

**ERIE COUNTY LEGISLATURE
MEETING NO. 26
DECEMBER 4, 2008**

The Legislature was called to order by Chair Marinelli.

All members present, except Mr. Ranzenhofer.

An Invocation was held, led by Mr. Loughran, who requested a moment of silence, and requested that members of the Legislature remember Mr. Ranzenhofer's father who passed away this morning.

The Pledge of Allegiance – Mr. Rath requested that his mother, former Erie County Legislature Minority Leader and current N.Y.S. Senator Mary Lou Rath, lead the Legislature in the pledge.

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 23, 24, and 25 from 2008. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 –MR. MAZUR presented a resolution Honoring the Memory of Audrey E. (Bluman) Sicurella.

Item 6 – MR. MAZUR presented a resolution Honoring the Memory of Harry E. Kwiek.

Item 7 – MR. WROBLEWSKI presented a resolution Congratulating the West Seneca West Marching Band, LMBA Class AA 2008 Champions, on Winning the NYSFBC Class LS3 - 2008 2nd Place Award.

Item 8 – MR. REYNOLDS presented a resolution Honoring Jack B. Heinrich for His 50 Years of Service to the Village of Angola Volunteer Fire Department.

Item 9 – MR. REYNOLDS presented a resolution Honoring Richard L. Carlson for His 50 Years of Service to the Village of Angola Volunteer Fire Department.

Item 10 – MR. REYNOLDS presented a resolution Honoring William G. Houston for His 50 Years of Service to the Village of Angola Volunteer Fire Department.

Item 11 – MS. MILLER-WILLIAMS & MS. GRANT presented a resolution In Memory of Rev. Herbert V. Reid.

Item 12 – MR. REYNOLDS presented a resolution Honoring Sharen Trembath for Being Recognized as One of Nabisco's 100 Extraordinary Women.

Item 13 – MS. MILLER-WILLIAMS & MS. GRANT presented a resolution In Memory of Zellie E. Dow.

Item 14 – MR. MILLS presented a resolution Celebrating the Orchard Park High School Boys Volleyball Team's New York State Class A Championship.

Item 15 – MR. MILLS presented a resolution Celebrating the Orchard Park High School Football Team's New York State Class AA Championship.

Item 16 – MR. RATH presented a resolution Congratulating Mary Ellen Walsh on Her Retirement from Amherst from the Amherst Senior Center.

Item 17 – MR. RATH presented a resolution Honoring the Career of New York State Senator Mary Lou Rath.

Item 18 – MR. MILLS presented a resolution Celebrating the Orchard Park Symphony's 60th Anniversary.

Item 19 – MS. IANNELLO presented a resolution Congratulating Brittany Stallard Upon Receiving a Youth Ambassador Scholarship from the Grand Island Chamber of Commerce.

Item 20 – MS. IANNELLO presented a resolution Congratulating Ciara Morreale Upon Receiving a Youth Ambassador Scholarship from the Grand Island Chamber of Commerce.

Item 21 – MS. MILLER-WILLIAMS presented a resolution Congratulating POP WARNER WNY BILLS, Eastern Region 2008 Champions – Florida Bound Champs.

MS. WHYTE moved for consideration of the above seventeen items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above seventeen items to include Et Al Sponsorship. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above seventeen items as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 22 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 24 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 25 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 26 - CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 27 – CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2008 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 28 - CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 29 – CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 30 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2008 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

None.

LEGISLATOR RESOLUTIONS

Item 31 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 370

RE: Petitioning the NYS Dept. of Health to Reschedule the Proposed Medicaid Intergovernmental Transfer (IGT) Payment from March 2009 to March 2012 (INTRO 26-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MARINELLI, WHYTE, KONST, REYNOLDS & GRANT**

WHEREAS, the Erie County Legislature has been made aware that Erie County has a legal obligation to New York State as a result of Intergovernmental Transfer (IGT) payments amounting to \$5.33 million which is apparently scheduled to be repaid in March, 2009; and

WHEREAS, the County Executive did not include this liability to New York State in the Proposed 2009 Budget; and

WHEREAS, the County Executive neither involved nor informed the Erie County Legislature of his decision to make the IGT payment over a three year period beginning in 2009; and

WHEREAS, the County Executive has advised the Erie County Legislature of his intention to resolve this issue in a manner which will be revenue neutral to Erie County in 2009; and

WHEREAS, the Erie County Legislature is hopeful that the County Executive and his staff will be successful in their negotiations between Erie County Medical Center Corporation (ECMCC) and the State of New York thus eliminating the \$5.33 million expense the county is currently liable for in March 2009; and

WHEREAS, while the Legislature is hopeful, we nevertheless recognize that it is possible that the County Executive, ECMCC, and the State of New York will not resolve this issue in a budget neutral manner prior to March 2009 thereby causing significant financial hardship to Erie County's 2009 operating budget; and

WHEREAS, the Erie County Fiscal Stability Authority has recommended in their report on the 2009 Budget released on November 23, 2008 that Erie County petition New York State to move back its 2009 Medicaid contribution of \$5.33 million to a later year to avert a potential budget crisis caused by this liability.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature formally petitions the New York State Department of Health to reschedule the March 2009 proposed Medicaid payment for March 2012; and be it further

RESOLVED, that certified copies of this resolution be sent to ECMCC, the New York State Department of Health, the Governor of the State of New York, the Erie County Executive, the County Attorney, the ECFSA, the Erie County Comptroller, and the members of the WNY State Legislative Delegation.

MS. WHYTE moved to amend the resolution by adding MR. KOZUB, MR. KENNEDY, MS. MILLER-WILLIAMS, MR. MAZUR, MR. WROBLEWSKI and MS. IANNELLO as Co-Sponsors. MS. GRANT seconded. MR. MILLS and MR. RATH voted in the negative.

CARRIED. (12-2)

MS. WHYTE moved to approve the resolution as amended. MS. KONST seconded. MR. MILLS and MR. RATH voted in the negative.

CARRIED. (12-2)

Item 32 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 371

RE: Supporting Library Efficiency Grant
Submission
(INTRO 26-2)

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

WHEREAS, \$1.6 million in interfund subsidy revenue provided in 2008's adopted County budget for the Library is not included in the proposed 2009 County budget; and

WHEREAS, if unaddressed, reducing \$1.6 million from the Library's 2009 budget would have a serious impact on the Library's ability to provide service at a time of unprecedented demand for services by patrons who are also struggling under these economic circumstances; and

WHEREAS, the Library has sufficient fund balance to provide time to carefully and logically plan for the future in light of these financial stresses, and take advantage of opportunities to restructure the Library System while maintaining current hours of operation and current service offerings in 2009; and

WHEREAS, in order to continue services beyond 2009, the Library system is proposing a project with significant cost saving and improved customer service potential which involves a complete conversion of the Library's inventory, materials handling and security systems with a system-wide state-of-the-art Radio Frequency Identification based system (otherwise known as RFID); and

WHEREAS, converting to RFID will allow the Library to streamline workflows and enable attrition based labor force restructuring while simultaneously generating vast improvements in inventory control and public service; and

WHEREAS, due to its scale and cost, RFID implementation in Buffalo and Erie County Public Library (B&ECPL) libraries is proposed to occur in phases over a multi-year period, with the first phase targeted for implementation in 2009 to include the highest circulating libraries: the Central Library, the Amherst Public Library (4 facilities), and the 8 Buffalo City branches; and

WHEREAS, significant recurring annual savings from the first phase will lead to reduced labor cost as fewer staff hours would be required to handle the volume of material flowing back and forth once staff in areas impacted by RFID savings are reassigned to other Library activities impacted by attrition based turnover positions; and

WHEREAS, given the significant recurring savings implementing RFID in the Buffalo and Amherst Libraries would generate, combined with the up-front need for \$1.7 million to undertake this work, the project would be a good fit for an Erie County Fiscal Stability Authority (ECFSA) Incentive Grant; and

WHEREAS, successfully obtaining an ECFSA Incentive Grant will require cooperation of four key players: the Buffalo and Erie County Public Library system, the Erie County Executive, the Erie County Fiscal Stability Authority and the Erie County Legislature; and

WHEREAS, in order to maximize the opportunity to complete the grant application process prior to the end of 2008, the Executive Committee of the Board of Trustees of the Buffalo and Erie County Public Library approved Resolution 2008-54 on November 13, 2008 authorizing the Library Director to proceed with the ECFSA grant request.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports and encourages the Buffalo and Erie County Public Library in their effort to reduce materials handling costs and increase productivity and customer satisfaction through an incentive grant application to implement Phase 1 of the RFID project at the Central Library, Buffalo City branches, and Amherst Libraries, with future developments, implementation schedules and status reports to be presented to the Legislature on a regular basis.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

GRANTED.

INTRO 26-3 from IANNELLO. Creating An Energy-Efficiency-Focused DPW Through A Ten-Hour, Four-Day Work Week.

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

GRANTED.

INTRO 26-4 from IANNELLO & WHYTE. Calling Upon the Erie County Health Department to Weigh in on the Results Found by DEC Regarding the Tonawanda Community Air Quality Study.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 35 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 23E-6 (2008). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 372

RE: Lease Agreement: WIC Program
Distribution Site, Village of Blasdell
(COMM. 23E-6)

WHEREAS, the Erie County Health Department provides an important program of supplemental food and nutrition to high risk women, infants and children through its WIC Program sites in various locations throughout Erie County; and

WHEREAS, the Erie County Health Department wishes to enter into a one year lease agreement, with two one-year renewal options, with the Village of Blasdell, New York, for office space located at 54 Madison Avenue, Blasdell, New York, to be utilized as a WIC distribution site.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to enter into a one year lease agreement with two one-year renewal options, with the Village of Blasdell, New York, for space located at 54 Madison Avenue, Blasdell, New York, commencing November 1, 2008 and terminating October 31, 2009, an annual rate of \$2,400 for utilities, cleaning and maintenance; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes two one-year renewal options at an annual rate of \$3,000; and be it further

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

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

CARRIED UNANIMOUSLY.

Item 36 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 23E-14 (2008). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 373

RE: Health Dept. - NYS Dept. of Edu., Local
Govt. Records Management
Improvement Fund
(COMM. 23E-14)

WHEREAS, the Health Department is required to store medical records of children with elevated blood lead levels (EBL) for up to 21 years; and

WHEREAS, the Health Department is required to make these records available through Freedom of Information Law (FOIL) requests; and

WHEREAS, a Grant Application was submitted and accepted by the New York State Department of Education Local Government Records Management Improvement Fund for securing technical assistance for the inventory, index and digitizing of approximately 175,000 pages of medical records of children with elevated blood lead levels (EBL); and

WHEREAS, the Health Department now pays approximately \$15,000 per year to store and retrieve archived records; and

WHEREAS, this grant will eliminate the need to store paper records, saving the county a considerable amount of funds each year.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into an Agreement with the New York State Department of Education Local Government

Records Management Improvement Fund for securing technical assistance for the inventory, index and digitizing of approximately 175,000 pages of medical records of children with elevated blood lead levels (EBL) to be budgeted as follows:

Local Government Records Management Grant
9/30/08 – 6/30/09

APPROPRIATIONS

Account	Description	Budget
409000	State Aid	<u>\$19,181</u>
	TOTAL	<u>\$19,181</u>

EXPENSES

516020	Records Management	<u>\$19,181</u>
	TOTAL	<u>\$19,181</u>

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 37 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 23E-19 (2008). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 374

RE: Contract with HealthSpace USA, Inc.
(COMM. 23E-19)

WHEREAS, the Erie County Department of Health operates an environmental health program; and

WHEREAS, the Department of Health is seeking a software development company to develop a new application to replace the current data base system which is over 15 years old; and

WHEREAS, this project will include the merging of the multiple data base systems that is currently in use to overcome the limitations of the existing system and the integration of existing data into the new system; and

WHEREAS, a Request for Proposals (RFP) was issued on November 21, 2007, and reviewed in compliance with Section 19.08 of the Erie County Administrative Code, which resulted in 8 submissions which are available for public inspection during regular business hours; and

WHEREAS, a committee appointed by the Commissioner of Health reviewed said proposals and has recommended that the contract be awarded to HealthSpace USA, Inc.; and

WHEREAS, awarding this contract will result in significant savings to the County of Erie; and

WHEREAS, funding has been approved in the 2008 Capital Borrowing program and once said funding is available, the software will be purchased; and

WHEREAS, funding will be available through the 2008 Electronic Environmental & Medical Records project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with HealthSpace USA, Inc., for a two year period developmental period in an amount not to exceed \$136,600 with five one-year extensions to provide an integrated comprehensive environmental health data base application; and be it further

RESOLVED, that funding has been approved in the 2008 Capital Borrowing program and once said funding is available, the software will be purchased; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Office of the Comptroller, the Division of Information and Support Services, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, M.D., Commissioner of Health, 9th Floor Rath Building.

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

CARRIED UNANIMOUSLY.

Item 38 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of COMM. 23E-5 (2008). MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 375

RE: Contract for Pre-Tax Services and
COBRA Collections
(COMM. 23E-5)

WHEREAS, the Erie County Personnel Department initiated an RFP regarding the administration of the Erie County Flexible Benefits Plan, Health Reimbursement Accounts, Parking Reimbursement, Transit Fulfillment, and COBRA collections; and

WHEREAS, the RFP was advertised in the Buffalo News, The Bee Group Publications the Challenger Publications Group and the Lackawanna Front Page; and

WHEREAS, proposals were received from P&A Administrative Services and PayFlex; and

WHEREAS, the RFP committee, after reviewing both proposals, has selected P&A Administrative Services, Inc. to administer these plans.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Erie County Executive to enter into a one (1) year, renewable agreement with P&A Services to administer pre-tax benefits and COBRA collections, beginning 1/1/2009; and be it further

RESOLVED, that the source of the funding for employer paid fees shall come from existing departmental fringe benefits appropriations; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Personnel Office, The Office of the Comptroller, and the Division of Budget.

MS. WHYTE moved to approve the item. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 39 – MR. MILLS moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 26E-18 from RANZENHOFER Re: Letter of Absence for Session #26, 12/4/08

Received, Filed & Printed.

December 3, 2008

Hon. Lynn M. Marinelli, Chair
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Chair Marinelli,

I will be unable to attend session on December 4, 2008, due to a family emergency.

Thank you.

Yours Truly,

Michael H. Ranzenhofer
Erie County Legislator – 4th District

cc: Robert M. Graber, Clerk
Erie County Legislature

Item 40 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 26E-19 from KOZUB Re: Letters to WNY Congressional Delegation Concerning Domestic Auto Industry

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR WHYTE

Item 41 – (COMM. 26E-1) Letter to County Executive Concerning Intermunicipal Parks Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CHAIR MARINELLI

Item 42 – (COMM. 26E-2) Letter to Legislature Clerk Concerning Change of Date for Legislature Session

Received, Filed & Printed.

November 25, 2008

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

Dear Mr. Graber:

There is a need to change the date of a Regular Session of the Erie County Legislature scheduled in December.

The Regular Session scheduled for Thursday, December 18, 2008 at 2:00 p.m. must be changed to Thursday, December 11, 2008 at 2:00 p.m.

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

Thank you.

Sincerely,

Lynn M. Marinelli, Chair
Erie County Legislature

FROM THE COUNTY CLERK

Item 43 – (COMM. 26E-3) NYS Mortgage Tax Semi-Annual Report of Receipts and Disbursements

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR MARINELLI

Item 44 – (COMM. 26E-4) 2008 Budget Accountability Act Close-Out Report Notifications

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR RANZENHOFER

Item 45 – (COMM. 26E-5) Letter Concerning Absence for Meetings Held 11/26/08

Received, Filed & Printed.

November 25, 2008

Hon. Lynn M. Marinelli, Chairwoman
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Chairwoman Marinelli,

I will unavoidably be out of town for the Finance and Management Committee and Special Session on November 26, 2008. I committed to another engagement prior to these two meetings being scheduled.

Thank you.

Yours Truly,

Michael H. Ranzenhofer
Erie County Legislator – 4th District

cc: Robert M. Graber, Clerk
Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 26E-6) WNY Stormwater Coalition: Outfall Inspection and Illicit Discharge Track Down Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 47 – (COMM. 26E-7) Downtown Pedestrian/Transit Mall Special District - Adoption of Mall District Service Charge Roll for 2009

Item 48 – (COMM. 26E-8) Section 520 Exemption for 2009

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

Item 49 – (COMM. 26E-9) Lead Poisoning Primary Prevention - Pilot Program Grant 10/1/08 - 9/30/09

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 50 – (COMM. 26E-10) Application for State Assistance in Developing an Erie County Farmland Protection Plan

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 51 – (COMM. 26E-11) EC Dept. of Health "BB" Building Renovations - Construction Contingency Increase

Item 52 – (COMM. 26E-12) Glen Avenue Bridges Project – NYSDOT

Item 53 – (COMM. 26E-13) Conveyance of Excess Highway Right-of-Way - North Forest Rd., Amherst

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

Item 54 – (COMM. 26E-14) ECC Request to Utilize the Capital Chargeback Account for North Campus Academic Lab Improvements

Item 55 – (COMM. 26E-15) ECC Request to Utilize the Capital Chargeback Account - Participation in a Statewide Community College Capital Reinvestment Study

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 56 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 376

RE: 400Mhz Radio System
(COMM. 26E-16)

WHEREAS, Erie County Emergency Services microwave frequencies have been auctioned off by the FCC. T-Mobile USA Inc. was the successful bidder and has agreed to reimburse the County of Erie \$792,000 to relocate its existing FCC licensed microwave frequencies; and

WHEREAS, the Department of Emergency Services wishes to utilize said funds for completion of the 400Mhz radio system project; and

WHEREAS, the County has already received \$396,000, or one half of the amount from T-Mobile, the rest is due to the County in 2009 upon completion of the first phase of the project; and

WHEREAS, the Legislature has previously authorized in July 2008 the County Executive to enter into agreement with T-Mobile, Inc to receive reimbursement for the relocation of the County microwave frequencies and to have DiDonato Associates perform a structural review of the existing towers and provide necessary Professional Design Services.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is granted to appropriate the current payment of \$396,000 in 2008 and the second half of the payment for \$396,000 in 2009 upon receipt of said payment from T-Mobile; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to make all appropriate budget entries into the 2008 and 2009 general fund and also in capital project A.00324, Public Safety Communication System (400Mhz), as final reimbursement is received from T-Mobile USA Inc.; 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, Central Police Services, the County Comptroller, and the County Attorney.

Item 57 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 377

RE: WNY Stormwater Coalition –
Stormwater Utility District(s)
Formation Feasibility Study
(COMM. 26E-17)

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

WHEREAS, the State of New York, through its Department of Environmental Conservation, provides financial aid for Phase II Stormwater Implementation Projects; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) granted Erie County funding to establish the Western New York Stormwater Coalition; and

WHEREAS, the NYSDEC grant resources to cover costs associated with this agreement are available in the Western New York Stormwater Coalition Local Ordinance Project budget which was authorized and established by a resolution passed by the Erie County legislature, dated June 22, 2006; and

WHEREAS, it is necessary to revise the current budget to effectively meet the objectives of the project workplan; and

WHEREAS, the proposed budget revisions are consistent with changes approved by the granting agency; and

WHEREAS, the workplan for the NYSDEC funding requires Erie County to investigate permanent, long-term funding mechanisms to support the Stormwater Management Programs of the regulated entities; and

WHEREAS, Erie County issued a Request for Proposals on August 25, 2008; and

WHEREAS, a Proposal Selection Committee made up of representatives from the Western New York Stormwater Coalition was assembled to evaluate the proposals and collectively select a recommended consultant to complete the work; and

WHEREAS, the Proposal Selection Committee concluded its review of proposals submitted for the Western New York Stormwater Coalition Stormwater Utility District(s) Formation Feasibility Study and recommends entering into an agreement with Wendel Duchscherer Architects & Engineers; and

WHEREAS, it is necessary to enter into an agreement with Wendel Duchscherer Architects & Engineers for up to \$254,000 to conduct the Western New York Stormwater Coalition Stormwater Utility District(s) Formation Feasibility Study and thereby fulfill the County's contractual obligations for this project workplan deliverable.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with Wendel Duchscherer Architects & Engineers for up to \$254,000 to conduct the Western New York Stormwater Coalition Stormwater Utility District(s) Formation Feasibility Study to be funded by resources available in the project grant budget Fund 281 (162STMWTRLCRD0608) (160STMWTR) general ledger account number 516020 (Professional Services, Contractual and Fees); and be it further

RESOLVED, that the grant budget for the Western New York Stormwater Coalition Local Ordinance Project will be revised as follows:

APPROPRIATIONS:

Department of Environment & Planning - 162STMWTRLCRD0608 (Fund 281)

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Personnel Services	\$ 133,000.00	13,784.00	\$ 146,784.00
502000	Fringe Benefits	\$ 56,500.00	613.00	\$ 57,113.00
505000	Office Supplies	\$ 5,000.00	-	\$ 5,000.00
510000	Local Travel & Mileage	\$ 1,500.00	-	\$ 1,500.00
510200	Training & Education	\$ 500.00	-	\$ 500.00
530000	Other Expenses	\$ 2,000.00	-	\$ 2,000.00
561410	Lab:Tech Equipment	\$ 5,000.00	-	\$ 5,000.00
516020	Contractual Services	\$ 314,500.00	60,960.00	\$ 375,460.00
916009	ID Dept. of Law Services	\$ 125,000.00	(75,357.00)	\$ 49,643.00
Total Appropriations		\$ 643,000.00		\$ 643,000.00

Department of Law – 160STMWTR (Fund 281)

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
50000	Personnel Services	\$ 88,000.00	(49,282.28)	\$ 38,717.72
502000	Fringe Benefits	\$ 37,001.00	(26,075.30)	\$ 10,924.70
916090	ID Dept. of Law Services	\$(125,000.00)	75,357.58	\$ 49,642.42
Total Appropriations		\$ 0	0	\$ 0

and be it further

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

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

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 58 – (COMM. 26D-1) Notice of Public Hearing: LL Intro. No. 6 - 2008

Received and Filed.

FROM THE CLERK OF THE LEGISLATURE

Item 59 – (COMM. 26D-2) Changing Date of Legislature Session

Received, Filed & Printed.

DATE: November 25, 2008

TO: All Members of the Erie County Legislature, Elected Officials,
Erie County Staff and News Media

FROM: Robert M. Graber, Clerk

RE: CHANGING DATE OF LEGISLATURE SESSION

Please be advised that Erie County Legislature Chair Lynn M. Marinelli has changed the date of the Regular Session of the Erie County Legislature scheduled for December 18, 2008 at 2:00 PM to December 11, 2008 at 2:00 PM.

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.

To: Robert M. Graber, Clerk

From: Lynn M. Marinelli, Chairperson

Subject: 2008 SCHEDULE OF LEGISLATIVE SESSIONS (Revised 11/25/08)

JANUARY

8
24

JULY

10
17

FEBRUARY

7
21

AUGUST

Recess

MARCH

6
20

SEPTEMBER

11
18

APRIL

3
24

OCTOBER

2
23

MAY

8
29

NOVEMBER

6
20

JUNE

12
26

DECEMBER

1 *Budget*
4
9 *Budget Override*
11

FROM THE DEPUTY COMPTROLLER - AUDIT

Item 60 – (COMM. 26D-3) Comptroller's Office Review of Probation/Youth Detention Petty Cash Accounts

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DIRECTOR OF INTERGOVERNMENTAL AFFAIRS

Item 61 – (COMM. 26D-4) Legislative Items Requested for Immediate Consideration

Received and Filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE TOWN OF BRANT

Item 62 – (COMM. 26M-1) Support for EC Funding of Cornell Cooperative Extension & EC Soil & Water Conservation District

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF CLARENCE

Item 63 – (COMM. 26M-2) Funding for EC Soil & Water Conservation District

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM SENATOR MARY LOU RATH

Item 64 – (COMM. 26M-3) Acknowledgement of Receipt of Certified Resolution

Received and Filed.

FROM THE ECIDA

Item 65 – (COMM. 26M-4) Notification of Board of Directors Meeting

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE TOWN OF HOLLAND

Item 66– (COMM. 26M-5) Support for EC Funding of Cornell Cooperative Extension & EC Soil & Water Conservation District

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM COLUCCI & GALLAHER, P.C.

Item 67 – (COMM. 26M-6) Agenda Materials for ECMCC Meeting Held 11/20/08

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NYS PUBLIC SERVICE COMMISSION

Item 68 – (COMM. 26M-7) Notice of Technical Conference

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE

FROM THE NFTA

Item 69 – (COMM. 26M-8) Cash Flow Statements (Actual/Projected) for Periods of 4/1/08 - 3/31/09 and 10/1/08 - 9/30/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE TOWN OF COLDEN

Item 70 – (COMM. 26M-9) In Support of the Cooperative Extension and EC Soil & Water Conservation District

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THOMAS P. MALECKI

Item 71 – (COMM. 26M-10) Letter Requesting Consideration for Appointment to ECMCC Board of Directors

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NYS PUBLIC EMPLOYMENT RELATIONS BOARD

Item 72 – (COMM. 26M-11) Response to Letter from Government Affairs Committee Chair Barbara Miller-Williams

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 73 – MS. KONST announced that the Finance & Management Committee will meet on Monday, December 8, 2008 at 1:00 P.M. in the Chambers of the Legislature.

Item 74 – CHAIR MARINELLI announced that there will be a Public Hearing held on Wednesday, December 10, 2008 at 10:00 A.M. in the Chambers of the Legislature to hear public comment on Local Law Intro. 9-1 (2008), “A LOCAL LAW entitled Erie County Clerk’s Office Increase in Per Page Fee.”

Item 75 – MR. REYNOLDS announced that there will be a meeting of the Distressed Real Property Task Force on Wednesday, December 10, 2008 at 9:00 A.M. in the Legislative Conference Room.

Item 76 – CHAIR MARINELLI announced that the 2009 Erie County Budget Override Session is scheduled for Tuesday, December 9, 2008 at 2:00 P.M. in the Chambers of the Legislature. Should there be a need to cancel this session, Chair Marinelli said that she will direct the Clerk of the Legislature of such cancellation and notification will then occur.

Item 77 – MS. IANNELLO introduced to the Legislature Seth Brauner, an intern in her office who is a second year student at the University at Buffalo Law School.

MEMORIAL RESOLUTIONS

Item 78 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Theodore Ranzenhofer, who passed away this morning, father of Legislator Ranzenhofer.

Item 79 – Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of James J. Willis Sr., a 55 year member of Ironworkers Union Local #6, and served as First Vice President of the Ironworkers International until his retirement in 2000.

Item 80 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of James Grant Jr.

Item 81 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Joseph M. Moretti and Mary S. (Gumulak) Darmstedter, and in remembrance of the attack on Pearl Harbor, Hawaii on December 7, 1941.

Item 82 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Ella Rose Jensen, who died in vitro at age 38.5 weeks; Mary Krajewski, who lived in Sloan, N.Y.; and in memory of George Kennedy, who died sixty years ago and whose birthday is December 7, 1904 and whose father, Martin Kennedy, emigrated to this country in 1892.

Item 83 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Amanda S. Knowlton, who was the victim of a hit-and-run accident yesterday, Wednesday, December 3, 2008.

Item 84 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Audrey E. (Bluman) Sicurella; Harry E. Kwiek, who was active with the Cheektowaga Patriotic Commission; Robert A. Gemerek; and Charles J. Ruppert, who was a lifelong Lovejoy Democratic Committeeman.

ADJOURNMENT

Item 85 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. RATH moved that the Legislature adjourn until Tuesday, December 9, 2008 at 2:00 p.m. Eastern Standard Time. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Tuesday, December 9, 2008 at 2:00 p.m. Eastern Standard Time.

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