

ERIE COUNTY LEGISLATURE
MEETING NO. 23
NOVEMBER 17, 2011

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

All members present.

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

The Pledge of Allegiance was led by Ms. Marinelli.

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 22 from 2011. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. WALTER presented a resolution Commending Stacey Watson for Her Work Helping the Youth of Our Community through the Drop-In Nation Program.

Item 6 – MS. MARINELLI & MS. WHYTE presented a resolution Congratulating Mark Andol, Founder of Made in America Store, on Being Named Champion of Change by the White House.

Item 7 – MS. MARINELLI presented a Memorial Resolution In Remembrance of the Life of James Mooney.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above three items by including Et Al Sponsorship. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 8 – 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 9 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 10 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 11 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 12 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

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

GRANTED.

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

GRANTED.

Item 16 – CHAIR MILLER-WILLIAMS directed that Local Law No. 9 (Print #1) 2011 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

None.

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 191

RE: Request for NYS Deficit Reduction
Assistance for the NFTA
(INTRO 23-1)

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

WHEREAS, the Niagara Frontier Transportation Authority (NFTA) now faces a \$15 million deficit and needs greater state assistance to complete a balanced budget; and

WHEREAS, the state's economic climate has significantly decreased the NFTA's annual state transit operating assistance (STOA) while at the same time adversely impacting health care insurance costs, workers compensation costs, and mortgage recording tax levels. The NFTA's current STOA level is \$4.3 million less than the amount proposed in the 2008-2009 executive budget; and

WHEREAS, while dedicated funding sources are decreasing, responsibilities and needs are steadily increasing. Approximately 73 percent of Metro riders are accessing work, school, or medical attention, while 77 percent of riders do not own a car. The cost of these comprehensive services, and maintenance of an aging transit fleet, simply exceeds the current level of revenues and assistance received at every level of government; and

WHEREAS, the NFTA employs over 1,600 people, connects millions of people to employment, and links the local Western New York economy to the rest of the country and the world; and

WHEREAS, elimination of this deficit, and dedication of higher transportation revenues in the future, is needed to sustain the NFTA's services and its positive impact on the region and the entire state.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby requests that the State of New York provide \$10 million in deficit reduction funds eight megawatts of low-cost power to the Niagara Frontier Transportation Authority (NFTA) as part of the 2012 – 2013 state budget; and be it further

RESOLVED, that copies of this certified resolution be sent to the NFTA Executive Director Kimberley A. Minkel, NFTA Acting Chairman Henry M. Sloma and the NFTA Board of Commissioners, the members of the Western New York State Delegation and William L. Ross, Chair of the Niagara County Legislature.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 18 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 23-2 from LEGISLATOR MAZUR. Re: In Support of Upgrades to NYS Electrical Transmission Lines

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 19 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 23-3 from LEGISLATORS GRANT, WHYTE, MILLS, KOZUB, WHALEN, MAZUR, BOVE, MARINELLI, DIXON & LOUGHRAN. Re: Public Safety Committee Discussion of Copper Theft Problem

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 20 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 23D-4 from the COUNTY ATTORNEY. Re: Memo Regarding LL INT. 7-1 (2011)

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COUNTY EXECUTIVE

Item 21 – (COMM. 23E-1) 2011 Funding - Zoological Society of Buffalo
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 22 – (COMM. 23D-1) Transmittal of New Claims Against EC
Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 23 – (COMM. 23D-2) Botanical Gardens Cistern Installation Project
Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 24 – (COMM. 23D-3) Copy of Budget Monitoring Report for Periods Ending
7/31/2011, 8/31/2011 & 9/30/2011
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS PETROLEUM COUNCIL

Item 25 – (COMM. 23M-1) Letter of Opposition to Proposed LL INT. 8-1 (2011)
Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 26 – (COMM. 23M-2) Copy of Quarterly Report for the 3rd Quarter of 2011
Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYSDEC

Item 27 – (COMM. 23M-3) Public Notice: Inactive Hazardous Waste Disposal Site Delist Notice - Tiff Farm Nature Preserve

Item 28 – (COMM. 23M-4) Public Notice: Inactive Hazardous Waste Disposal Site Classification Notice - PVS Chemicals, Inc.

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

FROM CASEY MIDDLE SCHOOL STUDENTS

Item 29 – (COMM. 23M-5) Petition of Support for Anti-Cyber Bullying Legislation

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM A SENIOR ECONOMIST, FISCAL POLICY INSTITUTE

Item 30 – (COMM. 23M-6) Transitional Jobs Return on Investment Study

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSAC EXECUTIVE DIRECTOR

Item 31 – (COMM. 23M-7) Letter to Chair of Legislature Concerning Proposed Increase in Age of Criminal Responsibility in NY from Age 16 to Age 18

Received and referred to the PUBLIC SAFETY COMMITTEE.

ANNOUNCEMENTS

Item 32 – CHAIR MILLER-WILLIAMS announced that a public hearing has been scheduled concerning the County Executive's tentative 2012 Erie County budget, for Tuesday, November 22, 2011, at 5:00 P.M., in the Legislature Chambers. Chair Miller-Williams further announced that the next session of the Legislature will be held on Thursday, December 1, 2011, at 2:00 P.M. Also, Chair Miller-Williams announced a scheduled public hearing concerning Local Law Intro. 9-1 (2011), for Tuesday, November 22, 2011, at 2:00 P.M.

Item 33 – LEGISLATOR WALTER announced that today's session of the Legislature would be his last, as he has been elected to the NYS Assembly. Legislators Grant, Rath, Whyte, Mazur and Miller-Williams praised Mr. Walter for his service and good humor. A standing ovation followed.

Item 34 – LEGISLATOR HARDWICK, along with Legislator Walter, expressed happy birthday wishes to Legislator Whyte.

Item 35 – LEGISLATOR KOZUB congratulated Legislature members who were successful in their election to the new downsized Erie County Legislature.

Item 36 – CHAIR MILLER-WILLIAMS also thanked those who were not successful in the election this time around, or those who were not candidates due to downsizing, for “there are many doors to serve the community. Hold your head up high,” she said.

MEMORIAL RESOLUTIONS

Item 37 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Melva Ensminger, Robert C. Metcalf, Gerald W. Suttner, Walter J. Orton III, Myrna P. Boerschig, Joseph M. Samrany, Jerome F. Burngasser, and Richard L. Vanthoff.

Item 38 – Legislator Dixon requested that when the Legislature adjourns, that members and attendees keep in their thoughts and prayers NFTA Police Officer Michael Insalaco.

Item 39 – Legislator Bove requested that when the Legislature adjourns, it do so in memory of Nancy J. Crance and Austin R. Crance.

Item 40 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of James Mooney, Judy Summer, and Joan Ellis Shatkin.

ADJOURNMENT

Item 41 – 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, December 1, 2011 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, December 1, 2011 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE