

**ERIE COUNTY LEGISLATURE  
MEETING NO. 24  
DECEMBER 9, 2010**

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

All members present, except Legislator Dixon.

An Invocation was held, led by Ms. Bove, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Rath.

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 Numbers 21 and 22 from 2010. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. MAZUR presented a memorial resolution Honoring the Memory of Anne E. Jackson.

Item 6 – MR. MAZUR presented a memorial resolution In Remembrance of Jean M. Full.

Item 7 – MR. MAZUR presented a memorial resolution In Memory of Irene D. Petruniak.

Item 8 – MR. HARDWICK presented a resolution Honoring Robert Ruml for His Service as Scoutmaster to Troop No. 37.

Item 9 – MR. HARDWICK presented a resolution Honoring Carol Zimmerman for Her Dedication to Drums4Health & the Veterans of WNY.

Item 10 – MR. HARDWICK presented a resolution Honoring Kayla Gray for Her Accomplishments in Gymnastics as a Level 10 Gymnast & Receiving a Full Scholarship to University of New Hampshire.

Item 11 – MR. HARDWICK presented a resolution Honoring the Grand Island Boys Cross Country Team for Winning the Section VI Class A Title.

Item 12 – MR. HARDWICK presented a resolution Honoring the Grand Island Girls Soccer Team for Winning the Section VI Class A Title.

Item 13 – MR. HARDWICK presented a resolution Honoring Bradley Steiger for 45 Years as Announcer for the American Legion Band of the Tonawandas.

Item 14 – MR. HARDWICK presented a resolution Honoring Hofert Jewelers on Their 81st Anniversary.

Item 15 – MR. HARDWICK presented a resolution Congratulating National Regional Theatre Guild Moving to its New Location.

Item 16 – MR. HARDWICK presented a resolution Honoring Katherine Miller as the Metro-Source October Student of the Month at Kenmore West High School.

Item 17 – MR. MAZUR presented a resolution Congratulating Dr. David Dean on His Retirement from 54 Years as a Physician.

Item 18 –MR. MAZUR presented a memorial resolution In Remembrance of Marianne C. Whiting.

Item 19 – MR. RATH presented a resolution Congratulating Ed Knibloe on Becoming an Eagle Scout.

Item 20 – MS. DIXON presented a resolution Honoring United States Army Staff Sergeant John Bellissimo for Receiving the Bronze Star Medal for Meritorious Service.

Item 21 – MR. MILLS & MS. DIXON presented a resolution Honoring Lynn Ottoway for Receiving the 2010 International Multisensory Structured Language Education Council's Award.

Item 22 – MR. HARDWICK presented a resolution Congratulating Delanie Grosskopf on Finishing as Runner Up in the NFL Punt, Pass & Kick Championship.

Item 23 – MR. HARDWICK presented a resolution Congratulating The Zonta Club of Kenmore on its 85th Anniversary.

Item 24 – MR. RATH presented a resolution Congratulating Asbury Pointe on Their 10th Anniversary.

Item 25 – MR. MILLS presented a resolution Congratulating Walt & Marty McLaughlin, Coaches of the East Aurora High School Boys & Girls Cross Country Teams Respectively, in Winning Dual NYS Championships.

MS. WHYTE moved for consideration of the above twenty-one items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twenty-one items by including Et Al Sponsorship. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above twenty-one items as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 26 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 27 – CHAIR MILLER-WILLIAMS directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 28 – CHAIR MILLER-WILLIAMS directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 29 – 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 30 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 31 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 32 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 33 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 232

November 16, 2010	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 8
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 19M-5 (2010)  
BUFFALO & EC PUBLIC LIBRARY: “Minutes of Meeting Held 9/16/2010”  
(5-0)

**THOMAS A. LOUGHRAN  
CHAIR**

**LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 233

RE: Urging Our State Legislators to  
Support the Transition of  
Medicaid Administration from  
NY Counties to NYS  
(INTRO 24-1)

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

WHEREAS, Medicaid is a joint federal and state program that pays the healthcare costs of lower-income individuals and the long-term care such as nursing homes and home health care, including services for the mentally disabled and the federal government reimburses the state for a certain percentage of their Medicaid expenditures while imposing restrictions and rules on those expenditures; and

WHEREAS, Lieutenant Governor Richard Ravitch has recently released a report suggesting that in the state fiscal year 2009-10 Medicaid spending – state, federal and local- totaled \$50 Billion dollars, the equivalent of more than one third of the State’s All Funds budget; and

WHEREAS, Medicaid is the largest expense in the Erie County budget with the County’s annual share of Medicaid payments in 2010 equaling \$200,523,333.00 which totals 19% of the Erie County budget; and

WHEREAS, the administration of Medicaid has been a function of the County for many years and each year costs have risen and the County share has increased, creating an ongoing need to either raise taxes or cut discretionary spending in Erie County in order to balance the budget annually; and

WHEREAS, Erie County relies on property tax and sales tax to fund its share of Medicaid payments; and

WHEREAS, the Federal Healthcare Reform Act that was passed by Congress and signed by the President in 2010 will increase federal funding of Medicaid to 90% and save New York State billions of dollars annually; and

WHEREAS, in 2014 it is anticipated that increased numbers of New Yorkers are projected to enroll in the Medicaid program further increasing the state’s and county’s costs for this program; and

WHEREAS, the shifting of responsibility to the State for the funding and administration of Medicaid would increase Erie County’s discretionary revenue and help to avert future property tax or sales tax increases; and

WHEREAS, the New York State Association of Counties is convening a “Presidential Commission on the State Takeover of Medicaid” that focuses on the recently enacted State budget language calling for a plan to transition Medicaid administrative costs and responsibilities from counties to the State.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature urges the members of the Western New York State delegation to actively support the transition of Medicaid from the counties to the State of New York; and be it further

**RESOLVED**, that the State should assume the Medicaid functions now performed by Erie County as required by state law and that the State should plan for a full fiscal takeover of Medicaid by the State by 2014; and be it further

**RESOLVED**, that certified copies of this Resolution be forwarded to Governor-Elect Andrew Cuomo, Governor David Paterson, the County Executive, Senate Conference Leader John Sampson, Assembly Speaker Sheldon Silver, the members of the Western New York State Delegation, and the NYS Association of Counties.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 35 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 234

RE: Requesting Officials Appear  
Before Public Safety Committee  
Concerning Stranded Motorists  
on Thruway During Recent  
Snowstorm  
(INTRO 24-2)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS BOVE, MILLER-WILLIAMS, MILLS, KOZUB, GRANT,  
HARDWICK, MARINELLI, DIXON, LOUGHRAN & RATH**

WHEREAS, on the evening of December 1, 2010 the Buffalo region was hit by a lake effect snowstorm that was previously forecasted, and which caused white-out conditions and heavy Snowfall in areas South and East of the City of Buffalo and suburbs; and

WHEREAS, cars were continued to be allowed to enter the Thruway at various on-ramps even as the Thruway Authority contemplated closing the I-90 and as conditions worsened when a tractor trailer jackknifed causing traffic to backup; and

WHEREAS, the continuing snowfall then made it impossible to move the cars that had become buried in the deep, heavy snow even while waiting for the initial accident to be removed; and

WHEREAS, motorists were then stranded in their cars on the I-90 for up to 24 hours; and

WHEREAS, the NYS Thruway Authority then directed traffic from the closed Thruway to exits in the City of Buffalo and the suburbs causing traffic accidents and disruptions on city and side streets that further hampered the cleanup efforts of the snow removal crews; and

WHEREAS, this is not the first time in recent memory that a snowstorm has caused motorists to be stranded on stretches of the Thruway; other incidents occurring in November of 2009 and during the October Surprise storm of 2006; and

WHEREAS, the Thruway Authority has released statements that indicate they may be aware of steps that could have been taken that would have avoided the problem of motorists being stranded on the I-90 but those actions are not in place at this time and no plan of action has been set forth; and

WHEREAS, the residents of the County of Erie need to be confident in the fact that officials in the various agencies that coordinate public safety during major snowstorms have a plan of action and are communicating effectively in order to assure that incidents such as this are avoided in the future.

NOW, THEREFORE, BE IT

RESOLVED, that it is requested that representatives of the New York State Thruway Authority, the New York State Police, the Erie County Department of Emergency Services, the Erie County Department of Public Works and the City of Buffalo Department of Public Works appear before the next scheduled meeting of the Erie County Legislature's Public Safety Committee to have a thorough discussion of what caused these events and what can be done to avoid similar incidents in the future that will assure the safety of Erie County residents and those traveling on the I-90 through Erie County; and be it further

RESOLVED, that copies of this certified resolution be sent to the New York State Thruway Authority Chairman John L. Buono, the Acting New York State Police Superintendent John Melville, Capt. Michael P. Nigrelli, commander of State Police Troop T in Buffalo, Greg Skibitsky, Director of the Erie County Department of Emergency Services, Gerald Sentz, Commissioner of Erie County Department of Public Works, Stephen Stepniak, Director of the City of Buffalo Public Works Department, County Executive Chris Collins, City of Buffalo Mayor Byron Brown and Members of the Western New York State Legislative Delegation.

MS. WHYTE moved to amend the resolution by including LEGISLATORS WHYTE, FUDOLI, WALTER and KENNEDY as Co-Sponsors. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 36 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 19E-10 (2010). MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 235

RE: WNY Stormwater Coalition: MS4  
Assistance Project, 2011-2012  
(COMM. 19E-10, 2010)

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

WHEREAS, DEP, as lead agency for the Coalition, assists 44 municipal entities in Erie and Niagara Counties in their efforts to comply with the state's Phase II Stormwater requirements; and

WHEREAS, the Coalition recognizes the value of Erie County's role as lead agency and is willing to dedicate \$124,000 in revenue to support DEP staff; and

WHEREAS, the DEP recognizes the Niagara River as a valuable, local water resource and supports community efforts to enhance, restore and protect it; and

WHEREAS, water resource protection is best accomplished on a watershed basis and a comprehensive Niagara River Watershed Management Plan is imperative to identify impairments, prioritize actions and ultimately, implement projects that improve and/or protect water quality; and

WHEREAS, Buffalo Niagara Riverkeeper has \$50,000 in State grant funding to support DEP involvement in the Niagara River Watershed Planning project; and

WHEREAS, the funding available for personnel services and fringe benefits is sufficient to cover the services of an existing Solid Waste Recycling Specialist (JG 12/Step 5).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into agreements with the Coalition and with Buffalo Niagara Riverkeeper to accept revenue for DEP staff support to the Coalition and the Niagara River Watershed Planning project; and be it further

RESOLVED, that the revenue from the Coalition and Buffalo Niagara Riverkeeper is hereby appropriated in a grant account in the Department of Environment and Planning (Business Area 162, Fund 281) as follows:

WNY Stormwater Coalition: MS4 Assistance Project 2011/12  
(Grant Period: 01/01/11-12/31/12),  
SAP Grant #162WNYSCMS4AP1112

REVENUE:

Account	Description	Current Budget
420499	Other Local Source Revenue	\$124,000
409010	State Aid – Other	<u>\$50,000</u>
TOTAL REVENUE		\$174,000

APPROPRIATIONS:



Account	Description	Current Budget
500000	Full Time Salaries	\$112,106
502000	Fringe Benefits	<u>\$61,894</u>
TOTAL APPROPRIATIONS		\$174,000

and be it further

RESOLVED, that the following position will be transferred to the new grant from the WNY Stormwater Coalition: Public Education Illicit Discharge Project grant Business Area 162 (Fund 281, SAP Grant # 162WNYSCPEID0810) upon consumption of the current budget:

Solid Waste Recycling Specialist (JG 12) Position  
B-100 No. 5758  
Budgeted Annual Salary: \$59,266

and be it further

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

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; the County Attorney and the Director of the Division of Budget and Management.

MS. WHYTE moved to approve the item. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 37 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 19E-14 (2010). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 236

RE: WNY Stormwater Coalition:  
Memorandum of Agreement  
(COMM. 19E-14, 2010)

WHEREAS, the WNY Stormwater Coalition (Coalition), established in 2006 with execution of a Memorandum of Agreement, collaborates on a joint Stormwater Management Program; and

WHEREAS, the current Memorandum of Agreement will expire on December 31, 2010;  
and

WHEREAS, the Department of Public Works (DPW) – Division of Highways and the Department of Environment and Planning (DEP) – Division of Sewerage Management are currently members of the Coalition; and

WHEREAS, the DPW-Division of Highways and the DEP-Division of Sewerage Management realize the benefits of continued membership in the Coalition and agree to the terms and conditions associated with that membership; and

WHEREAS, the DPW-Division of Highways and the DEP-Division of Sewerage Management have the funds to pay the annual membership dues in their 2011 Budget and will request approval of appropriate funding in subsequent years of the agreement; and

WHEREAS, the Erie County Department of Environment and Planning coordinates the activities of the Coalition.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a Memorandum of Agreement with 44 Municipal Separate Storm Sewer System Owners and Operators to continue the Western New York Stormwater Coalition; and be it further

RESOLVED, that upon execution of the MOA, the DPW – Division of Highways and the DEP – Division of Sewerage Management will continue to be members of the Coalition and will receive the benefits of membership in the Coalition; and be it further

RESOLVED, that the DPW – Division of Highways and the DEP – Division of Sewerage Management will remit the following participation fees annually to the Coalition: \$1,250 (DPW – Division of Highways) and \$625 (DEP – Division of Sewerage Management); and be it further

RESOLVED, that upon execution of the MOA, the DPW – Division of Highways will pay the annual membership fee from SAP Fund 210 Cost Center 1231010 - Account # 516020, and the DEP – Division of Sewerage Management will pay the annual membership fee from the Sewer District No. 6 Operating Fund 220, Cost Center 1861010 - Account # 516020 starting in fiscal year 2011 and annually thereafter for five years subject to the availability of funding within their respective budgets; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Commissioner of Environment and Planning; the Director of Sewerage Management, the County Comptroller; the Commissioner of Personnel; the County Attorney; the Commissioner of Public Works; and the Director of the Division of Budget and Management.

MS. WHYTE moved to approve the item. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 38 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 21E-7 (2010). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 237

RE: Budget & Memorandum of  
Understanding - Revision for the EC  
Integrated Pest Management Project  
(COMM. 21E-7, 2010)

WHEREAS, the United States Environmental Protection Agency (USEPA) provides funding to local governments for a grant entitled "Food Quality Protection Act/Strategic Agricultural Initiative Program" to provide education and implementation of integrated pest management (IPM) techniques to decrease the residues of pesticides on food eaten by children and reduce the mortality caused by pesticides to non-targeted wildlife; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) has provided pesticide education, outreach, and disposal information for municipalities and residents; and

WHEREAS, the reduction of pesticide use by local fruit, vegetable, and dairy farmers will reduce the potential for exposure to toxic pesticides for farm workers and the public through the adoption of farm pest management practices that transition away from the use of high risk pesticides; and

WHEREAS, the reduction of pesticide use by local fruit, vegetable, and dairy farmers will result in a reduction in farm operation costs for pesticide purchasing and disposal; and

WHEREAS, the USEPA selected the ECDEP proposal entitled "Erie County Integrated Pest Management Project" for funding of \$98,340 to provide these needed services; and

WHEREAS, the USEPA and the ECDEP recognize the Cornell University Cooperative Extension of Erie County to be an integral and necessary partner in the promotion and implementation of an integrated pest management education project; and

WHEREAS, a budget revision and a revision of the Memorandum of Understanding (MOU) with the Cornell University Cooperative Extension of Erie County will allow for best use of available USEPA funding prior to program termination on December 31, 2010.

NOW, THEREFORE, BE IT

RESOLVED, that the following Erie County Integrated Pest Management Program budget is hereby revised as follows:

Fund 2891, BA 162, Environment and Planning  
Grant: 162INTEGPESTMG0810

REVENUE:

Account	Current Budget	Revisions	Revised Budget
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414000 Federal Aid - USEPA	\$98,340	\$98,340
420499 Other Local Source Revenue	21,938	21,938
TOTAL REVENUE	\$120,278	\$120,278

**APPROPRIATIONS:**

Account	Description	Current Budget	Revisions	Revised Budget
500000	Full Time Salaries	\$66,534	\$(5,000)	\$61,534
502000	Fringe Benefits	29,244	(4,900)	24,344
505000	Office Supplies	1,000		1,000
510000	Local Mileage Reimbursements	1,500		1,500
516020	Professional Services/ Contractual and Fees	22,000	9,900	31,900
	TOTAL APPROPRIATIONS	\$120,278	0	\$120,278

RESOLVED, that the Erie County Executive is authorized to execute a revised MOU for professional services with the Cornell University Cooperative Extension of Erie County for an additional \$9,900 in funding for the project to provide promotion and implementation assistance; and be it further

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

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget and Management; Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.

MS. WHYTE moved to approve the item. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 39 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 18E-9 (2010). MS. BOVE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 238

RE: Acceptance of Juvenile Accountability Block Grant Award (JABG) (COMM. 18E-9, 2010)

WHEREAS, the Department of Probation is responsible for making sentencing recommendations, providing supervision and services to address the needs of juveniles in the Juvenile Justice System; and

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded the Erie County Probation Department a Juvenile Accountability Block Grant (JABG) grant for the purpose of providing mentoring services to juveniles assigned to Probation; and

WHEREAS, the Probation Department has undertaken the necessary RFP process to select the best qualified agency to provide these services; and

WHEREAS, the grant award will enable the Probation Department to better serve juveniles on probation.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract and to accept an award from the New York State Division of Criminal Justice Services in the amount of \$36,507.00; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contracts and amendments to these contracts, with Compeer of Greater Buffalo, 135 Delaware Avenue Suite 210, Buffalo, NY 14202-2410; and be it further

RESOLVED, that the following budgetary accounts be established by the Division of Budget and Management for the JABG Grant, JB09-1042-E00, contract T612069, as follows:

Erie County Probation Department  
Fund 281 – Business Area 126  
Juvenile Accountability Block Grant – Mentoring Program  
October 1, 2010 to September 30, 2011

Revenue	
Account 409000 State Aid	\$36,507.00
Total Revenue	\$36,507.00
Appropriations	
Account 505000 Office Supplies	\$507.00
Account 510000 Local Mileage	\$1,000.00
Account 516020 Pro Serv Contracts & Fees	\$33,000.00
Account 530000 Other Expenses	\$ 2,000.00
Total Appropriations	\$36,507.00

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 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 County Comptroller, the County Attorney, and the Probation Department c/o Denise Skokowski, Room 112, 1 Niagara Plaza.

MS. WHYTE moved to approve the item. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

Item 40 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 21E-14 (2010). MS. BOVE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 239

RE: Acceptance of 200% of Poverty ATI Grant from the Office of Probation & Correctional Alternatives (OPCA) (COMM. 21E-14, 2010)

WHEREAS, the Erie County Probation Department in partnership with the Buffalo Urban League submitted a 200% of Poverty Alternative to Incarceration grant in response to an RFP from the Office of Probation and Correctional Alternatives (OPCA) for the purpose of addressing job readiness, job placement & retention, and the incorporation of an evidence based cognitive behavioral treatment program for adults on probation; and

WHEREAS, the New York State Division of Criminal Justice Services' (DCJS) Office of Probation And Correctional Alternatives has awarded the Erie County Probation Department \$113,943; to implement such a program; and

WHEREAS, the grant award will enable the Probation Department to address probationer unemployment - indentified as a major underlying factor in offender recidivism.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter onto contract to accept an award from the New York State Division of Criminal Justice Services, Office of Probation and Correctional Alternatives in the amount of \$113,943; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into contracts and amendments to these contracts, with The Buffalo Urban League, 15 Genesee St. Buffalo, NY 14203-1405; and be it further

RESOLVED, that the Erie County Legislature hereby makes a finding that it is impracticable to follow the RFP procedures for the professional service contracts with the Buffalo Urban League as they are sole source providers of the training outlined in the grant work plan, and hereby waives the procedures outlined in Section 19.08 of the Erie County Administrative Code; and be it further

RESOLVED, that the following budgetary accounts be established by the Division of Budget and Management for the grant as follows:

Erie County Probation Department  
Fund 281 – Business Area 126  
200% of Poverty Alternative to Incarceration (ATI)  
January 1, 2011 to December 31, 2011

Revenue	
Account 409000 State Aid	<u>\$113,943</u>
Total Revenue	<u>\$113,943</u>
Appropriations	
Account 500000 Full Time Staff	\$ 45,087
Account 501000 Overtime	\$ 10,980
Account 502000 Fringe Benefits	\$ 25,312
Account 505000 Office Supplies	\$ 500
Account 510000 Out of Area Travel;	\$ 1,000
Account 510000 Training & Education	\$ 7,526
Account 516020 Pro Serv Contracts & Fees	\$ 18,750
Account 530000 Other Expenses	\$ <u>4,788</u>
Total Appropriations	\$113,943

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 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 County Comptroller, the County Attorney, Personnel Department and the Probation Department c/o Denise Skokowski, Room 112, 1 Niagara Plaza.

MS. WHYTE moved to amend the item. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

Delete the Fifth Resolve Clause in its Entirety and Insert the Following:

RESOLVED, that a Probation Assistant, JG-7 is created within Business Area 126. The required B-100 control number is 5878; 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 approved funding levels, subject to prior legislative approval; and be it further

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

CARRIED UNANIMOUSLY.

Item 41 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of COMM. 21E-18 (2010). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 240

RE: Award of NYS Hazard Abatement  
Grant  
(COMM. 21E-18, 2010)

WHEREAS, Erie County has embarked on an aggressive risk management and safety program; and

WHEREAS, Erie County has been awarded a grant from the NYS Occupational Safety and Health Hazard Abatement Board in the amount of \$37,837 for the purposes of safety and hazard abatement training; and

WHEREAS, the Erie County Legislature has previously authorized the acceptance of this grant award in Comm. 13E-7(2010); and

WHEREAS, it is now necessary to enter into a contract with a qualified firm to provide these training services; and

WHEREAS, the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with and a summary of the process is included as Attachment A to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract with ErgoWorks for the provision of safety and hazard abatement training services in an amount not to exceed \$37,837; and be it further

RESOLVED, that funding is available in Fund 281, Cost Center 16110-Personnel, Grant 161OSHTRNGRANT1011, Account 516020 Professional Services, Contracts and Fees; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive; two (2) copies to the Commissioner of Personnel; the Director of Budget & Management, the Comptroller and the Department of Law.

MS. WHYTE moved to approve the item. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.



**SUSPENSION OF THE RULES**

Item 42 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 24-3 from LEGISLATORS MARINELLI & WHYTE Re: A Resolution to Discuss the Amendments to the 2011 EC Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR WHYTE**

Item 43 – (COMM. 24E-1) Article Entitled "Think Small to Plant Seeds of Job Growth"

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE COMPTROLLER**

Item 44 – (COMM. 24E-2) EC 2009 Comprehensive Annual Financial Report for the Year Ended 12/31/2009

Item 45 – (COMM. 24E-3) Copy of EC Supplement to the Comprehensive Annual Financial Report for the Year Ended 12/31/2009

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 46 – (COMM. 24E-4) Authorization for the Buffalo & EC Industrial Land Development Corporation (ILDC) to Issue Bonds

Item 47 – (COMM. 24E-5) Federal Aid Project Agreement - NYSDOT for Sherwood Greenway Multi-Use Trail - Right-of-Way Phase - Town of Tonawanda

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

Item 48 – (COMM. 24E-6) Employee Subsidized Wage Stimulus Grant

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 49 – (COMM. 24E-7) Request for Proposals - Division of Sewerage Management Construction Inspection Services

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 50 – (COMM. 24E-8) Supplemental Agreement with NYSDOT & Related Change Orders for Construction & Construction Engineering & Inspection Services for Reconstruction of Wehrle Drive - Town of Amherst

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 51 – (COMM. 24E-9) Revisions to Primary Prevention of Lead Poisoning Grant 10/1/10 - 9/30/11

Item 52 – (COMM. 24E-10) Public Health Preparedness/Response to Bioterrorism 8/10/11 - 8/9/12

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

FROM CHAIR MILLER-WILLIAMS

Item 53 – (COMM. 24E-11) Letter to Clerk of Legislature Concerning Cancellation & Rescheduling of Session No. 24

Received, Filed and Printed.

December 2, 2010

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

Dear Mr. Graber:

Due to this morning's severe snowstorm in parts of Erie County, and the resulting travel restrictions in some affected areas, I believe it would be prudent to cancel and reschedule today's session of the Erie County Legislature.

Accordingly, pursuant to Rule 2.02 of the Rules of Order of the Erie County Legislature, you are hereby directed to cancel today's scheduled Regular Session of the Erie County Legislature and reschedule this session for THURSDAY, DECEMBER 9, 2010 AT 2:00 O'CLOCK P.M. in the afternoon of that day in the Erie County Legislature Chambers on the 4th Floor of Old County Hall, 92 Franklin St., in the City of Buffalo, N.Y.

Please inform all interested stakeholders that the clock-in deadline for agenda items for next Thursday's session will be Tuesday, December 7, 2010 at 11:00 A.M. in the morning of that day.

Thank you for your prompt attention to this matter.

Sincerely,

Barbara Miller-Williams, Chair  
Erie County Legislature

Item 54 – (COMM. 24E-12) Letter to Clerk of Legislature of Updating 2010 Schedule of Legislative Sessions

Received, Filed and Printed.

To: Robert M. Graber, Clerk  
From: Barbara Miller-Williams, Chair  
Subject: 2010 SCHEDULE OF LEGISLATIVE SESSIONS  
*\*Updated December 2, 2010*

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JANUARY  
7  
21

JULY  
8  
22

FEBRUARY  
4  
25

AUGUST  
Recess

MARCH  
4  
25

SEPTEMBER  
23  
30

APRIL  
22  
29

OCTOBER  
14  
28

MAY  
20  
27

NOVEMBER  
4  
18  
30 *Budget at 1:15 P.M.*

JUNE  
10  
24

DECEMBER  
9  
14 *Budget Override*

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

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

Item 55 – (COMM. 24E-13) Letter to Clerk of Legislature Updating 2010 Schedule of  
Legislature Sessions, Invocation & Pledge Schedule

Received, Filed and Printed.

To: Robert M. Graber, Clerk  
From: Barbara Miller-Williams, Chair  
Subject: 2010 SCHEDULE OF LEGISLATIVE SESSIONS  
INVOCATION & PLEDGE SCHEDULE

\*Updated December 2, 2010

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ORDER OF LEGISLATORS: INVOCATION & PLEDGE

JANUARY

7 – Kennedy and Bove  
21 – Walter and Hardwick

FEBRUARY

4 – Fudoli and Marinelli  
25 – Whyte and Dixon

MARCH

4 – Grant and Mills  
25 – Mazur and Loughran

APRIL

22 – Bove and Rath  
29 – Hardwick and Kozub

MAY

20 – Marinelli and Kennedy  
27 – Dixon and Walter

JUNE

JULY

8 – Rath and Grant  
22 – Kozub and Mazur

AUGUST

Recess

SEPTEMBER

23 – Kennedy and Bove  
30 – Walter and Hardwick

OCTOBER

14 – Fudoli and Marinelli  
28 – Whyte and Dixon

NOVEMBER

4 – Grant and Mills  
18 – Mazur and Loughran  
30 *Budget at 1:15 P.M.*

DECEMBER

10 – Mills and Fudoli  
24 – Loughran and Whyte

9 – Bove and Rath  
14 *Budget Override*  
16 – Hardwick and Kozub

FROM LEGISLATOR DIXON

Item 56 – (COMM. 24E-14) Letter to Clerk of Legislature Regarding Notice of Absence from Session to be Held 12/9/10

Received, Filed and Printed.

December 7, 2010

Hon. Robert Graber  
Erie County Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

Dear Hon. Graber,

I regret that I am unavoidably unable to attend the session on December 9<sup>th</sup>, 2010. I am scheduled to be out of town on that date. By copy of this letter, I have notified the Chair of the Legislature of my unavailability during this time period.

Thank you.

Sincerely,

Lynne M. Dixon  
Erie County Legislator – 12th District

Cc: Barbara Miller-Williams, Chair  
Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 57 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 241

RE: Acceptance of NYS Unified  
Court System F.A.C.T. Program  
& Erie Juvenile Treatment  
Court Grants  
(COMM. 24E-15)

WHEREAS, the Erie County Probation Department has been awarded two grants by the New York State Unified Court System in support of juveniles and their families; and

WHEREAS, the New York State Unified Court System has budgeted \$117,859 to contract with the Probation Department for case management services related to diversion and probation supervision; and

WHEREAS, the Erie F.A.C.T. Program and Erie Juvenile Treatment Court Program will support the treatment needs of juveniles with substance abuse issues and/or mental health disorders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter onto contract to accept two awards from the New York State Unified Court System Office in the amount of \$40,205 and \$77,654 respectively; and be it further

RESOLVED, that the following budgetary accounts be established by the Division of Budget and Management for each grant as follows:

Erie County Probation Department  
Fund 281 – Business Area 126  
Erie Juvenile Treatment Court Grant  
September 30, 2010 to September 29, 2011

Revenue	
Account 409000 State Aid	<u>\$40,205</u>
Total Revenue	<u>\$40,205</u>
Appropriations	
Account 500000 Full Time Staff	\$ 40,211
Account 502000 Fringe Benefits	\$ 18,000
Account 510000 Local Mileage Reimbursement;	\$ 800
Account 912690 ID Probation Grant Services	<u>\$(18,806)</u>
Total Appropriations	<u>\$40,205</u>

Erie County Probation Department  
Fund 281 – Business Area 126  
Erie F.A.C.T. Program Grant  
September 30, 2010 to September 29, 2011

Revenue	
Account 409000 State Aid	<u>\$ 77,654</u>
Total Revenue	<u>\$ 77,654</u>

Appropriations	
Account 500000 Full Time Staff	\$ 40,211
Account 502000 Fringe Benefits	\$ 17,837
Account 510000 Local Mileage Reimbursement;	\$ 800
Account 912690 ID Probation Grant Services	<u>\$ 18,806</u>
Total Appropriations	<u>\$77,654</u>

and be it further

RESOLVED, that the position of Probation Assistant, job group 7, be created within each grant. The required B-100 control number for the FACT Program position is #5880 and for the Juvenile Treatment Court position is #5879; 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 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 County Comptroller, the County Attorney, Personnel Department and the Probation Department c/o Denise Skokowski Room 112, 1 Niagara Plaza.

Item 58 – (COMM. 24E-16) Transportation Improvement Project - ECC Four Campus Locations - Towns of Amherst, Hamburg & Orchard Park

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 59 – (COMM. 24E-17) Engineering Services for the Design of Reconstruction/Rehabilitation of Penora Street - Town of Lancaster

Item 60 – (COMM. 24E-18) Supplemental Agreement with NYSDOT - Harris Hill Road Intersections at Wehrle Drive & Pleasant View Drive - Towns of Clarence & Lancaster

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

Item 61 – (COMM. 24E-19) Amend III-B Grant Budget

Item 62 – (COMM. 24E-20) Revise EISEP Grant

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

Item 63 – (COMM. 24E-21) Section 520 Exemption for 2011

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 64 – (COMM. 24E-22) EC Division of Sewerage Management - NYS Archives Grant

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 65 – (COMM. 24E-23) EC Holding Center - Transfer of Funds for Sick Call Rooms & Washers' & Dryers' Installation Projects

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 66 – (COMM. 24E-24) Engineering Design Supplemental Agreement with NYSDOT for Intersection Reconstruction & Signal Replacement, Colvin Boulevard at Highland Avenue - Town of Tonawanda

Item 67 – (COMM. 24E-25) Redistribution of Funds within the Highway Division

Item 68 – (COMM. 24E-26) Supplemental Agreement within NYSDOT for Design, Right-of-Way Incidentals & Acquisition Services, Construction & Construction Inspection Services for the Cemetary Road Bridge Replacement - Town of Lancaster

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

Item 69 – (COMM. 24E-27) Youth Bureau Contract Increases

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

### **COMMUNICATIONS FROM THE DEPARTMENTS**

#### **FROM THE COUNTY ATTORNEY**

Item 70 – (COMM. 24D-1) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 71 – (COMM. 24D-2) Local Law No. 1 - 2010 - A Local Law Reducing the Size of the EC Legislature - Filing Notification

Received and Filed.

Item 72 – (COMM. 24D-3) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

#### **FROM THE CLERK OF COMMUNITY ENRICHMENT COMMITTEE**

Item 73 – (COMM. 24D-4) Sign-In Sheet for Community Enrichment Meeting Held 11/16/2010



Received and Filed.

FROM THE COUNTY ATTORNEY

Item 74 – (COMM. 24D-5) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 75 – (COMM. 24D-6) Report on the Rental & Refurbishment of County Parks' Residences

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CLERK OF EC LEGISLATURE

Item 76 – (COMM. 24D-7) Letter to Members of the EC Legislature Concerning the Cancellation & Rescheduling of Session No. 24

Received, Filed and Printed.

December 2, 2010

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE  
FROM: ROBERT M. GRABER, CLERK  
SUBJECT: CANCELLING AND RESCHEDULING LEGISLATURE SESSION

PLEASE TAKE NOTICE that due to this morning's severe snowstorm in parts of Erie County, and the resulting travel restrictions in some affected areas, Chair Barbara Miller-Williams has cancelled and rescheduled today's session of the Erie County Legislature.

Therefore, pursuant to Rule 2.02 of the RULES OF ORDER of the Erie County Legislature, and under the direction of Chair Barbara Miller-Williams, today's Regular Session of the Erie County Legislature is hereby cancelled. Furthermore, this session is hereby rescheduled for THURSDAY, DECEMBER 9, 2010 AT 2:00 O'CLOCK P.M. in the afternoon of that day in the Erie County Legislature Chambers on the 4th Floor of Old County Hall, 92 Franklin St., in the City of Buffalo, N.Y.

The clock-in deadline for agenda items for next Thursday's session will be Tuesday, December 7, 2010 at 11:00 A.M. in the morning of that day.

Thank you.

FROM THE COUNTY ATTORNEY

Item 77 – (COMM. 24D-8) Local Law No. 2 - 2010 - A Local Law Creating an "Erie County Silver Alert System" - Filing Notification

Received and Filed.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE CHEEKTOWAGA CENTRAL SCHOOL DISTRICT**

Item 78 – (COMM. 24M-1) Copy of Resolution in Support of Restoring Funding in the Proposed 2011 County Budget to Fund the Public Library System

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE ASSOCIATION OF LOCAL GOVERNMENT AUDITORS**

Item 79 – (COMM. 24M-2) Letter to Legislature Concerning 2011 EC Tentative Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE TOWN OF COLLINS BOARD OF SUPERVISORS**

Item 80 – (COMM. 24M-3) Letter to Legislature Concerning 2011 EC Tentative Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM ERIE COUNTY LEPC**

Item 81 – (COMM. 24M-4) Letter to Legislature Concerning 2011 EC Tentative Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE NYSDEC**

Item 82 – (COMM. 24M-5) Fish & Wildlife Monthly Highlights from 9/15/2010 - 10/15/2010

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE OFFICE OF THE STATE COMPTROLLER**

Item 83 – (COMM. 24M-6) Town of Eden; Establishment of Water District No. 5

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NFTA**

Item 84 – (COMM. 24M-7) Copy of Actual/Projected Cash Flow Statements for the Period 4/1/2010 - 3/31/2011 & 10/1/2010 - 9/30/2011

Item 85 – (COMM. 24M-8) Minutes of Meeting Held 10/25/2010

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

**FROM THE NIAGARA ERIE REGIONAL COALITION**

Item 86 – (COMM. 24M-9) Copy of Agenda from Meeting Held 12/3/10

Received and Filed.

**FROM THE NYSDEC**

Item 87 – (COMM. 24M-10) Third Update on Collaborative Restoration & Redevelopment Efforts - Feasibility Study on Buffalo River Restoration Released; Public Meeting Announced

Item 88 – (COMM. 24M-11) Fact Sheet: Brownfield Cleanup Program - Interim Remedial Measure Work Plan for Railroad Realignment at Tecumseh Phase I, II & III Business Park Areas Available for Review

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

**ANNOUNCEMENTS**

Item 89 – CHAIR MILLER-WILLIAMS announced that the committee schedule has been distributed for meetings to be held on Monday, December 13, 2010. The Budget Override Session will be held on Tuesday, December 14, 2010 at 2:00 P.M. And the next Regular Session of the Legislature will be held on Thursday, December 16, 2010 at 2:00 P.M.

Item 90 – MR. KENNEDY announced that today's session of the Legislature will be his last as he transitions into a new role as New York State Senator, thanking colleagues for the 'incredible honor' to have served as an Erie County Legislator.

**MEMORIAL RESOLUTIONS**

Item 91 – Legislator Bove requested that when the Legislature adjourns, it do so in memory of Shaundra Walker and Justin M. Buchholtz.

Item 92 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of William Yohe, Mildred Little and Joseph McInnis.

Item 93 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Elizabeth Edwards.

Item 94 – Legislator Grant also requested that when the Legislature adjourns, it do so in memory of Elizabeth Edwards.

Item 95 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Clifford M. Platt Jr.

Item 96 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Joan M. (Cutrona) Carroll.

**ADJOURNMENT**

Item 97 - 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 Tuesday, December 14, 2010 at 2:00 P.M. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Tuesday, December 14, 2010 at 2:00 P.M. Eastern Standard Time.

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