

**ERIE COUNTY LEGISLATURE
MEETING NO. 2
JANUARY 20, 2011**

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

All members present.

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

The Pledge of Allegiance was led by Mr. Rath, accompanied by youngsters from Daisy Troop 345.

Item 1 – MS. WHYTE moved to take the Designation of Majority Caucus Newspapers for 2011 off the table. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS directed that the Designation of Majority Caucus Newspapers for 2011 be Received, Filed and Printed.

GRANTED.

We, the undersigned, a Majority Caucus of the Erie County Legislature, do hereby designate the Front Page, published in Lackawanna, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices and other matters required by law to be published for the County of Erie, effective January 1, 2011.

Daniel M. Kozub
1st District

Timothy J. Whalen
2nd District

Barbara Miller-Williams
3rd District

Maria R. Whyte
6th District

Betty Jean Grant
7th District

Thomas J. Mazur
8th District

Christina W. Bove
9th District

Lynn M. Marinelli
11th District

Thomas A. Loughran
14th District

We, the undersigned, a Majority Caucus of the Erie County Legislature, do hereby designate the Buffalo Challenger, published in Buffalo, New York, having general circulation in the County of Erie, for the publication of all Concurrent Resolutions of the New York State Legislature, required by law to be published for the year 2011, effective January 1, 2011.

Daniel M. Kozub
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2nd District

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Maria R. Whyte
6th District

Betty Jean Grant
7th District

Thomas J. Mazur
8th District

Christina W. Bove
9th District

Lynn M. Marinelli
11th District

Thomas A. Loughran
14th District

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Number 1 from 2011. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. WALTER presented a resolution Congratulating Richard Littler for His Recent Retirement as the Cheektowaga Police Dispatcher.

Item 6 – MR. HARDWICK & MR. LOUGHRAN presented a resolution Honoring Richard E. Berg for His Dedication to County, Community & Scholarship.

Item 7 – MR. HARDWICK presented a resolution Honoring the Grand Island School District for Achieving First Place in the Niagara County Community College Tech Wars.

Item 8 – MR. HARDWICK presented a resolution Honoring Beverly Kinney for Service on the Board of Directors of the Grand Island Chamber of Commerce.

Item 9 – MR. HARDWICK presented a resolution Honoring Toni Antenelli for Service on the Board of Directors of the Grand Island Chamber of Commerce.

Item 10 – MR. HARDWICK presented a resolution Honoring Elizabeth A. Schreiber on Receiving the 25 Years of Service Award from Erie 1 BOCES.

Item 11 – MR. HARDWICK presented a resolution Honoring Christopher Gallant on Receiving the 2010 Professional Achievement Award from Buffalo State College's Communications Department.

Item 12 – MR. HARDWICK presented a resolution Honoring the Grand Island Fire Department & Fire Chief Greg Butcher for Their Heroic Rescue.

Item 13 – MR. HARDWICK presented a resolution Honoring Edward A. Johnson on His Appointment as Vice President for Financial Affairs at D'Youville College.

Item 14 – MR. MILLS presented a resolution Congratulating Kristine Jaeger, Teacher at Colden Elementary on Being Presented the NYS Art Teacher's Association's Art Education of the Year Region 1 Award.

Item 15 – MR. RATH presented a resolution Honoring Town of Amherst Police Assistant Chief Timothy M. Green on the Occasion of His Retirement.

Item 16 – MR. RATH presented a resolution Congratulations to the Nichols Varsity Girls Field Hockey Team on Winning the NYSAIS State Championship.

Item 17 – MR. RATH presented a resolution Congratulations to the Nichols Varsity Girls Soccer Team on Winning the NYSCHSAA State Championship & for Being the Monsignor Martin League Champions.

Item 18 – MR. RATH presented a resolution Congratulations to Mr. & Mrs. Franklin Merrill on Celebrating Their 30th Wedding Anniversary.

Item 19 – MR. FUDOLI & MS. DIXON presented a resolution Honoring the Memory of Earl Henry.

Item 20 – MR. WALTER, MR. FUDOLI, MR. HARDWICK, MS. DIXON, MR. MILLS & MR. RATH presented a resolution Congratulating Pat Domin on Her 30 Years of Service at the Erie County Board of Elections.

Item 21 – MR. WALTER, MR. FUDOLI, MR. HARDWICK, MS. DIXON, MR. MILLS & MR. RATH presented a resolution Congratulations to The Erie County Farm Bureau for Being Recognized as a Recipient of the American Farm Bureau Federation's National Farm-City Award for the County's Effort in Developing a Program for Agricultural Education.

Item 22 – MS. DIXON presented a resolution Congratulating Michael Quinn on Receiving the 2010 Scranton Volunteer Fire Company Service Award.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eighteen items by adding one for MS. WHYTE, and by including Et Al Sponsorship. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 23 – 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 24 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 25 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 26 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 27 – MR. MAZUR presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 8

January 13, 2011	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 27E-9 (2010)

COUNTY EXECUTIVE: “Appointments to the EC Council on the Disabled for the Term Ending 12/31/2012”

(6-0)

b. COMM. 27E-13 (2010)

COUNTY EXECUTIVE: “Appointments to the EC Youth Services Board for the Term Ending 12/31/2012”

(6-0)

c. COMM. 1D-1 (2011)

EC MEDICAL DIRECTOR: “Proposed Agenda for Meeting to be Held 1/13/2011”

(6-0)

2. COMM. 1E-11 (2011)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Department of Health requires the re-creation of four positions to address a major void in the professional and administrative operations of the department; and

WHEREAS, in order to fill this void and efficiently provide required services, it is necessary to re-create the positions of Special Assistant-Commissioner of Health JG X, Chief County Toxicologist JG XVI, Assistant Toxicologist JG IX , and an Associate Public Health Engineer JG XV; and

WHEREAS, due to the budgetary restructuring that was implemented within the department, the position of Special Assistant-Commissioner of Health is necessary to efficiently oversee all administrative functions associated with the Commissioner’s office and to provide support to departmental divisions, combined with the recently added responsibilities of processing Freedom of Information requests, and insuring both HIPAA and contract compliance activities are met; and

WHEREAS, the Erie County Department of Health maintains a Public Health Engineering office that is responsible for:

- Regulatory oversight of public drinking water supplies
- Plan review/approval and permitting of subdivision water and sewer construction projects
- Plan review/approval and permitting of commercial and residential private sewage construction;

and

WHEREAS, the position of Associate Public Health Engineer (JG XV) has historically provided the professional engineer (PE) license and supervisory responsibility of the Public Health Engineering office; and

WHEREAS, the re-creation of this position will enhance the ability of the Department to assess and respond to threats to public drinking water supplies, will positively impact economic development across Erie County by enhancing approvals for commercial and residential construction projects; and

WHEREAS, the need to re-create the positions of Chief County Toxicologist JG XVI, and Assistant Toxicologist JG IX, became necessary when it was recently discovered that the Toxicology Laboratory within the Erie County Medical Examiner's Office would be in jeopardy of losing accreditation from the American Board of Forensic Toxicology (ABFT) and the New York State Commission on Forensic Science; and

WHEREAS, such action would seriously diminish the Laboratory's credibility in criminal court proceedings which would ultimately jeopardize criminal investigations and prosecutions; and

WHEREAS, the Erie County Health Department desires to fill these positions with qualified and experienced professionals; and

WHEREAS, funds have been identified in the Adopted 2011 Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the positions of Special Assistant-Commissioner of Health JG X, Chief County Toxicologist JG XVI, Assistant Toxicologist JG IX, and Associate Public Health Engineer JG XV are hereby created; and be it further

RESOLVED, that funding for these positions is as follows:

Public Health Division

	Current	Change	Revised
500000 Full Time Salary	\$3,767,609	+\$42,713	\$3,810,322
502000 Fringe Benefits	2,588,709	+ 21,337	2,610,046
516020 Prof Svc Cont Fee	1,045,008	- 313,779	731,229
405540 State Aid	1,310,166	+ 15,377	1,325,543

Lab Division

500000 Full Time Salary	\$3,146,151	+\$82,682	\$3,228,833
502000 Fringe Benefits	2,010,575	+ 41,341	2,051,916
406560 State Aid	1,222,916	+ 26,166	1,248,582
416030 Realty Sub Div.	15,000	+ 10,000	25,000

Medical Examiner

500000 Full Time Salary	\$1,729,755	+\$146,709	\$1,876,464
502000 Fringe Benefits	1,042,226	+ 73,355	1,115,581
405180 State Aid	818,328	+ 52,815	871,143

and be it further

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

(6-0)

**THOMAS J. MAZUR
CHAIR**

MR. MAZUR moved to amend item Number 2. MS. MARINELLI seconded.

*****MR. WALTER moved to enter the Legislature into recess for ten minutes at 2:18 P.M.
MS. BOVE seconded.

CARRIED UNANIMOUSLY.

*****CHAIR MILLER-WILLIAMS reconvened the Legislature at 2:30 P.M.

All members present.

CHAIR MILLER-WILLIAMS directed that item Number 2 be returned to the HEALTH & HUMAN SERVICES COMMITTEE for further consideration.

MS. MARINELLI moved to challenge the ruling of the chair. MR. LOUGHRAN seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI & MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. MAZUR, CHAIR MILLER-WILLIAMS and MR. WHALEN. (AYES: 4; NOES: 11)

FAILED.

Item 28 – MS. BOVE presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 9

January 13, 2011	PUBLIC SAFETY COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MILLS & KOZUB.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 27M-1 (2010)
TOWN OF EDEN SUPERVISOR: “Letter to Legislature Concerning Upgrading of the 911 System”

(4-0)

- b. COMM. 1D-10 (2011)
DEPARTMENT OF SHERIFF - JAIL MANAGEMENT DIVISION: "Letter to Legislature Concerning EC Community Corrections Advisory Board"

(4-0)

- c. COMM. 1M-3 (2011)
EAST AURORA FIRE CONTROL CHIEF'S ASSOCIATION: "Letter of Support to Fill a Vacancy on the Board"

(4-0)

- d. COMM. 1M-14 (2011)
ATTORNEY SHAWN P. MARTIN: "Letter to Legislature Concerning EC Community Corrections Advisory Board"

(4-0)

2. COMM. 27E-11 (2010)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the re-appointment of the following individual to the Central Police Services Board of Trustees for the term ending 12/31/2011:

Mr. Ronald Christopher
5485 Martha's Vineyard
Clarence Center, NY 14032

(4-0)

3. COMM. 1D-7 (2011)
ACTING DIRECTOR, EC PROBATION DEPARTMENT

RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individual to the EC Community Corrections Advisory Board:

Mr. Michael Lex
Probation Supervisor
1 Niagara Plaza
Buffalo, NY 14202

(4-0)

4. COMM. 1D-8 (2011)
COMMISSIONER OF MENTAL HEALTH

RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individual to the EC Community Corrections Advisory Board:

Mr. William Burgin
Executive Director
Alcohol & Drug Dependency Services, Inc.
291 Elm Street

Buffalo, NY 14203

(4-0)

5. COMM. 1D-9 (2011)
HEALTH DEPARTMENT

RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individual to the EC Community Corrections Advisory Board:

Mr. Michael Kubik
EC Department of Health
95 Franklin Street, 9th Fl.
Buffalo, NY 14202

(4-0)

6. COMM. 1M-12 (2011)
ASSIGNED COUNSEL PROGRAM

RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individual to the EC Community Corrections Advisory Board:

Mr. Robert D. Lonski
Assigned Counsel Program
Administrator
170 Franklin Street
Buffalo, NY 14202

(4-0)

7. COMM. 1M-13 (2011)
TEAMSTERS LOCAL UNION NO. 264

RESOLVED, the Erie County Legislature hereby confirms the appointment of the following individual to the EC Community Corrections Advisory Board:

Deputy Richard Carr
117 Cushing Street
Buffalo, NY 14220

(4-0)

**CHRISTINA W. BOVE
CHAIR**

LEGISLATOR RESOLUTIONS

Item 29 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 10

RE: Reappointment of Legislature Chair

Designee to the EC Fisheries Advisory Board
(INTRO 2-1)

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

WHEREAS, the Erie County Legislature has been advised that legislative action is warranted for a reappointment to the Erie County Fisheries Advisory Board; and

WHEREAS, pursuant to the Erie County Administrative Code, Section 9.07: “there shall be within the department a fisheries advisory board, consisting of twelve members. The County executive shall make the appointments for eight positions, the Chair of the Erie County Legislature shall make the appointment for one position, the enrolled members of each of the two political parties which have the greatest number of members seated in the Erie County Legislature shall by majority vote make the appointment of each for one position, and the Chair of the Energy and Environment Committee shall make the appointment for one member, and all such appointments shall be subject to confirmation by the Erie County Legislature;” and

WHEREAS, the reappointment in question is to be made by the Chair of the Erie County Legislature; and

WHEREAS, Spencer P. Schofield currently serves as the Erie County Legislature Chair’s designee on the Fisheries Advisory Board, and has indicated a desire to continue to work in the environmental arena at the watershed or regional level, and to be involved in the promotion of outdoor sporting activities, including fishing, hunting, birding, hiking, and camping.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby confirm the reappointment of Spencer P. Schofield (80 Dogwood Rd., Williamsville, N.Y. 14221), to serve a term of three years on the Erie County Fisheries Advisory Board that will expire on December 31, 2013; and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Mr. Spencer Schofield, and Thomas J. Dearing, Community Planning Coordinator, Erie County Department of Environment and Planning.

Item 30 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 11

RE: Standard Work Day for Appointed
Officials for Retirement Reporting
Purposes
(INTRO 2-2)

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

WHEREAS, the New York State and Local Employees' Retirement System requires that a standard work day be established for retirement credit purposes; and

WHEREAS, in order to be in full compliance with Regulation 315.4, legislative action is warranted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby establish the following as standard work days for appointed officials and will report the following Standard Work Day to the New York State and Local Employees' Retirement System based on the Erie County Personnel Department's time-keeping system that shows hours worked:

<u>Title</u>	<u>Name</u>	<u>Standard Work Day</u>	<u>Term Begins/Ends</u>	<u>Participates in Employer's Time Keeping System</u>	<u>Days/ Month (Based on Record of Activities)</u>
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APPOINTED OFFICIALS:

<u>Erie County Legislature –</u> Chief of Staff - Legislature	John Calvin Davis	7	01/01/2010 to 12/31/2011	Y	N/A
Chief of Staff - Minority	Bryan Fiume	7	01/01/2010 to 12/31/2011	Y	N/A
Clerk of Legislature	Robert M. Graber	7	01/01/2010 to 12/31/2011	Y	N/A

and be it further

RESOLVED, that a certified copy of this resolution be posted on the Legislature's website pursuant to rules promulgated by the New York State Comptroller, and a copy shall be transmitted by the Clerk of the Legislature to the Erie County Commissioner of Personnel and the State Comptroller.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 31 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

LOCAL LAW INT. 1-1 (2011) from LEGISLATOR MILLS Re: A Local Law in Relation to Conservation Easement Agreement Exemptions in the Town of Orchard Park

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 32 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-16 from LEGISLATOR WHYTE Re: Letter to Legislature Clerk Concerning Appointment to the EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 33 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-17 from the COMPTROLLER Re: Letter to Acting County Attorney Concerning 2011 Budgeted Positions

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 34 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 2-3 from LEGISLATORS MARINELLI, LOUGHRAN & KOZUB Re: Supporting NYS A.2285 for County Control of Medicaid

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 35 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 2-4 from LEGISLATORS MILLS, RATH, WALTER, DIXON, FUDOLI & HARDWICK Re: Supporting Changes to NYS Law to Reduce the Cost of Medicaid to Taxpayers

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 36 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 2-5 from LEGISLATORS MILLS, RATH, WALTER, DIXON, FUDOLI & HARDWICK Re: Supporting Changes to Federal Law to Reduce the Cost of Medicaid to NYS Taxpayers

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 37 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2M-9 from HOWARD K. HITZEL Re: Resume Submission Concerning EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIR MILLER-WILLIAMS

Item 38 – (COMM. 2E-1) 2011 Schedule of Legislative Sessions - Updated 1/10/2011

Received, Filed & Printed.

To: Robert M. Graber, Clerk

From: Barbara Miller-Williams, Chair

Subject: 2011 SCHEDULE OF LEGISLATIVE SESSIONS – Updated 1-10-11

JANUARY

6
20

JULY

7
21

FEBRUARY

3
16 – Wednesday (*Clock-In 2/14/11*)

AUGUST

Recess

MARCH

17
24

SEPTEMBER

8
22

APRIL

OCTOBER

14
28

6
20

MAY
12
26

NOVEMBER
3
17

JUNE
16
30

DECEMBER
1
6 – *Annual Budget Meeting*
8
13 – *Budget Override Meeting*

All Regular Sessions: Pre-Session Caucuses begin at 9:30 A.M.,
in the Legislative Caucus Room.

All Regular Sessions: Begin at 2:00 P.M., in the Legislature Chambers.

FROM LEGISLATOR KOZUB

Item 39 – (COMM. 2E-2) Letter to Chair Miller-Williams Concerning 2011 Committee Assignments

Received & Filed.

FROM CHAIR MILLER-WILLIAMS

Item 40 – (COMM. 2E-3) 2011 Schedule of Legislative Sessions, Invocation & Pledge Schedule

Received, Filed & Printed.

To: Robert M. Graber, Clerk

From: Barbara Miller-Williams, Chair

Subject: 2011 SCHEDULE OF LEGISLATIVE SESSIONS
INVOCATION & PLEDGE SCHEDULE

JANUARY
6 – Whyte and Mills
20 – Kozub and Whalen

JULY
7 – Marinelli and Hardwick
21 – Mills and Dixon

FEBRUARY
3 – Walter and Fudoli
16 – Whyte and Grant

AUGUST
Recess

MARCH

17 – Mazur and Bove
24 – Hardwick and Marinelli

APRIL

14 – Dixon and Mills
28 – Loughran and Rath

MAY

12 – Whalen and Kozub
26 – Fudoli and Walter

JUNE

16 – Grant and Whyte
30 – Bove and Mazur

SEPTEMBER

8 – Rath and Loughran
22 – Kozub and Whalen

OCTOBER

6 – Walter and Fudoli
20 – Whyte and Grant

NOVEMBER

3 – Mazur and Bove
17 – Hardwick and Marinelli

DECEMBER

1 – Dixon and Mills
6 – Annual Budget Meeting
8 – Loughran and Rath
13 – Budget Override Meeting

Item 41 – (COMM. 2E-4) Nomination to Serve on EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 42 – (COMM. 2E-5) 2011 Committee Assignments - Updated 1/18/2011

Received, Filed and Printed.

2011 Committee Assignments

Finance & Management

Chair: Barbara Miller-Williams
Vice-Chair: Maria R. Whyte
Members: Christina W. Bove
Timothy J. Whalen
Kevin R. Hardwick
John J. Mills
Clerk: Diana K. Cihak

Health, Human Services

Chair: Thomas J. Mazur
Vice-Chair: Betty Jean Grant
Members: Lynn M. Marinelli
Dino J. Fudoli
Raymond W. Walter
Clerk: Paul P. Henderson

Government Affairs

Chair: Christina W. Bove
Vice-Chair: Thomas A. Loughran
Members: Lynn M. Marinelli
Edward A. Rath, III
Raymond W. Walter
Clerk: Andrew A. Kulyk

Economic Development

Chair: Timothy J. Whalen
Vice-Chair: Christina W. Bove
Members: Daniel M. Kozub
Raymond W. Walter
Edward A. Rath, III
Clerk: James C. Gambino

Energy & Environment

Chair: Thomas J. Mazur
Vice-Chair: Daniel M. Kozub
Members: Timothy J. Whalen
Lynne M. Dixon
John J. Mills
Clerk: James J. Cerroni

Public Safety

Chair: Christina W. Bove
Vice-Chair: Timothy J. Whalen
Members: Daniel M. Kozub
Lynne M. Dixon
John J. Mills
Clerk: Sandra J. Rosenswie

Community Enrichment

Chair: Thomas A. Loughran
Vice-Chair: Betty Jean Grant
Members: Thomas J. Mazur
Kevin R. Hardwick
Edward A. Rath, III
Clerk: James C. Gambino

Updated 1/18/2011

FROM THE COUNTY EXECUTIVE

Item 43 – (COMM. 2E-6) NYSDOT Federal Aid Bridge Painting Project - Five Bridges, Various Towns, EC - Consultant Design Services

Item 44 – (COMM. 2E-7) Supplemental Agreement with NYSDOT & Related Change Order for Engineering Design Services for the Reconstruction of Freeman Road Bridge - Town of Orchard Park

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

Item 45 – (COMM. 2E-8) ECSD No. 4 - Alden Industrial Park Sewer District No. 1 - Amendment to Service Agreement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 46 – (COMM. 2E-9) FEMA DR-1857-NY - Projects on Zoar Valley Road - Towns of Concord & Collins

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 47 – (COMM. 2E-10) Lake Erie Beaches - Beach Sanitary Survey Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 48 – (COMM. 2E-11) Amend III-B & III-E Grant Budgets

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 49 – (COMM. 2E-12) CPS - Fiscal Year 2010 Paul Coverdell Firearms Grant Program

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 50 – MR. KOZUB presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 12

RE: State Aid for Snowmobile Development
2010 - 2011
(COMM. 2E-13)

WHEREAS, the Erie County Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2010-2011 snowmobile season in an amount not to exceed \$182,860.00; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the Erie County Department of Parks, Recreation and Forestry within the County parks and forest lots, as well as similar work performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned land; and

WHEREAS, the sum of \$5,000.00 is currently budgeted as state revenue for snowmobile development in the 2011 Budget of the Division of Parks to offset trail maintenance costs incurred by Erie County. Recent notification by the State will increase these revenues for 2011 to \$6,230.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$182,860.00 as pertains to snowmobile trail maintenance performed during the 2010-2011 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$176,630.00 for the purpose of snowmobile trail maintenance on club trails during the 2010-2011 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$19,250.00
Eden Trail Blazers Inc.	\$11,370.00
Grand Island Snowmobile Club Inc.	\$ 5,600.00
Hamburg Snowmobile Club Inc.	\$18,060.00
Holland Sno-Rascals Inc.	\$20,680.00
Marilla Sno-Mob Inc.	\$15,830.00
Northern Erie Snowseekers Inc.	\$23,670.00

Pioneer Sno-Surfers Inc.	\$ 9,640.00
Southern Tier Snowdrifters Inc.	\$21,310.00
WNY Snowmobile Club of Boston Inc.	\$31,220.00
	\$176,630.00

and be it further

RESOLVED, that the Erie County Legislature does hereby approve the following adjustment to revenue in the 2011 Budget:

Fund 110, Division of Parks, Recreation & Forestry
Cost Center 1641010

<u>Revenue</u>	<u>Current</u>	<u>Increase/Decrease</u>	<u>Revised</u>
409010 State Aid Other	\$5,000	\$177,860	\$182,860

and be it further

RESOLVED, that the Erie County Legislature does hereby approve an increase in appropriations in the Division of Parks, Recreation & Forestry, Fund 110, Cost Center 1641010, Account 516020 Professional Serv Contract & Fees, in the amount of \$176,630 in order that funds may be available to make payment to the individual clubs of the Erie County Federation of Snowmobile Clubs; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, the Office of the Erie County Comptroller and Assistant County Attorney, Eric R. Ziobro, of the Law Department.

Item 51 – (COMM. 2E-14) Next Generation 9-1-1 System

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 52 – (COMM. 2E-15) 2011 Annual Action Plan for the Community Development, Emergency Shelter & Home Investment Partnership Programs

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 53 – (COMM. 2D-1) Transmittal of New Claim Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ECFA EXECUTIVE DIRECTOR

Item 54 – (COMM. 2M-1) Copies of Resolution Concerning Efficiency Grant for County Auditors & Efficiency Grant for Collections Unit

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE PRESIDENT/CEO HORIZON HEALTH SERVICES

Item 55 – (COMM. 2M-2) Nomination to Serve on EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DIRECTOR PRISONERS ARE PEOPLE TOO

Item 56 – (COMM. 2M-3) Nomination to Serve on EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NYSDEC

Item 57 – (COMM. 2M-4) Fact Sheet - Brownfield Cleanup Program - Requirements Achieved at Niagara Transformer Site in Cheektowaga

Item 58 – (COMM. 2M-5) Fact Sheet - Brownfield Cleanup Program - Requirements Achieved at 1132-1146 Seneca Street Site in Buffalo

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

FROM THE BUFFALO COMMON COUNCIL

Item 59 – (COMM. 2M-6) Letter to Legislature Concerning "City of Buffalo Support for War of 1812 Bicentennial Celebration"

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM SUPREME COURT JUSTICE GLOWNIA

Item 60 – (COMM. 2M-7) Legal Papers in the Matter of Comptroller v. County Executive, Et Al

Received and Filed.

FROM THE NYSDEC

Item 61 – (COMM. 2M-8) Fact Sheet - Brownfield Cleanup Program - Buffalo Color Corp. Area C Site

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 62 – CHAIR MILLER-WILLIAMS announced that the committee schedule has been distributed.

Item 63 – MS. WHYTE read a poem about the joys of being a youngster.

Item 64 – MR. WALTER announced that 64 years ago today John Mills was born at Columbus Hospital on the West Side of Buffalo.

Item 65 – MS. GRANT announced that a public meeting was held yesterday (January 19, 2011) which included representatives from all levels of government to discuss issues affecting City of Buffalo neighborhoods, with future meetings being planned.

MEMORIAL RESOLUTIONS

Item 66 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of the artist, Milton Rogovin.

Item 67 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Earl Henry, Jarrett Eleam, and Dawn D. Hamilton.

Item 68 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Ruth S. Miller.

Item 69 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Shirley A. Brick, Richard B. Hessel, Christine ‘Tina’ Orcutt, Janet I. Grosskopf, Arlene Rogala, Lovisa Rose Anderson, Victor J. Gagliardi, Robert Edwards, Richard I. Bundt, John J. Carr, Arthur E. ‘Bud’ Cosgrove, and Edward R. Snowman Jr.

Item 70 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of all those who were killed in the Tucson, Arizona tragedy.

Item 71 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of R. Sargent Shriver.

ADJOURNMENT

Item 72 - 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, February 3, 2011 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, February 3, 2011 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE