

ERIE COUNTY LEGISLATURE
MEETING NO. 15
JULY 7, 2011

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

All members present.

An Invocation was held, led by Ms. Marinelli, who read The Serenity Prayer.

The Pledge of Allegiance was led by Mr. Hardwick.

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 14 from 2011. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. KOZUB presented a resolution Congratulations to Tommy C. Seay, Sr. on the Publication of His Second Book.

Item 6 – MR. RATH presented a resolution Honoring the 65th Wedding Anniversary of Bill & Ruth Swenson.

Item 7 – MR. RATH presented a Memorial Resolution Honoring the Memory of Carl A. Sinclair.

Item 8 – MR. RATH presented a resolution Honoring Patrick J. Ruffino on His Years of Dedicated Service to the County of Erie.

MS. WHYTE moved for consideration of the above four items. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above four items by adding one for CHAIR MILLER-WILLIAMS, and also by including Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 9 – 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 10 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 11 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 12 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 13 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

None.

LEGISLATOR RESOLUTIONS

Item 15 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 121

RE: Inclusion of Viable Agricultural Lands
Into An Agricultural District - 2008
(INTRO 15-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303-b(1) the Erie County Legislature adopted Intro 20-15 (2004) on September 23, 2004; and

WHEREAS, Intro 20-15 (2004) designated November 1 through 30 as the annual thirty-day open enrollment period for inclusion of predominantly viable agricultural land within a certified agricultural district outside of the established 8-year review period; and

WHEREAS, during the 2008 thirty-day open enrollment period four landowners requested that 5 parcels of land be included in existing agricultural districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine if each includes “viable agricultural land” as defined in Agriculture and Markets Law Section 301(7); and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine whether the inclusion of such land would serve the public interest and maintain a viable agricultural industry within the district; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted unanimously on January 21, 2009 to recommended that the County Legislature adopt the inclusion of four parcels listed below in existing agricultural districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted unanimously on January 21, 2009 to recommended that the County Legislature reject the inclusion in an existing agricultural district of one parcel listed below; and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-b(2)(b) and 303-b(3) the Erie County Legislature adopted Intro 8-1 (2009) on April 23, 2009 to give the required public notice and set a public hearing and for June 4, 2009; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-b(3)(b) the Erie County Legislature published a public hearing notice in a newspaper having a general circulation within the County and notified in writing those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district; and

WHEREAS, a public hearing was held at 7:30pm on June 4, 2009 at the Collins Public Library at 2341 Main Street (Route 39) Collins, New York to consider 2008 open enrollment period requests and recommendations of the Erie County Agricultural and Farmland Protection Board.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature adopts the inclusion of the following parcels into adjacent existing agricultural districts; and be it further

Owner	SBL No.	Parcel Address	Town	Agricultural District	Acreage
Solar Sportsystem, Inc	154.00-5-6.11	0 North Davis Road	Elma	Elma (No.13)	6.8
Solar Sportsystem, Inc	154.00-5-5	0 North Davis Road	Elma	Elma (No.13)	9.5
Franklin H. Meyer	223.00-3-24	8033 North State Road	Eden	Eden (No.2)	16.9
Paul Adamczyk	237.00-1-4.1	2109 Hemlock Road	Eden	Eden (No.2)	43.1

RESOLVED, the Erie County Legislature rejects the inclusion of the following parcel into an adjacent existing agricultural district due to changes in ownership and termination of agricultural activity on the parcel; and be it further

Former Owner	SBL No.	Parcel Address	Town	Agricultural District	Acreage
Merle A. Harvey	355.00-1-2.12	14344 Route 219	Concord	Concord (No. 15)	2.0

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services and the Supervisors of the towns of Elma, Eden and Concord; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board report and tax maps for each parcel of land to be included in an existing agricultural district to the Commissioner of New York State Department of Agriculture and Markets for certification and immediate inclusion into existing agricultural districts.

Item 16 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. FUDOLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 122

RE: Inclusion of Viable Agricultural Lands
Into An Agricultural District - 2009
(INTRO 15-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303-b(1) the Erie County Legislature adopted Intro 20-15 (2004) on September 23, 2004; and

WHEREAS, Intro 20-15 (2004) designated November 1 through 30 as the annual thirty-day open enrollment period for inclusion of predominantly viable agricultural land within a certified agricultural district outside of the established 8-year review period; and

WHEREAS, during the 2009 thirty-day open enrollment period two landowners requested that three parcels of land be included in existing agricultural districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine if each includes “viable agricultural land” as defined in Agriculture and Markets Law Section 301(7); and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine whether the inclusion of such land would serve the public interest and maintain a viable agricultural industry within the district; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted unanimously on February 17, 2010 to recommended that the County Legislature adopt the inclusion of two parcels listed below in existing agricultural districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted unanimously on February 17, 2010 to recommended that the County Legislature reject the inclusion in an existing agricultural district of one parcel listed below; and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-b(2)(b) and 303-b(3) the Erie County Legislature adopted Intro 3-3 (2011) on February 3, 2011 to give the required public notice and set a public hearing and for February 17, 2011; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-b(3)(b) the Erie County Legislature published a public hearing notice in a newspaper having a general circulation within the County and notified in writing those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district; and

WHEREAS, a public hearing was held at 7:30pm on February 17, 2010 at the Cornell Cooperative Extension Offices in East Aurora, New York to consider 2009 open enrollment period requests and recommendations of the Erie County Agricultural and Farmland Protection Board.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature adopts the inclusion of the following parcels into adjacent existing agricultural districts; and be it further

Owner	SBL No.	Parcel Address	Town	Agricultural District	Acres
Stephen M. Bedford	33.00-2-38.11	6820 Cedar Street	Newstead	Clarence-Newstead (No.14)	16.9
Stephen M. Bedford	33.00-2-38.2	6826 Cedar Street	Newstead	Clarence-Newstead (No.14)	9.6

RESOLVED, the Erie County Legislature rejects the inclusion of the following parcel into an adjacent existing agricultural district as it does not meet the criteria specified in Section 303-b of the New York State Agricultural District Law; and be it further

Owner	SBL No.	Parcel Address	Town	Acres
Robert P. Harper	12.00-2-3.11	East River Road	Grand Island	112

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services and the Supervisors of the towns of Newstead, and Grand Island; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board report and tax maps for each parcel of land to be included in an existing agricultural district to the Commissioner of New York State Department of Agriculture and Markets for certification and immediate inclusion into existing agricultural districts.

Item 17 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. FUDOLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 123

RE: Inclusion of Viable Agricultural Lands
Into An Agricultural District - 2010
(INTRO 15-3)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303-b(1) the Erie County Legislature adopted Intro 20-15 (2004) on September 23, 2004; and

WHEREAS, Intro 20-15 (2004) designated November 1 through 30 as the annual thirty-day open enrollment period for inclusion of predominantly viable agricultural land within a certified agricultural district outside of the established 8-year review period; and

WHEREAS, during the 2010 thirty-day open enrollment period three landowners requested that three parcels of land be included in existing agricultural districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine if each includes “viable agricultural land” as defined in Agriculture and Markets Law Section 301(7); and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine whether the inclusion of such land would serve the public interest and maintain a viable agricultural industry within the district; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted unanimously on February 17, 2010 to recommended that the County Legislature adopt the inclusion of three parcels listed below in existing agricultural districts; and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-b(2)(b) and 303-b(3) the Erie County Legislature adopted Intro 3-3 (2011) on February 3, 2011 to give the required public notice and set a public hearing and for February 17, 2011; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-b(3)(b) the Erie County Legislature published a public hearing notice in a newspaper having a general circulation within the County and notified in writing those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district; and

WHEREAS, a public hearing was held at 7:30pm on February 17, 2010 at the Cornell Cooperative Extension Offices in East Aurora, New York to consider 2010 open enrollment period requests and recommendations of the Erie County Agricultural and Farmland Protection Board.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature adopts the inclusion of the following parcels into adjacent existing agricultural districts; and be it further

Owner	SBL No.	Parcel Address	Town	Agricultural District	Acreage
Robert Jason Engel	290.00-2-4.12	110336 Snyder Road	Concord	Concord (No.15)	6.25
Valerie Johnstone	221.00-1-42	7975 Delamater Road	Evans	Brant Evans (No.9)	12
Gordon Martin	240.00-4-31	8790 Rockwood Road	Boston	Eden (No.2)	10

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services and the Supervisors of the towns of Boston, Evans, and Concord; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board report and tax maps for each parcel of land to be included in an existing agricultural district to the Commissioner of New York State Department of Agriculture and Markets for certification and immediate inclusion into existing agricultural districts.

Item 18 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 124

RE: Modification of Agricultural Districts –
Alden No. 7 & Lancaster Alden No. 16
(INTRO 15-4)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, Agricultural Districts Alden No. 7 and Lancaster Alden No. 16 (the “districts”) were initially created on March 1, 1975 and April 28, 1983, respectively, pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303; and

WHEREAS, the districts have been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a(1); and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-a(2) the Erie County Legislature adopted Intro 3-3 (2011) on February 3, 2011 to give the required public notice, direct the Erie County Agricultural and Farmland Protection Board to prepare report on the districts and set a public hearing for February 17, 2011; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(a) the Erie County Legislature published a public notice and hearing notice in a newspaper having a general circulation within the districts; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(c) on February 17, 2010 at 7:30pm a public hearing was held at the Cornell Cooperative Extension Offices in East Aurora, New York to consider recertification of the districts; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(b) the Erie County Agricultural and Farmland Protection Board reviewed the districts, prepared a report to the Erie County Legislature and voted unanimously on February 17, 2010 to recommended that the County Legislature consolidate the districts and make the following additional modifications to the districts; and

Owner	SBL No.	Parcel Address	Town	Acres
William F. Bosse	128.00-4-69.1	Simme Road	Lancaster	38.7

WHEREAS, the district has been reviewed in accordance with the New York State Environmental Quality Review Act of 1975 and adopted review procedures and the criteria set forth in Part 617; and

WHEREAS, it has been determined that the modified district will not have a significant impact on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature finds that Agricultural Districts Alden No. 7 and Lancaster Alden No. 16 should be modified as proposed by the Erie County Agricultural and Farmland Protection Board to create the modified Agricultural District Lancaster Alden No. 16; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services, the Lancaster Town Supervisor, and the Alden Town Supervisor; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board district review plan to the Commissioner of New York State Department of Agriculture and Markets for certification.

Item 19 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. FUDOLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 125

RE: Recertification of Agricultural District –
Holland No. 11
(INTRO 15-5)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, Holland Agricultural District No. 11 (the “district”) was initially created on August 9, 1977 pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303; and

WHEREAS, the district has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a(1); and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-a(2) the Erie County Legislature adopted Intro 3-3 (2011) on February 3, 2011 to give the required public notice, direct the Erie County Agricultural and Farmland Protection Board to prepare report on the district and set a public hearing for February 17, 2011; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(a) the Erie County Legislature published a public notice and hearing notice in a newspaper having a general circulation within the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(c) on February 17, 2010 at 7:30pm a public hearing was held at the Cornell Cooperative Extension Offices in East Aurora, New York to consider recertification of the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(b) the Erie County Agricultural and Farmland Protection Board reviewed the district, prepared a report to the Erie County Legislature and voted unanimously on February 17, 2010 to recommended that the County Legislature recommend approval without modifications; and

WHEREAS, the district has been reviewed in accordance with the New York State Environmental Quality Review Act of 1975 and adopted review procedures and the criteria set forth in Part 617; and

WHEREAS, it has been determined that the modified district will not have a significant impact on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature finds that Holland Agricultural District No. 11 should be modified as proposed by the Erie County Agricultural and Farmland Protection Board; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services, and the Holland Town Supervisor; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board district review plan to the Commissioner of New York State Department of Agriculture and Markets for certification.

Item 20 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 126

RE: Modification of Agricultural District –
Wales No. 12
(INTRO 15-6)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, Wales Agricultural District No. 12 (the “district”) was initially created on November 9, 1978 pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303; and

WHEREAS, the district has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a(1); and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-a(2) the Erie County Legislature adopted Intro 3-3 (2011) on February 3, 2011 to give the required public notice, direct the Erie County Agricultural and Farmland Protection Board to prepare report on the district and set a public hearing for February 17, 2011; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(a) the Erie County Legislature published a public notice and hearing notice in a newspaper having a general circulation within the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(c) on February 17, 2010 at 7:30pm a public hearing was held at the Cornell Cooperative Extension Offices in East Aurora, New York to consider recertification of the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(b) the Erie County Agricultural and Farmland Protection Board reviewed the district, prepared a report to the Erie County Legislature and voted unanimously on February 17, 2010 to recommended that the County Legislature make the following modification to the district; and

Owner	SBL No.	Parcel Address	Town	Acres
Garnett Stevenson	167.00-1-15	4139 Four Rod Road	Wales	15.8

WHEREAS, the district has been reviewed in accordance with the New York State Environmental Quality Review Act of 1975 and adopted review procedures and the criteria set forth in Part 617; and

WHEREAS, it has been determined that the modified district will not have a significant impact on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature finds that Wales Agricultural District No. 12 should be modified as proposed by the Erie County Agricultural and Farmland Protection Board; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services, and the Wales Town Supervisor; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board district

review plan to the Commissioner of New York State Department of Agriculture and Markets for certification.

Item 21 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. FUDOLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

RE: Modification of Agricultural District –
Elma No. 13
(INTRO 15-7)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, Elma Agricultural District No. 13 (the “district”) was initially created on June 20, 1979 pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303; and

WHEREAS, the district has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a(1); and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-a(2) the Erie County Legislature adopted Intro 3-3 (2011) on February 3, 2011 to give the required public notice, direct the Erie County Agricultural and Farmland Protection Board to prepare report on the district and set a public hearing for February 17, 2011; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(a) the Erie County Legislature published a public notice and hearing notice in a newspaper having a general circulation within the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(c) on February 17, 2010 at 7:30pm a public hearing was held at the Cornell Cooperative Extension Offices in East Aurora, New York to consider recertification of the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(b) the Erie County Agricultural and Farmland Protection Board reviewed the district, prepared a report to the Erie County Legislature and voted unanimously on February 17, 2010 to recommended that the County Legislature make the following modifications to the district; and

Owner	SBL No.	Parcel Address	Town	Acres
Leonard and Mabel Janiga	156.00-2-28.1	Jamison Road	Elma	31.2
Leonard and Mabel Janiga	156.00-2-32.1	Jamison Road	Elma	30.2

WHEREAS, the district has been reviewed in accordance with the New York State Environmental Quality Review Act of 1975 and adopted review procedures and the criteria set forth in Part 617; and

WHEREAS, it has been determined that the modified district will not have a significant impact on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature finds that Elma Agricultural District No. 13 should be modified as proposed by the Erie County Agricultural and Farmland Protection Board; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services, and the Elma Town Supervisor; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board district review plan to the Commissioner of New York State Department of Agriculture and Markets for certification.

Item 22 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

RE: Notification of Public Comment Period
& Requesting for Report on Modification
of Clarence-Newstead Agricultural
District No. 14
(INTRO 15-8)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, Clarence-Newstead Agricultural District No. 14 (the “district”) was initially created on April 9, 1980 pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303; and

WHEREAS, the district has been recertified every eight years thereafter, pursuant to Agriculture and Markets Law Section 303-a(1); and

WHEREAS, on June 1, 2011, the Erie County Legislature (the “Legislature”) received notification from the New York State Department of Agriculture and Markets that the next eight year anniversary date of the district is April 9, 2012; and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-a(2) the notification directs the Legislature to prepare a review schedule for the district and publish a public notice to inform municipalities and land owners within the district that they may propose a modification of the district by filing a proposal with the County Clerk of the Erie County Legislature within thirty days after the publication of such notice; and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-a(2), the notification directs the Legislature to request that the Erie County Agricultural and Farmland Protection Board prepare a report on the district; and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-a(2) the notification directs the Legislature to hold a public hearing on the district review at least 120 days and not more than 180 days prior to the district review anniversary.

NOW, THEREFORE, BE IT

RESOLVED, that Clerk of the Legislature publish in a newspaper having general circulation a public notice to notify municipalities and land owners within the district that they may propose a modification of the district by filing a proposal with the Clerk of the Erie County Legislature within thirty days after the publication of such notice and that notice also be sent to the affected municipalities and that the notice of proposal be posted in five places within the district; and be it further

RESOLVED, that the Legislature requests that the Erie County Agricultural and Farmland Protection Board prepare a report on the district; and be it further

RESOLVED, that the Legislature hold a public hearing on the district review at least 120 days and not more than 180 days prior to the district review anniversary; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Clarence Town Supervisor and the Newstead Town Supervisor.

Item 23 – CHAIR MILLER-WILLIAMS directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 15-9 from MILLER-WILLIAMS. Requesting County Attorney & Commissioners of EC Board of Elections Appear Before Legislature to Discuss Appropriate Manner for Extending Deadline for Submission of Designating Petitions.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 24 – MR. KOZUB moved for a Suspension of the Rules to include an item not on the agenda, and presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded. MR. WALTER objected.

CHAIR MILLER-WILLIAMS directed that the resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 15-10 from KOZUB, MAZUR, WHALEN & WHYTE Re: Supporting the Request by the Buffalo & EC Botanical Gardens for a Grant of \$200,000 in Capital Improvement Funds from the County.

Item 25 – MS. MARINELLI moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 15M-4 from the EC ASSOCIATION OF CHIEFS OF POLICE Re: Copy of Letter to County Executive Supporting a County Wide Law Regulating the Operation of Pawnbrokers & Secondhand Dealers

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 26 – (COMM. 15E-1) Copy of Report on Apportionment & Distribution of Net Collections from Local 4.75% Sales & Compensating Use Tax for the Months March, April & May 2011

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 27 – (COMM. 15E-2) Culvert Inspection & Inventory

Item 28 – (COMM. 15E-3) DPW - Lake Avenue Bridge Project

Item 29 – (COMM. 15E-4) DPW - Goodrich Road Bridge Project

Item 30 – (COMM. 15E-5) DPW - Savage Road Bridge Project

Item 31 – (COMM. 15E-6) DPW - Abbott Road Bridge Project

Item 32 – (COMM. 15E-7) DPW - Award of Contract - Harris Hill Road Project

Item 33 – (COMM. 15E-8) DPW - NYSDOT Agreement - Harris Hill Road Project

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

Item 34 – (COMM. 15E-9) Levy of 2011-2012 School Tax Budgets

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 35 – (COMM. 15E-10) Mental Health Service at EC Holding Center

Item 36 – (COMM. 15E-11) Health Services at EC Holding Center

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

Item 37 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

RE: Workforce Investment Board - Special
Assistant Upgrade
(COMM. 15E-12)

WHEREAS, in the Consortium Agreement of May 17, 2000 establishing the Workforce Investment Act program in our area, Erie County agreed to create an Office of Workforce Development to provide staff support for the Workforce Investment Board; and

WHEREAS, two positions on the County payroll, the Workforce Investment Board's Executive Director and the Special Assistant, serve in this capacity; and

WHEREAS, the responsibilities of the Special Assistant have increased to include being the primary conduit for businesses of the seven committees of the Workforce Investment Board and the eleven partner agencies under the Workforce Investment Act; and

WHEREAS, the Special Assistant is involved in planning, grant application preparation and being a public representative of the Workforce Investment Board; and

WHEREAS, this position is fully reimbursed in accordance with the Federal Workforce Investment Act and current appropriations are available to cover the increase in the fringe benefit line associated with this upgrade.

NOW, THEREFORE, BE IT

RESOLVED, that the position of Special Assistant-Workforce Investment, JG 8, is hereby upgraded to Special Assistant-Workforce Investment, JG9; B-100 #6285; and be it further

RESOLVED, that the related increase in salary will be fully reimbursed in accordance with the Federal Workforce Investment Act; and be it further

RESOLVED, that authorization is hereby granted to the Director of Budget and Management to make the following adjustments to the 2011 Budget to accommodate this change:

Fund 290 –Community Development Fund
Office of Workforce Development
County Executive’s Office, Fund Center 10110
Cost Center 101080 – Workforce Development

<u>Revenue</u>	<u>Increase</u>
411750 Workforce Investment Act	\$1,600.00
<u>Appropriations</u>	<u>Increase</u>
500000 Full Time Salaries	\$1,600.00

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; James Finamore, Executive Director, Workforce Investment Board; the Director of Budget and Management, the Office of the Comptroller, the Commissioner of Personnel and the County Attorney.

Item 38 – (COMM. 15E-13) Quality Enhancement Initiative

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 39 – (COMM. 15E-14) ECSD No. 5 - Engineer Term Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 40 – (COMM. 15E-15) EC Capital Budget Funding for the Spaulding Fibre Site

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 41 – (COMM. 15E-16) Ketchum Road Slide Stabalization, Miscellaneous Roadway Design & Construction Inspection Contracts

Item 42 – (COMM. 15E-17) Reconstruction of Burdick Road Bridge - Town of Newstead

Item 43 – (COMM. 15E-18) Reconstruction of Penora Street from Como Park Blvd. to William Street - Town of Lancaster

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

Item 44 – (COMM. 15E-19) Environmental Compliance, Health & Safety Agreements for EC Facilities & Properties

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 45 – (COMM. 15E-20) Catholic Charities Closing the Gap Contract

Item 46 – (COMM. 15E-21) DSS - Employee Education & Training

Item 47 – (COMM. 15E-22) Supervision & Treatment Services for Juveniles Program

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

Item 48 – (COMM. 15E-23) 929 South Park Avenue - NYS DMNA Depot

Item 49 – (COMM. 15E-24) Reconstruction of Newton Road Bridge Over Big Gulf Creek - Town of Orchard Park

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

Item 50 – (COMM. 15E-25) Indigent Legal Services Grant

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 51 – (COMM. 15E-26) Reconstruction of Rapids Road Bridge - Town of Newstead

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 52 – (COMM. 15D-1) Copy of Budget Monitoring Report for Period Ending 5/31/2011

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NFTA

Item 53 – (COMM. 15M-1) Copy of Audited Financial Statements for Fiscal Year Ended 3/31/2011

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM RALPH MOHR

Item 54 – (COMM. 15M-2) United States District Court Lawsuit Concerning Legislative Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM DENNIS F. CHAPMAN

Item 55 – (COMM. 15M-3) State of New York Supreme Court Lawsuit Concerning Legislative Reapportionment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 56 – CHAIR MILLER-WILLIAMS announced that the schedule of upcoming committee meetings has been distributed.

MEMORIAL RESOLUTIONS

Item 57 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Edward P. Arida, Thaddeus Weselak and Vljako Ljiljanich.

Item 58 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Carl A. Sinclair.

Item 59 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Eleanore (Mosakowski) Lis.

Item 60– Legislator Grant requested that when the Legislature adjourns, it do so in memory of Lanesha Cleveland.

ADJOURNMENT

Item 61 – 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, July 21, 2011 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, July 21, 2011 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE