

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 17**  
**SEPTEMBER 11, 2008**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Mr. Kozub, who dedicated the Invocation to the victims of the September 11, 2001 tragedy.

The Pledge of Allegiance was led by Mr. Kennedy, who dedicated the Pledge - on this seventh anniversary of the September 11, 2001 attacks on America - to those who have given their lives, and those who continue to give their lives, to protect our country.

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 Numbers 15 and 16 from 2008. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. IANNELLO presented a resolution Congratulating David Matthew McMichael Upon Being Named Eagle Scout in Boy Scout Troop 254, Grand Island, NY.

Item 6 – MS. IANNELLO presented a Memorial Resolution Honoring the Memory of Alice Champlin.

Item 7 – MS. IANNELLO presented a Memorial Resolution Honoring the Memory of Helen J. Coogan.

Item 8 – MS. IANNELLO presented a resolution Congratulating Michael and Sally Iannello Upon the Occasion of Their 50th Wedding Anniversary.

Item 9 – CHAIR MARINELLI presented a resolution Recognizing Anthony J. Baynes for His Outstanding Service as a Member and Chairman of the ECFSA.

Item 10 – CHAIR MARINELLI & MR. KENNEDY presented a resolution Recognizing the Seventeenth Anniversary of Ukraine's Independence.

Item 11 – MR. KENNEDY presented a resolution Honoring Sister Margaret Ann Coughlin.

Item 12 – MR. MILLS presented a resolution Honoring Otis Clark Upon His 100th Birthday.

Item 13 – MR. RATH presented a resolution Honoring Weinberg Campus Upon the Celebration of 15 Years at its Suburban Location.

Item 14 – MR. REYNOLDS presented a resolution Honoring Town of Evans Police Chief Sam DeJohn.

Item 15 – MS. MILLER-WILLIAMS presented a resolution Honoring the Memory of James D. Prude.

Item 16 – MS. MILLER-WILLIAMS presented a resolution Honoring the Memory of Leonard C. Pleasant.

MS. WHYTE moved for consideration of the above twelve items. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twelve items by adding two for MS. KONST. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above fourteen items as amended. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 17 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 21 - CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 22 – CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2008 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 - CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

### **COMMITTEE REPORTS**

None.

### **LEGISLATOR RESOLUTIONS**

Item 24 – CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 17-1 from RANZENHOFER. The Need for Property Tax Relief.

Item 25 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 276

RE: Recognizing the Canadian Market for  
Shopping & Tourism in Erie County  
(INTRO 17-2)

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

WHEREAS, Erie County substantially supports the budget of the Buffalo Niagara Convention & Visitors Bureau (CVB) through the collection and distribution of bed tax revenues; and

WHEREAS, marketing to Canadians has historically shown a strong return on investment of public dollars; and

WHEREAS, Canadian visitation to our region continues to be strong, thanks in part of the U.S. and Canadian dollars trading at par, and it behooves county policymakers to review past practices and encourage strategic efforts that will continue to capitalize on the nearby Ontario market; and

WHEREAS, a review of the history of both data analysis and marketing strategies is warranted at this time, given the troubling announcement by the Erie County Comptroller that the national economic slowdown has begun to have a negative impact on the growth of sales tax collections in Erie County in the second quarter of 2008 as compared to the first quarter of 2008; and

WHEREAS, two primary factors have been attributed to this trend – the skyrocketing costs of gasoline have resulted in reduced consumption, and consequently sales tax revenues, and automobile, SUV and light truck sales have significantly fallen in 2008, again attributable to high fuel costs; and

WHEREAS, our national and regional economic challenges are juxtaposed against the most recent announcement by Exxon Mobil Corp. that it has recorded the biggest profit from operations in history by any U.S. corporation for the second quarter in 2008, thanks in large part to the doubling of crude and natural gas prices when compared to 2007; and

WHEREAS, despite these international trends in the price of oil and gas, Erie County can make regional decisions that help to mitigate the impact of a slowing national economy, and one of these decisions involves the CVB's continuation of marketing to Canadians in Ontario, based on the success of past and current campaigns; and

WHEREAS, focus groups in Toronto in the summer of 2004 indicated a high degree of interest in our community and a willingness to consider Buffalo as a travel destination; and

WHEREAS, given this data, the CVB began an intensified Canadian marketing campaign – enticing Canadians to our malls, shopping districts, cultural attractions and sporting events; and

WHEREAS, in October 2005, the CVB developed a campaign around the theme “The Shopping is Hopping” that offered Canadian shoppers discounted rates at 24 Erie County hotels and a \$50 voucher redeemable at a number of participating shopping locations; and

WHEREAS, the campaign included sponsorship of WNED-TV's “Antiques Roadshow” (which has a very high viewership in Southern Ontario) and a media relations effort that succeeded in attracting a crew from Toronto's CityTV for a day of shooting at area malls and hotels; and

WHEREAS, more than 500 overnight packages were sold to Canadian visitors during the 2005 holiday shopping season, enhancing both sales tax and bed tax revenues for Erie County; and

WHEREAS, in the spring of 2006, the CVB, working in partnership with the Toronto-based OEB International marketing firm, began phase two of its Canadian campaign by hosting a luncheon for Canadian media at WNED's Toronto offices; and

WHEREAS, a dozen editors, writers and producers attended the event and heard presentations from representatives of the Albright-Knox Art Gallery, the Martin House Corporation, the Burchfield-Penney Art Center and the Roycroft Campus Corporation; and

WHEREAS, this outreach effort – and the press trips to Buffalo that resulted – led to coverage on CBC Radio, *the Globe & Mail*, *Toronto Star*, *Chatelaine* (Canada's largest circulation women's magazine), *Building Magazine*, *NOW newspaper*, *FashionTV* and the *Canadian Travel Press*); and

WHEREAS, the strategy to attract visitors from the Ontario market has continued through 2007 and into 2008, to wit, CVB Tourism staff regularly visits Canadian Automobile Association (CAA) offices and attends the Ontario Motor Coach Association trade show; and

WHEREAS, familiarization tours are routinely conducted for Canadian group tour operators, and the CVB has placed ads appearing in *Horizon Travel Magazine*, the glossy travel publication of the *Toronto Star* that is distributed to upper-income homes in the Toronto metro area; and

WHEREAS, there have also been Buffalo-related articles recently featured in *Dreamscapes* (the travel publication of the *Globe & Mail*), *the National Post*, and the *Star's* travel section, and

WHEREAS, an article appeared in the Spring 2008 issue of CAA Magazine about shopping in Buffalo, and was distributed to more than 1.6 million readers throughout Canada; and

WHEREAS, this expansion of Erie County's marketing scope is the direct result of a familiarization tour hosted by the Buffalo Niagara CVB this winter; and

WHEREAS, in addition, a banner ad promoting "Park & Fly" packages in Buffalo appeared on [www.toronto.com](http://www.toronto.com) this spring and summer; and

WHEREAS, Canadian visitation continues to be a bright spot on our regional economy and is, in large part, a contributing factor in Erie County exceeding its sales tax projections; and

WHEREAS, the Buffalo Niagara Convention & Visitors Bureau is in the midst of strategic planning for the next five-year period.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognize the Buffalo Niagara Convention & Visitors Bureau on its successful strategy to attract increasing numbers of Canadian visitors to Erie County; and be it further

RESOLVED, that this Honorable Body request that the President of the Buffalo-Niagara Convention & Visitors Bureau attend an upcoming meeting of the Economic Development

Committee to advise the Legislature on the CVB's plans for continuing its strategy to attract residents of Ontario, Canada to Erie County for shopping, cultural, sports and other tourism experiences.

Item 26 - CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 17-3 from IANNELLO, REYNOLDS & WHYTE. Integrating Bicycling and Walking Into Transportation, Climate, Energy, Safety and Health Policy Issues, Defined as 'Complete Streets'.

Item 27 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 277

RE: Request to the ECFSA for an Efficiency Grant for Caseload Explorer (INTRO 17-4)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS IANNELLO, WROBLEWSKI, MILLER-WILLIAMS & REYNOLDS**

WHEREAS, the Erie County Department of Probation's mission is to help ensure a safer community by collaborating with various law enforcement and social service agencies; and

WHEREAS, the Department provides both adult and juvenile probation services to all courts within Erie County and the County Conditional Release Commission; and

WHEREAS, the Department maintains complete and up-to-date case records for all presentencing or predisposition investigations, probation cases and Family Court intake cases and to provide records to the courts, institutions and other authorized agencies as required; and

WHEREAS, the Department monitors the behavior of persons who have been placed on probation by the Family Court to ensure compliance with the conditions of probation; and

WHEREAS, the Department completes presentence investigations for adult criminal cases in the City Court of Buffalo, County Court, State Supreme Court and town and village courts as required; and

WHEREAS, the Department provides specialized supervision and services to adults sentenced to probation in felony DWI cases; and

WHEREAS, the Department logs, maintains and enforces warrants of arrest for probation violators; and

WHEREAS, there are 6-7,000 active cases on probation at any given time; and

WHEREAS, each case must be input into a computer system to be tracked by the Department staff; and

WHEREAS, the current computer tracking system was created in-house in 1999 and has not been updated since; and

WHEREAS, the tracking system has become unstable and unreliable; and

WHEREAS, DISS is unfamiliar with the current system which operates in DOS and cannot fix problems or transfer cases from old or broken computers so information is frequently lost; and

WHEREAS, the current tracking system is not centralized and information is not easily shared or accessed by Department staff; and

WHEREAS, the current tracking system cannot generate reports needed to track and monitor cases and to evaluate where Department resources should be allocated; and

WHEREAS, the current tracking system cannot generate reports needed by New York State; and

WHEREAS, a computer tracking system called Caseload Explorer specifically meets the needs of Probation Departments across New York State; and

WHEREAS, Caseload Explorer is used by several counties across New York State; and

WHEREAS, Caseload Explorer is actively managed, reliable and updated Windows-based software; and

WHEREAS, each officer using Caseload Explorer within Erie County Department of Probation can instantly share and access other officers' records and information; and

WHEREAS, each officer using Caseload Explorer within Erie County Department of Probation can instantly share and access records and information with other Counties using Caseload Explorer instead of writing letters of request and waiting for written replies; and

WHEREAS, Caseload Explorer will allow for the centralization of records which will allow supervisors to keep better tabs on cases and progress to ensure probation officers are able to manage their workload which is substantial; and

WHEREAS, Caseload Explorer generates accurate reports and eliminates the inordinate time currently spent by Department staff to compile reports manually; and

WHEREAS, these reports are needed internally within the Department on a day-to-day basis and are needed monthly by the State Department of Probation; and

WHEREAS, employing Caseload Explorer will eliminate the inefficiencies of the current system and disconnect between probation officers within and beyond Erie County which put our citizens at risk.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Probation has demonstrated a desperate need to replace the current software system which lacks the ability to maintain accurate reporting, lacks a centralization of records, and lacks a tracking system needed to allow for daily reports within the Department and mandated monthly reports to New York State; and be it further

RESOLVED, that the current system is extremely outdated, allows for records to be lost, prevents follow up with cases and prevents networking with other agencies and departments as needed in the performance of Probation Department duties; and be it further

RESOLVED, that in order for the 150 employees of the Erie County Probation Department to perform their responsibilities and duties more fully and efficiently, for the protection and benefit to the residents of Erie County, a new and up to date system must be purchased, licensed and installed; and be it further

RESOLVED, that after much research, the software successfully utilized by other Counties in New York State Probation Departments, and deemed necessary and appropriate for the Erie County Probation Department employees is called 'Caseload Explorer'; and be it further

RESOLVED, that the approximate cost for licensing, installation, training and customization for a county our size is \$100,000, though each county's costs varies by specific needs; and be it further

RESOLVED, that Erie County is in no position to purchase this extremely vital software called 'Caseload Explorer' due the current fiscal constraints of the Erie County Budget; and be it further

RESOLVED, that an appropriate and available funding resource lies in the Erie County Fiscal Stability Authority by means of the Efficiency Grants controlled by this Authority; and be it further

RESOLVED, that this honorable body, the Erie County Legislature, requests County Executive Chris Collins to research and define the specific needs of the Erie County Probation Department in order to operate more efficiently; and be it further

RESOLVED, that when these needs and cost figures are accurately determined to enable the Erie County Probation Department to operate efficiently, the County Executive submit an application to the Fiscal Stability Authority for the purchase of Caseload Explorer and any additional hardware required to operate the system; and be it further

RESOLVED, that this application be submitted in a timely manner as the sole provider to New York State will be raising the cost by 5% in January of 2009; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive, Chairman of the Fiscal Stability Authority, the Director of Probation, DISS and the County Comptroller.

Item 28 - CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 17-5 from WHYTE. EC Lead Inspection Records.

Item 29 - CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 17-6 from WHYTE. Investigation of Air Pollution and Negative Health Effects in Tonawanda and Riverside.

Item 30 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 278

RE: Endorsing the Nomination of the International Joint Commission (IJC) for a Prestigious Stockholm Water Prize (INTRO 17-7)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MARINELLI, KOZUB, MILLER-WILLIAMS, KONST,  
MAZUR, REYNOLDS & RATH**

WHEREAS, the International Joint Commission (IJC) has existed to oversee the implementation of the Boundary Waters Treaty (1909) between the U.S. and Canada; and

WHEREAS, the Boundary Waters Treaty will celebrate 100 years of continuous force and effect in governing water resource management along the U.S.-Canada border; and

WHEREAS, over the course of those 100 years, the IJC has played a key role in preventing and resolving disputes between the United States and Canada, and has helped ensure sound water management of the shared waters; and

WHEREAS, the Stockholm International Water Institute awards prizes to activities or bodies which contribute to the availability, consideration and protection of the world's water resources; and

WHEREAS, the preservation of the planet's ecosystems is vital to the health and well-being of the world's population; and

WHEREAS, the nomination of the International Joint Commission for a 2009 prize is a significant means by which this region can advance the Great Lakes and St. Lawrence Cities Agenda, and is also a continuation of the overall drive for the recognition of bi-national water stewardship initiatives at the municipal level; and

WHEREAS, the Stockholm Water Prize suitably recognizes institutions (among others) for outstanding water-related activities and is the most prestigious prize for such stellar achievement; and

WHEREAS, the IJC represents a model of governance for international water stewardship goals; and

WHEREAS, the 2009 Stockholm Water Prize Award would complement the IJC announcement that the key centennial celebrations for the Boundary Waters Treaty will take place in Niagara in June 2009; and

WHEREAS, the environment of the Great Lakes Basin and the St. Lawrence River represents a significant component of the IJC's responsibilities under the Boundary Waters Treaty; and

WHEREAS, the IJC has recognized the important role of municipalities in managing the shared waters by appointing a representative to the Water Quality Board, and by highlighting municipal participation in the development of a new Water Quality Agreement; and

WHEREAS, the Regional Municipality of Niagara, an active member of the Great Lakes and St. Lawrence Cities Initiative, has begun the process of nominating the IJC for the Stockholm Water Prize and is seeking support from the larger municipal sector in and around the Great Lakes and St. Lawrence River as part of the nomination process.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its wholehearted support for the nomination of the International Joint Commission for a 2009 Stockholm Water Prize; and be it further

RESOLVED, that this Honorable Body convey certified copies of this resolution to Patrick Robson, Acting Commissioner of the Niagara Region Planning Services Department in Thorold, Ontario; Kerry Mitchell of the Canadian Consulate General, Buffalo, New York; and, Arlene White, Executive Director, Binational Tourism Alliance, Buffalo, New York.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 31 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 279

RE: New York State Retaining Jurisdiction  
Over the Route 219 Bridge Over  
Cattaraugus Creek  
(INTRO 17-8)

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

WHEREAS, New York State Route 219 currently crosses Cattaraugus Creek, linking Erie and Cattaraugus Counties; and

WHEREAS, New York State is responsible for the maintenance of this span; and

WHEREAS, New York State is currently expanding Route 219 Expressway; and

WHEREAS, upon completion of the extended Route 219, New York State intends to divest itself of the sections of Route 219 bypassed by the extension, including the bridge crossing Cattaraugus Creek; and

WHEREAS, the bridge crossing Cattaraugus Creek will be transferred to the jurisdiction of Erie and Cattaraugus Counties; and

WHEREAS, the bridge crossing Cattaraugus Creek was built in 1956; and

WHEREAS, the bridge crossing Cattaraugus Creek, which is a type similar to the bridge which tragically failed in Minnesota in 2007, is rated a 4 out of 7, which indicates that the bridge is deficient; and

WHEREAS, maintenance of the bridge would impose a financial burden of \$2 million in annual preventative maintenance costs; and

WHEREAS, the transfer would force Erie County to either identify significant extra funding sources or close the bridge to traffic; and

WHEREAS, on June 4, 2008, the New York State Senate passed S. 6765, directing the New York State Department of Transportation to retain jurisdiction over and maintenance responsibilities for the Route 219 bridge over Cattaraugus Creek; and

WHEREAS, the bill was then delivered to the New York State Assembly, where it is being held for consideration in the transportation committee as A. 9994.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature goes on record as supporting New York State Senate Bill 6765 and New York State Assembly Bill 9994, which are necessary in order to maintain the Route 219 bridge connecting Erie and Cattaraugus Counties; and be it further

RESOLVED, the Erie County Legislature requests our local delegation to pursue final passage of these bills and signature by Governor Paterson either at a special session or by reintroducing the bills; 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, the local delegation to the New York State Legislature and County Executive Christopher Collins.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 32 - MS. WHYTE presented the following resolution and moved for immediate consideration. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 280

RE: Bringing the Tribute of American  
Veterans to Erie County  
(INTRO 17-9)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MILLS, MARINELLI, KOZUB, MAZUR & MILLER-WILLIAMS**

WHEREAS, the Tribute to American Veterans consists of the largest mobile replica of the Vietnam Veterans Memorial, a bronze replica of the Women Vietnam Veterans Memorial, a Korean War Commemoration display and prints from the Bergsma "*In Country*" art collection; and

WHEREAS, the purpose of this Tribute is not to glorify war but to honor those who served and to educate our youth about the sacrifices made; and

WHEREAS, the Tribute allows individuals who cannot easily travel to Washington, D.C. the opportunity to learn about the events giving rise to the Tribute at a regional venue; and

WHEREAS, the cost to bring the Tribute to Western New York is \$20,000; and

WHEREAS, there is money available in the Erie County Office of Veterans Services budget to cover half of this cost; and

WHEREAS, American Legion Post #362 and the Greater East Aurora Chamber of Commerce have agreed to conduct fundraising to secure the remaining money needed to bring the Tribute to Knox Farm State Park in the Town of Aurora from June 25-29, 2009.

NOW, THEREFORE, BE IT

RESOLVED, that \$10,000 be transferred from Office of Veterans Services 130 – Other Expenses 530000 to Account 516020, Professional Services, Contracts and Fees to fund Erie County’s portion of bringing the Tribute to Western New York; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget and Management and the Director of Veterans Services.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 33 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 281

RE: Acknowledging the Fourth Monday in  
September in the Year 2008 as Family  
Day - A Day to Eat Dinner With Your  
Children  
(INTRO 17-10)

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

WHEREAS, The National Center on Addiction and Substance Abuse (CASA) at Columbia University launched Family Day in 2001 to recognize the positive impact on children of eating with their family; and

WHEREAS, through CASA’s research, it has consistently found that children who eat dinner with their parents are less likely to smoke, drink or use illegal drugs; and

WHEREAS, in 2007, President Bush, all 50 Governors and almost 800 Mayors and County Executives recognized the fourth Monday in September as *Family Day-A Day to Eat Dinner With Your Children*; and

WHEREAS, CASA urges parents to become a Family Day STAR, by Spending time with their children by having dinner with them, Talking to them about their friends, interests, and the dangers of drugs and alcohol, Answering their questions and listening to what their children have to say and Recognizing that as parents they have the power to keep their kids substance-free.

WHEREAS, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

WHEREAS, family dinners have long constituted a substantial pillar of family life in America and have greatly enhanced the bond between parents and children for generations.

NOW, THEREFORE, BE IT

RESOLVED, that this legislative body pause in its deliberations to acknowledge the fourth Monday of September in the year 2008 as Family Day – A Day to Eat Dinner With Your Children and urge all members of our communities recognize and participate in its observance.

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

CARRIED UNANIMOUSLY.

MS. GRANT moved to further amend the resolution. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Replace the Resolved clause with the following:

RESOLVED, that this legislative body pause in its deliberations to acknowledge the fourth Monday of September in the year 2008 as Family Day – A Day to Eat Dinner With Your Children and urge all members of our communities annually recognize and participate in its observance.

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

CARRIED UNANIMOUSLY.

Item 34 - MS. WHYTE presented the following resolution and moved for immediate consideration. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 282

RE: Authorizing the Necessary and Regular Maintenance of the Erie County Forest (INTRO 17-11)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS KONST & KOZUB**

WHEREAS, the responsible stewardship of the Erie County Forest requires staff of the Erie County Department of Parks, Recreation and Forestry to periodically perform necessary maintenance activities including the clean up of debris that has been strewn by forces of nature across the forest floor; and

WHEREAS, the long-term stewardship of the Erie County Forest further requires the Development of a Forest Management Plan that incorporates the concerns and recommendations of various stakeholder groups that are keenly interested in the preservation and regeneration of the County Forest, and that such a comprehensive and inclusive Forest Management Plan will be under development in 2009; and

WHEREAS, the regeneration of the Erie County Forest cannot be achieved absent the regular and routine removal of felled trees and other debris on the forest floor; and

WHEREAS, removing felled and decaying trees from the forest floor also mitigates the incidence of forest fires; and

WHEREAS, such routine maintenance further ensures that the forest floor is cleared of old and rotting wood, thereby making way for tree seedlings and the more rapid growth of the existing trees by giving them suitable space to grow and mature; and

WHEREAS, in addition to removing trees that have been felled by high winds and seasonal rain, ice and snow storms, it is an accepted and environmentally sound procedure to remove diseased trees to keep the diseases from spreading to healthy trees; and

WHEREAS, during the forest floor clearance process, it is necessary to remove logs and other debris in order to promote the long-term health, sustainability and continued re-growth of the Erie County Forest; and

WHEREAS, the productive re-use of forest materials obtained as a result of such regular and necessary maintenance is in the interest of the county taxpayer; and

WHEREAS, beyond the environmental appropriateness and advisability of routinely clearing the forest floor, the recreational interests of Erie County residents need to be served by the clearing of trails for snowmobiles, cross county skiing, hiking and horseback riding.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognize the environmental importance of the routine maintenance and clearing of the floor of the Erie County Forest; and be it further

RESOLVED, that this Honorable Body authorize staff from the Erie County Department of Parks, Recreation and Forestry to undertake the clearance of the Erie County Forest floor prior to the start of inclement weather during the late Fall and Winter; and be it further

RESOLVED, that forest materials that are suitable for reuse will not only be utilized by the Forestry Division itself, but also by the entire Erie County Park System and the Building & Grounds Division of the Erie County Department of Public Works in order to save taxpayer dollars; and be it further

RESOLVED, that saw dust or shavings that result from the processing of wood cleared from the forest floor will be donated to local farmers to be used for animal bedding; and be it further

RESOLVED, that certified copies of this resolution be conveyed to County Executive Chris Collins; James Hornung, Commissioner of the Erie County Department of Parks, Recreation and Forestry; and to the Supervisors of the Towns of Concord, Sardinia, Holland, Boston, North Collins and Eden.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to further amend the resolution. MS. KONST seconded.

CARRIED UNANIMOUSLY.

Add a fifth Resolved clause to read as follows:

RESOLVED, that the Erie County Legislature strongly encourage the Erie County Fiscal Stability Authority to approve a pending efficiency grant application to cover the expenses of this initiative; and be it further

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

CARRIED UNANIMOUSLY.

Item 35 - MS. WHYTE presented the following resolution and moved for immediate consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 283

RE: Calling for a FERC Investigation Into  
Price Gouging in Utility Costs Unfairly  
Shouldered By New York State's  
Consumers of Electricity  
(INTRO 17-12)

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

WHEREAS, residential consumers, small business owners, corporations and governments alike have been harmed by a scheme that added millions to the cost of electricity in New York State and placed our state at risk for a blackout; and

WHEREAS, the unscrupulous and deceptive practices of certain market traders between the months of January and July 2008 may have cost New York State's energy consumers – residential, commercial, not-for-profit and government – upwards of \$100 million in unnecessary fees related to the transmission of electricity; and

WHEREAS, some estimates of the added expenses resulting from the scam approach \$250 million, which is simply unconscionable; and

WHEREAS, United States Senator Charles E. Schumer recently communicated his outrage to Joseph T. Kelliher, Chairman of the Federal Energy Regulatory Commission (FERC), and demanded an immediate investigation into the manipulation of the electricity market this year by energy traders; and

WHEREAS, Senator Schumer has exposed a regulatory loophole that allowed energy traders to reroute electricity destined for the Northeast through faraway locations in the Midwest in order to shirk transaction fees, even though, power still traversed the New York power lines that traders were claiming to avoid; and

WHEREAS, as a result of this market manipulation, consumers were charged between \$100-250 million in additional fees; and

WHEREAS, this market manipulation further enabled energy traders to reap huge profits at the expense of New York State's small, medium and large businesses, every level of government, the not-for-profit community, families struggling to make ends meet and senior citizens on fixed incomes; and

WHEREAS, this energy trading scheme adds insult to the injury of all ratepayers who are already bearing the brunt of sky high gas and oil prices; and

WHEREAS, this apparent market manipulation should command priority attention by the members of FERC, as well as an immediate investigation and rapid redress on behalf of the beleaguered, overcharged consumers of electricity in New York State.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record to urge the Federal Energy Regulatory Commission to level severe penalties against the profiteers who have caused so much financial hardship in New York State, and whose deceptive trading practices placed our state at risk for a blackout due to congestion on transmission lines; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Joseph T. Kelliher, Chairman of the Federal Energy Regulatory Commission; and to the members of the WNY Congressional Delegation.

MS. WHYTE moved to amend the resolution by adding MR. MILLS, MR. RANZENHOFER, 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 as Co-Sponsors. MR. KONST seconded. MR. RATH abstained.

CARRIED. (14-0-1)

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

CARRIED. (14-0-1)

Item 36 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 284

RE: Declaring 2009 the Year of Our Shared Waters in the Bi-National Niagara Area (INTRO 17-13)

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

WHEREAS, the 1909 Boundary Waters Treaty between the United States and Canada created the International Joint Commission; and

WHEREAS, the Commission is comprised of six members, three appointed by the President of the United States and approved by the United States Senate and three members appointed by the Governor in Council of Canada, on the advice of the Prime Minister; and

WHEREAS, the International Joint Commission is holding its centenary celebrations to honor this historical event; and

WHEREAS, the "Niagara 10," which consists of members representing the ten local jurisdictions bordering the international Niagara River boundary, including, the Cities of Buffalo and Niagara Falls, New York and Niagara Falls, Ontario, the Towns of Fort Niagara and Niagara on the Lake, the Villages of Lewiston and Youngstown, Erie County, Niagara County and the Regional Municipality of Niagara, in addition to the International Joint Commission, the US Consulate General in Toronto, the Canadian Consulate General in Buffalo, the Niagara Parks Commission, New York State Parks and the Niagara Falls Bridge Commission, will have a large role in planning this national celebration; and

WHEREAS, the "Niagara 10," in partnership with the International Joint Commission, has long been an advocate for the bi-national Niagara area and made many recommendations, including a proposal to develop a political strategy for building the profile of the cross border Niagara region, including efforts to coordinate water stewardship practices across the Niagara area border; and

WHEREAS, approximately forty percent of the United States-Canada border is water, so the International Joint Commission has decided to hold the centennial celebration at Niagara Falls in 2009, creating focus on the issues that surround water stewardship in the Niagara and Great Lakes Basin; and

WHEREAS, the June 13, 2009 Niagara Falls event will be the focus of a year long coast-to-coast celebration along the border in all basins where the International Joint Commission has active trans-boundary responsibilities.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature declare 2009 the Year of Our Shared Waters.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 37 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of COMM. 13E-10 (2008). MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 285

RE: Centralized Real Property Tax  
Administration Program Grant  
(COMM. 13E-10)

WHEREAS, the County Executive's Office, on behalf of Erie County Real Property Tax Services, has applied to the New York State Office of Real Property Services for an assessment improvement study grant; and

WHEREAS, the County has been awarded a \$25,000 assessment improvement study grant by the New York State Office of Real Property Services to implement a Centralized Property Tax Administration Program and county coordinated tax collection program; and

WHEREAS, it is expected that such a program will support the establishment of a county-wide database to access the tax payment status of all real property parcels within the county; and

WHEREAS, the result of this program will identify cooperative efforts among municipal governments that will reduce the redundancy and cost of essential real property assessment administration; and

WHEREAS, the State of New York Office of Real Property Services has made available assessment improvement study grant funding for Erie County; and

WHEREAS, an RFP was issued to request professional services to conduct a study for the implementation of county assessment services for all municipalities in the county. Components of the study will include county assessment programs such as: coordinated assessment programs (CAPs) and contracts for county assessment services in accordance with Section 1537 of the Real Property Tax Law; and

WHEREAS, the study must include an analysis of the present administration of real property tax in Erie County, specify the functions the county would have to perform, and provide the necessary steps for implementation; and

WHEREAS, a selection committee unanimously decided upon awarding the RFP in alignment with the strongest proposal to HB Solutions, 726 Exchange Street, Suite 1000, Buffalo, New York 14210.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with HB Solutions which is budgeted as follows:

2008 CPTAP County Tax Collection & Assessment Initiative  
SAP Title      111CPTAP0709

Appropriations	Increase
516020      Pro Ser Cnt and Fees	\$25,000

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Comptroller, Gregory Gach, Director of Budget, and Management, and Joseph Maciejewski, Director Office of Real Property Tax Services.

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

CARRIED UNANIMOUSLY.

Item 38 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of COMM. 14E-10 (2008). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 286

RE:    ECSD Nos. 3/8 - Technical Adjustment

(COMM. 14E-10)

WHEREAS, a resolution to authorize Budget Revisions to transfer funds within the Sewer Fund in the total amount of \$71,000 from the equipment accounts listed below; and

WHEREAS, it is necessary to transfer said amounts as outlined below in Sewer District Nos. 3/8 2008 Budget to allow access to the proper accounts for the purchase of needed Equipment Line Items approved in the 2008 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that 2008 budget revisions be made to transfer each of the following budgeted amounts in the 2008 Budget as follows:

Erie County Sewer District Nos. 3/8  
Fund 220 – Fund Center 18310

Account 561420 – Office Equipment, Furniture Fixtures	(24,000)
Account 561410 - Lab and Technical Equipment	<u>24,000</u>
	-0-
Account 561430 - Building Grounds & Heavy Equipment	(47,000)
Account 561410 - Lab and Technical Equipment	<u>47,000</u>
	-0-

and be it further

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

MS. WHYTE moved to approve the item. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

None.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 39 – (COMM. 17E-1) Establishment of Whistleblower Policy

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATORS MARINELLI, WHYTE, MILLS, KOZUB, KENNEDY,  
MILLER-WILLIAMS, KONST, GRANT, MAZUR, WROBLEWSKI,  
IANNELLO, REYNOLDS, RANZENHOFER & RATH

Item 40 – (COMM. 17E-2) Letter to Governor Paterson Urging Passage of S.8571

Received and Filed.

FROM THE COMPTROLLER

Item 41 – (COMM. 17E-3) Risk Assessment of Erie County Government

Item 42 – (COMM. 17E-4) Supplement to the EC Comprehensive Annual Financial Report for Year Ending 12/31/2007

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR RANZENHOFER

Item 43 – (COMM. 17E-5) Request for Consideration of Property Tax Relief Resolution

Received and Filed.

FROM THE COMPTROLLER

Item 44 – (COMM. 17E-6) Interim Financial Report for the Six Months Ended June 30, 2008

Item 45 – (COMM. 17E-7) Letter to ECFSA Demand for Data and Threat of Sanctions Concerning 2008 Bond Anticipation Note

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR MARINELLI

Item 46 – (COMM. 17E-8) EC Legislature 21st Century Commission

Received, Filed & Printed.

MEMORANDUM

TO: Robert M. Graber, Clerk

FROM: Lynn M. Marinelli, Chair

DATE: August 4, 2008

RE: Item for clock-in regarding Erie County Legislature 21<sup>st</sup> Century Commission

Please clock in the attached government reform initiative I am creating, as per the Rules of the Erie County Legislature.

I would like this document, titled "Erie County Legislature 21<sup>st</sup> Century Commission," entered into the public record.

### ERIE COUNTY LEGISLATURE 21<sup>ST</sup> CENTURY COMMISSION

#### VISION

To review the Erie County Legislature – its size, powers, duties, structure and function – answering the community's call for changes to the county government's legislative branch, in view of static and shifting population, fiscal times and service to its citizens.

#### MISSION

The Commission will address all government reform issues specific to the Erie County Legislature, including but not limited to:

- Number of legislators
- Length of terms and potential for staggered or limited terms
- Scope of responsibility (powers and duties as defined in the Erie County Charter, as well as practices of constituent services and fiscal responsibilities with reflection on budget margins of non-mandated versus mandated programs).
- Consideration of district versus at-large seats (with contemplation of departmental cost-benefit analysis, costs of office seeking, and, in district-based seats, achieving a balance of voice given to Erie County's urban, suburban and rural communities. Avoiding disproportionate, weighted voting).
- Minority representation in conformance with federal law

#### APPOINTMENTS

A nine-member Commission, six persons to be appointed by the Chair of the Legislature: two non-categorical, the other four individuals will represent the following stakeholder groups: 1) a non-partisan academic or civic engagement organization; 2) local business community; 3) a public sector union; and 4) a community-based not-for-profit. And, one appointment each by the Majority Leader, the Minority Leader and the Chair of the Government Affairs Committee of the Erie County

Legislature. The Commission Chair is to be designated by the Chair of the County Legislature. Terms of Commission members are one year, after which the Commission sunsets.

**SUGGESTED TIMETABLE, REPORT & IMPLEMENTATION**

- Organizational work & research – 4th Q 2008
- Public comment period & scheduled hearings
- Draft report due – 2009
- Final report which allows for any dissenting opinions to be published – 2009
- Any subsequent legislation introduced
- Public referendum - 2010
- Implementation in 2011 (in concert with election cycle and reapportionment laws)

Item 47 – (COMM. 17E-9) Letter for Change of 9/25/2008 Session to 9/18/2008 Due to NYSAC Conference

Received, Filed & Printed.

August 1, 2008

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

Dear Mr. Graber:

Due to the New York State Association of Counties 2008 Fall Seminar scheduled for September 24 to 26, 2008, there is a need to move the date of the session scheduled for Thursday, September 25, 2008 to Thursday, September 18, 2008 on that day at 2:00 p.m.

Please notify members of the Legislature, staff, and news media about this change of time for Thursday's session.

Thank you.

Sincerely,

Lynn M. Marinelli, Chair  
Erie County Legislature

FROM LEGISLATOR WROBLEWSKI

Item 48 – (COMM. 17E-10) Letter to Governor Concerning the Fiscal Challenges of the State

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR REYNOLDS

Item 49 – (COMM. 17E-11) Letter to The Oishei Foundation Supporting a Grant Application for the Buffalo Niagara Intelligence Network

Item 50 – (COMM. 17E-12) Letter to The Baird Foundation Supporting a Grant Application for the Buffalo Niagara Intelligence Network

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

FROM LEGISLATOR RANZENHOFER

Item 51 – (COMM. 17E-13) EC Legislature 21st Century Commission

Received and Filed.

FROM THE COMPTROLLER

Item 52 – (COMM. 17E-14) Management Letter for EC Year Ending 12/31/2007

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR WHYTE

Item 53 – (COMM. 17E-15) EC Legislature 21st Century Commission

Received and Filed.

FROM THE COUNTY EXECUTIVE

Item 54 – MS. WHYTE presented the following resolution and requested immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 287

RE: Notice of Public Hearing - ECSD 2009  
Assessment Rolls  
(COMM. 17E-16)

WHEREAS, the 2009 Assessment Rolls for Erie County Sewer District Nos. 1-6 and 8 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and

WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers at least five (5) days prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection on and after the first day of October, 2008; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, at 1:30 p.m., local time on November 5, 2008 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2009 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment & Planning.

FROM THE COMPTROLLER

Item 55 – (COMM. 17E-17) Fire Training Facility Capital Project

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR WHYTE

Item 56 – (COMM. 17E-18) Appointment to EC Legislature 21st Century Commission

Received, Filed & Printed.

Lynn Marinelli, Chair  
Erie County Legislature  
92 Franklin St.  
Buffalo, NY 14202

September 2, 2008

Re: Appointment to 21<sup>st</sup> Century Commission

Dear Chairwoman Marinelli:

Please allow this communication to serve as my official appointment of Reverend Cathy Reilly-Goddard to the Erie County Legislature's 21<sup>st</sup> Century Commission.

Cathy is a resident of the City of Buffalo and serves as the Executive Director of the Concerned Ecumenical Ministries, a community-based not-for-profit on Buffalo's west side. She may be reached at the following address:

Concerned Ecumenical Ministries  
286 Lafayette Avenue  
Buffalo, NY 14213

Cathy's long-standing interest in the betterment of the community will make her a great appointment to the Commission. Thank you for your attention to this matter.

Sincerely,

Maria R. Whyte  
6<sup>th</sup> District Erie County Legislator  
Majority Leader

FROM CHAIR MARINELLI

Item 57 – (COMM. 17E-19) Revised 2008 Schedule of Legislative Session

Received, Filed & Printed.

To: Robert M. Graber, Clerk

From: Lynn M. Marinelli, Chairperson

Subject: 2008 SCHEDULE OF LEGISLATIVE SESSIONS (Revised 8/1/08)

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JANUARY

8  
24

JULY

10  
17

FEBRUARY

7  
21

AUGUST

Recess

MARCH

6

SEPTEMBER

11

20	18
APRIL	OCTOBER
3	2
24	23
MAY	NOVEMBER
8	6
29	20
JUNE	DECEMBER
12	2 Budget
26	4
	9 Budget Override
	18

FROM THE DISTRICT ATTORNEY

Item 58 – (COMM. 17E-20) DA Office - BESAFE Grant

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY CLERK

Item 59 – (COMM. 17E-21) Resolution Authorizing the County Executive to Execute a Grant Acceptance From Local Government Records Management Improvement Fund

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 60 – (COMM. 17E-22) Status of Municipal Bond Ratings for Erie County

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 61 – (COMM. 17E-23) Framework for Regional Growth - Procedures Manual - Contract with Wendel Duchscherer

Item 62 – (COMM. 17E-24) ECSD Nos. 3 & 4 - Engineer Term Agreement - Greenman-Pedersen, Inc. Work Order GPI-1

Item 63 – (COMM. 17E-25) Notice of Adoption - ECSD 2009 Assessment Rolls

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

Item 64 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 288

RE: ECSD Nos. 1-4-5, 3 & 6 –  
Transfer of Funds & Technical  
Adjustment  
(COMM. 17E-26)

WHEREAS, approval of a resolution to authorize Budget Revisions to transfer funds from the Sewer Fund to the Capital Reserve Fund for the Computerized Maintenance Management System in Fiscal Year 2008; and

WHEREAS, it is necessary to transfer said amounts to provide services to continue development and implementation of the Computerized Maintenance Management System within the Division and the entire County.

NOW, THEREFORE, BE IT

RESOLVED, that the following 2008 budget revisions be made to transfer each of the following amounts in the 2008 Budget:

<u>Fund 220</u>			
<u>ECSD</u>	<u>Cost Center</u>	<u>Acct. 516020 Profes. Svcs.</u>	<u>Trans out - Capital</u>
1-4-5	18110	(\$510,000)	\$510,000
3	18310	(\$170,000)	\$170,000
6	18610	<u>(\$ 50,000)</u>	<u>\$ 50,000</u>
		(\$730,000)	\$730,000

<u>Fund 430 – C.00065</u>			
<u>DSM District Wide Capital Reserve</u>			
<u>ECSD</u>	<u>Cost Center</u>	<u>Trans in - Operating</u>	<u>Acct. 516020 Profes. Svcs.</u>
Sewer Mgmt	18010	(\$510,000)	\$510,000
	18010	(\$170,000)	\$170,000
	18010	<u>(\$ 50,000)</u>	<u>\$ 50,000</u>
		(\$730,000)	\$730,000

and be it further

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

Item 65 – (COMM. 17E-27) Notice of Public Hearing - ECSD 2009 Assessment

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 66 – (COMM. 17E-28) ECSD Board of Managers Semi-annual Attendance Records

Received and Filed.

Item 67 – (COMM. 17E-29) ECSD 1-6, 8 Section 270/271 Resolutions

Item 68 – (COMM. 17E-30) ECSD Nos. 1, 3, 4, 5 & 6 - Engineer Term Agreement -  
Wendel Duchscherer- Work Order WD-1

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

Item 69 – (COMM. 17E-31) Project ACCESS - Vehicle Purchase

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 70 – (COMM. 17E-32) ECSD No. 6 - Wilmuth Avenue Pump Station Mechanical Bar  
Screen and Roof Replacement Contract No. 41E

Item 71 – (COMM. 17E-33) Authorization to Enter Into Agreement for Construction of Disc  
Golf Course and To Accept Gift

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

Item 72 – MS. WHYTE presented the following resolution and moved for immediate  
consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 289

RE: Emergency Services – Sole  
Source Cellular Surveillance and  
Tracking Equipment  
(COMM. 17E-34)

WHEREAS, the Erie County Legislature needs to authorize the County Executive to enter  
into a contract with Harris Corporation and use \$283,043.00 of the Homeland Security Grant, Law  
Enforcement Terrorism Prevention Program (LETPP) FY06/07 funds to purchase the cellular  
surveillance and tracking equipment, training and maintenance to enhance the ability of the Erie  
County Sheriff's Office and other local law enforcement agencies; and

WHEREAS, funding will be utilized to allow the Erie County Sheriff's Office to use this  
equipment and assist other local law enforcement agencies to locate fugitives, armed and dangerous

criminals, child abductors, lost or suicidal subjects, etc. within a timely manner to ensure officer and public safety; and

WHEREAS, this technology will enhance law enforcements ability to protect the citizens of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature authorizes the County Executive to enter into contract with Harris Corporation for the purchase of sole source cellular surveillance and tracking equipment, training and maintenance; and be it further

RESOLVED, that the Department of Emergency Services will use funds from the Homeland Security Grant, Law Enforcement Terrorism Prevention Program (LETPP) FY 06/07; and be it further

RESOLVED, that this funding will be utilized to allow the Erie County Sheriff's Office to use this equipment and assist other local law enforcement agencies to locate fugitives, armed and dangerous criminals, child abductors, lost or suicidal subjects, etc. within a timely manner to ensure officer and public safety; and be it further

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

Item 73 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 290

RE: Emergency Services – Public  
Safety Interoperable  
Communications Grant  
(COMM. 17E-35)

WHEREAS, the National Telecommunications and Information Administration (NTIA) has agreed to provide funding in the amount of \$1,612,439 in Federal assistance through the New York State Office of Homeland Security to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, the Erie County Legislature needs to authorize the County Executive to enter into contract and accept \$1,612,439 in Federal resources to purchase necessary equipment to enhance the ability of Erie County to communicate during emergency and disaster situations; and

WHEREAS, funding will be utilized as part of the Department of Emergency Services 400 MHZ public safety communications system project that will enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature authorizes the County Executive to enter into contract with the appropriate state and federal agencies to receive \$1,612,439.00 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations through enhanced interoperable communications and; be it further

RESOLVED, that authorization is hereby provided to establish the following grant in the 2008 grant fund of the County:

Department of Emergency Services – Grant Fund 281  
Public Safety Interoperable Communications Grant

<u>Revenue</u>	<u>Increase</u>
Acct. 409000 State Aid	\$1,612,439

<u>Appropriations</u>	<u>Increase</u>
Acct. 561410 Lab and Tech Equipment	\$1,612,439

and be it further

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

Item 74 – (COMM. 17E-36) RPTS Additional Funds for Legal Publication

Item 75 – (COMM. 17E-37) Transfer of County Owned Inventory - Townline Road East

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 76 – (COMM. 17E-38) Amend CSE and III-B Grant Budgets

Item 77 – (COMM. 17E-39) Amend HIICAP Budget and Extend ORT Grant Contract

Item 78 – (COMM. 17E-40) Amend Senior Aides and Senior Employment Grant Budget

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

Item 79 – (COMM. 17E-41) Maple Road Rehabilitation - Request to Enter Into an Agreement and Accept Funds

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 291

RE: ECSD No. 6 - Contract 34SA –  
Change Order No. 1  
(COMM. 17E-42)

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has awarded Contract 34SA in the amount of \$1,110,429.50 to Visone Construction, Inc. (Visone) to replace portions of the existing sanitary sewer and water main at Holland Ave., Wilson St. and Wilmuth Ave. in the City of Lackawanna, Erie County Sewer District No. 6 (ECSD No. 6); and

WHEREAS, the existing storm sewer located adjacent to the sanitary sewer and water main at Holland Avenue, was found in significantly worse condition than pre-design activities indicated; and

WHEREAS, the severely deteriorated storm sewer pipe is the only conduit serving a neighborhood that has flooded in the past; and

WHEREAS, the structural integrity of the storm pipe is questionable with the potential to cause property damage, and more importantly, health and safety related incidents; and

WHEREAS, a change order to repair the storm pipe at this time will result in significant cost savings to Erie County and the rate payers of ECSD No. 6; and

WHEREAS, the storm sewer system is an asset of ECSD No. 6 and the condition and function of the defective storm pipe on Holland Ave. is the responsibility of the County; and

WHEREAS, funds are available for the change order in Sewer Capital, ECSD No. 6, Account C.00064.

NOW, THEREFORE BE IT

RESOLVED, that a change order to the Visone Contract be approved in an amount not to exceed \$147,224.00 from available funds in ECSD No. 6, Account C.00064, to replace 885 linear feet of 15-inch and 205 linear feet of 18-inch diameter storm sewer pipe at Holland Ave., Lackawanna, NY; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of the resolution to the County Executive, the Erie County Comptroller, the Director of Budget; and two (2) certified copies to Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning.

Item 81 – (COMM. 17E-43) Construction Inspection Services - Donald Gallo Consultant Engineer, PC Contract Close Out

Item 82 – (COMM. 17E-44) ECSD No. 3 - Engineer Term Agreement - Liro Engineers, Inc. Work Order LE-1

Item 83 – (COMM. 17E-45) Engineering Services Contract - URS Corporation - Contract Close Out

Item 84 – (COMM. 17E-46) Affordable Housing Agreement - Federal Home Loan Bank of NY and M&T

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

FROM LEGISLATOR KONST

Item 85 – (COMM. 17E-47) 2008 Mid-Year Budget Hearings Summary Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

CHAIR MARINELLI directed that a roll call vote be taken.

AYES: MR. MILLS, MR. RANZENHOFER, MR. RATH, MS. GRANT, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. NOES: MS. IANNELLO. (AYES: 14; NOES: 1)

CARRIED. (14-1)

RESOLUTION NO. 292

RE: Resolution Authorizing the Variable Minimum for Positions of Deputy County Clerk - Legal and Deputy County Clerk – Finance (COMM. 17E-48)

WHEREAS, the Erie County Clerk’s Office has two critical positions that focus primarily on legal and finance matters, both titles of which are vacant as employees who held these positions recently have left Erie County services; and

WHEREAS, the clerk’s office has experienced problems recruiting highly qualified candidates for these two key managerial positions; and

WHEREAS, in order to effectuate the proper administration of these two important positions it has been determined that the variable minimum is warranted in order to secure properly qualified

individuals for the positions of Deputy Erie County Clerk – Legal, and Deputy Erie County Clerk – Finance.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the variable minimum step 5 for the positions of Deputy County Clerk – Legal (Position No. 2330), and Deputy County Clerk – Finance (Position No. 2329); and be it further

RESOLVED, that the Clerk of the Erie County Legislature is hereby directed to forward certified copies of this resolution to the Erie County Clerk, the Commissioner of the Department of Personnel.

FROM THE COUNTY EXECUTIVE

Item 87 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. KONST seconded.

CHAIR MARINELLI directed that a roll call vote be taken.

AYES: MR. MILLS, MR. RANZENHOFER, MR. RATH, 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: MS. GRANT. (AYES: 14; NOES: 1)

CARRIED. (14-1)

RESOLUTION NO. 293

RE: Declaration of Need for BAN  
(COMM. 17E-49)

RESOLVED, the Erie County Legislature hereby approves the following Declaration of Need for the 2008 Bond Anticipation Note (BAN).

FORM OF COUNTY OF ERIE  
DECLARATION OF NEED

I, Chris Collins, County Executive of the County of Erie (the “County”), a municipal corporation of the State of New York, acting pursuant to Title 3 of Article 10-D of the New York Public Authorities Law (the “Act”), constituting the enabling act for the Erie County Fiscal Stability Authority, a public benefit corporation of the State of New York (the “Authority”) (the “Agreement”) HEREBY DETERMINE AND CERTIFY as follows:

1. A need for financing assistance, as described in Section 3961(1) of the Act, is hereby determined and declared to exist. The amounts of the Financeable Costs hereby requested to be undertaken are set forth on Appendix I hereto, which Appendix I is incorporated herein as an integral part of this Declaration of Need.

2. The County represents and affirms that the foregoing financing of Financeable Costs by the Authority is authorized by the Act and is consistent with the current adopted County budget and that such Financeable Costs could be financed by the County by the issuance of its bonds or notes as of the date of this Declaration of Need, there being in effect with respect to each capital project constituting such a Financeable Cost (i) findings or other proceedings meeting the requirements of the State Environmental Quality Review Act and (ii) all proceedings necessary under the County Charter and all other applicable State law necessary to authorize the appropriation and expenditure of County funds for such purposes.

3. Pursuant to the Act, the Authority is hereby requested to finance, in whole or in part, the Financeable Costs set forth in Appendix I hereto, including the County capital projects identified therein or as may be designated in the County's capital budget, if any, as in effect from time to time. In no event shall the amount of such financing in any fiscal year exceed the amount of the Declaration of Need for such year, as it may be amended from time to time by an amended Declaration of Need.

4. The County understands and agrees to provide the Authority with any supporting data, descriptions or materials which the Authority requests in connection with any Financeable Costs referred to in this Declaration of Need.

All terms in this Declaration of Need not otherwise defined herein shall have the meanings set forth in the Agreement.

IN WITNESS WHEREOF, I have set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
County Executive  
County of Erie

I hereby certify that the form and substance of this Declaration of Need have been duly approved by the Erie County Legislature

\_\_\_\_\_  
Clerk of the Erie County Legislature

**Appendix I to County of Erie Declaration of Need Submitted to the Erie  
County Fiscal Stability Authority on September 9, 2008**

**Project**

**2008 BAN**

Rehabilitation of Ralph Wilson Stadium (Orchard Park)	2,750,000
Botanical Gardens Master Plan Reconstruction (Buffalo)	2,000,000
Convention Center Renovations & Improvements (Buffalo)	1,000,000
Unanticipated Road & Bridge Costs-Design & Construction (Countywide)	100,000
Waterproofing & Rehabilitation of Old County Hall (Buffalo)	500,000
Rath Building Low Rise Elevator Modernization (Buffalo)	500,000
Code Compliance & reconstruction of County Buildings (Countywide)	1,433,000
Space Consolidation & Relocation (Countywide)	400,000
Capital Overlay & Road Reconstruction Program County Wide Road Fund (Countywide)	4,800,000
Road Reconstruction Projects Federal Aid Program DPW (Countywide) Como Park Blvd	125,000
Road Reconstruction Projects Federal Aid Program DPW (Countywide) Wehrle Dr	1,000,000
Road Design Projects Federal Aid Program DPW (Countywide)	7,500
Intersection Improvements Various	334,500
Tonawanda Creek road Reconstruction	575,000
Bridge Reconstruction Projects Federal Aid Program DPW (Countywide)	882,500
Bridge Design Projects Federal Aid Program DPW (Countywide)	12,500
Correctional Facility Roof Replacement (Alden)	2,500,000
Security Improvements Correctional Facility (Alden)	200,000
Public Safety Communications System (800 MHZ) (Countywide)	1,565,000
Renovations to Training Center Complex (Cheektowaga)	1,000,000
Social Services Project Renovations to Office Space	800,000
Purchase of Miscellaneous Equipment (Countywide) ECC	1,800,000
Exterior Building Renovations (Buffalo) ECC	800,000
Exterior Building Restorations (Buffalo) ECC	600,000
ECC NORTH & SOUTH CAMPUS VARIOUS IMPROVEMENTS	3,000,000
Recreational Improvements Buffalo Zoo	4,000,000
Remediation & Redevelopment Phase of the 2001 Urban Brownfield Development	995,714
<b>TOTAL 2007 CAPITAL BORROWING</b>	<b>33,680,714</b>

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REHABILITATION OF RALPH WILSON STADIUM	2,800,000
BOTANICAL GARDENS MASTER PLAN RECONSTRUCTION	1,000,000

CONVENTION CENTER RENOVATIONS AND IMPROVEMENTS	5,000,000
CODE COMPLIANCE AND RECONSTRUCTION OF COUNTY BUILDINGS (COUNTYWIDE)	700,000
ROOF REPLACEMENT AND WATERPROOFING OF BUILDING ENCLOSURES (COUNTYWIDE)	700,000
REPLACEMENT OF HIGHWAY VEHICLES	700,000
WATERPROOFING AND REHABILITATION OF OLD COUNTY HALL (BUFFALO)	500,000
CAPITAL OVERLAY PROGRAM-COUNTY ROAD FUND	3,800,000
ROAD RECONSTRUCTION PROJECTS FEDERAL AID PROGRAM DPW (COUNTYWIDE)	627,100
INTERSECTION IMPROVEMENTS – FEDERAL AID PROGRAM	181,150
ROAD DESIGN & ROW PROJECTS FEDERAL AID PROGRAM DPW (COUNTYWIDE)	116,160
UNANTICIPATED ROAD AND BRIDGE CONSTRUCTION FEDERAL AID PROJECTS	75,000
UNANTICIPATED ROAD AND BRIDGE DESIGN AND ROW FEDERAL AID PROGRAM	10,000
ROAD RECONSTRUCTION FEMA PROJECTS	485,000
ROAD DESIGN AND ROW-FEMA PROJECTS	95,000
HOPKINS ROAD SLIDE-DESIGN AND ROW	225,000
PRESERVATION OF ROADS	7,000,000
PRESERVATION OF BRIDGES, CULVERTS AND DAMS	4,500,000
BRIDGE RECONSTRUCTION PROJECTS-FEDERAL AID PROGRAM-DPW (COUNTYWIDE)	726,750
BRIDGE DESIGN AND ROW PROJECTS-FEDERAL AID PROGRAM-DPW (COUNTYWIDE)	123,840
ROOF REPLACEMENT CORRECTIONAL FACILITY	2,500,000
VIDEO SURVEILLANCE UPGRADE CORRECTIONAL FACILITY	175,000
RENOVATIONS TO YANKEE COMPOUND-CORRECTIONAL FACILITY	800,000
RENOVATIONS TO MEDICAL FACILITY HOLDING CENTER	150,000
ROOF REPLACEMENT - HOLDING CENTER	2,500,000
UPGRADE TO HEALTH RECORDS MODULE	700,000
VARIOUS IMPROVEMENTS TO HOLDING CENTER	500,000
COMPUTER NETWORK REPLACEMENT AND UPGRADES	1,000,000
DATA CENTER INFORMATION STORAGE	300,000
SAP FUNCTIONALITY EXPANSION/BUSINESS INTELLIGENCE	160,000
BUSINESS CONTINUITY/DISASTER PLANNING	250,000
REGIONAL FIBER OPTIC NETWORK BUILD-OUT	290,000
IMPROVEMENTS TO CHESTNUT RIDGE PARK CASINO	750,000

IMPROVEMENTS TO WENDT BEACH MANSION BUILDING	150,000
MEDICAL/HEALTH INFORMATION SYSTEM	900,000
SECURITY IMPROVEMENTS AT VARIOUS CLINICS	200,000
RENOVATIONS TO FIRE TRAINING CENTER COMPLEX	2,000,000
EMERGENCY SERVICES PROJECT PUBLIC SAFETY COMMUNICATIONS SYSTEM (400 MHZ)	1,400,000
LIBRARY-REPLACE FUEL TANK & PARKING LOT STORAGE SPACE	150,000
BUFFALO ZOOLOGICAL CHILDREN'S EXHIBIT	1,000,000
BICYCLE/PEDESTRIAN TRAIL CONSTRUCTION	300,000
IMPROVEMENTS TO TIMES BEACH	100,000
BOARD OF ELECTIONS-PURCHASE OF VOTING MACHINES	500,000
PURCHASE OF MISCELLANEOUS EQUIPMENT-ECC	1,800,000
EXTERIOR BUILDING RESTORATION-ECC CITY	700,000
CAMPUS SECURITY AND SAFETY-ECC	700,000
REPLACEMENT OF FLICKINGER ROOF AND HVAC EQUIPMENT	1,750,000

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**TOTAL 2008 CAPITAL RESOLUTION** **51,090,000**

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**GRAND TOTAL GENERAL FUND** **84,770,714**

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ECSD 1 Broadway Pump Station C.00057	150,000
ECSD 3 Fuel Tanks C.00067	500,000
ECSD 3 Central Maintenance Storage C. 00015	750,000
ECSD 3 Boston State Road C. 00066	400,000
ECSD 5 Transit Road Sanitary Sewer Rehab C. 00035	500,000
ECSD 6 Holland Ave Sanitary Sewer C. 00064	900,000
ECSD 6 Wilmuth Pump Station C.00064	600,000
ECSD 8 Village of East Aurora Main Street Sanitary Sewer C. 00071	2,500,000

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**GRAND TOTAL SEWER FUND** **6,300,000**

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**GRAND TOTAL 2008 BAN** **91,070,714**

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Item 88 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CHAIR MARINELLI directed that a roll call vote be taken.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 294

RE: Appointment of Commissioner  
of Personnel  
(COMM. 17E-50)

The Erie County Legislature hereby confirms the appointment of John W. Greenan to the position of Commissioner of Personnel for Erie County.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DEPARTMENT OF SOCIAL SERVICES**

Item 89 – (COMM. 17D-1) Response to Comptroller Concerning DSS Audit Internal Controls Over Cash Receipts, Cash Disbursements and Near Cash Equivalents

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE DEPARTMENT OF PUBLIC WORKS**

Item 90 – (COMM. 17D-2) Rules & Regulations Adopted by DPW Commissioner Concerning LL No. 2-2006 NYS Certified Worker Training Programs

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM REAL PROPERTY TAX SERVICES**

Item 91 – (COMM. 17D-3) 2008 Annual Report of RPTS

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING**

Item 92 – (COMM. 17D-4) Summary of ECSD Rates

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 93 – (COMM. 17D-5) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 94 – (COMM. 17D-6) Changing Date of Legislature Session

Received, Filed and Printed.

DATE: August 4, 2008

TO: All Members of the Erie County Legislature

FROM: Robert M. Graber, Clerk

RE: CHANGING DATE OF LEGISLATURE SESSION

Please be advised that Legislature Chair Lynn M. Marinelli has changed the date of the session of the Erie County Legislature scheduled for Thursday, September 25, 2008 to Thursday, September 18, 2008 at 2:00 PM.

The need to change the date of this session is to afford members of the Legislature an opportunity to attend the New York State Association of Counties 2008 Fall Seminar scheduled for September 24 to 26, 2008.

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

Thank you.

FROM THE DEPARTMENT OF BUDGET & MANAGEMENT

Item 95 – (COMM. 17D-7) Budget Monitoring Report for Period Ending 6/30/2008

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE LEGISLATURE MAJORITY COUNSEL

Item 96 – (COMM. 17D-8) Letter Concerning the AFSCME Local 1095 Collective Bargaining Impasse Resolution

Received and Filed.

FROM THE DEPARTMENT OF CENTRAL POLICE SERVICES

Item 97 – (COMM. 17D-9) Response to Audit of CPS Internal Controls Over Computers & Related Devices

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DEPARTMENT OF HEALTH

Item 98 – (COMM. 17D-10) EC Sexuality Transmitted Diseases, HIV and Hepatitis C Statistics

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 99 – (COMM. 17D-11) Transmittal of New Claims Against Erie County

Item 100 – (COMM. 17D-12) Transmittal of New Claims Against Erie County

Item 101 – (COMM. 17D-13) Transmittal of New Claims Against Erie County

The above three items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 102 – (COMM. 17D-14) Record of the 7/11/2008 EC Legislature Quarterly Chairs' & Liaisons' Meeting

Received and Filed.

FROM THE DEPARTMENT OF BUDGET & MANAGEMENT

Item 103 – (COMM. 17D-15) Budget Monitoring Report for Period Ending 7/31/2008

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 104 – (COMM. 17D-16) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPARTMENT OF BUDGET & MANAGEMENT

Item 105 – (COMM. 17D-17) Fire Training Facility Capital Project

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 106 – (COMM. 17D-18) Position on Intro 15-6 Concerning AFSCME Contract Impasse

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE EC BAR ASSOCIATION AID TO INDIGENT PRISONERS SOCIETY INC. -  
ASSIGNED COUNSEL PROGRAM**

Item 107 – (COMM. 17M-1) Quarterly Report of the Assigned Counsel Program For the 2nd Quarter of 2008

Received and Filed.

**FROM THE ALBANY LAW REVIEW**

Item 108 – (COMM. 17M-2) Regionalism Revisited: The Effort to Streamline Governance in Buffalo and Erie County, NY

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE EC BAR ASSOCIATION AID TO INDIGENT PRISONERS SOCIETY INC. -  
ASSIGNED COUNSEL PROGRAM**

Item 109 – (COMM. 17M-3) Assigned Counsel Panel as of 6/30/2008

Received and Filed.

**FROM THE BUFFALO NIAGARA PARTNERSHIP**

Item 110 – (COMM. 17M-4) Letter Supporting the Establishment of an Erie County Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NYS PUBLIC SERVICES COMMISSION**

Item 111 – (COMM. 17M-5) Notice Soliciting Comments in the Matter of Verizon's New York Inc.'s Network Review Plan

Received and Filed.

**FROM THE AMERICAN PLANNING ASSOCIATION - WNY SECTION**

Item 112 – (COMM. 17M-6) Letter Supporting the Establishment of an Erie County Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Item 113 – (COMM. 17M-7) NYS Fish, Wildlife & Marine Resource Goals for 2010 - 5/15/2008-6/15/2008

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CITY OF BUFFALO COMMON COUNCIL

Item 114 – (COMM. 17M-8) Notice of Adopted Resolution Instituting a Ban on Smoking Within 50 Feet of Playgrounds in All City and County Parks

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ASSEMBLYMEMBER JACK QUINN

Item 115 – (COMM. 17M-9) Notice of Receipt of Certified Resolution

Received and Filed.

FROM COLUCCI & GALLAHER, PC

Item 116 – (COMM. 17M-10) ECMCC Board of Director Meeting Minutes for Meeting Held 7/24/2008

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM ASSEMBLYMEMBER JACK QUINN

Item 117 – (COMM. 17M-11) Notice of Receipt of Certified Resolution

Received and Filed.

FROM ASSEMBLYMEMBER JACK QUINN

Item 118 – (COMM. 17M-12) Notice of Receipt of Certified Resolution

Received and Filed.

FROM ASSEMBLYMEMBER JACK QUINN

Item 119 – (COMM. 17M-13) Notice of Receipt of Certified Resolution

Received and Filed.

FROM ASSEMBLYMEMBER JACK QUINN

Item 120 – (COMM. 17M-14) Notice of Receipt of Certified Resolution  
Received and Filed.

FROM ASSEMBLYMEMBER JACK QUINN

Item 121 – (COMM. 17M-15) Notice of Receipt of Certified Resolution  
Received and Filed.

FROM ASSEMBLYMEMBER JACK QUINN

Item 122 – (COMM. 17M-16) Notice of Receipt of Certified Resolution  
Received and Filed.

FROM ASSEMBLYMEMBER JACK QUINN

Item 123 – (COMM. 17M-17) Notice of Receipt of Certified Resolution  
Received and Filed.

FROM ASSEMBLYMEMBER JACK QUINN

Item 124 – (COMM. 17M-18) Notice of Receipt of Certified Resolution  
Received and Filed.

FROM SENATOR MARY LOU RATH

Item 125 – (COMM. 17M-19) Notice of Receipt of Certified Resolutions  
Received and Filed.

FROM THE NFTA

Item 126 – (COMM. 17M-20) NFTA Board Minutes for Meeting Held 6/23/2008  
Received and Filed.

FROM THE TOWN OF PEMBROKE

Item 127 – (COMM. 17M-21) Notice of Public Hearing Before the Town Board of  
Pembroke on Proposed LL#1-2008  
Received and Filed.

FROM THE NFTA

Item 128 – (COMM. 17M-22) 17A Report & Capital Expenditure Reports for 2nd Quarter of Fiscal Year Ending 3/31/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS BOARD OF REAL PROPERTY SERVICES

Item 129 – (COMM. 17M-23) List of Certified 2008 State Equalization Rates (8/5/2008)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE LEGAL AID BUREAU OF BUFFALO, INC.

Item 130 – (COMM. 17M-24) Monthly Report and Monthly Activity Report for July 2008

Received and Filed.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 131 – (COMM. 17M-25) 2007 Annual Report (CD)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Item 132 – (COMM. 17M-26) Reclassification of Lehigh Valley Railroad

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO NIAGARA RIVERKEEPER

Item 133 – (COMM. 17M-27) Remedial Action Plan

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE MAYOR OF DENVER

Item 134– (COMM. 17M-28) Executive Orders Pertaining to Greenprint Denver Office and Sustainability Policy

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Item 135 – (COMM. 17M-29) NYS Fish, Wildlife & Marine Resource Goals for 2010 -  
6/15/08-7/15/2008

Received and Filed.

FROM THE TOWN OF WALES

Item 136 – (COMM. 17M-30) Certified Condominium Resolution Concerning Amending  
RPTL 339-y

Received and Filed.

FROM THE OFFICE OF THE STATE COMPTROLLER

Item 137 – (COMM. 17M-31) Report of Examination for the Emergency Communication  
System - Erie County

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM SENATOR MARY LOU RATH

Item 138 – (COMM. 17M-32) Notice of Receipt of Certified Resolutions

Received and Filed.

FROM SENATOR MARY LOU RATH

Item 139 – (COMM. 17M-33) Notice of Receipt of Certified Resolutions

Received and Filed.

FROM THE ECIDA BOARD OF DIRECTORS

Item 140 – (COMM. 17M-34) Notice of Meeting on September 8, 2008

Received and Filed.

FROM THE EC BAR ASSOCIATION AID TO INDIGENT PRISONERS SOCIETY INC. -  
ASSIGNED COUNSEL PROGRAM

Item 141 – (COMM. 17M-35) 2008 Program Report of the Assigned Counsel Program in  
Erie County

Received and Filed.

FROM THE CITY OF BUFFALO DEPARTMENT OF ASSESSMENT & TAXATION

Item 142 – (COMM. 17M-36) Transit Mall Service Charge Roll for 2009

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYS BOARD OF REAL PROPERTY SERVICES

Item 143 – (COMM. 17M-37) List of Certified 2008 State Equalization Rates (8/26/2008)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM COLUCCI & GALLAHER, PC

Item 144 – (COMM. 17M-38) ECMCC Board of Director Meeting Minutes for Meeting Held 8/28/2008

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NFTA

Item 145 – (COMM. 17M-39) NFTA Board Minutes for Meeting Held on July 28, 2008

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE PARTNERSHIP FOR PUBLIC GOOD

Item 146 – (COMM. 17M-40) Event Notice Concerning Buffalo Abandoned Housing Crisis

Received and Filed.

FROM THE EC BOARD OF HEALTH

Item 147 – (COMM. 17M-41) Notice of Meeting Agenda for September Meeting & Minutes of Meeting Held 7/8/2008

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE AUDIT COMMITTEE FOR ERIE COUNTY

Item 148 – (COMM. 17M-42) Annual Report on the Year Ended December 31, 2006

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 149 – CHAIR MARINELLI reminded members of the change in this month's legislative session schedule, with the next session scheduled for next Thursday, September 18, 2008, due to the NYS Association of Counties meeting in Niagara Falls later this month. The clock-in for

next Thursday's session is Tuesday, September 16, 2008 at 11:00 A.M. Chair Marinelli also said that an updated schedule for legislative committees is being distributed.

Further, Chair Marinelli informed members that the next meeting of the Erie County Fiscal Stability Authority is scheduled for this Monday, September 15, 2008 at 3:00 P.M. at the Erie County Central Library.

Chair Marinelli also announced that the Six Sigma Greenbelts are nearing completion on several of their projects, and the County Executive wanted to share the progress with members of the Legislature. In particular, he would appreciate the attendance of the members of the Finance and Management Committee. On September 23, 2008, from 8:30 A.M. to 12:30 P.M., the staff dedicated to Six Sigma implementation will present the progress achieved thus far in the large conference room on the 14<sup>th</sup> floor of the Rath Building.

Item 150 – MS. WHYTE announced that the final Informational Meeting concerning the proposed establishment of an Erie County Planning Board is scheduled for Monday, September 15, 2008 at 7:00 P.M. at the Hamburg Town Hall. Upon completion of these informational meetings, members will go back to the drawing board to consider changes to the proposal, Ms. Whyte said.

Item 151 – MR. REYNOLDS announced that the date for the next meeting of the Distressed Real Property Task Force has been changed to Wednesday, October 1, 2008 at 9:00 A.M.

Item 152 – MR. KOZUB announced congratulations to those who won, and those who ran for office, in this past Tuesday's primary elections.

Item 153 – MR. MAZUR announced congratulations to Department of Environment and Planning Commissioner Holly Sinnott upon the birth of a boy, Matthew Richard Murad, 8 lbs., 3oz.

### **MEMORIAL RESOLUTIONS**

Item 154 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Alan J. Cooper, Esq., a former attorney in the Erie County Department of Law.

Item 155 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Ron Zorn of Lackawanna, NY, and Vince Poloncarz.

Item 156 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Christopher Lunder, who died on this day in 2001 in the terrorist attack at the World Trade Center in New York City.

Item 157 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of PFC Patrick May, who was killed on September 2, 2008 while serving in Iraq.

Item 158 – Legislator Wroblewski requested that when the Legislature adjourns, it do so in memory of Josephine A. Turkovich and Eric M. Laufer.

Item 159 – Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Christopher R. Krencik, Amelia Amy Vanni, Barbara J. Koleff, and Robert C. McLaughlin.

Item 160 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Alice Champlin.

Item 161 – Legislator Konst requested that when the Legislature adjourns, it do so in memory of Jerry Przykuta.

Item 162 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of 14-year-old Nancylia Salter, who was tragically shot and killed while playing with her friends in Buffalo. Legislator Grant further adjourned in memory of all those who will die from gun violence if we don't solve this issue.

Item 163 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of all those who lost their lives seven years ago on September 11, 2001.

### **ADJOURNMENT**

Item 164 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. WROBLEWSKI moved that the Legislature adjourn until Thursday, September 18, 2008 at 2:00 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, September 18, 2008 at 2:00 p.m. Eastern Standard Time.

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