/15/09

Item 86 – (COMM. 12M-3) Fact Sheet - Tecumseh Phase II Site - Available for Public Comment - Lackawanna

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

FROM CATHOLIC CHARITIES - PROJECTRUTH

Item 87 – (COMM. 12M-4) Letter Requesting the Retention of Funding

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 88 – (COMM. 12M-5) Agenda Items for Board of Trustees Meeting Held 6/18/09

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM KALEIDA HEALTH

Item 89 – (COMM. 12M-6) Elimination of Kaleida Health Early Childhood Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE BUFFALO PHILHARMONIC ORCHESTRA

Item 90 – (COMM. 12M-7) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ASSOCIATION OF ERIE COUNTY GOVERNMENTS

Item 91 – (COMM. 12M-8) Copy of Town of Brant Resolution Opposing EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 92 – (COMM. 12M-9) Agenda Items for Region 9 Board Meeting Held 6/4/09

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NY DEPARTMENT OF STATE

Item 93 – (COMM. 12M-10) Copy of Letter to Legislator Whyte Concerning the Establishment of an EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ERIE CANAL HARBOR DEVELOPMENT CORP.

Item 94 – (COMM. 12M-11) Copy of Letter to Legislator Whyte Concerning Draft Coordination Plan/Initial Project Meeting

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM PUSH BUFFALO PEOPLE UNITED FOR SUSTAINABLE HOUSING

Item 95 – (COMM. 12M-12) Copy of Letter to Legislator Whyte Concerning "Healthy Neighborhood Concept Plan"

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ASSEMBLYMAN HOYT

Item 96 – (COMM. 12M-13) Copy of Letter to James Finamore Concerning Workforce Investment Board Meeting

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ALBRIGHT-KNOX ART GALLERY

Item 97 – (COMM. 12M-14) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ARTS IN EDUCATION INSTITUTE OF WNY

Item 98 – (COMM. 12M-15) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO INNER CITY BALLET

Item 99 – (COMM. 12M-16) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO PHILHARMONIC ORCHESTRA

Item 100 – (COMM. 12M-17) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO TRANSPORTATION/PIERCE-ARROW MUSEUM

Item 101 – (COMM. 12M-18) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE MARTIN HOUSE RESTORATION CORPORATION

Item 102 – (COMM. 12M-19) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM HALLWALLS

Item 103 – (COMM. 12M-20) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM MUSICALFARE THEATRE

Item 104 – (COMM. 12M-21) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ANNOUNCEMENTS

Item 105 – CHAIR MARINELLI announced that the schedule of upcoming committee meetings has been distributed, and noted the 2nd Quarterly Committee Chairs' and Liaisons' meeting scheduled for Monday, June 29, 2009 at 10:00 A.M., as well as the scheduling of a Legislature Public Hearing on Wednesday, July 1, 2009 at 9:00 A.M., concerning Local Law Intro. 8-2009.

Item 106 – LEGISLATOR MAZUR encouraged everyone to consider seeing the Travelling Wall, which will be set up at Knox Farms in East Aurora, in conjunction with the state-wide Vietnam Conference this week in Buffalo.

MEMORIAL RESOLUTIONS

Item 107 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Brian Madden, her cousin from Texas.

Item 108 – Legislator Konst requested that when the Legislature adjourns, it do so in memory of former Town of Marilla Supervisor Joseph Green Jr., and Jeffrey F. Snaza.

Item 109 – Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Rose M. McDonnell (Garvin), and James G. Lewis.

Item 110 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Avrin Floyd.

Item 111 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of former Buffalo resident Jeanice McMillan, as the operator of a train, and who died in a Washington, D.C. train crash, and who was described as a hero by investigators for her efforts that ultimately saved many lives.

ADJOURNMENT

Item 112 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. WALTER moved that the Legislature adjourn until Thursday, July 2, 2009 at 2:00 P.M. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

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

ROBERT M. GRABER
CLERK OF THE LEGISLATURE