

**ERIE COUNTY LEGISLATURE
MEETING NO. 2
JANUARY 26, 2012**

The Legislature was called to order by Chair Grant.

All members present.

An Invocation was held, led by Mr. Hogues, who offered a prayer.

The Pledge of Allegiance was led by Mr. Rath.

Item 1 – CHAIR GRANT directed that the Rules of the Legislature for 2012 shall remain on the table.

GRANTED.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Number 1 from 2012. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. MARINELLI presented a memorial resolution Honoring Nancy A. Gallagher.

Item 6 – MR. MAZUR presented a memorial resolution Honoring the Life of Dr. Richard Judelsohn.

Item 7 – MR. HARDWICK presented a memorial resolution Honoring the Lives of John Paul King Baron, Deborah Cellar, Steven M. Majewicz, Sally Richard, John R. MacNeil, Robert E. Hooper, Jr., Marion D. Armesto, John C. Bihary, Herbert Rowswell, Shannon Peters, Barbara A. Spaulding, Harold R. Mueller, Kenneth Tollner, Marjorie R. Costello & Bernard Vanderbles.

Item 8 – CHAIR GRANT presented a resolution Congratulating Eva M. Doyle Who Gave 30 Years of Dedicated Service to the Children of the Buffalo Public Schools.

Item 9 – MS. MARINELLI presented a resolution Congratulating ECC Professor Nathan N. Witkowski for the Enforcement of Industrial Technology Programming at the College.

Item 10 – MR. MAZUR presented a resolution Congratulating Joel Thomas on the Naming of the SPCA "Living with Wildlife" Education Program in His Honor.

Item 11 – CHAIR GRANT presented a resolution Honoring Kevin Powell as an Intellectual Giant Whose Love for Activism & Empowering People is Both Selfless & Praiseworthy.

Item 12 – MR. RATH presented a resolution Honoring the Amherst Center for Senior Services for 50 Years of Dedicated Service.

Item 13 – MR. RATH presented a resolution Celebrating National "No Name-Calling Week" January 23-27, 2012.

MR. MAZUR moved for consideration of the above nine items. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above nine items by including Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above nine items as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 14 – CHAIR GRANT directed that Local Law No. 7 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 15 – CHAIR GRANT directed that Local Law No. 8 (Print #1) 2011 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 16 – CHAIR GRANT directed that Local Law No. 10 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 17 – CHAIR GRANT directed that Local Law No. 11 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 5

January 17, 2012	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3M-3 (2011)
PATRICIA M. KRALL-DWYER: “Letter to Clerk of Legislature Concerning Local Law #3 of 2009”
(4-0)
 - b. COMM. 7D-2 (2011)
COMPTROLLER'S OFFICE: “Audit of EC Department of Social Services Special Investigations Division”
(4-0)
 - c. COMM. 9E-1 (2011)
MILLER-WILLIAMS: “Copy of Letter from Social Services Commissioner Concerning 2011 EC Youth Bureau Funding”
(4-0)
 - d. COMM. 9D-1 (2011)
COMPTROLLER'S OFFICE: “Review of Medicaid Costs & Activity”
(4-0)
 - e. COMM. 9M-12 (2011)
WASHINGTON COUNTY BOARD OF SUPERVISORS: “Copy of Resolution Calling for Immediate Payment of Intergovernmental Transfer (IGT) Payments”
(4-0)
 - f. COMM. 10D-1 (2011)
COMPTROLLER'S OFFICE: “Medicaid Fraud Project”
(4-0)
 - g. INTRO 13-3 (2011)
HARDWICK & WALTER: “Supporting the Independent Senior Housing Resident Freedom of Choice Act”
(4-0)

- h. INTRO 13-4 (2011)
FUDOLI, MILLS, RATH, DIXON & HARDWICK: “Encouraging Measures to Prevent Head Injuries in Children”
(4-0)
- i. COMM. 14M-9 (2011)
HOMELESS ALLIANCE OF WNY: “Copy of Executive Summary of 2009-2010 Data Analysis”
(4-0)
- j. COMM. 16D-5 (2011)
DIRECTOR OF BUDGET & MANAGEMENT: “Letter to Chair Miller-Williams Concerning Rodent Control”
(4-0)
- k. COMM. 20E-17 (2011)
MARINELLI: “Copy of Letter to WNY Congressional Delegation Concerning Home Energy Assistance Program (HEAP)”
(4-0)
- l. COMM. 20M-3 (2011)
HOMELESS ALLIANCE OF WNY: “2010 Buffalo & Erie County State of Homelessness Executive Summary”
(4-0)
- m. COMM. 1E-19 (2012)
COUNTY EXECUTIVE: “Appointment of Acting EC Commissioner of Senior Services”
(4-0)
- n. COMM. 1E-26 (2012)
COUNTY EXECUTIVE: “Reappointment of EC Deputy Commissioner of Youth Services”
(4-0)
- o. COMM. 1M-7 (2012)
PRESIDENT, EC BOARD OF HEALTH: “Meeting Notice for 1/19/2012”
(4-0)

**THOMAS J. MAZUR
CHAIR**

Item 19 – MS. MARINELLI presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 6

	COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 11D-2 (2011)
COMPTROLLER'S OFFICE: "A Review of "Qualifications for New Health Sciences Building, Architectural/Engineering Services for ECC, the County of Erie""
(6-0)
 - b. COMM. 19E-8 (2011)
LOUGHRAN: "Letter to County Executive Concerning Further Information Regarding Comm. 18E-21 (2011)"
(6-0)
 - c. COMM. 20E-1 (2011)
MARINELLI: "Copy of Library Position Paper from North Buffalo Library Planning Committee"
(6-0)
 - d. COMM. 20D-3 (2011)
DIRECTOR OF INTERGOVERNMENTAL RELATIONS: "Copy of Letter to African American Cultural Center Concerning Funding for Capital Improvements"
(6-0)
 - e. COMM. 20M-1 (2011)
BUFFALO & EC PUBLIC LIBRARY: "Proposed Agenda for Meeting Held 9/15/2011"
(6-0)
 - f. COMM. 21M-5 (2011)
BUFFALO & EC PUBLIC LIBRARY: "Letter to Chair Miller-Williams Concerning Potential Change in Buffalo & EC Public Library Governance & Funding Structures"
(6-0)
 - g. COMM. 21M-8 (2011)
BUFFALO & ERIE COUNTY PUBLIC LIBRARY: "Board of Trustees Proposed Agenda for Meeting to be Held 10/20/2011"
(6-0)
 - h. COMM. 23E-1 (2011)
COUNTY EXECUTIVE: "2011 Funding - Zoological Society of Buffalo"
(6-0)
 - i. COMM. 27D-3 (2011)

- MAJORITY COUNSEL: "Letter to Chair of Legislature Concerning Cultural Grant to Graycliff Conservancy"
(6-0)
- j. COMM. 27M-3 (2011)
ECFSA: "Letter to Chair of Community Enrichment Committee Concerning Polar Bear Habitat Funding"
(6-0)
- k. COMM. 1M-5 (2012)
BUFFALO & EC PUBLIC LIBRARY: "Copy of Proposed Agenda for Meeting Held 12/15/2011"
(6-0)
- l. COMM. 1M-6 (2012)
PRESIDENT OF ECC: "Copy of Letter Concerning SUNY Construction Fund - \$30 Million Academic Building at ECC North Campus"
(6-0)
- m. COMM. 1M-11 (2012)
UJIMA COMPANY: "2012 Budget Accountability Act Submission"
(6-0)
- n. COMM. 1M-12 (2012)
BUFFALO ARTS STUDIO: "2012 Budget Accountability Act Submission"
(6-0)
- o. COMM. 1M-14 (2012)
BUFFALO PHILHARMONIC ORCHESTRA: "2012 Budget Accountability Act Submission"
(6-0)
- p. COMM. 1M-15 (2012)
CORNELL COOPERATIVE EXTENSION: "2011 Annual Report"
(6-0)
- q. COMM. 1M-16 (2012)
AFRICAN AMERICAN CULTURAL CENTER INC.: "2012 Budget Accountability Act Submission"
(6-0)
- r. COMM. 1M-19 (2012)
SPRINGVILLE CENTER FOR THE ARTS: "2012 Budget Accountability Act Submission"
(6-0)
- s. COMM. 1M-20 (2012)
ROYCROFT CAMPUS CORPORATION: "2012 Budget Accountability Act Submission"
(6-0)

2. RESOLVED, the following items are hereby received, filed and referred to the Economic Development Committee:
 - a. COMM. 7E-1 (2011)
WHYTE: “Copy of Three Local Laws, Previously Passed by the EC Legislature Concerning the Utilization of Minority & Women Owned Businesses in County Contracting & Purchasing”
(6-0)
 - b. COMM. 14D-6 (2011)
EC EEO OFFICE: “2010 EC MWBE Utilization Record”
(6-0)

LYNN M. MARINELLI
CHAIR

Item 20 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 7

January 17, 2012	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 18E-5 (2011)
MARINELLI: “Letter to NYS Regional Economic Development Council Concerning Regional Development Efforts”
(4-0) Legislator Marinelli not present for vote.
 - b. COMM. 21M-4 (2011)
NYSDOT: “Surplus Property Case - Intersection of NY Route 277/Union Rd. with Duke Rd. - Town of Cheektowaga”
(4-0) Legislator Marinelli not present for vote.
 - c. COMM. 22M-2 (2011)
NFTA: “Copy of NFTA Board Minutes from Meeting Held 9/26/2011”
(5-0)
 - d. COMM. 23M-6 (2011)

- SENIOR ECONOMIST, FISCAL POLICY INSTITUTE: “Transitional Jobs Return on Investment Study”
(5-0)
- e. COMM. 24M-1 (2011)
ECIDA: “Copy of 2012 Budgets for "ECIDA," "RDC" & "ILDC"”
(5-0)
- f. COMM. 24M-2 (2011)
NFTA: “Copy of 17A Report & Capital Expenditure Reports for Second Quarter of Fiscal Year Ending 3/31/2012”
(5-0)
- g. COMM. 27M-1 (2011)
NFTA: “Minutes of Meeting Held 10/24/2011”
(5-0)
- h. COMM. 1E-1 (2012)
COMPTROLLER: “Letter to Secretary of U.S. Department of Transportation Concerning Buffalo's Main Street Multi-Modal Access & Revitalization Project”
(5-0)
- i. COMM. 1E-23 (2012)
COUNTY EXECUTIVE: “Appointment of EC Commissioner of Public Works”
(5-0)
- j. COMM. 1M-10 (2012)
SENATOR PATRICK M. GALLIVAN: “Letter to Legislature Concerning Receipt of Resolution Dated for 11/17/2011”
(5-0)
- k. COMM. 1M-13 (2012)
NFTA: “NFTA Board Minutes from Meeting Held 12/19/2011”
(5-0)
- l. COMM. 1M-18 (2012)
NFTA: “Copy of Five Year Capital Plan for Fiscal Years Ending 3/31/2013-2017 & Annual Operating Budget for Fiscal Year Ending 2013”
(5-0)
- m. COMM. 1M-21 (2012)
NIAGARA COUNTY LEGISLATURE: “Letter to Legislator Marinelli Including Resolution Concerning Support for NYS Financial Assistance for the NFTA”
(5-0)
2. COMM. 22E-6 (2011)
COUNTY EXECUTIVE

WHEREAS, Erie County formed a Consortium (Erie County HOME Consortium) with the Town of West Seneca and Town of Hamburg for funding under the HOME Investment Partnership Act (HOME); and

WHEREAS, the Erie County HOME Consortium has been awarded a HOME grant of \$1,195,159 for fiscal year 2010 and \$1,052,135 for fiscal year 2011 by the U. S. Department of Housing and Urban Development; and

WHEREAS, a minimum of fifteen percent of said funds made available pursuant to the HOME Investment Partnership Act are to be provided to eligible Community Housing Development Organizations.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into all necessary agreements with New Opportunities to develop and sell affordable housing for low income households in the Erie County HOME Consortium; and be it further

RESOLVED, that said agreement shall provide for the transfer of an amount not to exceed \$225,467 to New Opportunities; and be it further

RESOLVED, that disbursement of said funds shall be conditioned on the following:

1. Completion of all state and federal environmental review requirements relative to the housing projects.
2. Completion of all necessary subsidy layering analyses as required by the federal Department of Housing and Urban Development; and be it further

RESOLVED, that all Community Housing Development Organizations within the HOME consortium were informed regarding the availability of HOME funds and a summary of the selection process is included as Attachment A to this resolution; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.
(5-0)

**THOMAS A. LOUGHRAN
CHAIR**

Item 21 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 8

January 17, 2012	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 16E-6 (2011)
COUNTY EXECUTIVE
“Non-Partisan, Independent Committee on Reapportionment”
(5-0)
 - b. COMM. 20E-4 (2011)
COMPTROLLER: “Copy of Letter to County Attorney Concerning Waste, Fraud & Abuse
Tip Line Communication”
(5-0)
 - c. COMM. 20D-1 (2011)
COMPTROLLER'S OFFICE: “Copy of Letter to Commissioner McLaughlin Concerning
Waste, Fraud & Abuse Tip Line Communication”
(5-0)
 - d. COMM. 20D-2 (2011)
COUNTY ATTORNEY: “Copy of Letter to Comptroller Concerning Waste, Fraud & Abuse
Tip Line Communication”
(5-0)
 - e. COMM. 20D-5 (2011)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(5-0)
 - f. COMM. 20D-7 (2011)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(5-0)
 - g. COMM. 20D-8 (2011)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(5-0)
 - h. COMM. 20M-4 (2011)
BOARD OF SUPERVISORS, FULTON COUNTY: “Copy of Resolution Requesting State
Comptroller to Reform the Funding Policy for the NYS Common Retirement Fund”
(5-0)
 - i. INTRO 22-2 (2011)

MILLER-WILLIAMS: “Requesting a Complete Accounting Regarding Recent Events at the Board of Elections that Call into Question the Integrity of Elections in EC”

(5-0)

j. COMM. 22D-1 (2011)

COUNTY ATTORNEY: “Transmittal of New Claims Against EC”

(5-0)

k. COMM. 23D-1 (2011)

COUNTY ATTORNEY: “Transmittal of New Claims Against EC”

(5-0)

l. COMM. 23M-2 (2011)

ASSIGNED COUNSEL PROGRAM: “Copy of Quarterly Report for the 3rd Quarter of 2011”

(5-0)

m. COMM. 27D-1 (2011)

COUNTY ATTORNEY: “Transmittal of New Claims Against EC”

(5-0)

n. COMM. 27D-2 (2011)

COUNTY ATTORNEY: “Transmittal of New Claims Against EC”

(5-0)

o. COMM. 1E-32 (2012)

COUNTY EXECUTIVE: “Appointment of EC Director of Central Data Processing”

(5-0)

p. COMM. 1D-3 (2012)

COUNTY ATTORNEY: “Transmittal of New Claims Against EC”

(5-0)

q. COMM. 1D-4 (2012)

COUNTY ATTORNEY: “Transmittal of New Claims Against EC”

(5-0)

r. COMM. 1D-5 (2012)

COUNTY ATTORNEY: “Transmittal of New Claims Against EC”

(5-0)

s. COMM. 1M-17 (2012)

LEWIS COUNTY LEGISLATURE: “Copy of Resolution Calling Upon NYS Association of Counties' Executive Committee to Prepare & Disseminate an Action Plan to Bring Mandate Relief to NYS Counties”

(5-0)

2. COMM. 24E-17 (2011)

COUNTY EXECUTIVE

WHEREAS, the Legal Aid Bureau of Buffalo Inc. has a 2010 general fund surplus of \$32,216.24; and

WHEREAS, the County contract with said agency allows for retention of any operating surplus in the next fiscal year, subject to approval of the Legislature; and

WHEREAS, the Legal Aid Bureau will utilize said funds to provide State mandated indigent defense services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the Legal Aid Bureau of Buffalo Inc., to retain their 2010 general fund surplus of \$32,216.24 for 2011 operational needs in the Indigent Defense Program; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Attorney, the Office of the Comptroller, the County Executive's Office and the Division of Budget and Management.

(5-0)

3. COMM. 1E-13 (2012)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of Michael Siragusa as Erie County Attorney.

(5-0)

4. COMM. 1E-16 (2012)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of David Palmer as Erie County Commissioner of Labor Relations.

(5-0)

5. COMM. 1E-20 (2012)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the reappointment of Sawrie Becker as Erie County Commissioner of Public Advocacy.

(5-0)

6. COMM. 1E-22 (2012)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of Vallie Ferraraccio as Erie County Director of Purchase.

(5-0)

7. COMM. 1E-24 (2012)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the reappointment of Steven Schwartz as Member of Erie County Board of Ethics for a term expiring 12/31/2014.
(5-0)

8. COMM. 1E-29 (2012)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of Carlos Benitez as Erie County Veterans Service Officer.
(5-0)

9. COMM. 1E-31 (2012)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of Jesse Burnette as Director of Equal Employment Opportunity.
(5-0)

**THOMAS J. MAZUR
CHAIR**

Item 22 – MR. McCRACKEN presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 9

January 19, 2012	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 22E-7 (2011)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineer Term Agreement - Clough-Harbour Associates”
(5-0)
 - b. COMM. 22M-3 (2011)
NYSDEC: “Public Notice: Application from Fredric LoFaso for a Site Known as 285-295 Niagara Street”
(5-0)
 - c. COMM. 22M-4 (2011)

CATTARAUGUS COUNTY DEPUTY CLERK: “Copy of Resolution Concerning Free Hunting, Fishing & Trapping Licenses to NYS Residents who are Active Duty Members of the United States Armed Services”

(5-0)

d. COMM. 22M-5 (2011)

NYSDEC: “Public Notice: Buffalo Green Code - Planning Day in Buffalo - Meeting to be Held 10/29/2011”

(5-0)

e. COMM. 23M-3 (2011)

NYSDEC: “Public Notice: Inactive Hazardous Waste Disposal Site Delist Notice - Tiff Farm Nature Preserve”

(5-0)

f. COMM. 23M-4 (2011)

NYSDEC: “Public Notice: Inactive Hazardous Waste Disposal Site Classification Notice - PVS Chemicals, Inc.”

(5-0)

g. COMM. 24E-14 (2011)

COUNTY EXECUTIVE: “ECSD Nos. 1-6 & 8 - User Charge Rates”

(5-0)

h. COMM. 24M-3 (2011)

AURORA TOWN CLERK: “Copy of Resolution Requesting the Extension of ECSD No. 8 to Include the Area Known as "Reed Hill Heights"”

(5-0)

i. COMM. 27M-2 (2011)

NYSDEC: “Fact Sheet: NYSDEC Certifies Cleanup Requirements Achieved at 2137 Seneca Street - Former Pizza Hut Site in Buffalo”

(5-0)

j. COMM. 1E-27 (2012)

COUNTY EXECUTIVE: “Reappointment of EC Deputy Commissioner of Sewerage Management”

(5-0)

k. COMM. 1D-9 (2012)

DEPARTMENT OF ENVIRONMENT & PLANNING: “Rush Creek Interceptor Project - SEQR Notification”

(5-0)

l. COMM. 1M-1 (2012)

NYSDEC: “Brownfield Cleanup Program Application from Strickler Development Group, LLC for a Site Known as the 129 Holden Street Redevelopment”

(5-0)

- m. COMM. 1M-2 (2012)
NYSDEC: "Fact Sheet: NYSDEC Certifies Cleanup Requirements Achieved at 2137 Seneca Street - Former Pizza Hut Site in Buffalo"
(5-0)
- n. COMM. 1M-3 (2012)
NYSDEC: "Fact Sheet: Cleanup Activities Begin at the Former Buffalo China Brownfield Site"
(5-0)
- o. COMM. 1M-4 (2012)
NYSDEC: "Fact Sheet: Remedy Proposed for Brownfield Site Contamination; Public Comment Period Announced"
(5-0)

2. INTRO 23-2 (2011)
MAZUR

WHEREAS, the United States Department of Energy and the New York Independent System Operator have identified New York State electric transmission lines as being aged and unable to deliver adequate capacity, a condition known as "transmission congestion;" and

WHEREAS, there is a growing demand for electricity in the New York City area, but because of the inadequate transmission system in New York State, specifically the "choke points" for electrical transmission from Utica going east, and Albany going south, plants in Upstate New York that have abundant available power, NRG Huntley included among them, cannot get their product to this demand market; and

WHEREAS, as a result of this "transmission congestion," New York City pays significantly more for power, and is currently moving forward on a plan to import power from New Jersey with an \$800 million subsidy from New York State Power Authority to address New York City Power needs; and

WHEREAS, a Canadian developer has approached the New York State Public Service Commission with plans to build a 385 mile, 1,000 MW cable from Quebec to New York City, bypassing New York State transmission lines and denying New York power generators any chance to compete in the marketplace; and

WHEREAS, there are a number of reasons why importing power is bad for New York State, not the least of which are the lost opportunity for our WNY power generation facilities having the ability to compete and retain good paying jobs; New York State losing its fuel diversity and energy independence, placing us at the mercy of supply and demand price spikes; and the abandonment of renewable energy projects that could create a significant number of green jobs; and

WHEREAS, several plants in Upstate New York are facing uncertain economic futures and the owners of one facility have put that facility up for sale because of its inability to compete; and

WHEREAS, the ability to move abundant, available power from these plants in Western New York to the downstate area would have a positive effect on these struggling facilities, saving hundreds of jobs, and significant tax base for all of WNY; and

WHEREAS, tens of thousands of jobs in transmission construction and power generation, including renewable energy, will occur from investing in New York State's energy infrastructure.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record requesting that the State of New York make needed investment in upgrading of New York State's electric transmission line infrastructure by using existing mechanisms for funding transmission upgrades that would hold the ratepayers harmless, and will go a long way in stabilization employment at existing power plants, while creating enormous opportunities in renewable energy development; and be it further

RESOLVED, that copies of this resolution be forwarded to the Honorable Andrew M. Cuomo, Governor of the State of New York; the members of the Western New York State Delegation and Gil C. Quinions, Acting President and CEO, New York State Power Authority. (5-0)

3. COMM. 24E-15 (2011)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2012 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services is hereby authorized and directed to spread said 2012 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$ 1,052,061.01
Sewer District #2	\$ 164,537.41
Sewer District #3	\$ 942,782.92
Sewer District #4	\$ 682,659.52
Sewer District #5	\$ 288,859.20
Sewer District #6	\$ 1,369,758.50
Sewer District #8	<u>\$ 568,516.00</u>
	\$ 5,069,174.56

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Real Property Tax Services, the Director of Budget, the County Attorney and Joseph L. Fiegl, P.E., Deputy Commissioner, Department of Environment and Planning.

(5-0)

4. COMM. 1E-12 (2012)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of Maria Whyte as Erie County Commissioner of Environment & Planning.

(5-0)

5. COMM. 1E-17 (2012)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of Troy Schinzel as Erie County Commissioner of Parks & Recreation.

(5-0)

**TERRENCE D. McCRACKEN
CHAIR**

Item 23 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 10

January 19, 2012	PUBLIC SAFETY COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

a. COMM. 8E-4 (2011)

WHYTE: “Letter to Clerk of Public Safety Concerning Toolkit for Jail Reentry”

(5-0) Legislator Rath not present for vote.

b. COMM. 15M-4 (2011)

EC ASSOCIATION OF CHIEFS OF POLICE: “Copy of Letter to County Executive Supporting a County Wide Law Regulating the Operation of Pawnbrokers & Secondhand Dealers”

(5-0) Legislator Rath not present for vote.

c. COMM. 23D-4 (2011)

COUNTY ATTORNEY: “Memo Regarding LL INT. 7-1 (2011)”

(6-0)

- d. COMM. 23M-5 (2011)
CASEY MIDDLE SCHOOL STUDENTS: "Petition of Support for Anti-Cyber Bullying Legislation"
(6-0)
- e. COMM. 23M-7 (2011)
NYSAC EXECUTIVE DIRECTOR: "Letter to Chair of Legislature Concerning Proposed Increase in Age of Criminal Responsibility in NY from Age 16 to Age 18"
(6-0)
- f. COMM. 24E-2 (2011)
MILLER-WILLIAMS: "Response Letter to Executive Director of NYSAC Concerning Proposal to Raise the Age of Criminal Responsibility"
(6-0)
- g. COMM. 1E-15 (2012)
COUNTY EXECUTIVE: "Acting Commissioner of Central Police Services"
(6-0)
- h. COMM. 1M-9 (2012)
ELLCOTT DEVELOPMENT COMPANY: "Copy of Letter Concerning Amanda Wienckowski"
(6-0)
2. COMM. 20E-14 (2011)
COUNTY EXECUTIVE
WHEREAS, the City of Buffalo has been awarded funding under the Justice Assistance Grant program through the U.S. Department of Justice; and

WHEREAS, the Buffalo Police Department seeks the assistance of Central Police Services to provide law enforcement software enhancements for its projects.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into contract and accept grant funding from the City of Buffalo in the amounts of \$15,302 and \$12,907; and be it further

RESOLVED, that authorization is hereby provided to establish the grants in the budget of the Department of Central Police Services as follows:

Grant Fund – SAP #165CPSJAG0913
Central Police Services
10/01/09 – 09/30/13

Revenue

Increase

414000 Federal Aid	\$15,302
<u>Appropriation</u>	<u>Increase</u>
516020 Professional Services Contracts	\$15,302
Total Appropriation	\$15,302

Grant Fund – SAP #165CPSJAG1014
Central Police Services
10/01/10 – 09/30/14

<u>Revenue</u>	<u>Increase</u>
414000 Federal Aid	\$12,907
<u>Appropriation</u>	<u>Increase</u>
516020 Professional Services Contracts	\$12,907
Total Appropriation	\$12,907

and be it further

RESOLVED, that authorization is hereby provided to contract with Globalquest Solutions Inc., a local WBE/New York State contract vendor, in the amounts of \$15,302 and \$12,907 to provide the professional technical staff for these projects; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with Federal approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Central Police Services, c/o Kathy Gumulak.
(6-0)

3. COMM. 1E-18 (2012)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of Daniel Neaverth, Jr. as Erie County Commissioner of Emergency Services.
(6-0)

4. COMM. 1E-28 (2012)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the reappointment of Brian McLaughlin as Erie County Commissioner of Probation.
(6-0)

**TIMOTHY R. HOGUES
CHAIR**

Item 24 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 11

January 19, 2012	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MARINELLI & MILLS.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 3-4 (2011)
WHYTE, MARINELLI & MAZUR: “Law Firm Expenditure”
(4-0)
 - b. COMM. 22E-3 (2011)
COMPTROLLER: “Copy of Interim Financial Report for Period Ended 9/30/2011”
(4-0)
 - c. COMM. 23D-3 (2011)
DIRECTOR OF BUDGET & MANAGEMENT: “Copy of Budget Monitoring Report for Periods Ending 7/31/2011, 8/31/2011 & 9/30/2011”
(4-0)
 - d. COMM. 1E-7 (2012)
COMPTROLLER: “Copy of External Auditor's (Deloitte & Touche LLP) Management Letter for EC, for the Year Ended 12/31/2010”
(4-0)
 - e. COMM. 1E-8 (2012)
COMPTROLLER: “General Obligation Bond Rating Upgrade from Standard & Poor's”
(4-0)
 - f. COMM. 1E-35 (2012)
COMPTROLLER: “Letter to Legislature Concerning Apportionment & Distribution of Net Collection from the 4.75% Sales & Compensating Use Tax for EC for the Months of September, October & November 2011, as Received from NYS”
(4-0)
 - g. COMM. 1D-1 (2012)
DIRECTOR OF BUDGET & MANAGEMENT: “Copy of Budget Monitoring Report for Period Ending 10/31/2011”
(4-0)

2. COMM. 24E-11 (2011)
COUNTY EXECUTIVE

WHEREAS, the Department of Real Property Tax Services received requests from adjoining property owners and/or non-adjoining property owners to purchase the above referenced (2) parcels of County owned inventory; and

WHEREAS, these parcels were reviewed and deemed surplus by the Advisory Review Committee; and

WHEREAS, these parcels will be offered at public auction on March 5, 2012.

NOW, THEREFORE, BE IT

RESOLVED, that the following vacant parcels of land, 0 Moore Road, Located in the Town of Newstead, County of Erie and State of New York being part of Lot Number 41, Township 13, Range 5 of the Holland Land Company's Survey, SBL# 20.00-3-42, and 0 Mile Block Rd, Located in the Town of Brant, County of Erie and State of New York being part of Lot Number 37, Township 7, Range 9 of the Holland Land Company's Survey, SBL# 285.00-3-6.1 be deemed surplus and auctioned to the highest bidder; and be it further

RESOLVED, that any sale would be subject to the final approval by resolution of the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the County Comptroller, the County Attorney, Department of Environment and Planning, and the Department of Real Property Tax Services.
(4-0)

3. COMM. 1E-21 (2012)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of Robert Keating as Erie County Director of Budget and Management.
(4-0)

**TIMOTHY R. HOGUES
CHAIR**

LEGISLATOR RESOLUTIONS

Item 25 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 12

RE: Opposing the Addition of a 63rd Senate Seat to the NYS Senate
(INTRO 2-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS GRANT, MAZUR, HOGUES,
MARINELLI, LOUGHRAN & McCRACKEN**

WHEREAS, recent media reports have drawn attention to a proposal by New York State Senate Republicans to add a 63rd Senate seat; and

WHEREAS, Senator Michael Nozzolio, R-Fayette, Co-Chair of the Legislative Task Force on Demographic Research and Reapportionment, has defended this proposal due to a 500,000 person increase in the state's population since the redrawing of district lines in 2002; and

WHEREAS, at the federal level, New York State will lose two congressional seats – dropping from 29 to 27 – as a consequence of the state's population growth being far below that of other states; and

WHEREAS, the state's somewhat anemic growth in population should not serve as an excuse to increase the size of government – particularly at the policymaking level of the New York State Legislature; and

WHEREAS, there does not appear to be a huge outcry from the public demanding the addition of a New York State Senate seat, yet the chorus supporting smaller government grows more vocal with each passing year; and

WHEREAS, the Erie County Legislature undertook not one, but two, downsizing efforts during the last decade, and successfully implemented both – a downsizing from 17 seats to 15 seats in 2002, and again a downsizing from 15 seats to 11 seats effective 2012; and

WHEREAS, it would be fitting for New York State to consider the downsizing efforts at both the county and federal levels as a lesson in 21st century civics and the direction the taxpaying public wants government to head in for the foreseeable future.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body stand in strong opposition to the creation of an additional seat in the New York State Legislature, to wit, the proposed 63rd seat in the New York State Senate; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the Governor, the Majority Leader of the New York Senate and the Speaker of the New York State Assembly.

Item 26 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval.

MR. RATH moved to send the resolution to committee for further consideration. MR. LORIGO seconded. CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCRACKEN voted in the negative.

FAILED. (5-6)

MR. MAZUR moved to approve the resolution. MR. HOGUES seconded. MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS and MR. RATH voted in the negative.

CARRIED. (6-5)

RESOLUTION NO. 13

RE: Requesting that Niagara County Share a Portion of Its County Sales Tax with the NFTA
(INTRO 2-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS GRANT, MAZUR, HOGUES,
LOUGHRAN & McCracken**

WHEREAS, New York State Transit Operating Assistance to the NFTA has been reduced six separate times from 2009 to 2011, and this reduction in state subsidy now totals \$4.3 million; and

WHEREAS, the NFTA also has experienced delays in receipt of its state transit operating assistance, further compounding a difficult financial situation; and

WHEREAS, an additional pool of state funds supporting critical safety projects and the Metro Light Rail Rapid Transit Railcar Rebuild has not been released since fiscal year 2008, and the cumulative total of these funds is \$11 million through fiscal year 2011; and

WHEREAS, annual Federal Transit Administration assistance has remained nearly flat since 2009, despite the NFTA's rising costs of maintaining an aging transit system; and

WHEREAS, both Erie and Niagara Counties provide 18B funding to the NFTA, and this funding is matched by New York State; and

WHEREAS, Erie and Niagara Counties provide the NFTA with another source of revenue – the Mortgage Recording Tax; and

WHEREAS, from Erie County alone, this source of revenue for the NFTA has decreased by \$2.1 million, and by a comparable percentage from Niagara County, since the nation's economic downturn in 2008; and

WHEREAS, on the expense side of the NFTA's budget equation, there have been increases of 35% in workers compensation, 16% in health insurance and 12% in maintenance and repair costs; and

WHEREAS, in addition to the streams of revenue cited above, Erie County also distributes a 1/8 of 1% share of its county sales tax to the NFTA for operating costs; and

WHEREAS, the fiscal dilemma facing the NFTA has occasioned numerous cost containment measures, including administrative streamlining that has saved \$20 million, fuel hedging that has

saved over \$3 million, energy audits that have saved over \$900,000, utility and telecommunications audits that have saved over \$216,000, new internal control guidelines that fully comply with the federal Sarbanes- Oxley Act of 2002, and enterprise resource planning that has resulted in increased efficiency and automatic scheduling of preventative maintenance, as well as other cost-containment initiatives; and

WHEREAS, the NFTA has taken every possible cost-saving step to limit any negative impact on the customers of Metro Rail and Bus, yet deep service cuts and fare increases are on the horizon; and

WHEREAS, the NFTA's financial challenges call for a robust regional response, including the exploration of additional revenue from previously untapped sources; and

WHEREAS, one such source lies in Niagara County directing a share of its sales tax to the NFTA.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body request the Honorable Members of the Niagara County Legislature to step forward and assist our region's transportation system by distributing a portion of its sales tax to the Niagara Frontier Transportation Authority; and be it further

RESOLVED, that copies of this resolution be conveyed to the Clerk of the Niagara County Legislature, to the County Manager of Niagara County, to the Executive Director of the Niagara Frontier Transportation Authority, and to the Erie County Executive.

Item 27 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded. MR. RATH voted in the negative.

CARRIED. (10-1)

RESOLUTION NO. 14

RE: Supporting the Countywide Initiative of PUSH Buffalo to Expand Its Job Creation Efforts & Energy Efficiency Program for Homeowners (INTRO 2-3)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS GRANT, MAZUR, HOGUES,
LOUGHRAN & McCracken**

WHEREAS, People United for Sustainable Housing (PUSH) announced a major, countywide energy-efficiency program on Martin Luther King, Jr. Day, January 16, 2012, to help people seal drafty homes and lower their utility bills; and

WHEREAS, this countywide program of PUSH is part of a statewide initiative that will work with local contractors and provide training to approximately 200 persons to retrofit homes; and

WHEREAS, the two-year goal of PUSH is the complete retrofitting of a minimum of 300 homes; and

WHEREAS, the local program will achieve three outcomes: 1) to make heating costs more affordable, leaving families with greater financial resources to provide for themselves; 2) to enable individuals and families to live in a more comfortable indoor environment throughout the winter; and, 3) to impart skills that can be utilized for immediate job placement in energy conservation and later transferrable to private sector job opportunities in housing rehabilitation; and

WHEREAS, the skilled jobs to be created by the “green energy” improvements PUSH will provide to these homeowners will be compensated by wages that can support a family, further providing a positive economic impact well beyond the initial family participating in the program; and

WHEREAS, PUSH estimates that homeowners will be able to save 20% or 30% on their utility bills; and

WHEREAS, the program start date is January 30, 2012 and homeowners begin the process by accessing a free energy audit; and

WHEREAS, if the energy audit calculations reach a threshold whereby the work will eventually pay for itself, the family becomes eligible for a retrofit through low-rate financing of 2.9 percent that will be added onto utility bills; and

WHEREAS, the low-interest loan program is available only through utilities that combine gas and electric, such as National Grid, but is not limited to low-income individuals; and

WHEREAS, the “community jobs pipeline” and job training opportunities afforded by this new program will prepare individuals in our community for higher-paying jobs and will open up a new market for women and minority contractors.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body stand in full support of the new countywide energy conservation and job creation initiative to be undertaken by People United for Sustainable Housing; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the Executive Director of PUSH.

Item 28 – MR. MAZUR presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the resolution by including Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to approve the resolution as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 15

RE: Legislature Recommendation for
Reappointment to the NFTA Board of
Commissioners
(INTRO 2-4)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS GRANT, MAZUR, MILLS, HOGUES, MARINELLI,
LOUGHRAN, McCRACKEN & DIXON**

WHEREAS, the NYS Public Authorities Law, Section 1299-C, provides that of the eleven members of the NFTA Board of Commissioners, one shall be appointed by the Governor of New York upon the recommendation of the Erie County Legislature; and

WHEREAS, James J. Eagan has served as the Legislature's representative on the Board of Commissioners since 2008, and has requested consideration to continue in this important public policy position; and

WHEREAS, Commissioner Eagan has been most responsive and thoughtful as the Legislature's liaison, and he has maintained a strong working relationship with this body and has been quick to respond to policy concerns and suggestions; and

WHEREAS, understanding that with serious financial challenges facing the NFTA and its core mission of public transportation, Mr. Eagan's knowledge of NFTA operations as a current board member, as well as his experience as a principal of a national financial services company, are advantageous to both the Legislature and the NFTA; and

WHEREAS, Mr. Eagan has established a lifetime of excellence in service to our community; he has earned a strong reputation of leadership in business and community involvement, and he is known for consistently demonstrating a spirit of cooperation and mutual respect in his volunteer and professional endeavors.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature respectfully calls upon the Governor of New York State, the Honorable Andrew M. Cuomo, to reappoint NFTA Commissioner James J. Eagan (4 Kingfisher Court, Orchard Park, NY 14127), as a member of the Niagara Frontier Transportation Authority Board of Commissioners, to complete a five-year term ending on June 30, 2016; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to forward certified copies of this resolution to Governor Cuomo; the Majority Leader of the New York State Senate, the

Honorable Dean G. Skelos; the Secretary of the NFTA Board of Commissioners; and NFTA Commissioner James J. Eagan.

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

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the resolution by including Et Al Sponsorship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 16

RE: Requesting that the FCC Change Its
Outdated Rules of NFL Blackouts that
are Unfair to Buffalo Bills Fans
(INTRO 2-5)

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

WHEREAS, for 36 years, the Federal Communications Commission (FCC) has enforced a blackout rule that disproportionately harms the fans of teams like the Buffalo Bills; and

WHEREAS, Ralph Wilson Stadium in Orchard Park has more than 73,000 seats – and the National Football League’s average for attendance last season was 67,000; and

WHEREAS, the far greater number of tickets the Buffalo Bills must sell in order to sell out 72 hours before a game, thereby ensuring local broadcast of that game, is far more challenging to our NFL franchise than most other NFL franchises, given the smaller seating capacity of their stadiums relative to the size of Ralph Wilson Stadium; and

WHEREAS, this archaic rule has not kept up with advances in technology and changes in economics whereby the NFL teams realize more of their revenues from television and merchandizing revenues than from ticket sales; and

WHEREAS, the blackout rule reduces the number of Buffalo Bills game viewing parties in the community – particularly in the homes of Bills fans – and reduces the positive economic impact of increased sales of food, beverage and party supplies that retailers experience when a Buffalo Bills game is televised locally; and

WHEREAS, that suppressed economic activity has a negative impact on the sales tax revenues that accrue to county government to do such things as maintain Ralph Wilson Stadium, which is required by the current lease between Erie County and the Buffalo Bills.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body convey its strong support for the abolition of the NFL Blackout Rule; and be it further

RESOLVED, that the Erie County Legislature encourage local viewership of Buffalo Bills games and the increased economic activity that ensues from this viewership in thousands of households in Erie County; and be it further

RESOLVED, that copies of this resolution be conveyed to Marlene H. Dortch, Secretary of the Federal Communications Commission, Office of the Secretary, 445 12th Street SW, Washington, D.C. 20554, and County Executive Mark Poloncarz.

Item 30 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded. MS. DIXON, MR. LORIGO and MR. RATH voted in the negative.

CARRIED. (8-3)

RESOLUTION NO. 17

RE: Legislature Departmental Personnel
Adjustments
(INTRO 2-6)

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

WHEREAS, in order to effectuate 2012 Legislature departmental personnel adjustments, legislative authorization is necessary; and

WHEREAS, said departmental reorganization will be implemented while keeping within the Legislature's adopted appropriation for 2012.

NOW, THEREFORE, BE IT

RESOLVED, authorization is granted for the following personnel adjustments, at the variable minimum listed, effective January 7, 2012:

Fund Center 100, Cost Center 1003030 – Majority

Adjustments:

Chief of Staff – Legislature (Position No. 51008276), JG 16; Step 4
First Administrative Assistant Leg (Position No. 51008277), JG 12; Step 1
Senior Admin Clerk (Legislature) (Position No. 510001449), JG 9; Step B
Senior Admin Clerk (Legislature) RPT (Position No. 51010572), JG 9; Step 5

Reallocations:

Position No. 51001444, to Senior Admin Clerk (Legislature), JG 10, Step 3

Position No. 51006868, to Senior Admin Clerk (Legislature), JG 10, Step 3
Position No. 51001446, to Senior Admin Clerk (Legislature), JG 10, Step 3
Position No. 51010571, to Senior Admin Clerk (Legislature), JG 10, Step 3

and be it further

RESOLVED, authorization is granted to reallocate the titles Administrative Clerk (Legislature); Administrative Clerk Legislature (PT); and Administrative Clerk Legislature (RPT); Fund Center 100, Cost Center 1005017 – District Office Staff; at the variable minimum of JG 8; Step 4; effective January 1, 2012; and that future step increments for these titles are granted in accordance with Personnel Department policies; and be it further

RESOLVED, authorization is granted for the following budget adjustments:

\$ 28,000 be transferred from account 530000 to account 500000, Fund Center 100
\$ 1,500 be transferred from account 530000 to account 500010, Fund Center 100
\$ 1,500 be transferred from account 530000 to account 500020, Fund Center 100

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, Comptroller, and the Personnel and Budget departments.

Item 31 – CHAIR GRANT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 2-7 from MILLS, RATH, DIXON, HARDWICK & LORIGO. Supporting NYS Assumption of the Local Share of Medicaid.

Item 32 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 18

RE: Transfer of Surplus Property to the
Town of West Seneca
(INTRO 2-8)

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

WHEREAS, officials from the Town of West Seneca recently visited the County's surplus warehouse to select needed furnishings for their town hall; and

WHEREAS, the Town of West Seneca has identified several items, currently unused by Erie County, that would be of great value to the town; and

WHEREAS, because these items no longer serve a purpose for the County of Erie, I am pleased to sponsor this resolution to transfer the following items to the Town of West Seneca.

NOW, THEREFORE, BE IT

RESOLVED, that ownership of the following items:

<u>Item</u>	<u>County ID</u>
Table	255176
Shelf	230866
Shelf	230865
Bookcase	255170
Bookcase	255169
2 Chairs	No County ID
Desk	208897

is hereby transferred from the County of Erie to the Town of West Seneca for the purpose of furnishing their Town Hall; and be it further

RESOLVED, that none of these items are to be used for a purpose other than official business by the Town of West Seneca; and be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Purchase, the County Executive's Representative for Intergovernmental Affairs and Town of West Seneca Supervisor Sheila Meegan.

Item 33 – CHAIR GRANT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 2-9 from MILLS, RATH, DIXON, HARDWICK & LORIGO. Requesting Information Regarding Legal Settlements.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

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

GRANTED.

COMM. 2E-36 from the COUNTY EXECUTIVE Re: Revise 2011 Congregate Dining Grant Budget & Dietician Contract

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

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

GRANTED.

COMM. 2E-37 from the COUNTY EXECUTIVE Re: Appointment of EC Chief Information Officer/Director of Information & Support Services

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 36 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

RE: Appointment of EC Commissioner of Health
(COMM. 2E-1)

RESOLVED, the Erie County Legislature hereby confirms the appointment of Gale Burstein, MD, MPH, FAAP as Erie County Commissioner of Health.

Item 37 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

RE: Appointment of EC Commissioner of Public Works
(COMM. 2E-2)

RESOLVED, the Erie County Legislature hereby confirms the appointment of John Loffredo, PE as Erie County Commissioner of Public Works.

FROM LEGISLATOR MAZUR

Item 38 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded. MR. MAZUR abstained.

CARRIED. (10-0-1)

RESOLUTION NO. 21

RE: Lease Agreement for Legislative Office
Space
(COMM. 2E-3)

RESOLVED, the Erie County Executive is hereby authorized to sign a Two (2) Year Lease Agreement with Raymond Bova for Legislative office space for Thomas J. Mazur, located at 1214 Walden Ave., Cheektowaga, New York for a monthly rate of \$625.

FROM CHAIR GRANT

Item 39 – (COMM. 2E-4) Designation of Member to Serve on Central Police Services Board of Trustees

Received, Filed and Printed.

January 11, 2012

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin St., 4th Fl.
Buffalo, NY 14202

Dear Mr. Graber:

Please be advised that pursuant to the Erie County Charter, Article 15, Department of Central Police Services, Section 1503, I hereby designate 1st District Legislator Timothy R. Hogues to serve as a member of the Central Police Services Board of Trustees.

Thank you.

Sincerely,

BETTY JEAN GRANT, Chair
Erie County Legislature

Cc: Erie County Legislator Timothy R. Hogues
Erie County Executive Mark C. Poloncarz
Central Police Services

Item 40 – (COMM. 2E-5) Designation of Open Meetings Advisor

Received, Filed and Printed.

January 10, 2012

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

Dear Mr. Graber:

Pursuant to the Erie County Charter, Article 2, Section 202.4, I hereby designate Erie County Legislator Lynn M. Marinelli as Open Meetings Advisor, to advise the Legislature on compliance with New York State Open Meetings and Freedom of Information laws.

Should you have any further questions with respect to this application please contact me at 716/858-8869.

Thank you for your prompt attention to this matter.

Sincerely,

BETTY JEAN GRANT, Chair
Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 41 – (COMM. 2E-6) Appointment of EC Director of Workforce Development & Executive Director, Buffalo & EC Workforce Investment Board

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM CHAIR GRANT

Item 42 – (COMM. 2E-7) Information Materials from the Center for Employment Opportunities Entitled "CEO Breaks Down Barriers to Employment"

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 43 – MR. HOGUES presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded. MS. MARINELLI abstained.

CARRIED. (10-0-1)

RESOLUTION NO. 22

RE: Lease Agreement for Legislative Office
Space
(COMM. 2E-8)

RESOLVED, the Erie County Executive is hereby authorized to sign a Two (2) Year Lease Agreement with David J. Galbo for Legislative office space for Lynn M. Marinelli, located at 1701 Hertel Ave., Buffalo, New York for a monthly rate of \$675.

FROM THE COUNTY EXECUTIVE

Item 44 – (COMM. 2E-9) OPEN ITEM/PLACEHOLDER - Re-Occurring Bond Authorization

Item 45 – (COMM. 2E-10) ECSD No. 2 - Drainage Easement Between EC & the Town of Eden

Item 46 – (COMM. 2E-11) ECSD No. 3 - Contract Close Out

Item 47 – (COMM. 2E-12) ECSD No. 4 - Engineer Term Agreement - URS Corporation

Item 48 – (COMM. 2E-13) ECSD No. 4 - Change Order No. 1

Item 49 – (COMM. 2E-14) ECSD Nos. 1, 4 & 5 - Engineer Term Agreement - LiRo Engineers, Inc.

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

Item 50 – (COMM. 2E-15) 2012 Annual Action Plan for the Community Development, Emergency Solutions & Home Investment Partnership Programs

Item 51 – (COMM. 2E-16) Federal Aid Project Agreement - NYSDOT - Evans Multi-Use Pathway - Phase 2

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

Item 52 – (COMM. 2E-17) Payment in Lieu of Taxes (PILOT) Agreement for White's Livery Apartments - Affordable Housing Development

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 53 – (COMM. 2E-18) Renaming of the EC Ontario Street Boat Launch & Cornelius Creek Park to Black Rock Canal Park

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 54 – (COMM. 2E-19) State Municipal Waste Reduction & Recycling Grant

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 55 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 23

RE: WNY Stormwater Coalition: MS4
Assistance Project Grant Budget
Revisions
(COMM. 2E-20)

WHEREAS, the Erie County Department of Environment and Planning (DEP) coordinates the activities of the Western New York Stormwater Coalition (WNYSC); and

WHEREAS, the DEP has assumed the role of lead agency and has pursued grant funding to support the work of the WNYSC since its inception; and

WHEREAS, the New York State Department of Environmental Conservation granted DEP \$479,200 to assist 43 municipal entities in Erie and Niagara Counties in their efforts to comply with the state’s Phase II Stormwater requirements; and

WHEREAS, the Erie County Legislature authorized the County Executive to enter into an agreement with the New York State Department of Environmental Conservation and establish the existing grant budget (Comm. 20E-10, Dated November 15, 2007); and

WHEREAS, it is necessary to revise the existing budget in accordance with the current project work plan and contractual requirements set forth by the granting agency.

NOW, THEREFORE, BE IT

RESOLVED, that the grant budget for the Western New York Stormwater Coalition: MS4 Assistance Project is hereby revised in the Department of Environment and Planning, Business Area 162, as follows:

Western New York Stormwater Coalition: MS4 Assistance Project
(Grant Period: 01/01/11-03/31/12), SAP Grant Account #162WNYSCPEID0810

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
409000	State Aid Revenue – New York State Department of Environmental Conservation	\$479,200	\$0	\$479,200
420499	Other Local Source Revenue – Western New York Stormwater Coalition	\$0	\$42,000	\$42,000
TOTAL REVENUE				\$521,200

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revisions</u>	<u>Revised Budget</u>
500000	Personnel Services	\$145,000	\$54,817	\$199,817
502000	Fringe Benefits	64,800	35,800	100,600
505000	Office Supplies	0	2,000	2,000
505800	Medical/Health	114,925	(29,925)	85,000
510000	Local Travel & Mileage	500	-	500
510200	Training/Education	75	-	75
530000	Other Expenses	12,000	23,855	35,855
561410	Lab and Technical	12,500	(1885)	10,615
516020	Professional Service Contract	<u>129,400</u>	<u>(42,662)</u>	<u>86,738</u>
		\$479,200	\$42,000	\$521,200
TOTAL APPROPRIATIONS				\$521,200

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.

Item 56 – (COMM. 2E-21) WNY Stormwater Coalition: MS4 Mapping Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 57 – (COMM. 2E-22) Acceptance of GTSC Ignition Interlock Device Monitoring Program from NYS DCJS

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 58 – (COMM. 2E-23) Acceptance of Local Government Record Management Improvement Fund

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 59 – (COMM. 2E-24) Creation of Three Probation Assistant Positions within the Probation Department

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 60 – (COMM. 2E-25) Buffalo & EC Central Library - New ADA Elevators

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 61 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 24

RE: ECC City Campus - Burt Flickinger
Athletic Facility - Roof Top Equipment
& Roof Replacement
(COMM. 2E-26)

WHEREAS, the Erie County Department of Public Works received bids for the Erie Community College City Campus – Burt Flickinger Center – Roof Top Equipment and Roof Replacement Project on October 26, 2011; and

WHEREAS, the Erie County Department of Public Works is recommending award of contract to the lowest responsible bidders, along with the engineer; and

WHEREAS, your Honorable Body has previously approved a General Architectural/Engineering Agreement with the firm of Wendel Duchscherer for providing professional services on County projects; and

WHEREAS, the County Executive is seeking authorization from your Honorable Body to enter into a construction contract with Rodems Construction Company, Inc. (General Contract), Frey Electric Construction Company (Electrical Contract), D.V. Brown & Associates, Inc. (Mechanical Contract) and MKS Plumbing Corporation for the Erie Community College City Campus – Burt Flickinger Center – Roof Top Equipment and Roof Replacement Project; and

WHEREAS, New York State has approved all of the above projects and will reimburse the County for 50% (\$3,088,000.00 maximum) of the total costs.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidders for the Erie Community College City Campus – Burt Flickinger Center – Roof Top Equipment and Roof Replacement Project as follows:

General Construction Work

Rodems Construction Company, Inc. for a base bid and total contract in the amount of \$2,472,000.00;

Electrical Construction Work

Frey Electric Construction Company for a base bid and total contract in the amount of \$271,000.00;

Mechanical Construction Work

DV Brown & Associates, Inc. for a base bid and total contract in the amount of \$2,803,000.00;

Plumbing Construction Work

MKS Plumbing Corporation for a base bid and total contract in the amount of \$180,000.00

and be it further

RESOLVED, that the sum of \$450,000.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from Fund Center 12220, Fund 480, SAP Project account E.00073 – 2008 – ECC – Flickinger Athletic Facility Roof Replacement and HVAC Upgrades in the amount of \$3,177,960.00, E.20904 – 2009 – ECC Energy Performance in the amount of \$1,600,000.00 and E.11003 – 2011- ECC Roofs in the amount of \$1,398,040.00. Total payments will not exceed \$6,176,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, and one copy each to the Office of the County Executive, the Division of Budget and Management, Erie Community College – Chief Financial Officer, and the Office of the Comptroller.

Item 62 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 25

RE: Old County Hall & EC Court Building
Exterior Waterproofing & Improvements
(COMM. 2E-27)

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Lauer-Manguso & Associates Architects for providing professional design services on Erie County projects; and

WHEREAS, Lauer-Manguso & Associates Architects has the necessary expertise and manpower to perform the design services for the Old County Hall and Erie County Court Building Exterior Waterproofing and Improvements project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute an Agreement Amendment with the firm of Lauer-Manguso & Associates Architects for providing Professional Architectural/Engineering Services for the Old County Hall and Erie County Court Building Exterior Waterproofing and Improvements Project for an amount not to exceed \$115,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.20919 – 2009 – Court Facility Exterior Envelope, Waterproofing and Repairs for an amount not to exceed \$115,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 63 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 26

RE: Ralph Wilson Stadium - 2011
Miscellaneous Improvements - Phase II
– A/E Fees
(COMM. 2E-28)

WHEREAS, the County is required pursuant to the Lease Agreement between the Buffalo Bills and Erie County to provide capital improvements to Ralph Wilson Stadium on an annual basis; and

WHEREAS, your Honorable Body has previously approved a General Architectural/Engineering Agreement with the Engineering firm of DiDonato Associates for providing professional services on County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to DiDonato Associates for providing professional design services for the 2011 – Phase II projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue an Agreement Amendment with DiDonato Associates to provide design work for the Phase II of the capital improvements for an amount not to exceed \$210,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project accounts A.21002 – 2010 – Rehabilitation of Ralph Wilson Stadium for an amount not to exceed \$210,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 64 – (COMM. 2E-29) Authorization to Add a Dining Site

Item 65 – (COMM. 2E-30) Authorization to Contract for Geriatric Counseling to Caregivers

Item 66 – (COMM. 2E-31) Authorization to Contract for Operation of a Congregate Dining Site

Item 67 – (COMM. 2E-32) Establish MIPPA/ADRC Grant Budget

Item 68 – (COMM. 2E-33) Revise AAATRAN Grant

Item 69 – (COMM. 2E-34) Revise Congregate Dining Program Grant Budget.

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

FROM THE DISTRICT ATTORNEY

Item 70 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 27

RE: Variable Minimum Authorization
(COMM. 2E-35)

WHEREAS, in order for the Erie County District Attorney to continue his practice of hiring the best and brightest to fill the most challenging positions within his office, it is important that they are compensated appropriately; and

WHEREAS, all requests for authority to recruit at a higher increment level must be approved by both the Legislature and the Erie County Executive; and

WHEREAS, the Administration has experienced tremendous difficulty recruiting qualified candidates to as the starting salaries are not competitive with what private sector employers are paying; and

WHEREAS, the Erie County District Attorney is prepared to fill an Assistant District Attorney IV position at a variable minimum step 5 pending action from your honorable body; and

WHEREAS, the Erie County District Attorney's salary authorization will have no additional personal services costs, and will be implemented while keeping within the District Attorney's adopted appropriation for 2012.

NOW, THEREFORE, BE IT

RESOLVED, that effective January 30, 2012, that the Erie County Legislature does hereby authorize a variable minimum step 5 for the position of Assistant District Attorney IV (position #51003273), in fund center 11400, for the year 2012, in accordance with the 2012 Adopted Erie County Budget and Erie County Personnel Policy; and be it further

RESOLVED, that the Director of Budget and the Commissioner of Personnel make any changes necessary to effectuate the implementation of this resolution; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Commissioner of Personnel and the Director of Budget and Management.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 71 – (COMM. 2D-1) Notice of Filing: Local Law Intro. No. 2-2011

Received and Filed.

Item 72 – (COMM. 2D-2) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 73 – (COMM. 2D-3) Copy of November 2011 Budget Monitoring Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 74 – (COMM. 2D-4) Transmittal of New Claims Against Erie County

Item 75 – (COMM. 2D-5) Transmittal of New Claims Against Erie County

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

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 76 – (COMM. 2D-6) Geneva Road Sanitary Sewer Extension - SEQR Notification

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYSDEC

Item 77 – (COMM. 2M-1) Brownfield Cleanup Program Application from F.L.C. 50 High Street Corporation, Kaleida Properties, Inc. & Kaleida Health for a Site Known as the Former Mobil Service Station

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM EL MUSEO

Item 78 – (COMM. 2M-2) 2012 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ALBRIGHT KNOX ART GALLERY

Item 79 – (COMM. 2M-3) 2012 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM ALLEYWAY THEATRE

Item 80 – (COMM. 2M-4) 2012 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM NYS SENATOR GALLIVAN

Item 81 – (COMM. 2M-5) Receipt of Resolution Dated for 12/8/2011

Received and Filed.

FROM THE NYS DEPARTMENT OF
AGRICULTURE & MARKETS

Item 82 – (COMM. 2M-6) Letter to Clerk of Legislature Concerning Agricultural District
No. 1

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY SYSTEM

Item 83 – (COMM. 2M-7) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 84 – (COMM. 2M-8) Fact Sheet: NYSDEC Certifies Cleanup Requirements Achieved
at Buffalo Color Corp. Area E - Buffalo, NY

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO MUSEUM OF SCIENCE

Item 85 – (COMM. 2M-9) 2012 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 86 – (COMM. 2M-10) Fact Sheet: Buffalo Brownfield Opportunities

Item 87 – (COMM. 2M-11) Fact Sheet: Buffalo River Corridor

Item 88 – (COMM. 2M-12) Fact Sheet: Buffalo Harbor

Item 89 – (COMM. 2M-13) Fact Sheet: Tonawanda Street Corridor

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

FROM THE BOTANICAL GARDENS

Item 90 – (COMM. 2M-14) Letter to Legislator Marinelli Concerning 2012 Operational Funding

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 91 – (COMM. 2M-15) Public Notice: Inactive Hazardous Waste Disposal Site Classification Notice - Buffalo Lakeside Commerce Park - Parcel 4

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY SYSTEM

Item 92 – (COMM. 2M-16) Copy of Proposed Agenda for Meeting Held 1/19/2012

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE EXPLORE & MORE CHILDREN'S MUSEUM

Item 93 – (COMM. 2M-17) 2012 Cultural Organization Data Response Sheet

Item 94 – (COMM. 2M-18) 2012 Budget Accountability Act Submission

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

FROM ALLEYWAY THEATRE

Item 95 – (COMM. 2M-19) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM JAMES J. EAGAN

Item 96 – (COMM. 2M-20) Letter to Chair Grant Concerning Reappointment to NFTA Board of Commissioners

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE BUFFALO NIAGARA
CONVENTION/VISITORS BUREAU INC.**

Item 97 – (COMM. 2M-21) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO PHILHARMONIC ORCHESTRA

Item 98 – (COMM. 2M-22) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE MARTIN HOUSE RESTORATION CORPORATION

Item 99 – (COMM. 2M-23) 2012 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE TONAWANDA TOWN CLERK

Item 100 – (COMM. 2M-24) Copy of Resolution Requesting the County of Erie to Make Direct Payment to the Town of Tonawanda, the Town's Portion of the Sales Tax Revenue

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM NYS SENATOR KENNEDY

Item 101 – (COMM. 2M-25) NFTA Assistance Request

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM GRAYCLIFF CONSERVANCY, INC.

Item 102 – (COMM. 2M-26) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 103 – (COMM. 2M-27) Fact Sheet: Investigation to Begin at State Superfund Site - Vibratex Inc. - Buffalo, NY

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ZOOLOGICAL SOCIETY OF BUFFALO, INC.

Item 104 – (COMM. 2M-28) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ANNOUNCEMENTS

Item 105 – CHAIR GRANT announced that the committee schedule has been distributed.

MEMORIAL RESOLUTIONS

Item 106 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Mildred E. Collado, William J. Maroney, Nancy A. Gallagher, Louise R. Caligiuri, Joseph Lynch and Regina Purvis.

Item 107 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Pamela McDonnell and William G. Humiston.

Item 108 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Jacquelyn Allison, Diana Chamberlain and Elmer P. Degenhart.

Item 109 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Pamela McDonnell.

Item 110 – Legislator McCracken requested that when the Legislature adjourns, it do so in memory of Joyce A. Quinn.

ADJOURNMENT

Item 111 - At this time, there being no further business to transact, CHAIR GRANT announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, February 16, 2012 at 2:00 p.m. Eastern Standard Time. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, February 16, 2012 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE