

ERIE COUNTY LEGISLATURE
MEETING NO. 20
NOVEMBER 4, 2010

The Legislature was called to order by Chair Miller-Williams.

All members present.

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

The Pledge of Allegiance was led by Mr. Mills.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Number 19 from 2010. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – CHAIR MILLER-WILLIAMS presented a memorial resolution Honoring the Memory & Contributions of Thelma E. Richardson.

Item 6 – MR. FUDOLI presented a resolution Congratulating Wassim Khechen & the Master Khechen School of Tae Kwon-Do for 20 Years of Success and Service.

Item 7 – MR. FUDOLI presented a resolution Congratulating Patrick Colern, of Troop 545, for Achieving the Rank of Eagle Scout.

Item 8 – MR. FUDOLI presented a resolution Congratulating Charlie Specht for Earning the Mark Hellinger Award at St. Bonaventure University.

Item 9 – MR. HARDWICK presented a resolution Recognizing the Outstanding Emergency Response of the City of Tonawanda to the Collapse of the Clinton Park Bandstand.

MS. WHYTE moved for consideration of the above five items. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above five items by including Et Al Sponsorship. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above five items as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 10 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 11 – CHAIR MILLER-WILLIAMS directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 – CHAIR MILLER-WILLIAMS directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 – CHAIR MILLER-WILLIAMS directed that Local Law No. 1 (Print #1) 2010 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 14 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 17 – MR. RATH moved to remove Local Law No. 5 (Print #1) 2010 from the table. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 5 - 2010

LOCAL LAW NO. ___-2010

A Local Law in creating an "Erie County Silver Alert System"

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

SECTION 1. LEGISLATIVE INTENT.

Seventy percent (70%) of Alzheimer's disease and other dementia patients are cared for at home by family members, in what are often extraordinary moving acts of love and devotion during the progress of the disease, which on average last between five and 15 years, and is marked by progressive symptoms that over time make the patient completely dependent on their caregivers. A common danger of this disease that causes great concern for families and caregivers is wandering, and the risk to these vulnerable individuals increases exponentially the longer they remain missing. There have been several recent incidents in which a New York State citizen diagnosed with Alzheimer's disease or other form of dementia has engaged in wandering, and the locality was not equipped with the tools necessary to locate them in a timely manner, with the unfortunate result that these individuals never return home to their families. A number of states and municipalities, as well as the federal government, have either developed or are considering a "Silver Alert" system, similar to the Amber Alert System, which allows local law enforcement to disseminate to media outlets vital information about these vulnerable citizens who have wandered from their caretakers, to aid in the search and safe return of these individuals to those responsible for them. The purpose of this local law is for Erie County, in its ongoing mission to provide essential services to protect its vulnerable population, to establish a Silver Alert System that will provide rapid dissemination of information to the public regarding missing senior citizens and other individuals suffering from Alzheimer's disease, dementia and other cognitive disorders in an effort to expedite the search and safe recovery of those individuals.

SECTION 2. DEFINITIONS.

As used in this article, the following terms to have the meanings indicated:

- A. County -- the County of Erie, New York.
- B. Silver Alert System -- a system that will provide the rapid dissemination of information regarding missing senior citizens and other individuals suffering from Alzheimer's disease, dementia or related cognitive disorders.

SECTION 3. PROCEDURES.

- A. The Erie County Sheriff's Department shall establish a Silver Alert System, in cooperation with the Western New York chapter of the Alzheimer's Association, to develop guidelines and a set of procedures for issuing a Silver Alert, and maintain a database of media organizations and other outlets to be notified when a senior citizen or other individual suffering from Alzheimer's disease, dementia or other related disorders is reported missing.

- B. The Erie County Sheriff's Department will work jointly with the various town and village police departments within the County, as well as the Western New York chapter of the Alzheimer's Association where appropriate, to rapidly disseminate information regarding missing senior citizens and other individuals suffering from Alzheimer's disease, dementia or related cognitive disorders.
- C. The Erie County Sheriff's Department will issue a Silver Alert each time a senior citizen or other individual suffering from Alzheimer's disease, dementia or related cognitive disorders is:
1. domiciled in Erie County;
 2. believed to be missing;
 3. whose disappearance poses a credible threat of death or serious bodily injury to himself or herself, as determined by a local law enforcement agency; and
 4. there is sufficient information available to indicate that an emergency alert would assist in locating the missing person.

Care should be taken to be reasonably certain the person reporting the missing person is not using the system to locate another for reasons other than to assure his or her safety. For example, some people may attempt to use the system to find an adult who has voluntarily and knowingly chosen to go elsewhere away from the complainant or a domestic abuser may use the system to attempt to find their spouse.

Officer(s) should be aware a missing adult has the right to self determination and the missing person or their family may object to public release of medical or other personal information. The goal of law enforcement must be the safety of the missing person based on all known facts and existing circumstances and conditions.

The Silver Alert distributed to the public shall contain the following information:

1. the missing individual's name;
2. the missing individual's age;
3. a physical description of the missing individual, including, if known, a description of the clothing the individual was last seen wearing;
4. the last location where the missing individual was seen; and
5. the description of any motor vehicle the missing person may be driving and the direction in which it was last seen traveling.

SECTION 4. EFFECTIVE DATE.

This local law shall become effective immediately upon the filing with the Secretary of State pursuant to section 27 of the Municipal Home Rule Law.

SECTION 5. 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 EDWARD A. RATH III
LEGISLATOR LYNNE M. DIXON
LEGISLATOR JOHN J. MILLS
LEGISLATOR RAYMOND W. WALTER
LEGISLATOR DINO J. FUDOLI
LEGISLATOR KEVIN R. HARDWICK
LEGISLATOR BARBARA MILLER-WILLIAMS
LEGISLATOR LYNN M. MARINELLI**

MR. RATH moved to approve Local Law No. 5 (Print #1) 2010. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

None.

LEGISLATOR RESOLUTIONS

Item 18 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 20-1 from KOZUB & LOUGHRAN. Opposing the Use of Hydraulic Fracturing to Extract Natural Gas from the Marcellus Shale Formation in NYS.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 19 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 20E-8 from the DISTRICT ATTORNEY Re: Crimes Against Revenue Program Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 20 – MR. KENNEDY moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 20E-9 from LEGISLATOR KENNEDY Re: Notice of Absence from 11/6/2010 - 11/16/2010

CHAIR MILLER-WILLIAMS directed that the item be Received and Filed.

GRANTED.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 21 – (COMM. 20E-1) EC Federal Financial Assistance Audit Report for the Year Ended 12/31/2009

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 22 – (COMM. 20E-2) Purchase of 2010 Tax Lien Certificates

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 23 – (COMM. 20E-3) Amend HEAP Budget

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 24 – (COMM. 20E-4) CPS: Fiscal Year 2010 DNA Burglary Backlog Reduction Initiative

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 25 – (COMM. 20E-5) ECSD No. 3 - Infrastructure & Engineering, Inc.

Item 26 – (COMM. 20E-6) ECSD No. 4 - Contract Close Out

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

Item 27 – (COMM. 20E-7) Resolution of the Legislature of the County of Erie, Electing to Continue the Provision for Refund or Credit of Sales & Compensating Use Taxes Relating to Empire Zones

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

None.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE TOWN OF LANCASTER CLERK

Item 28 – (COMM. 20M-1) Letter to Legislature Concerning the 2011 EC Tentative Budget

Received and referred to the FINANCE, MANAGEMENT & BUDGET COMMITTEE.

FROM THE EC FIRE ADVISORY BOARD

Item 29 – (COMM. 20M-2) Letter to Legislature Concerning the 2011 EC Tentative Budget

Received and referred to the FINANCE, MANAGEMENT & BUDGET COMMITTEE.

FROM THE NYSDEC

Item 30 – (COMM. 20M-3) Fact Sheet: Environmental Cleanup Plan for the Former Buffalo China Site

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ERIN BALKIN

Item 31 – (COMM. 20M-4) Letter to Legislature Concerning the 2011 EC Tentative Budget

Received and referred to the FINANCE, MANAGEMENT & BUDGET COMMITTEE.

FROM THE NYSDEC

Item 32 – (COMM. 20M-5) Fish & Wildlife Monthly Highlights for 8/15/2010 - 9/15/2010

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ONTARIO COUNTY BOARD OF SUPERVISORS

Item 33 – (COMM. 20M-6) Schedule of Hosted Inter-County Association Meetings with Available Hosting Dates

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NFTA

Item 34 – (COMM. 20M-7) Minutes of Meeting Held 9/27/2010

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ANNOUNCEMENTS

Item 35 – CHAIR MILLER-WILLIAMS announced that the next session of the Legislature will be held on Thursday, November 18, 2010, at 2:00 P.M. Also, on Wednesday, November 10, 2010, at 5:00 P.M., the Public Hearing for the 2011 Tentative Erie County Budget will be held in the Chambers of the Legislature. Additionally, there also will be a meeting of the Legislature's Finance, Management & Budget Committee on Wednesday, November 10, 2010, at 10:00 A.M. in the Chambers of the Legislature. Finally, the Erie County Citizens' Budget Review Commission will also meet, concerning the 2011 Tentative Erie County Budget, in the Legislature Conference Room, on Tuesday, November 9, 2010, at 5:00 P.M.

Item 36 – LEGISLATOR KOZUB announced birthday wishes to Katherine Mandiak, on the occasion of her 100th Birthday, on November 10, 2010.

MEMORIAL RESOLUTIONS

Item 37 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Philip F. Merkel and Margaret F. Turner.

Item 38 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Franklin Delano Williams.

Item 39 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Patricia A. Phillips (Donovan) Smith.

Item 40 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of John 'Brizzy' Britzzalaro.

ADJOURNMENT

Item 41 – At this time, there being no further business to transact, CHAIR MILLER-WILLIAMS announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, November 18, 2010 at 2:00 P.M. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, November 18, 2010 at 2:00 P.M. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE