

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 13**  
**JULY 2, 2009**

The Legislature was called to order by Chair Marinelli.

All members present, except Legislator Whyte.

An Invocation was held, led by Mr. Mills, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Reynolds.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Number 12 from 2009. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. WHYTE presented a resolution Congratulating Gary Earl Ross, Author and Playwright.

Item 6 – MS. WHYTE presented a resolution Recognizing Daniel Lukasik on Receiving the Erie County Bar Association's Special Service Award.

Item 7 – MR. REYNOLDS presented a resolution Honoring Gerald Baldelli for His Years of Service to the Frontier Central School District.

Item 8 – MR. MILLS presented a resolution Commending Bobby Wellington for His Service as Program Director of the Orchard Park Boys & Girls Club.

Item 9 – MR. MILLS presented a resolution Congratulating Joseph “Potts” Stapleton on His Retirement from the East Aurora Boys & Girls Club.

Item 10 – MR. WALTER presented a resolution Honoring Flora Leamer as the New York State Senate 61st District Woman of Distinction.

Item 11 – MR. RATH presented a resolution Honoring Olivia Patricia Thomas Upon Her 114th Birthday Celebration.

MR. MAZUR moved for consideration of the above seven items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above seven items by including Et Al Sponsorship. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above seven items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 12 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 13 – MR. MAZUR moved to remove Local Law No. 3 (Print #1) 2009 from the table. MS. GRANT 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 and MR. WROBLEWSKI. NOES: None. (AYES: 14; NOES: 0)

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW INTRO NO. 3 - 2009

LOCAL LAW NO.     - 2009

A Local Law in relation to reducing the size of the Erie County Legislature and changing the term of office for members of the Erie County Legislature

Be it enacted by the Legislature of the County of Erie as follows:

**SECTION 1. LEGISLATIVE INTENT.** It is the intent of the Legislature that the size of the Erie County Legislature be reduced from fifteen (15) members to thirteen (13) members to

respond to the decline in the population of Erie County and to reduce the costs of government for the taxpayers of Erie County. It is further the intent of the Legislature to extend the term of office for a legislator from two (2) years to four (4) years thereby creating an opportunity for an increased focus on policy making and constituent service. It is further the intent of the Legislature that these proposed changes to the Erie County Charter be placed on the November, 2009 ballot as a referendum question. It is further the intent of the Legislature that the boundaries for the thirteen districts be determined in 2011 after the federal decennial census is taken in a manner consistent with Section 210 of the Erie County Charter.

**SECTION 2.** Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended to read as follows:

Article 1 of the Erie County Charter is hereby amended to read as follows:

Section 105. Legislative Districts. The County of Erie is hereby divided into ~~fifteen~~thirteen districts, described as follows:

Section 106. Legislative districts, continued. The ~~seventeen~~fifteen legislative districts as previously bounded and described by ~~Local Law No. 2-1994~~ Local Law No. 4-2002, shall continue as such for the limited purpose of continuing in office the legislators presently elected from said districts and shall cease to exist as such on January 1, ~~2004~~ 2012. For the purpose of the general election of ~~2003~~ 2011 and all other purposes, except as herein before provided, the county of Erie is divided into ~~fifteen~~ thirteen districts, as described as contained in section hundred five herein.

Article 2 of the Erie County Charter is hereby amended to read as follows:

Section 201. County Legislature constituted. The county legislature shall be composed of ~~fifteen~~thirteen members who shall be elected one from each of the ~~fifteen~~ thirteen districts set forth in section one hundred five hereof. The county legislators representing the ~~fifteen~~thirteen districts heretofore or herein created, as the case may be, when lawfully convened shall constitute the county legislature which shall be the legislative and governing body of the county.

Section 202.2 Election and terms of office. County legislators shall first be elected at the general election in the year nineteen hundred sixty-seven and shall assume office on January first, nineteen hundred sixty-eight. All elected county legislators shall hold their respective offices for a term of ~~two~~four years.

**SECTION 3.** EFFECTIVE DATE. This Local Law shall take effect on January 1, 2012.

**SECTION 4.** SEVERABILITY. If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law or in

its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

**SPONSORED BY**

**LEGISLATOR LYNN M. MARINELLI  
LEGISLATOR MARIA R. WHYTE  
LEGISLATOR BARBARA MILLER WILLIAMS  
LEGISLATOR DANIEL M. KOZUB  
LEGISLATOR ROBERT B. REYNOLDS  
LEGISLATOR BETTY JEAN GRANT  
LEGISLATOR MICHELE M. IANNELLO  
LEGISLATOR KATHY KONST  
LEGISLATOR TIMOTHY M. WROBLEWSKI  
LEGISLATOR THOMAS J. MAZUR**

MR. MAZUR moved to approve Local Law No. 3 (Print #1) 2009. MR. KOZUB 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 and MR. WROBLEWSKI. NOES: None. (AYES: 14; NOES: 0)

CARRIED UNANIMOUSLY.

Item 14 – MR. KENNEDY moved to remove Local Law No. 4 (Print #1) 2009 from the table. MR. LOUGHRAN seconded.

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

AYES: MR. MILLS, MR. RATH, MR. WALTER, MR. KENNEDY and MR. LOUGHRAN. NOES: MS. GRANT, MS. IANNELLO, MS. KONST, MR. KOZUB, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS and MR. WROBLEWSKI. (AYES: 5; NOES: 9)

FAILED.

Local Law No. 4 (Print #1) 2009 remains on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

Item 15 – MR. MILLS moved to remove Local Law No. 5 (Print #1) 2009 from the table. MR. RATH seconded.

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

AYES: MR. MILLS, MR. RATH, MR. WALTER, MR. KENNEDY and MR. LOUGHRAN. NOES: MS. GRANT, MS. IANNELLO, MS. KONST, MR. KOZUB, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS and MR. WROBLEWSKI. (AYES: 5; NOES: 9)

FAILED.

Local Law No. 5 (Print #1) 2009 remains on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

Item 16 – CHAIR MARINELLI directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – CHAIR MARINELLI directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – 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**

None.

### **LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 185

RE: Status Report on Both the Proposed Extension of the Intermunicipal Parks Agreement and Utilization of the EC Olmsted Parks Reserve Fund (INTRO 13-1)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MARINELLI, WHYTE & KOZUB**

WHEREAS, on May 14, 2009, the Erie County Legislature unanimously approved Comm. 9E-35, thereby authorizing the County Executive to accept \$3,542,682 from the City of Buffalo for the care & maintenance of Buffalo City Parks for the time period July 1, 2009- December 31, 2009; and

WHEREAS, fully 75% of the landmass of parks within the City of Buffalo is comprised of the parks, circles and parkways of the Olmsted Park System; and

WHEREAS, in a recent article in the *Cleveland Plain Dealer* extolling the magnificent architecture of Buffalo, the reporter remarked on the significant Olmsted Parks System within the City; and

WHEREAS, among the budget resolutions for the 2009 Erie County Budget as adopted by the Erie County Legislature, Budget Resolution No. 84 clearly sets forth the Legislature's belief that the Olmsted Parks are an important regional asset for all of Erie County and that the Olmsted Parks Conservancy plays an important role in maintaining these valuable assets; and

WHEREAS, Budget Resolution No. 84 creates the Olmsted Parks Reserve Fund in the 2009 Budget for the express purpose of establishing a funding mechanism that can leverage matching contributions from the private sector; and

WHEREAS, it is this Legislature's understanding that the Olmsted Parks Conservancy has secured the required match for the \$360,000 planned county investment and has requested from the Administration the County Olmsted Reserve funds in April; and

WHEREAS, according to the Erie County Comptroller's Office, no executed contract has been delivered to the Comptroller so that invoices could be processed; and

WHEREAS, the County Administration has alerted this Honorable Body of its intention to request that a special session of the Erie County Legislature be called during the August recess to consider the extension of the Intermunicipal Parks Agreement; and

WHEREAS, it is imperative that the Administration provide the transparency and accountability such an important public purpose demands, including but not limited to the plan for the system-wide city parks improvements that will be undertaken with the additional \$3.5 million in city funds; and

WHEREAS, the Legislature also seeks to obtain a work plan for the \$360,000 Erie County Olmsted Reserve funds that are being matched by private sources, for a combined \$720,000 additional investment in the Olmsted Parks.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature request the attendance of the Deputy County Executive, the Erie County Attorney, the Commissioner of the Erie County Department of Parks, Recreation & Forestry, the Public Works Commissioner for the City of Buffalo and a representative of the Buffalo Common Council at an upcoming informational meeting of the Energy &

Environment Committee to be scheduled no later than two weeks prior to the anticipated August special session of the Erie County Legislature; and be it further

RESOLVED, that the work plan that will ensue from the extension of the Intermunicipal Parks Agreement, if approved by this Honorable Body, shall be the focus of this meeting, together with a discussion on the utilization of funds from the Olmsted Parks Reserve created by the Erie County Legislature in the 2009 Erie County Budget; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the Deputy County Executive, the Erie County Attorney, the Commissioner of the Erie County Department of Parks, Recreation & Forestry, the Public Works Commissioner for the City of Buffalo and the President of the Buffalo Common Council.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 20 – MR. MAZUR moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 12E-22 (2009). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 186

RE: Approve Funding for Parks Forestry  
Operations  
(COMM. 12E-22, 2009)

WHEREAS, the Erie County Department of Parks, Recreation and Forestry manages and maintains the approximately 3400 acres of County Forest Lands; and

WHEREAS, in 2005 the Forestry Division was closed due to budget constraints; and

WHEREAS, the forest lands have been neglected since the closing and are in desperate need of harvesting in order to ensure a healthy and regenerated forest; and

WHEREAS, the saw mill will produce wood for various county departments including at least Parks, Highways, and Building and Grounds avoiding direct buying costs from vendors; and

WHEREAS, the buildings on these properties have come into disrepair due to neglect and will deteriorate further without immediate attention; and

WHEREAS, the Ash Trees must be managed before they get infected with the Emerald Ash Bore insect; and

WHEREAS, if we do not address the Emerald Ash Bore threat soon, we will lose the revenue of the Ash wood, and we will also have to hire contractors to remove and destroy the infected Ash trees from our forest at a cost to taxpayers of millions of dollars; and

WHEREAS, with the price of maple syrup rising dramatically over the past 12 months, the Sugar Maple Trees can harvest in excess of \$35,000.00 worth of syrup or sap at wholesale pricing; and

WHEREAS, the children of our community are missing the educational experience of visiting the saw mill/sugar maple operations on field trips; and

WHEREAS, the Forestry Division will produce revenue from the sale of trees, the sale of maple syrup and avoid the cost of purchasing lumber for county projects, the division will be self sustaining by the end of 2010.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to the Director of Budget and Management and to make the necessary adjustments to the 2009 budget as follows:

<u>Cost Center 170</u>	<u>Countywide Comptroller</u>	<u>DECREASE</u>
550800	Interest Expense – Bond Anticipation Notes	\$147,980.00
<u>Cost Center 16430</u>	<u>Forestry</u>	<u>INCREASE</u>
500020	Regular part-time wages	\$40,620.00
500300	Shift Differential	\$ 1,500.00
502000	Fringe Benefits	\$20,460.00
505000	Office Supplies	\$ 200.00
506200	Repairs and Maintenance	\$ 4,000.00
561430	Bldg & Grounds Equipment	\$80,200.00
561410	Lab & Tech Equip	<u>\$ 1,000.00</u>
		\$147,980.00

and be it further

RESOLVED, that the Erie County Legislature authorizes the Director of Budget and Management and the Commissioner of Personnel to create three (3) Parks Maintenance Workers I (RPT) positions (B-100#4772) within the Parks Department; and be it further

RESOLVED, that the clerk of the legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management and the Erie County Department of Law.

MR. MAZUR moved to approve the item. MS. GRANT seconded.



CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 21 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 13E-29 from WHYTE Re: Letter of Absence for Session No. 13, July 2, 2009

Received, Filed and Printed.

July 2, 2009

Honorable Lynn M. Marinelli, Chair  
Old County Hall  
92 Franklin Street  
Buffalo, N.Y. 14202

RE: Absence from Legislative Session

Dear Honorable Lynn M. Marinelli:

Please be advised that I will be unable to attend the session of the Erie County Legislature scheduled for July 2, 2009.

Thank you in advance for your consideration of this request.

Sincerely,

Maria R. Whyte

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM CHAIR MARINELLI, LEGISLATORS WHYTE, MILLS & KONST**

Item 22 – (COMM. 13E-1) Copy of Letter to Budget Director Regarding Guidance & Coordination of the Capital Projects Committee - Proposed Capital Projects for 2010 - 2016

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE SHERIFF**

Item 23 – (COMM. 13E-2) Re-Appropriation of Law Enforcement Terrorism Prevention Program Funds

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 187

RE: 2009 Budget Adjustment for  
Four-Year Plan  
(COMM. 13E-3)

WHEREAS, On July 12, 2005 Chapter 182 of the New York Laws of 2005 (“the ECFSA Act”) was signed into law; and

WHEREAS, The ECFSA Act created the Erie County Fiscal Stability Authority (“ECFSA”); and

WHEREAS, the County submitted the 2009 budget and a four-year financial plan (“Plan”) to the ECFSA on October 15, 2008; and

WHEREAS, by resolution on November 8, 2008 the ECFSA rejected the 2009 Budget and Plan; and

WHEREAS, the ECFSA continued the control period first imposed on November 3, 2006; and

WHEREAS, Public Authorities Law Section 3957 authorizes the County to modify its Plan; and

WHEREAS, the County submitted its 2009 adopted budget and modified Plan on May 27, 2009; and

WHEREAS, the ECFSA found on June 2, 2009 that the modified Plan is complete and otherwise complies with the requirements of Section 3957 of the ECFSA Act; and

WHEREAS, the ECFSA terminated the control period; and

WHEREAS, Section 3957 of the ECFSA Act requires that the 2009 County Budget be consistent with the Plan; and

WHEREAS, the 2009 Budget is not consistent with the Plan; and

WHEREAS, a series of amendments are necessary to make the 2009 Budget consistent with the plan.

NOW, THEREFORE, BE IT

RESOLVED, that the attached appendix A of budget amendments are hereby approved; and be it further

RESOLVED, that with these amendments the 2009 Budget is consistent with the four-year plan; and be it further

RESOLVED, that this will enable the County Executive to certify to the ECFSA that the 2009 Budget is consistent with the 2009-2012 four-year plan; and be it further

RESOLVED, that in the opinion of the ECFSA additional amendments may be necessary to satisfy their consistency concerns that the Erie County Comptroller and Director of Budget & Management are hereby authorized to make those additional amendments and they advise the Legislature within thirty days of making any additional amendments; and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to prepare and provide certified copies of this resolution to the Erie County Executive; the County Attorney; the Erie County Comptroller; the ECFSA Chairman; the ECFSA Executive Director and the Erie County Director of Budget and Management.

Appendix A

2009 Budget Balancing Adjustment to be Consistent  
with the Four-Year Plan as approved.\*

REVENUES

Account Title	Amendment Amount
Interest & Penalties Property Tax	6,863,736
Omitted Taxes	-27,000
Decrease Property Tax Deferred Revenue	-7,996,705
3% Sales Tax	-7,599,754
1% Sales Tax	-6,543,074
0.25% Sales Tax	-2,190,503
0.5% Sales Tax	-4,381,907
Sales Tax Shared with Cities, Town & Villages	-13,925,941
Interest Earnings General Investments	-850,000
Hotel Occupancy Tax Revenue	300,000
Federal Stimulus Enhanced Medicaid Reimbursement	42,850,000

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State Aid Child Welfare Threshold	-3,300,000
State Aid Public Assistance Basic Needs Allowance	-300,000
State Aid Youth Block grant	-340,000
State Aid Probation 2% Cut	-120,324

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Total Revenue Adjustments	2,438,528
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**APPROPRIATIONS**

Fringe Benefits	-5,754,802
State Training Schools	991,943
County Residents Enrolled in Other Community Colleges	485,699
NFTA 1/8th 1% Sales Tax	-894,650
Sales Tax Shared with Cities, Town & Villages	-13,925,941
DSH-IGT Expense ECMCC	8,000,000
UPL_IGT Expense ECMCC	8,007,970
ECMCC Debt Subsidy	-7,631,532
Balance Road Fund Deficit Fund Balance	4,000,000
Debt Service Reserve ECMCC Debt 2011-2012	9,159,841

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Total Appropriation Adjustments	2,438,528
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Net Adjustment	0
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\*Authority is given to the Erie County Comptroller and Director of Budget and Management to adjust specific accounts in SAP to effectuate these changes.

Item 25 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded. MS. GRANT voted in the negative.

CARRIED. (13-1)

RESOLUTION NO. 188

RE: FY2009 Adopted Budget  
Adjustment - Transfer of Funds –

Div. of Public Health Labs,  
Environmental & Epidemiology  
(COMM. 13E-4)

WHEREAS, the Division of Public Health Laboratories, Epidemiology, and Environmental Health's FY2009 Adopted Budget contains funding for Maintenance Contracts in SAP Account 516030; and

WHEREAS, the Adopted FY2009 Maintenance Contracts budget provides funding to execute preventive maintenance contracts and agreements for laboratory instrumentation, environmental health field equipment, and other medical/public health-related equipment; and

WHEREAS, SAP Account 516030 has approved appropriations of \$109,250; and

WHEREAS, it has been determined that the cost of the required maintenance contracts to adequately provide sufficient preventive maintenance services in FY2009 has increased; and

WHEREAS, the increased cost of such contracts will exceed the approved SAP Account 516030 appropriation by \$7,000.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the Division of Public Health Laboratories, Epidemiology, and Environmental Health should be revised as follows:

APPROPRIATION

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Changes</u>	<u>Amended Budget</u>
516030	Maintenance Contracts	\$109,250	+\$7,000	\$116,250
505800	Medical & Health Supplies	474,260	- 7,000	467,260

and be it further

RESOLVED, that sufficient funds are available through a transfer within the accounts of the Adopted Budget by increasing Account 516030 Maintenance Contracts and decreasing Account 505800 Medical & Health Supplies; and be it further

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

Item 26 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 189

RE: Amend CSE, EISEP and  
HIICAP Grant Budgets  
(COMM. 13E-5)

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services for the Elderly (CSE), the Expanded In-Home Services for the Elderly Program (EISEP) and the Health Insurance Information, Counseling and Assistance Program (HIICAP) grants for the period April 1, 2009 to March 31, 2010; and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) of final state allocations; and

WHEREAS, the Department reviewed the program budgets and service objectives and desires to provide additional services to seniors in Erie County that will allow them to remain independent in their own homes and healthy; and

WHEREAS, the Department contracts with various cluster agencies to provide case management, information and assistance, and chore services to seniors; and

WHEREAS, one agency, Buffalo Federation of Neighborhood Centers, Inc. will end services as of June 30, 2009, with cases being transferred to another agency, the Lt. Col. Matt Urban Human Services Center of WNY, Inc., to continue providing services as of July 1, 2009; and

WHEREAS, the contract with the Lt. Col. Matt Urban Human Services Center of WNY, Inc. needs to be amended to reflect the transfer of services and related funding; and

WHEREAS, a portion of the Coordinator of Insurance salary and fringe benefits was previously authorized to be charged to the Long Term Care Education and Insurance Program grant which is no longer funded as a separate grant by New York State; and

WHEREAS, the Department received additional funding in the HIICAP grant in its place;  
and

WHEREAS, the Department desires that a portion of the Coordinator of Insurance salary and fringe benefits be charged to the HIICAP grant, effective April 1, 2009; and

WHEREAS, the CSE and EISEP grant budgets need to be revised; and

WHEREAS, any additional local match will be met by subcontractor match.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to amend the contract with the Lt. Col. Matt Urban Human Services Center of WNY, Inc. as authorized herein; and be it further

RESOLVED, that the CSE grant (163CSE0910) be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
<b>REVENUES</b>				
Account	Description			
409000	State Aid	\$1,207,605	-\$10,125	\$1,197,480
	<b>TOTAL REVENUE</b>		<u>-\$10,125</u>	
<b>APPROPRIATIONS</b>				
516010	Lt. Col Matt Urban	\$156,098	\$81,664	\$237,762
516010	BFNC	\$102,218	-\$81,664	20,554
516010	Contractual Services	\$60,296	-\$39,034	21,262
916390	ID Senior Services Grant	-45,683	28,909	-16,774
	<b>TOTAL CHANGE</b>		<u>-\$10,125</u>	

and be it further

RESOLVED, that the EISEP grant (163EISEP09) be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
<b>REVENUES</b>				
Account	Description			
409000	State Aid	\$3,002,358	-\$63,419	\$2,938,939
	<b>TOTAL REVENUE</b>		<u>-\$63,419</u>	
<b>APPROPRIATIONS</b>				
516020	Home Care Services	\$2,021,635	-\$10,419	\$2,011,216
516020	Software Modification and Support	53,000	-53,000	0
	<b>TOTAL CHANGE</b>		<u>-\$63,419</u>	

and be it further

RESOLVED, that the HIICAP grant (163HIICAP0910) be revised as follows:

		CURRENT	CHANGES	AMENDED
		BUDGET		BUDGET
<b>REVENUES</b>				
Account	Description			
409000	State Aid	\$15,092	-\$1,191	\$13,901
414000	Federal Aid	27,402	17,965	45,367
	<b>TOTAL REVENUE</b>		<u>\$16,774</u>	
<b>APPROPRIATIONS</b>				
916390	ID Senior Services Grant	\$36,350	\$16,774	\$53,124
	<b>TOTAL CHANGE</b>		<u>\$16,774</u>	

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

Item 27 – (COMM. 13E-6) Erie County Energy Efficiency and Conservation Block Grant Program

Item 28 – (COMM. 13E-7) WNY Stormwater Coalition: MS4 Assistance Project

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

Item 29 – (COMM. 13E-8) Probation Personnel Adjustment

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 30 – (COMM. 13E-9) Appointment of Jerry Kapsiak to ECSD No. 3 Board of Managers

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 31 – (COMM. 13E-10) Request to Receive Funds from Catt. Co. for Pier Pedestal Repairs at Hammond Hill Bridge - Concord & East Otto

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 32 – (COMM. 13E-11) Partnership with NYS Division of Veterans' Affairs

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 33 – (COMM. 13E-12) Erie Canal Harbor - Memorial Aud. Demolition & Site Preparation

Item 34 – (COMM. 13E-13) Tannery Rd. Bridge - Bridge Deck Waterproofing Membrane Installation - Committee Agenda Placeholder

Item 35 – (COMM. 13E-14) Bond Description Amendment - Design Work for Landslides & Roads - Committee Agenda Placeholder

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

Item 36 – (COMM. 13E-15) Central Police Services - 2009-2010 Justice Assistance Grant

Item 37 – (COMM. 13E-16) Sprint Nextel 800 MHz Reconfiguration Agreement

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



Item 38 – (COMM. 13E-17) Request Authorization to Accept Efficiency Grant Funds - Space Utilization Initiative

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 39 – (COMM. 13E-18) ECSD No. 3 - Contract No. 38PS - Bid Opening

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 40 – (COMM. 13E-19) Homeland Security Grant Budget Adjustments

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 41 – (COMM. 13E-20) Transfer of Mitigation Funds - Wehrle Dr. Reconstruction - Amherst

Item 42 – (COMM. 13E-21) Intermunicipal Agreement with Other Municipalities Within EC

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

Item 43 – (COMM. 13E-22) Authorization to Enter into Contract with Cattaraugus-Allegany-Erie-Wyoming BOCES

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 44 – (COMM. 13E-23) Sale of Tax Certificate - 204 Hirschfield Dr., Williamsville

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 45 – (COMM. 13E-24) Department of Social Services - Employee Education and Training

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 46 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 190

RE: Approval for Change Order to  
SAP Contract  
(COMM. 13E-25)

WHEREAS, your honorable body has previously authorized Erie County to enter into a contract with SAP America Inc. (SAP Public Services) on July 11, 2002 and in 2004 Erie County

upgraded its financial and human resource software to enhance the efficiency and effectiveness of county government; and

WHEREAS, Erie County selected and installed the enterprise resource planning (ERP) system from SAP America, Inc. for all its financial, budgeting, purchasing, human resources and payroll requirements; and

WHEREAS, the Erie County Charter revisions of 2007 directed the County to implement performance budgeting; and

WHEREAS, your Honorable Body has already approved the capital project request to expand the SAP functionality required for the implementation of performance budgeting, and to obtain numerous analytical tools contained in SAP that are required by the Erie County Comptroller's Office and Budget Office for future use that are enhanced or provided for utilizing SAP Business Objects and Interactive Forms; and

WHEREAS, SAP Business Objects will provide powerful analytical information utilizing the financial, budgeting and personnel (Human Resource) systems; and

WHEREAS, these tools will also enable SAP-based archiving that will improve the data center storage requirements, and improve the computer network performance.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to approve the contract change order with SAP America, Inc. in an amount not to exceed \$300,000.00 for the purchase and installation of the SAP Business Objects and Interactive Forms, SAP training and maintenance will be treated as separate items; and be it further

RESOLVED, that funding for said contract change order is available in the 2008 and 2009 BAN capital projects approved by this body in separate resolution; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the above from SAP Project A.00338.1 SAP Functionality Expansion, /Business Intelligence \$159,709.63 and A.20910.1 Business Continuity/Disaster Planning \$140,290.37 for an amount not to exceed \$300,00.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Information and Support Services, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 191

RE: Authorization to Add a Dining

Site  
(COMM. 13E-26)

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining (III-C-1) grant for the period January 1, 2009 through December 31, 2009; and

WHEREAS, the Department of Senior Services (Department) continually reviews potential locations to expand the Stay Fit Dining program throughout Erie County; and

WHEREAS, the Department recommends that a new congregate dining site, located at the 333 Trenton Street, be added to the Stay Fit Dining program to serve needful seniors in a previously underserved community; and

WHEREAS, the Department desires to contract with the sponsor, Los Tainos Senior Citizen Center, Inc., to begin serving meals after the effective date of this resolution; and

WHEREAS, the Professional Services-Clean-up and Escort Services account has sufficient funds available to cover the cost of the new dining site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with Los Tainos Senior Citizen Center, Inc. for a dining site at 333 Trenton Street; and be it further

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

Item 48 – (COMM. 13E-27) Levy of the 2009-2010 School Tax Budgets

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 49 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 192

RE: Amend Title III. AAATRAN,  
LTCOP and POMP Grant  
Budgets  
(COMM. 13E-28)

WHEREAS, the Erie County Legislature has already appropriated funds for the Area Agency on Aging (III-B), the Disease Prevention and Health Promotion (III-D) and Elder Caregiver Support (III-E) grants for the period January 1, 2009 to December 31, 2009; the State Transportation (AAATRAN) grant for the period April 1, 2009 to March 31, 2010; the Long Term Care Ombudsman Program (LTCOP) grant for the period April 1, 2008 to March 31, 2009; and the

Performance Outcome Measures Project (POMP) grant for the period September 30, 2008 to September 29, 2009; and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) of final federal and state allocations; and

WHEREAS, the Department reviewed the program budgets and service objectives and desires to transfer the Senior Dispatcher and Dispatcher positions from the AAATRAN grant as of 7/6/09 due to reduced funding in the AAATRAN grant; and

WHEREAS, these positions will be 90% federally reimbursable and are reflected in the SAP system on B-100 Control number 4805; and

WHEREAS, the Department desires to use the additional III-B funds to carry out falls prevention activities and purchase related supplies for seniors in the falls prevention program, and to purchase case management database upgrades and/or modifications; and

WHEREAS, the Department contracts with Legal Services for the Elderly, Disabled or Disadvantaged of WNY, Inc. to provide legal services under the III-B and legal services for grandparents caring for grandchildren under the III-E grant; and with the American Red Cross to provide ombudsman services to senior residents in nursing homes; and

WHEREAS, the contracts with Legal Services for the Elderly, Disabled or Disadvantaged of WNY, Inc. need to be amended to reflect the adjustments to the III-B and III-E funding amounts; and

WHEREAS, the contract with the American Red Cross needs to be amended to reflect the additional LTCOP funding for ombudsman services to assisted living facilities; and

WHEREAS, the Department employs a Public Health Nurse to provide III-D services and the III-D grant needs to be revised to cover the retroactive salary and fringe benefit costs for recently settled contract negotiations; and

WHEREAS, the III-B, III-D, III-E, AAATRAN, LTCOP and POMP grant budgets need to be revised; and

WHEREAS, these budget revisions will not affect the local match requirements.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional Titles III and LTCOP 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 Legal Services for the Elderly, Disabled or Disadvantaged of WNY, Inc. and the American Red Cross as authorized herein; and be it further

RESOLVED, that the Senior Dispatcher and Dispatcher positions be transferred to the III-B grant effective July 6, 2009; and be it further

RESOLVED, that the III-B grant (163III-B2009) be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
<b>REVENUES</b>				
Account	Description			
414000	Federal Aid	\$1,461,247	\$124,962	\$1,586,209
466330	Other Local Match	54,000	4,000	58,000
	<b>TOTAL REVENUE</b>		<u>\$128,962</u>	
<b>APPROPRIATIONS</b>				
500000	Full Time Salaries	\$701,775	\$40,500	\$742,275
502000	Fringe Benefits	364,892	17,150	382,042
516010	Legal Services for the Elderly	256,519	10,000	266,519
516010	Contractual Services	0	50,312	50,312
516030	Maintenance Contracts	45,000	10,000	55,000
530000	Other Expenses	6,000	1,000	7,000
			<u>\$128,962</u>	

and be it further

RESOLVED, that the III-D grant (163III-D2009) be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
<b>REVENUES</b>				
414000	Federal Aid	\$105,660	-\$2,853	\$102,807
	<b>TOTAL REVENUES</b>		<u>-\$2,853</u>	
<b>APPROPRIATIONS</b>				
500000	Full Time Salaries	\$52,670	\$7,914	\$60,584
502000	Fringe Benefits	25,338	4,820	30,158
516020	Professional Services	20,540	-15,587	4,953
	<b>TOTAL APPROPRIATIONS</b>		<u>-\$2,853</u>	

and be it further

RESOLVED, that the III-E grant (163III-E2009) be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
<b>REVENUES</b>				
414000	Federal Aid	\$576,842	-\$263	\$576,579

TOTAL REVENUES			<u>-\$263</u>	
APPROPRIATIONS				
505000	Office Supplies	\$6,500	-\$263	\$6,237
516010	Legal Services for the Elderly, Inc. Professional Services – Home Care	86,000	-10,000	76,000
516020	Services	39,119	<u>10,000</u>	49,119
TOTAL APPROPRIATIONS			<u>-\$263</u>	

and be it further

RESOLVED, that the AAATRAN grant (163AAATRAN0910) be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid	\$107,787	<u>-\$57,650</u>	\$50,137
TOTAL REVENUE			<u>-\$57,650</u>	
APPROPRIATIONS				
500000	Full Time-Salaries	\$57,615	-\$40,500	\$17,115
502000	Fringe Benefits	27,722	<u>-17,150</u>	10,572
TOTAL CHANGE			<u>-\$57,650</u>	

and be it further

RESOLVED, that the LTCOP grant (163LTCOP0809) be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid Revenue	\$41,502	<u>\$19,091</u>	\$60,593
TOTAL CHANGE			<u>\$19,091</u>	
APPROPRIATIONS				
516010	American Red Cross	\$41,502	<u>\$19,091</u>	\$60,593
TOTAL CHANGE			<u>\$19,091</u>	

and be it further

RESOLVED, that the POMP grant (163POMP0809) be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				

Account	Description			
516020	Professional Fees	\$17,000	-\$17,000	\$0
516030	Maintenance Contracts	\$0	<u>\$17,000</u>	17,000
	TOTAL CHANGE		<u>\$0</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 Comptroller's Office, the Department of Law and the Department of Senior Services.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

Item 50 – (COMM. 13D-1) Transmittal of New Claim Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE COMMISSIONER OF ENV. & PLANNING**

Item 51 – (COMM. 13D-2) Project Description - Negative Declaration of Replacement of Vanderbilt Pump Station - Depew

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 52 – (COMM. 13D-3) Transmittal of New Claim Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 53 – (COMM. 13D-4) Budget Monitoring Report For Period Ending 5/31/09

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NFTA**

Item 54 – (COMM. 13M-1) Audited Financial Statements for Fiscal Yr. Ended 3/31/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM SAM MAGAVERN

Item 55 – (COMM. 13M-2) Copy of Letter to Legislator Whyte Concerning the Proposed Downsizing of the EC Legislature

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NFTA

Item 56 – (COMM. 13M-3) Annual 17A Report

Item 57 – (COMM. 13M-4) Agenda Items & Minutes from NFTA Board Meeting Held May 26, 2009

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

FROM THE PARTNERSHIP FOR THE PUBLIC GOOD

Item 58 – (COMM. 13M-5) Copy of Letter to the Legislature Concerning Conference Held at Buffalo State College

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO & EC WORKFORCE INVESTMENT BOARD

Item 59 – (COMM. 13M-6) Copy of Letter Regarding WIB Program

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM SENATOR SCHUMER

Item 60 – (COMM. 13M-7) Copy of Letter to Tonawanda Coke Concerning Air Pollution

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM SENATOR THOMPSON

Item 61 – (COMM. 13M-8) Copy of Letter to NYS Health Commissioner Regarding Health Impacts from Air Pollution - Tonawanda Coke

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS HEALTH COMMISSIONER

Item 62 – (COMM. 13M-9) Copy of Letter to Legislator Iannello Regarding Health Impacts from Air Pollution - Tonawanda Coke



Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ATTORNEY CRAIG A. SLATER

Item 63 – (COMM. 13M-10) Copy of Letter to Legislator Iannello Concerning Air Pollution - Tonawanda Coke

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 64 – CHAIR MARINELLI announced that the schedule of upcoming committee meetings to be held on Monday, July 6, 2009 has been distributed. Chair Marinelli further offered congratulations, on behalf of the entire Legislature, to Majority Leader Maria R. Whyte, upon the birth of a daughter, Charlotte Renee.

MEMORIAL RESOLUTIONS

Item 65 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of David A. Winsor, Herbert K. Engelhardt, Hannah C. O'Brien and Edward M. Kozakiewicz.

Item 66 – Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Arthur J. Kwiatkowski.

Item 67 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Shirlene Morrow.

Item 68 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Hollowith Blue, Jeanice E. McMillan and Maya Harden.

ADJOURNMENT

Item 69 - 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 9, 2009 at 2:00 P.M. Eastern Standard Time. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, July 9, 2009 at 2:00 P.M. Eastern Standard Time.

**ROBERT M. GRABER**

**CLERK OF THE LEGISLATURE**