

**ERIE COUNTY LEGISLATURE
MEETING NO. 20
OCTOBER 6, 2011**

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

All members present.

An Invocation was held, led by Mr. Walter, who invited Father Michael Burzynski to the Legislature to deliver the Invocation.

The Pledge of Allegiance was led by Mr. Fudoli.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Number 19 from 2011. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MAZUR presented a Memorial Resolution In Remembrance of the Life of Karen L. Koscianski.

Item 6 – MS. WHYTE presented a resolution Recognizing the Dedication to Tsunami Relief.

Item 7 – MR. MILLS presented a resolution Congratulating Kennan Druding, Boy Scout Troop 285, on Obtaining the Rank of Eagle Scout.

Item 8 – MS. BOVE presented a resolution Congratulating West Seneca West Middle School on Their "Take A.C.T.I.O.N. Against Bullying" Program.

Item 9 – MS. DIXON presented a resolution Honoring the General Pulaski Association for Its Commitment to Keeping Tradition Alive.

Item 10 – MS. GRANT presented a resolution Honoring Charlie Fisher (B.U.I.L.D. of Buffalo Organization).

Item 11 – MS. GRANT presented a resolution Honoring 100 Mighty Men Founders Ed Williams, Edward Wiley & Rodolphus Boans.

Item 12 – CHAIR MILLER-WILLIAMS, MS. WHYTE, MR. MILLS, MR. KOZUB, MR. WHALEN, MS. GRANT, MR. MAZUR, MS. BOVE, MS. MARINELLI, MR. LOUGHRAN, MR. WALTER, MR. FUDOLI, MR. HARDWICK, MS. DIXON & MR. RATH presented a resolution Welcoming the Attendees of the National Preservation Conference to Buffalo.

Item 13 – MS. BOVE, CHAIR MILLER-WILLIAMS, MS. WHYTE, MR. KOZUB, MR. WHALEN, MS. GRANT, MR. MAZUR, MS. MARINELLI & MR. LOUGHRAN presented a resolution Urging Everyone to Support the 2011 United Way Campaign.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above nine items by including Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 14 – 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 15 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 – MR. WALTER moved to take Local Law No. 6 (Print #1) 2011 off the table. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW NO. ___-2011

LOCAL LAW INTRO. NO. 6-2011

A LOCAL LAW rescinding a Local Law in relation to regulation of home healthcare services provided to Erie County residents pursuant to contracts awarded by the County of Erie.

BE IT ENACTED BY THE LEGISLATURE OF ERIE COUNTY AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT. Local Law No. 14-2004 creates certain local requirements that govern home healthcare services in the Erie County. These requirements are redundant to requirements of New York State Law. This redundancy increases costs to home healthcare providers as well as unnecessarily strains county resources. Repeal of the law will decrease costs to taxpayers and home healthcare providers with no effect on the provision of home healthcare services.

SECTION 2. Local Law No. 14-2004, which undertook and exercised its regulatory authority with regard to activities subject to regulation of home healthcare services, be and the same hereby is rescinded in its entirety.

SECTION 3. Hereafter the regulations set forth by the State of New York in regulation of home healthcare services shall provide the regulatory framework for and govern home healthcare services in the County of Erie.

SECTION 4. This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State, and in accordance with Section 27 of the Municipal Home Rule Law shall be filed within twenty (20) days after this Local Law shall have been adopted.

SPONSORED BY
LEGISLATOR RAYMOND WALTER

MR. WALTER moved to approve Local Law No. 6 (Print #1) 2011. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

Item 21 – MS. BOVE presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 163

September 26, 2011	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 16E-4 (2011)
COMPTROLLER: “EC 2010 Comprehensive Annual Financial Report”
(6-0)
 - b. COMM. 16E-5 (2011)
COMPTROLLER: “Copy of Comprehensive Annual Financial Report for the Year Ended 12/31/2010”
(6-0)
 - c. COMM. 18E-1 (2011)
COUNTY EXECUTIVE: “Letter to Legislature Concerning Revenue Anticipation Notes”
(6-0)
 - d. COMM. 18E-4 (2011)
COMPTROLLER: “2011 Revenue Anticipation Note & Declaration of Need”
(6-0)
 - e. COMM. 18E-6 (2011)
COMPTROLLER: “Copy of Financial Report for the Second Quarter, Period Ending June 30, 2011”
(6-0)
 - f. COMM. 18E-11 (2011)
COUNTY EXECUTIVE: “Letter to Comptroller with List of Designated Depositories”
(6-0)
 - g. COMM. 18E-13 (2011)

COMPTROLLER: "Results of 2011 Revenue Anticipation Note RFP"
(6-0)

h. COMM. 18D-4 (2011)
DIRECTOR OF BUDGET & MANAGEMENT: "Copy of Budget Monitoring Report for
Period Ending 6/30/2011"
(6-0)

i. COMM. 18D-9 (2011)
CLERK, FINANCE & MANAGEMENT: "2011 Mid-Year Budget Hearings' Report"
(6-0)

j. COMM. 18M-4 (2011)
ASSIGNED COUNSEL PROGRAM: "Copy of Financial Report for Period of 1/1/2011 -
6/30/2011"
(6-0)

k. COMM. 19M-1 (2011)
EXECUTIVE DIRECTOR, ECFSA: "Letter to Chair of the Legislature with Copy of
Resolution Concerning Approving the Issuance Notes by the ECFSA"
(6-0)

2. COMM. 8D-3 (2010)
EC REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received
applications for corrected tax billings and/or refunds for taxes previously paid in accordance with
New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached
listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 211186 through 211206, inclusive be hereby approved
or denied based upon the recommendation of the Director of Real Property Tax Services and be
charged back to the applicable towns and/or cities.

FISCAL YEAR 2011 Petition No. 211,186.00

ASSESSOR Refund \$226.74

S-B-L 41.65-1-29 142289 AMHERST

Acct. No. 112 \$103.05 County
Acct. No. 132 \$123.69 Town/SpecialDist/School

22028 GETZVLE FIRE PROTECTION \$15.47

Charge To : 142289 AMHERST \$108.22

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: GARNER HOLDSWORTH

FISCAL YEAR 2010 Petition No. 211,187.00

 ASSESSOR Refund \$349.03

S-B-L 41.65-1-29 142289 AMHERST

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$349.03 Town/SpecialDist/School
Charge To : 142289 AMHERST \$349.03
 Relevy School \$349.03 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: GARNER HOLDSWORTH

FISCAL YEAR 2011 Petition No. 211,188.00

 ASSESSOR Refund \$230.13

S-B-L 41.65-1-28 142289 AMHERST

 Acct. No. 112 \$104.61 County
 Acct. No. 132 \$125.52 Town/SpecialDist/School
 22028 GETZVLE FIRE PROTECTION \$15.70
Charge To : 142289 AMHERST \$109.82

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: GARNER HOLDSWORTH

FISCAL YEAR 2010 Petition No. 211,189.00

 ASSESSOR Refund \$354.30

S-B-L 41.65-1-28 142289 AMHERST

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$354.30 Town/SpecialDist/School
Charge To : 142289 AMHERST \$354.30
 Relevy School \$354.30 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: GARNER HOLDSWORTH

FISCAL YEAR 2010 Petition No. 211,190.00

ASSESSOR Refund \$401.65

S-B-L 41.65-1-26 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$401.65 Town/SpecialDist/School
Charge To : 142289 AMHERST \$401.65
Relevy School \$401.65 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: GARNER HOLDSWORTH

FISCAL YEAR 2011 Petition No. 211,191.00

ASSESSOR Refund \$260.91

S-B-L 41.65-1-26 142289 AMHERST

Acct. No. 112 \$118.59 County
Acct. No. 132 \$142.32 Town/SpecialDist/School
22028 GETZVLE FIRE PROTECTION \$17.80
Charge To : 142289 AMHERST \$124.52

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: GARNER HOLDSWORTH

FISCAL YEAR 2011 Petition No. 211,192.00

ASSESSOR Refund \$299.63

S-B-L 41.65-1-25 142289 AMHERST

Acct. No. 112 \$136.19 County
Acct. No. 132 \$163.44 Town/SpecialDist/School
22028 GETZVLE FIRE PROTECTION \$20.44
Charge To : 142289 AMHERST \$143.00

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: GARNER HOLDSWORTH

FISCAL YEAR 2010 Petition No. 211,193.00

ASSESSOR Refund \$461.29

S-B-L 41.65-1-25 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$461.29 Town/SpecialDist/School

Charge To : 142289 AMHERST \$461.29
Relevy School \$461.29 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: GARNER HOLDSWORTH

FISCAL YEAR 2011 Petition No. 211,194.00
ASSESSOR Refund \$82.03

S-B-L 41.65-1-12 142289 AMHERST
Acct. No. 112 \$37.28 County
Acct. No. 132 \$44.75 Town/SpecialDist/School
22028 GETZVLE FIRE PROTECTION \$5.60
Charge To : 142289 AMHERST \$39.15

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: GARNER S HOLDSWORTH

FISCAL YEAR 2010 Petition No. 211,195.00
ASSESSOR Refund \$126.29

S-B-L 41.65-1-12 142289 AMHERST
Acct. No. 112 \$0.00 County
Acct. No. 132 \$126.29 Town/SpecialDist/School
Charge To : 142289 AMHERST \$126.29
Relevy School \$126.29 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: GARNER S HOLDSWORTH

FISCAL YEAR 2009 Petition No. 211,196.00
ASSESSOR Cancel \$190.00

S-B-L 258.09-1-2.1 142600 BOSTON
Acct. No. 112 \$0.00 County
Acct. No. 132 \$190.00 Town/SpecialDist/School
Charge To : 142600 BOSTON \$190.00

RPTL 550(2): SPECIAL DISTRICTS CHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: JOSEPH W & JENNY DUFFY

FISCAL YEAR 2010 Petition No. 211,197.00

ASSESSOR Cancel \$192.00

S-B-L 258.09-1-2.1 142600 BOSTON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$192.00 Town/SpecialDist/School
Charge To : 142600 BOSTON \$192.00

RPTL 550(2): SPECIAL DISTRICTS CHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: JOSEPH W & JENNY DUFFY

FISCAL YEAR 2011 Petition No. 211,198.00

ASSESSOR Cancel \$197.93

S-B-L 258.09-1-2.1 142600 BOSTON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$197.93 Town/SpecialDist/School
Charge To : 142600 BOSTON \$197.93

RPTL 550(2): SPECIAL DISTRICTS CHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: JOSEPH W & JENNY DUFFY

FISCAL YEAR 2011 Petition No. 211,199.00

ASSESSOR Cancel \$8,493.00

S-B-L 142889 BRANT

Acct. No. 112 \$0.00 County
Acct. No. 132 \$8,493.00 Town/SpecialDist/School
Charge To : 142889 BRANT \$8,493.00
Relevy School \$8,493.00

RPTL 550(2): MATHEMATICAL ERROR
NEW TAX BILL TO BE ISSUED TO: MULTIPLE PROPERTY OWNERS

FISCAL YEAR 2011 Petition No. 211,201.00

ASSESSOR Cancel \$435.00

S-B-L 180.15-1-6.11 144889 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$435.00 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$435.00

Relevy School \$435.00 144804 FRONTIER CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: MR & MRS THOMAS MOSEY

FISCAL YEAR 2011 Petition No. 211,202.00

ASSESSOR Cancel \$436.00

S-B-L 160.54-2-13 144889 HAMBURG

Acct. No. 112 \$0.00 County
Acct. No. 132 \$436.00 Town/SpecialDist/School
Charge To : 144889 HAMBURG \$436.00
Relevy School \$436.00 144804 FRONTIER CENTRAL

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: FREDERICK & SHARON DYCHA

FISCAL YEAR 2011 Petition No. 211,203.00

ASSESSOR Cancel \$603.00

S-B-L 67.79-5-23 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$603.00 Town/SpecialDist/School
Charge To : 142289 AMHERST \$603.00
Relevy School \$603.00 142201 AMHERST CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: LASHAWN L WILLIAMS & ANTHONY T
THOMPSON

FISCAL YEAR 2011 Petition No. 211,204.00

ASSESSOR Cancel \$705.04

S-B-L 91.15-12-31 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$705.04 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$705.04
Relevy School \$705.04 143002 CHEEK. UNION #2

RPTL 550(2): FAILED TO APPLY AN AGED STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: WILLIAM A CONTI

FISCAL YEAR	2011	Petition No.	211,205.00
	ASSESSOR	Cancel	\$540.60
S-B-L	223.20-3-69.1	144000 EDEN	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$540.60	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN	\$540.60	
	Relevy School	\$540.60	144001 EDEN CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: VICKIE L MEYLAN

FISCAL YEAR	2011	Petition No.	211,206.00
	ASSESSOR	Cancel	\$605.60
S-B-L	91.10-10-12	143089 CHEEKTOWAGA	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$605.60	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$605.60	
	Relevy School	\$605.60	143003 CHEEK. UNION #3

RPTL 550(2): FAILED TO APPLY AN AGED EXEMPTION
NEW TAX BILL TO BE ISSUED TO: ROSEMARY QUINN

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(6-0)

3. COMM. 18E-35 (2011)
COUNTY EXECUTIVE

WHEREAS, real property known as 117 French Rd & 2744 Clinton St in the Town of West Seneca (S.B.L. #'s 124.10-3-5.2, 124.10-3-6 and 124.10-3-7) parcels of land approximately 11.1 acres known as Majeski Nursery and previously owned by Dan Majeski Nurseries; and

WHEREAS, on October 31, 2007 the parcels were transferred to Brandee Myers-Majeski LLC and merged by deed (Liber 11136 Page 6630) which resulted in one merged parcel known as 117 French Rd (S.B.L # 124.10-3-5.21); and

WHEREAS, the 2008 taxes on the former properties known as 117 French Rd & 2744 Clinton St in the Town of West Seneca (S.B.L. #'s 124.10-3-5.2, 124.10-3-6 and 124.10-3-7) remain unpaid, as do the 2009 thru 2011 taxes on the new parcel 117 French Rd (S.B.L # 124.10-3-5.21); and

WHEREAS, tax certificates are held by the County of Erie for unpaid, 2008, 2009, and 2010 taxes in the amount of \$149,586.54; and

WHEREAS, the DeVincentis Profit Sharing Plan has a mortgage in the first and second positions, encompassing the previously separate parcels; and

WHEREAS, the DeVincentis Profit Sharing Plan wishes to purchase the 2008, 2009 and 2010 tax certificates in an effort to conduct its own foreclosure and acquire title to the subject property through the tax deed sale procedure established by the Erie County Tax Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services, Joseph L. Maciejewski, CCD is hereby authorized to sell the tax certificates on properties known as 117 French Rd & 2744 Clinton St in the Town of West Seneca (S.B.L. #'s 124.10-3-5.2, 124.10-3-6 and 124.10-3-7) and merged parcel known as 117 French Rd (S.B.L # 124.10-3-5.21) to DeVincentis Profit Sharing Plan for \$149,586.54, in accord with the provisions of the Erie County Tax Act; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Gregory Kammer, County Attorney's Office, and Department of Real Property Tax Services.
(6-0)

**BARBARA MILLER-WILLIAMS
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 164

September 26, 2011	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 15-9 (2011)
MILLER-WILLIAMS: "Requesting County Attorney & Commissioners of EC Board of Elections Appear Before Legislature to Discuss Appropriate Manner for Extending Deadline for Submission of Designating Petitions"
(6-0)
 - b. COMM. 15M-2 (2011)

- RALPH MOHR: “United States District Court Lawsuit Concerning Legislative Reapportionment”
(6-0)
- c. COMM. 16E-16 (2011)
MILLS: “Letter to Brian M. Melber, Esq. Concerning Counsel in Regards to Legislature Redistricting”
(6-0)
- d. COMM. 16D-1 (2011)
COUNTY ATTORNEY: “Transmittal of New Claim Against EC”
(6-0)
- e. COMM. 16D-2 (2011)
COUNTY ATTORNEY: “Transmittal of New Claim Against EC”
(6-0)
- f. COMM. 16D-4 (2011)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(6-0)
- g. COMM. 16M-2 (2011)
ASSIGNED COUNSEL PROGRAM: “Copy of Quarterly Report of the Assigned Counsel Program for the 2nd Quarter of 2011”
(6-0)
- h. COMM. 18E-2 (2011)
COMPTROLLER: “Comptroller's Review of County-Wide Dual Employment”
(6-0)
- i. COMM. 18E-9 (2011)
COMPTROLLER: “Comptroller's Review of Swipe System Compliance”
(6-0)
- j. COMM. 18D-1 (2011)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(6-0)
- k. COMM. 18D-3 (2011)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(6-0)
- l. COMM. 18D-5 (2011)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(6-0)
- m. COMM. 18D-7 (2011)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”

(6-0)

n. COMM. 18D-8 (2011)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(6-0)

o. COMM. 18M-7 (2011)
VERIZON PRESIDENT - NEW YORK REGION: "Letter to Chair Miller-Williams
Concerning Contract Negotiations between Verizon, the Communications Workers of
America & the International Brotherhood of Electrical Workers"
(6-0)

2. COMM. 19E-3 (2011)
COUNTY EXECUTIVE
WHEREAS, New York State has awarded additional funds to Erie County for initiatives to
support subsidized employment. This funding will be used to provide wage subsidies to employers
through the Health Care Jobs program and the Transitional Jobs program; and

WHEREAS, subsidized employment serves as an important component of any district's
employment services array by providing effective placements for individuals who may lack an
adequate or demonstrated work history, who have other barriers to employment, or when
employment opportunities in the community are limited; and

WHEREAS, Health Care and Transitional Jobs are by preapproved allocation; and

WHEREAS, there is no fiscal impact to this resolution as there is 100% federal
reimbursement for these programs with no local share.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept funds in the amount
of \$277,566 for the "Employee Subsidized Wage Stimulus" grant program and to amend the budget
of the existing grant project; and be it further

RESOLVED, that the following appropriations are established in the Department of Social
Services for the period of October 1, 2010 through September 30, 2012 for the Employee Subsidized
Wage Stimulus grant program:

Department of Social Services, Fund Center 120, Fund 281

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
530030	Health Care Wage Subsidies	89,129
530030	Transitional Wage Subsidies	178,119
530000	Health Care Bus Passes	3,022
530000	Transitional Bus Passes	<u>7,296</u>
	Total Expenditure	<u>\$277,566</u>

409000	State Aid Grant Program	<u>\$277,566</u>
	Total Revenue	<u>\$277,566</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.

(6-0)

CHRISTINA W. BOVE
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 165

September 26, 2011	PUBLIC SAFETY COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 16M-1 (2011)
UNITED HANDS OF HOPE HOUSE, INC.: “Letter to Legislature Concerning Human Trafficking”
(4-0)
 - b. COMM. 18E-12 (2011)
COMPTROLLER: “Homeland Security Grants”
(4-0)
 - c. COMM. 18D-6 (2011)
DEPARTMENT OF CENTRAL POLICE SERVICES: “Letter to Comptroller Concerning 2007 Homeland Security Grants”
(4-0)
 - d. COMM. 19D-3 (2011)
COMPTROLLER'S OFFICE: “Letter to Commissioner of Central Police Services Concerning 2007 Homeland Security Contracts”
(4-0)
2. COMM. 16E-9 (2011)
COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$2,459,652 in federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$2,459,652 in federal resources to provide funding for personnel and the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the Department of Homeland Security through the NYS Department of Homeland Security to receive \$2,459,652 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that authorization is hereby provided to transfer currently budgeted positions within existing Department of Emergency Services Homeland Security grants to UASI FY 2010 as required to maintain public safety services to Erie County residents; and be it further

RESOLVED, that this grant, under the Department of Emergency Services, will meet the grant goals and objectives; and be it further

RESOLVED, that said funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

RESOLVED, that the authorization is hereby provided to the Division of Budget and Management to establish funding in the Grant Fund 281, as follows:

Erie County Department of Emergency Services
FY 2010 Urban Area Security Initiative (UASI)

Revenue	Increase
Account 414000 Federal Aid	\$ 2,459,652
Appropriations	Increase
Account 500000 Full Time Salaries	\$ 210,000
Account 502000 Fringe Benefits	104,400
Account 516020 Professional Contracts & Fees	152,000
Account 561410 Equipment (Lab & Tech)	1,858,252
Account 510100 Travel	15,000
Account 510200 Training & Education	20,000
Account 516030 Maintenance Contracts	<u>100,000</u>
Total Appropriations	\$ 2,459,652

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 State and Federal approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(4-0)

3. COMM. 16E-14 (2011)
COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$2,071,146 in federal assistance to continue the implementation of a program to enhance the ability of Erie County to manage emergency and disaster situations; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$2,071,146 in federal resources to provide funding for personnel and the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the NYS Department of Homeland Security to receive \$2,071,146 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that authorization is hereby provided to transfer currently budgeted positions with existing Department of Emergency Services Homeland Security grants to SHSP FY 2010 as required to maintain public safety services to Erie County residents; and be it further

RESOLVED, that this grant, under the Department of Emergency Services, will meet the goals and objectives; and be it further

RESOLVED, these funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

RESOLVED, that the authorization is hereby provided to the Division of Budget and Management to establish funding in the Grant Fund 281, as follows:

Erie County Department of Emergency Services
FY 2010 State Homeland Security Program (SHSP)

Revenue	Increase
Account 414000 Federal Aid	\$2,071,146
Appropriations	Increase

Account 500000 Full Time Salaries	\$201,500
Account 502000 Fringe Benefits	116,870
Account 516020 Professional Contracts & Fees	102,400
Account 505000 Office Supplies	6,000
Account 510200 Training & Education	5,000
Account 508000 Medical & Health Supplies	33,984
Account 561410 Equipment (Lab & Tech)	812,452
Account 510100 Travel	22,000
Account 516030 Maintenance Contracts	<u>770,940</u>
 Total Appropriations	 2,071,146

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 State and Federal approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the Department of Health c/o Tracy Chalmers, the County Comptroller, and the County Attorney.
(4-0)

4. COMM. 18E-16 (2011)
SHERIFF

WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on Dec.1, 1994; and

WHEREAS, funds previously transferred from the Seized Asset Trust Account into the Asset Forfeiture Funded Program SAFS have not been totally expended; and

WHEREAS, the Sheriff's Office has identified specific funding needs; and

WHEREAS, all expenditures meet the criteria established by the U.S. Department of Justice for the use of equitable shared funds; and

WHEREAS, there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that \$33,275 currently available in the Erie County Sheriff's Office Asset Forfeiture Funded Program SAFS be allocated to fund required travel and to purchase needed equipment and services; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE ASSET FORFEITURE FUNDED PROGRAM SAFS

REVENUE	Increase	
421550	Forfeiture Crime Proceeds	33,275
	Total Revenue	33,275
APPROPRIATION	Increase	
510100	Out of Area Travel	20,000
516020	Professional Services & Fees	3,275
561410	Lab & Tech Equipment	10,000
Total Appropriations		33,275

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, the Erie County Comptroller, the Bureau of Purchase and the Office of the Sheriff.
(4-0)

5. COMM. 18E-33 (2011)
COUNTY EXECUTIVE

WHEREAS, the Department of Homeland Security through the NYS Department of Homeland Security and Emergency Services has agreed to provide funding in the amount of \$150,000 in federal assistance to be utilized to enhance communications between first responders along the Erie County waterfront; and

WHEREAS, authorization is required from the Erie County Legislature for the County Executive to enter into contact and accept \$150,000 in federal resources to provide funding for the purchase of necessary equipment to enhance the ability of Erie County to manage emergency and disaster situations.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the Department of Homeland Security through the NYS Department of Homeland Security to receive \$150,000 in grant funding for the Department of Emergency Services; and be it further

RESOLVED, that this grant, under the Department of Emergency Services, will be utilized to construct a communications tower at Sturgeon Point which will enhance radio communication between first responders along Lake Erie, the Niagara River and the Port of Buffalo; and be it further

RESOLVED, that said funds will be utilized to enhance the ability of Erie County to manage emergency and disaster situations; and be it further

RESOLVED, that the authorization is hereby provided to the Division of Budget and Management to establish funding in the Grant Fund 281, as follows:

Erie County Department of Emergency Services
FY 2009 Port Security Grant Program

Revenue	Increase
Account 414000 Federal Aid	\$ 150,000
Appropriations	Increase
Account 561410 Equipment (Lab & Tech)	<u>150,000</u>
Total Appropriations	\$ 150,000

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 State and Federal approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.
(4-0)

6. COMM. 19E-1 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Central Police Services Forensic Laboratory has been awarded a 2010 Coverdell Grant by the National Institute of Justice to analyze backlogged firearms cases; and

WHEREAS, the New York State Division of Criminal Justice Services has terminated funding of the Firearms Capacity Enhancement program.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to transfer the full-time Firearms Examiner II – position #51009325 to the 165FY10COVFIRE1011 grant and delete the vacant part-time Firearms Examiner II – position #51009379 (B-100 #6461); and be it further

RESOLVED, that certified copies of the resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Department of Personnel, the Office of the Comptroller and the Department of Central Police Services.
(4-0)

**CHRISTINA W. BOVE
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 166

September 26, 2011	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 18D-2 (2011)
DEPARTMENT OF ENVIRONMENT & PLANNING: "Acquisition/Demolition of 1717 Two Rod Road - Town of Marilla - SEQR Notification"
(5-0)
 - b. COMM. 19D-1 (2011)
COMMISSIONER - DEPARTMENT OF PUBLIC WORKS: "Follow Up Letter - Pavement Road Bridge Replacement Over the CSX Railroad & Bridge Removal Over an Abandoned Railroad - Town of Lancaster"
(5-0)
 - c. COMM. 19D-2 (2011)
COMMISSIONER - DEPARTMENT OF PUBLIC WORKS: "Follow Up Letter - Cemetary Road Bridge Replacement Over the NS Railroad & Plum Bottom Creek - Town of Lancaster"
(5-0)
2. COMM. 19E-7 (2011)
COUNTY EXECUTIVE
WHEREAS, the Erie County Division of Real Estate and Asset Management received bids for the Rath Building Low Rise Elevator Modernization Project on January 4, 2011; and

WHEREAS, the Erie County Division of Real Estate and Asset Management is recommending award of contract to the lowest responsible bidder, along with the engineer; and

WHEREAS, your honorable body has previously approved a General Architectural/Engineering Agreement with the Engineering firm of Ram-Tech Engineers, PC for providing professional design services on Erie County projects; and

WHEREAS, the County Executive is seeking authorization from your honorable body to enter into a construction contract with Bison Elevator Services, Inc., Greater Niagara Mechanical, Inc. and Goodwin Electric Corporation for the Rath Building Low Rise Elevator Modernization project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidders for the Rath Building Low Rise Elevator Modernization project as follows:

Elevator Construction Work

Bison Elevator Services, Inc. for a base bid and total contract in the amount of \$465,000.00

Mechanical Construction Work

Greater Niagara Mechanical, Inc. for a base bid and total contract in the amount of \$44,700.00

Electrical Construction Work

Goodwin Electrical Corporation for a base bid and total contract in the amount of \$46,470.00

and be it further

RESOLVED, that the sum of \$100,000.00 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 be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.00314.1.3 – 2007 – Rath Building Low Rise Elevator Modernization for an amount not to exceed \$656,170.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(5-0)

**TIMOTHY J. WHALEN
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 167

September 29, 2011	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR WALTER.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 18M-14 (2011)

EC BOARD OF HEALTH: "Schedule of Upcoming Meetings & Minutes/Agenda from Meeting Held 5/12/2011"
(5-0)

b. COMM. 19M-2 (2011)
ECMCC: "Copy of Materials Distributed at Meeting Held 8/30/2011"
(5-0)

2. COMM. 18E-27 (2011)
COUNTY EXECUTIVE

WHEREAS, the Department has been awarded an amount of \$24,460 in 100% Federal share Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence; and

WHEREAS, the additional federal TANF funding is awarded for contract expansion for vendors with existing State approval to deliver non-residential services to victims of domestic violence; and

WHEREAS, the provisions of the award specifically prohibit the supplantation of existing funding agreements and also prohibit the use of funds for County government operations; and

WHEREAS, only new contractual services or expansion of existing contractual services are eligible for this funding, and the vendors used must be among those named in the Department's Consolidated Services Plan (CSP) approved by the State; and

WHEREAS, there is no local share fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into or amend contracts with Child and Family Services, Crisis Services, and Hispanics United for expanded non-residential services to victims of domestic violence; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2011 Adopted Budget:

Department of Social Services, Fund 110, Department 120

	Current Budget	Changes	Amended Budget
REVENUES			
Account Description			
414000 Federal Aid	0	\$24,460	\$24,460
TOTAL REVENUE		\$24,460	
APPROPRIATIONS			
517098 Crisis Services	91,500	\$7,887	\$99,387

517166	Hispanics United of Buffalo	111,250	4,343	115,593
517060	Child and Family Services	262,788	12,230	275,018
	TOTAL APPROPRIATIONS		\$24,460	

and be it further

RESOLVED, that because only State-approved providers of non-residential services to victims of domestic violence are eligible to receive these funds and because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.

(5-0)

3. COMM. 18E-28 (2011)
COUNTY EXECUTIVE

WHEREAS, the Department is mandated to provide interpreter services for clients involved in family court matters as well as in application for assistance; and

WHEREAS, the Department has revised procedures to include a telephone service language line and also a language day during which multiple clients requiring services are scheduled; and

WHEREAS, ECDSS staff provides interpreter service in Spanish, but other languages and signing are not available from staff members of the Department; and

WHEREAS, the increase to interpreter contracts is nevertheless necessary due to an increasing refugee population and mandated requests for interpreter services for non English speaking persons and those requiring alternative communication; and

WHEREAS, this resolution has no fiscal impact in the 2011 Adopted Budget as the local share is available from prior year Federal Medicaid Assistance funds.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2011 Adopted Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
517172	International Institute	\$55,000
517102	Deaf Adult Services	<u>3,000</u>
	Total Expenditure	<u>\$58,000</u>

407540	State Aid Admin	\$12,841
411540	Federal Aid Admin	26,976
466180	Unanticipated Prior Year Revenue	<u>18,183</u>
	Total Revenue	<u>\$58,000</u>

and be it further

RESOLVED, as these services are needed immediately the section 19.08 Request for Proposal requirement is waived in execution of these contract increases; and be it further

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services are authorized to increase the contracts with the International Institute and Deaf Adult Services; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.

(5-0)

4. COMM. 19E-6 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the New York Connects Program for the period January 1, 2011 to December 31, 2011 in the Department of Senior Services (Department) operating fund; and

WHEREAS, the State-approved Work Plan consists of implementing a centralized point of entry for information and assistance on long term care; sustaining program operations and functions that meet State New York Connects standards; serving all long term care consumers through operation of the core functions in a manner that supports their independence and self-determination; and evaluating New York Connects effectiveness and impact on the long term care system; and

WHEREAS, the Department desires to revise the operating budget to ensure that all related New York Connects costs are included; and

WHEREAS, the New York Connects Program is 100% State funded, and the Department will be able to maximize State reimbursement for these positions; and

WHEREAS, the Department operating fund budget needs to be revised.

NOW, THEREFORE, BE IT

RESOLVED, that the Department operating budget, fund center 163, be revised as follows:

	CURRENT		AMENDED
APPROPRIATIONS	BUDGET	CHANGES	BUDGET

500000	Full Time Salaries	\$500,790	-12,000	\$488,790
500030	Seasonal Wages	\$109,260	-21,562	87,698
502000	Fringe Benefits	338,100	-12,000	326,100
505000	Office Supplies	11,662	-451	11,211
510000	Local Mileage	7,250	500	7,750
510100	Out of Area Travel	3,200	-959	2,241
530000	Other Expenses	16,636	-5,000	11,636
561410	Lab & Technical Equipment	4,000	-696	3,304
916390	ID Senior Services Grant	93,362	52,168	145,530
	TOTAL APPROPRIATIONS		<u>\$0</u>	

and be it further

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

(5-0)

**THOMAS J. MAZUR
CHAIR**

Item 26 – MS. BOVE presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 168

September 29, 2011	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS KOZUB & WHALEN.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 24D-6 (2010)
COMPTROLLER'S OFFICE: "Report on the Rental & Refurbishment of County Parks' Residences"
(4-0)
 - b. COMM. 18E-22 (2011)
COUNTY EXECUTIVE: "ECSD No. 2 - Engineering Agreement Dated 8/29/2002"
(4-0)
 - c. COMM. 18E-32 (2011)

COUNTY EXECUTIVE: "SEMI-Annual Attendance Records - Board of Managers - Sewer Districts"
(4-0)

- d. COMM. 18M-2 (2011)
NYSDEC: "Fact Sheet: Brownfield Cleanup Program at 111 Hydraulic Street Project"
(4-0)
- e. COMM. 18M-3 (2011)
NYSDEC: "Public Notice: Application from 4216 Group, LLC for a Site Known as the 300 Ohio Street Site"
(4-0)
- f. COMM. 18M-8 (2011)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter to Clerk of Legislature Concerning a 2010 Report & Plan to Modify EC Agricultural District No. 15, No. 9 & No. 2"
(4-0)
- g. COMM. 18M-9 (2011)
NYSDEC: "Public Notice: Inactive Hazardous Waste Disposal Site Delist Notice - Niagara Mohawk Dewey Ave. Service Station"
(4-0)
- h. COMM. 18M-10 (2011)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: "Letter to Clerk of Legislature Concerning EC Agricultural Districts No. 11, No. 12, No. 13 & No. 16"
(4-0)
- i. COMM. 18M-12 (2011)
NYSDEC: "Fact Sheet: Environmental Cleanup Project to Begin at Trinidad Park in Buffalo"
(4-0)
- j. COMM. 18M-13 (2011)
NYSDEC: "Public Notice: Application from Giuseppe Holdings, LLC for a Site Known as 4630 River Road"
(4-0)

2. COMM. 16E-13 (2011)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the County of Erie and CSX Transportation, Inc have a license agreement No. CR 268274 for right of ways for sanitary sewers; and

WHEREAS, the County of Erie currently pays the license agreement fees on an annual basis;
and

WHEREAS, the County of Erie and CSX Transportation, Inc. have negotiated a one time lump sum final payment; and

WHEREAS, the County of Erie and CSX Transportation, Inc. will amend the license agreement and the County will make a final payment of \$4,000.00; and

WHEREAS, \$4,000.00 is allocated in the Professional Services Account 516020 Erie County Sewer District No. 4 Operating Budget Fund 220 Business Area 181 in the 2011 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that amended license agreement between the County of Erie and CSX Transportation, Inc., on behalf of Erie County Sewer Districts No. 4 in the amount of \$4,000.00 is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute the amended license agreement with the CSX Transportation, Inc. subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Deputy Commissioner of the Department of Environment and Planning and one (1) certified copy each to the County Executive, the County Comptroller and Eric Ziobro, Assistant County Attorney.
(4-0)

3. COMM. 18E-30 (2011)
COUNTY EXECUTIVE

WHEREAS, the County of Erie, through its Public Works Department previously entered into an agreement with the Erie County Soil and Water Conservation District, who has the necessary expertise and personnel to perform the necessary inspections, evaluations and carry out administrative responsibilities related to the delivery of various technical services including stream bank maintenance and bridge and culvert scour maintenance; and

WHEREAS, it has become necessary to continue the County-wide Stream Bank Maintenance Program to reduce erosion and localized flood related risk to Erie County's roads, bridges, culverts and rights-of-way by removing gravel bars and vegetative debris obstructing or diverting natural flow of streams, repair bridge and culvert scour or prevention of same; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipalities and districts to contract to perform together that which each public entity is authorized to perform individually; and Article 5, Section 99-R of the same General Municipal Law authorizes Erie County and the Erie County Soil and Water Conservation District to contract by direct negotiations for services of government not regularly provided to the public as part of general government services; and

WHEREAS, the Legislative Body of Erie County and the Board of Directors of the Erie County Soil and Water Conservation District have previously authorized a municipal agreement on June 11, 2009 via Communication Number 10E-10 and October 14, 2010, via Communication Number 15E-23 for the purpose of performing a County-wide Stream Bank Maintenance Program.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is authorized to enter into an agreement with the Erie County Soil and Water Conservation District be executed in the amount of \$50,000.00 to be allocated from the Department of Public Works, Cost Center 1231010, Fund 210, Account 516020 – Professional Services, for technical services to reduce erosion, scour, and localized flooding related risk to roads, bridges, culverts, and rights-of-way at various locations; and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(4-0)

4. COMM. 18E-31 (2011)
COUNTY EXECUTIVE

WHEREAS, the Buffalo and Erie County Greenway Fund – Standing Committee awarded Erie County \$205,000 to prepare a Shoreline Trail Signage – Riverwalk Section project; and

WHEREAS, said project will develop a signage site and amenity specification manual for all existing and future trail segments within the Niagara River Greenway area; and

WHEREAS, the Erie County Standing Committee utilizes the Community Foundation for Greater Buffalo as their contracting agent for fund disbursements; and

WHEREAS, Erie County executed a signage design contract with Wendel-Duchscherer on November 29, 2009 for an amount not to exceed \$54,000; and

WHEREAS, said design work is limited to the Shoreline Trail elements within the Niagara River Greenway; and

WHEREAS, Erie County is desirous of expanding the scope of the design to all parks, public spaces, and approaches to Greenway attractions.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a first amendatory agreement to the November 29, 2009 agreement with Wendel Duchscherer Architects and Engineers increasing the contract amount from \$54,000 to \$99,000; and be it further

RESOLVED, that the source of funds is money available within the Erie County Department of Environment and Planning Budget, Project A.00348, Shoreline Trail – Riverwalk Section Signage and Park Furnishings System; 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.

(4-0)

**THOMAS J. MAZUR
CHAIR**

Item 27 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 169

September 29, 2011	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR FUDOLI.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13M-8 (2011)
BUFFALO & EC BOTANICAL GARDENS: "Copy of Letter to County Executive Requesting Funding for Capital Improvements"
(5-0)
 - b. COMM. 19M-3 (2011)
710 MAIN ST., INC.: "Application for Funding Toward Capital Improvements - Cultural Capital Projects"
(5-0)
 - c. COMM. 19M-5 (2011)
GRAYCLIFF CONSERVATORY: "Application for Funding Toward Capital Improvements - Cultural Capital Projects"
(5-0)
 - d. COMM. 19M-6 (2011)
WNY BOOK ARTS CENTER: "Application for Funding Toward Capital Improvements - Cultural Capital Projects"
(5-0)
 - e. COMM. 19M-7 (2011)
SPRINGVILLE CENTER FOR THE ARTS: "Application for Funding Toward Capital Improvements - Cultural Capital Projects"

(5-0)

- f. COMM. 19M-8 (2011)
LANCASTER OPERA HOUSE: “Application for Funding Toward Capital Improvements - Cultural Capital Projects”
(5-0)
- g. COMM. 19M-9 (2011)
IRON ISLAND MUSEUM: “Application for Funding Toward Capital Improvements - Cultural Capital Projects”
(5-0)
- h. COMM. 19M-10 (2011)
PENN DIXIE PALEONTOLOGICAL CENTER: “Application for Funding Toward Capital Improvements - Cultural Capital Projects”
(5-0)
- i. COMM. 19M-11 (2011)
IRISH CLASSICAL THEATRE COMPANY: “Application for Funding Toward Capital Improvements - Cultural Capital Projects”
(5-0)
- j. COMM. 19M-12 (2011)
SHAKESPEARE IN DELAWARE PARK: “Application for Funding Toward Capital Improvements - Cultural Capital Projects”
(5-0)
- k. COMM. 19M-13 (2011)
THEATER OF YOUTH: “Application for Funding Toward Capital Improvements - Cultural Capital Projects”
(5-0)
- l. COMM. 19M-14 (2011)
LOCUST STREET NEIGHBORHOOD ART CLASSES: “Application for Funding Toward Capital Improvements - Cultural Capital Projects”
(5-0)
- m. COMM. 19M-15 (2011)
EXPLORE & MORE CHILDREN’S MUSEUM: “Application for Funding Toward Capital Improvements - Cultural Capital Projects”
(5-0)
- 2. COMM. 19E-2 (2011)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature hereby confirms the Re-Appointments & Appointments of the following individuals to the EC Commission on the Status of Women Advisory Board for a term expiring June 30, 2014:

RE-APPOINTMENT

Ms. Kim Colaiacovo, Esq.
6260 Creekhaven Drive
East Amherst, NY 14051

Ms Amy Rath
111 Chapel Woods
Williamsville, NY 14221

APPOINTMENT

Ms. Beth A. Curtis
157 Mariner Street
Buffalo, NY 14201

Ms. Maria Delaney
130 Cortland Avenue
Buffalo, NY 14223

Ms. Colleen Haim
130 S. Elmwood Avenue
Suite 516
Buffalo, NY 14202

(5-0)

**THOMAS A. LOUGHRAN
CHAIR**

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 170

RE: Asking the State & Federal Government
to Restore Subsidies for Public
Transportation
(INTRO 20-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS KOZUB & MILLER-WILLIAMS**

WHEREAS, the Niagara Frontier Transportation Authority (NFTA) is responsible for public transportation in Erie County including bus and rail services for residents of Western New York; and

WHEREAS, cuts to NFTA in the amount of \$4.5 million in state operating assistance over the last three years have negatively impacted our region's system of public transportation resulting in service cuts and fare increases; and

WHEREAS, NFTA also faces a \$4 million increase in pensions, workers' compensation and labor costs as they seek to balance this year's budget; and

WHEREAS, in order fill the significant budget gaps created by the decrease in federal and state funding for public transportation and the increase in costs, NFTA is considering additional increases in fares and cutbacks in services for those that use this vital system of transportation; and

WHEREAS, residents that use the public transportation system are often those that can least afford a fare increase, particularly in challenging economic times; and

WHEREAS, we should be encouraging an increase in the use of public transportation as a way to lessen our impact on the environment and decrease costs associated with the upkeep of heavily traveled roadways and bridges in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls upon the Members of Western New York's Congressional Delegation and the Members of the Western New York State Delegation to actively support the restoration in state and federal subsidies for public transportation to the Niagara Frontier Transportation Authority; and be it further

RESOLVED, that a copy of this Certified Resolution be sent to Senators Charles Schumer and Kirsten Gillibrand and Representatives Brian Higgins, Louise Slaughter and Kathy Hochul, all of the members of the Western New York State Delegation and NFTA Acting Chairman Henry D. Sloma.

MS. WHYTE moved to amend the resolution by adding MS. WHYTE, MR. MILLS, MR. WHALEN, MS. GRANT, MR. MAZUR, MS. BOVE, MS. MARINELLI, MS. DIXON, MR. LOUGHRAN and MR. RATH as Co-Sponsors. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 171

RE: Support for Military Benefits
(INTRO 20-2)

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

WHEREAS, brave men and women have defended our country in an exemplary manner in all parts of the world since our nation's inception; and

WHEREAS, all citizens of the United States have benefited from the sacrifices made by these veterans in defending our safety and freedom; and

WHEREAS, our country's veterans continue to serve our country and the cause of freedom by exemplifying the patriotism and love of country that has become the fabric of our society; and

WHEREAS, in addition to love of country, many men and women enroll in the armed forces for the financial and health benefits that accompanies military service; and

WHEREAS, curtailing these benefits would result in fewer men and women enrolling in the military, possibly endangering our safety; and

WHEREAS, due to the debt ceiling agreement approved this summer by Congress, under which the Pentagon must find \$400 billion in reductions over the next 12 years, many cuts once considered unthinkable are now being considered; and

WHEREAS, despite the sacrifices made by our veterans, some members of congress are now advocating for cuts to the financial and health benefits our military members and retirees receive in an attempt to cut federal spending.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record as being strongly opposed to balancing the budget on the backs of men and women who risked their lives defending our freedom; and be it further

RESOLVED, that certified copies of this resolution be sent to President Barack Obama, Governor Cuomo, US Senators Schumer and Gillibrand, and US Representatives Hochul, Higgins, and Slaughter, and the Erie County Veterans Service Agency.

MS. WHYTE moved to amend the resolution including Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 172

RE: Transfer of Surplus Items to Helping
Hearts Aftercare Program
(INTRO 20-3)

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

WHEREAS, earlier this month the Helping Hearts Aftercare Program approached Erie County to ask for assistance in furnishing their facility; and

WHEREAS, the organization indicated the need for tables, chairs, a cabinet, book racks, computers and various computer accessories; 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 Helping Hearts Aftercare Program.

NOW, THEREFORE, BE IT

RESOLVED, that ownership of two tables, six chairs, one cabinet, two book racks, four computers, two Gateway Computer Monitors, Two HP Computer Monitors, four keyboards and four mice is hereby transferred from the County of Erie to the Helping Hearts Aftercare Program for the purpose of furnishing their facility; and be it further

RESOLVED, that none of these items are to be used for a purpose other than furnishing the Helping Hearts Aftercare Program facility; 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 the County Attorney.

MS. WHYTE moved to amend the resolution including Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 31 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 173

RE: NYS Tourism Protection Act Re-
Designation for 2011-2012
(INTRO 20-4)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLER-WILLIAMS & LOUGHRAN**

WHEREAS, the promotion, development and expansion of the tourist travel, report and vacation business are vital and necessary concerns to the citizens of Erie County, since such tourism business strengthens the county's vital and necessary opportunities, and promotes the general welfare of county residents; and

WHEREAS, the NYS Legislature, in 1977, recognizing the value of local and state involvement and assistance in tourism promotion, enacted the NYS Tourism Protection Act; and

WHEREAS, this Tourism Protection Act authorizes the state's Department of Commerce to initiate a program of matching state funds for non-profit tourist promotion agencies designated by county legislative bodies as agencies authorized to apply for and receive grants for recognized media advertising programs; and

WHEREAS, Visit Buffalo Niagara (formerly named the Buffalo Niagara Convention and Visitors Bureau), a non-profit tourism promotion association, has begun to bring together many new segments of the county, servicing the tourism industry in a coordinated effort.

NOW, THEREFORE, BE IT

RESOLVED, that the Visit Buffalo Niagara, having been designated as the authorized tourism promotion agency for Erie County in 1974, is hereby re-designated as such for 2011-2012; and be it further

RESOLVED, that this Honorable Body does hereby request that the Visit Buffalo Niagara make the appropriate application to the Commissioner of the NYS Department of Commerce for state matching funds to assist said tourism promotion agency in the financing of a recognized media advertising program, as defined and set forth in the NYS Tourism Protection Act; and be it further

RESOLVED, that officials of Visit Buffalo Niagara are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the aforementioned state matching fund grants and other matters relating to the furtherance of tourist activities within Erie County and Western New York; and be it further

RESOLVED, that certified copies of this resolution be sent to Commissioner of the NYS Department of Economic Development, 30 South Pearl St., Albany, NY 12245; Dottie Gallagher Cohen and Leah Mueller of Visit Buffalo Niagara, 617 Main St., Suite 200, Buffalo, NY 14203-1496; NYS Assembly Tourism, Arts and Sports Development Committee, LOB 712, Albany, NY 12248; NYS Senate Tourism, Recreation and Sports Development Committee, LOB 310, Albany, NY 12248; and to Erie County Executive Chris Collins.

MS. WHYTE moved to amend the resolution including Et Al Sponsorship. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 32 – MS. WHYTE presented the following resolution and moved for immediate

consideration and approval. MS. GRANT seconded.

MR. HARDWICK moved to amend the resolution. MR. FUDOLI seconded.

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

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER and MR. KOZUB. NOES: MS. BOVE, MS. GRANT, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS, MR. WHALEN and MS. WHYTE. (AYES: 7; NOES: 8).

FAILED.

CHAIR MILLER-WILLIAMS moved the previous question, and directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS, MR. WHALEN and MS. WHYTE. NOES: None. (AYES: 15; NOES: 0).

CARRIED UNANIMOUSLY.

RESOLUTION NO. 174

RE: Encouraging NYS to Address the Issue
of Cyber-Bullying
(INTRO 20-5)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS BOVE, MILLER-WILLIAMS, WHYTE, KOZUB,
WHALEN, GRANT, MAZUR, MARINELLI, DIXON & LOUGHRAN**

WHEREAS, the issue of bullying and particularly cyber-bullying, on the Internet and through cell phones and other electronic devices, has gained increased attention recently with the suicide of a Williamsville teenager due to the bullying he was subjected to both at school and at home through the Internet; and

WHEREAS, the New York State Senate and Assembly last year passed a law entitled the "Dignity for All Students" Act that increases the accountability of school systems for acts of bullying that occur in school; and

WHEREAS, the legislation, as passed, did not address the issue of cyber-bullying or bullying that occurred outside of school; and

WHEREAS, cyber-bullying has a significant impact on students who are not able to escape their tormentors outside of the school and it thereby affects their lives and performance in school; and

WHEREAS, the additional pressure of cyber-bullying, it has been shown, increasingly leads young people to take drastic actions, such as suicide, to escape the pain they feel from the continual bullying both in school and at home; and

WHEREAS, school districts, parents and law enforcement are in need of guidance and tools to combat this problem and to prevent tragic suicides due to the effects of bullying.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature strongly encourages the New York State Legislature and Governor Cuomo to approve legislation that would address the issue of bullying, particularly cyber-bullying that occurs outside of the school setting; and be it further

RESOLVED, that copies of this certified resolution be sent to Governor Andrew Cuomo and all the Members of the Western New York State Legislative Delegation.

Item 33 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 175

RE: Opposing the Closing of Postal
Operations on William Street in Buffalo
& Lackawanna
(INTRO 20-6)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS KOZUB, WHALEN, WHYTE, GRANT,
MAZUR, BOVE, MARINELLI & LOUGHRAN**

WHEREAS, on July 26, 2011 the United States Postal Service (USPS) announced publicly it will conduct studies of approximately 3,700 retail offices to “determine customer needs;” and

WHEREAS, two facilities that are being considered for closing are within Erie County, the United States Post Office located on William Street in Buffalo, NY and the United States Post Office in Lackawanna, NY; and

WHEREAS, the William Street facility employs over 700 people and is Buffalo’s main postal facility where a large portion of mail circulated within the Western New York community is processed; and

WHEREAS, moving the William Street operations to another location outside the area is a cost-prohibitive move that would negatively impact the economy of Erie County; and

WHEREAS, the post office in Lackawanna is being considered for closure without proper notification to the public it serves prior to a public hearing on the matter; and

WHEREAS, specific objections include the failure by the postal service to properly notify the public by not delivering questionnaires to individuals and businesses that will be affected by the closure; the proposal and request for comments are not clearly visible to the public at the Lackawanna post office; the notice of and community meeting were not publicized through local media; the community meeting details were incomplete and conflicting deadlines were given for community feedback; and

WHEREAS, given the inadequacy that has been documented in the above areas, it is the responsibility of the Postal Service to address these issues before any public hearing can be held.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record as Opposing the closing of either the United States Post Office located on William Street in Buffalo, NY or the United States Post Office in Lackawanna, New York; and be it further

RESOLVED, that the Erie County Legislature encourages the United States Postal Service to extend the November 7, 2011 deadline for public comments regarding the Lackawanna post office facility to offer everyone impacted the chance to comment fully on this proposed closing; and be it further

RESOLVED, that the Erie County Legislature forward certified copies of this resolution to the U.S. Postmaster General Patrick R. Donahoe, the Buffalo District Postmaster John Phelan, Senator Charles Schumer, Senator Kirsten Gillibrand, Representative Brian Higgins and Representative Kathy Hochul.

MS. WHYTE moved to reconsider the resolution. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 34 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 176

RE: Vision Tests for Driver's License
(INTRO 20-7)

A RESOLUTION TO BE SUBMITTED BY

**LEGISLATORS WHYTE, KOZUB, WHALEN, GRANT,
MAZUR, BOVE, MARINELLI & LOUGHRAN**

WHEREAS, until September 28, 2011, those seeking a drivers' license renewal were required to take a vision test at the Auto Bureau; and

WHEREAS, the New York State Department of Motor Vehicles announced on Monday, September 26, 2011 that that policy was ending in two days time; and

WHEREAS, the new policy issued by the New York State Department of Motor Vehicles allows applicants to "self certify" their ability to see; and

WHEREAS, the Erie County Clerk's office suggest that between 10 and 20 applicants are denied a new license each week in each of the County's six Auto Bureaus for failing to pass a standard vision test; and

WHEREAS, it is therefore estimated that approximately three to five thousand individuals are denied a drivers' license for failing to pass a vision test each year in Erie County alone; and

WHEREAS, the new policy was issued without consulting local officials and with no advanced warning to local officials; and

WHEREAS, this new policy sacrifices safety in the name of efficiency; and

WHEREAS, taxpayers all across the State of New York should not have to chose between efficiency and safety. They demand and deserve both.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record as being strongly opposed to this new policy and believes that the State Department of Motor Vehicles should not sacrifice safety for efficiency; and be it further

RESOLVED, that the Erie County Legislature urges the Commissioner of the Department of Motor Vehicles to delay the implementation of this policy until local officials can weigh in on this important issue; and be it further

RESOLVED, that the Erie County legislature urges the Commission of the Department of Motor Vehicles to create a process whereby applicants can renew on line and still to be required to see properly; and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the Department of Motor Vehicles and to the Governor of New York State.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

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

GRANTED.

COMM. 20E-21 from the COUNTY EXECUTIVE. Re: Fruit Belt/East Side Community Development Project

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR MARINELLI

Item 36 – (COMM. 20E-1) Copy of Library Position Paper from North Buffalo Library Planning Committee

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMPTROLLER

Item 37 – (COMM. 20E-2) Request ECFSA to Conduct 2011 RAN Borrowing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 38 – (COMM. 20E-3) Review of Overtime at the EC Holding Center & Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 39 – (COMM. 20E-4) Copy of Letter to County Attorney Concerning Waste, Fraud & Abuse Tip Line Communication

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 40 – (COMM. 20E-5) 2012 EC Tentative Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 41 – (COMM. 20E-6) Copy of Letter Concerning Apportionment & Distribution of Net Collection from the 4.75% Sales & Compensating Use Tax for EC for the Months of June, July & August 2011

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 42 – (COMM. 20E-7) ECSD No. 6 - Contract No. 45 - Michelle Drive Pumping Station & Forcemain Close-Out

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 43 – (COMM. 20E-8) Acceptance of HUD "LEADSAFE Erie County" Grant

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 44 – (COMM. 20E-9) Budget Adjustment - Lakeshore Shoreline Trail

Item 45 – (COMM. 20E-10) Appointments to the NYS Region 9 Fish & Wildlife Management Board for a Term Ending 12/31/2012

Item 46 – (COMM. 20E-11) EC Division of Sewerage Management - Engineering Service Agreement

Item 47 – (COMM. 20E-12) ECSD No. 3 - License Agreement Between South Buffalo Railroad Company & EC

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

Item 48 – (COMM. 20E-13) Establish NY Connects Grant Budget

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 49 – (COMM. 20E-14) CPS - Justice Assistance 2010 & 2011 Grants

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 50 – (COMM. 20E-15) Senior Employment Program & Southtowns Meals on Wheels Grant Contract Amendments

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 51 – (COMM. 20E-16) ECSD No. 1-6 & 8 - Section 270/271 Resolutions

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 52 – (COMM. 20E-17) Copy of Letter to WNY Congressional Delegation Concerning Home Energy Assistance Program (HEAP)

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE SHERIFF

Item 53 – (COMM. 20E-18) WNY Enhanced Collaborative to Combat Human Trafficking

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 54 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 177

RE: Contract Approval - 207-c Hearing
Officer
(COMM. 20E-19)

WHEREAS, the Erie County Sheriff's Office requires the services of an objective and independent hearing officer to preside over 207-c Hearings as required by New York State General Municipal Law §207-c; and

WHEREAS, George E. Deitz, Ph.D. has been selected by the Sheriff's Office to serve in this capacity; and

WHEREAS, the Erie County Sheriff's Office has sufficient funds to cover the estimated cost of these services, therefore requiring no additional tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office is hereby authorized to appoint George E. Deitz, Ph. D. as a 207-c Hearing Officer; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with George E. Deitz, Ph.D. to perform the duties of a Hearing Officer at a rate of \$600.00 per hearing; and be it further

RESOLVED, that payments will not exceed \$10,000 in 2011; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Office of the Sheriff, the Erie County Comptroller and the County Attorney.

FROM THE COMPTROLLER

Item 55 – (COMM. 20E-20) Copy of Finalized Certificate of Determination Relative to the Terms, Form & Details of Sale & Issuance of \$88,000,000

Received and Filed.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMPTROLLER'S OFFICE

Item 56 – (COMM. 20D-1) Copy of Letter to Commissioner McLaughlin Concerning Waste, Fraud & Abuse Tip Line Communication

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 57 – (COMM. 20D-2) Copy of Letter to Comptroller Concerning Waste, Fraud & Abuse Tip Line Communication

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE DIRECTOR OF
INTERGOVERNMENTAL RELATIONS**

Item 58 – (COMM. 20D-3) Copy of Letter to African American Cultural Center Concerning Funding for Capital Improvements

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 59 – (COMM. 20D-4) A Review of Overtime at the EC Holding Center & Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 60 – (COMM. 20D-5) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BOARD OF ELECTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 178

RE: Grant Contracts - HHS 2010, HHS 2011
Voting Access for Individuals with
Disabilities
(COMM. 20D-6)

WHEREAS, the New York State Board of Elections has forwarded two new grants' contracts to the Erie County Board of Elections for approval and execution; and

WHEREAS, the acceptance and execution by the Commissioners of the Erie County Board of Elections would provide for the receipt of grant money in the aggregate amount of \$63,720.00 for the specific purposes of establishing, expanding and improving access to and participation by individuals with a full range of disabilities in the election process; and

WHEREAS, the Commissioners of the Erie County Board of Elections believe the funds to be obtained under these contracts to be beneficial to the residents of the County and are desirous of entering into said contracts; and

WHEREAS, the approval of this legislative body is a pre-requisite for the acceptance of these agreements by the Erie County Board of Elections.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve and accept the following contacts and does hereby authorize the Commissioners of the Erie County Board of Elections to execute the same entitled and designated as:

- 1) HHS 2010 Voting Access for Individuals with Disabilities Polling Place access Improvement Grant - \$43,966.00 (T003098);
- 2) HHS 2011 Voting Access for Individuals with Disabilities Polling Place Access Improvement Gant - \$19,754.00;

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Board of Elections for the purpose of accompanying the transmittal of the aforesaid executed agreements, to the County Comptroller and to the Director of Budget & Management.

FROM THE COUNTY ATTORNEY

Item 62 – (COMM. 20D-7) Transmittal of New Claims Against EC

Item 63 – (COMM. 20D-8) Transmittal of New Claims Against EC

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 64 – (COMM. 20M-1) Proposed Agenda for Meeting Held 9/15/2011

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM AFRICAN AMERICAN CULTURAL CENTER

Item 65 – (COMM. 20M-2) Copy of Letter to Legislator Grant Concerning Funding for Capital Improvements

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE HOMELESS ALLIANCE OF WNY

Item 66 – (COMM. 20M-3) 2010 Buffalo & Erie County State of Homelessness Executive Summary

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE BOARD OF SUPERVISORS, FULTON COUNTY

Item 67 – (COMM. 20M-4) Copy of Resolution Requesting State Comptroller to Reform the Funding Policy for the NYS Common Retirement Fund

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS DEPARTMENT OF
AGRICULTURE & MARKETS

Item 68 – (COMM. 20M-5) Letter to Clerk of Legislature Concerning Agricultural District
No. 11

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO COMMON COUNCIL

Item 69 – (COMM. 20M-6) Letter to Chair Miller-Williams Concerning "The Consolidation of Vital Statistics Reporting Districts No. 1498 (VA WNY Healthcare System) & No. 1401 (Registrar of Vital Statistics, Buffalo, NY)"

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS

Item 70 – (COMM. 20M-7) Letter to Clerk of Legislature Concerning Agricultural District No. 13

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 71 – (COMM. 20M-8) Village of Orchard Park Cistern Installation Project - SEQR Notification

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYSDEC

Item 72 – (COMM. 20M-9) Public Notice: Reclassification of the Republic Steel (LTV) (Marilla St. LF) Site No. 915047 (City of Buffalo)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 73 – (COMM. 20M-10) Minutes from Meeting Held 8/22/2011

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF
AGRICULTURE & MARKETS

Item 74 – (COMM. 20M-11) Letter to Clerk of Legislature Concerning Agricultural District No. 16

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 75 – LEGISLATOR KOZUB announced that October is National Breast Cancer Awareness Month.

Item 76 – CHAIR MILLER-WILLIAMS announced congratulations to Legislature staff member, James J. Cerroni, and his wife Angela, upon the birth of a son, Grant.

Item 77 – LEGISLATOR GRANT announced that a community meeting will be held, to gather public comment, concerning a proposed rate increase by the NFTA on Metro Bus and Rail riders. The meeting is scheduled for Wednesday, October 12, 2011, from 6:00 to 9:00 P.M., at the Delavan-Grider Community Center, 877 E. Delavan Ave., Buffalo.

MEMORIAL RESOLUTIONS

Item 78 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Jamey Rodemeyer and Steve Jobs.

Item 79 – Legislator Bove requested that when the Legislature adjourns, it do so in memory of the family of a West Seneca student who took his life.

Item 80 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Jamey Rodemeyer and Wilson Greatbatch.

Item 81 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Harold J. Syracuse, Marie E. Strough, Valerie Swain, Theresa M. Burdo, Herbert G. Young, Shirley M. Hicks, and Linda Sztorc.

Item 82 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Jamey Rodemeyer, Karen L. Koscianski, and Mark Halbina.

Item 83 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of all those who have lost their lives due to breast cancer.

ADJOURNMENT

Item 84 – 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, October 20, 2011 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, October 20, 2011 at 2:00 p.m. Eastern Standard Time.

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