



# THE ERIE COUNTY LEGISLATURE

Session No. 11

June 12, 2008

Lynn M. Marinelli  
*Chair*

Maria R. Whyte  
*Majority Leader*

John J. Mills  
*Minority Leader*

Robert M. Graber  
*Clerk of the Legislature*

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## ROLL CALL

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INVOCATION – Mr. Mazur

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PLEDGE OF ALLEGIANCE – Ms. Grant

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TABLED ITEMS

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ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

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MINUTES OF PREVIOUS MEETING

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PUBLIC HEARING

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## MISCELLANEOUS RESOLUTIONS:

REYNOLDS	Congratulating the Hamburg American Legion Post #527 for Hosting the 90th Erie County Convention and the 8th District Convention
MAZUR	Honoring the Memory of Terrence J. Smerka
MAZUR	Honoring the Memory of Daniel J. Lazich
KENNEDY & MARINELLI	Applauding Governor Paterson's Appointment of Robert G. Wilmers of Buffalo as Chair of Empire State Development Corporation
MAZUR	Celebrating the 50th Year of Ordination of Rev. Stanley F. Nowak
IANNELLO	Recognizing Jeremy Sawyer for Winning the American Legion Poppy Poster Contest in the Erie-Niagara Region
IANNELLO	Recognizing Rebecca Russell, Upon Receipt of the DeGraff Memorial Hospital Auxiliary's Scholarship
IANNELLO	Recognizing Eric Mikos Upon His Promotion to the Rank of Specialist in the Headquarters Company Brigade Special Troops Battalion 27th
IANNELLO	Recognizing Gerald Griffin on His Promotion to the Rank of Private in the Headquarters Company Brigade Special Troops Battalion 27th
IANNELLO	Recognizing Maryann Orcutt on Her Promotion to the Rank of Private First Class in the 29th Personnel Service Detachment Unit
IANNELLO	Recognizing John Percy Upon Receiving the Julia Reinstein Award for Outstanding Service as a Public Historian

IANNELLO	Honoring the Memory of Leatrice A. Miller
IANNELLO	Recognizing Alicia Jean Sommer on Being Named a Rotary/PTSA Student of the Month
IANNELLO	Recognizing Caitlin Radecki on Being Named a Rotary/PTSA Student of the Month
IANNELLO	Recognizing Jacob Ferrante on Being Named a Rotary/PTSA Student of the Month
IANNELLO	Recognizing Jessica Oyer on Being Named a Rotary/PTSA Student of the Month
IANNELLO	Recognizing Stefane Samland on Being Named a Rotary/PTSA Student of the Month
IANNELLO	Recognizing James Sica on Being Named a Rotary/PTSA Student of the Month
IANNELLO	In Honor of Monsignor Dino A. Lorenzetti Upon the Anniversary Celebration of 55 Years Since His Ordination to the Priesthood
IANNELLO	Recognizing Kenneth Manning Upon Receiving the 2008 President's Pro Bono Service Award from the New York State Bar Association for Pro Bono Service
IANNELLO	Recognizing Neal Hodgson Upon His Retirement from Erie County for His Many Years of Dedicated Service
IANNELLO	Honoring the Memory of Genevieve B. Lee
IANNELLO	Honoring the Memory of Lillian I. Mezzie
IANNELLO	Recognizing Grand Island Fire Company for 70 Years of Emergency Service and Sacrifice for the Community
MILLS	Honoring Kevin Shelley on His Retirement as Colden Highway Superintendent
MILLS	Honoring Angelo J. Caruana on Achieving the Rank of Eagle Scout
MILLS	Honoring Matthew Simson on Achieving the Rank of Eagle Scout
MILLS	Honoring Erik Schuster on Achieving the Rank of Eagle Scout
RATH & MARINELLI	Honoring the Holy Angels Sage Team for Their National 2nd Place Award and Wishing Them Luck at the Sage World Cup in Nigeria
MARINELLI, KOZUB, MAZUR & WROBLEWSKI	Congratulating Ralph Galanti, Jr. on His Induction Into the Erie Community College Athletics Hall of Fame
KENNEDY	Honoring Timothy Kennedy for Signing an NHL Contract with the Buffalo Sabres

MARINELLI	Honoring Kevin Quick Jr. for Signing a NHL Contract with the Tampa Bay Lightining
KENNEDY	Honoring Michael Ratchuk for Signing a NHL Contract with the Philadelphia Flyers
GRANT & MILLER-WILLIAMS	Honoring the 2008 NAACP Award Winners
KENNEDY	Honoring South Buffalo Alive and Their Parade of Circles
IANNELLO	Honoring Dominik Hasek Upon His Retirement After Sixteen Years in the National Hockey League
MARINELLI, WHYTE, KOZUB, MILLER-WILLIAMS, GRANT & REYNOLDS	National "Dump The Pump Day" - June 19, 2008

**LOCAL LAWS:**

**REFERENCE:**

LL INT. 1-1 1/16/2007	MILLS, RANZENHOFER & WEINSTEIN	A LL Requiring Elected Officials to Resign From Office Upon Being Convicted of a Misdemeanor or Felony	Government Affairs
LL INT. 3-2 6/28/2007	IANNELLO, MARINELLI, REYNOLDS, KONST, LOUGHRAN, LOCKLEAR, RANZENHOFER, MILLS and WEINSTEIN	A LL Amending Article II, Section 202 of Local Law No. 7-2007, Known as the Erie County Charter	Government Affairs
LL INT. 8-1 7/18/2007	IANNELLO, KONST, REYNOLDS & MILLS	Taxpayer Protection Law	Government Affairs
LL INT. 9-1 10/4/2007	RANZENHOFER	Repeal of LL No. 2-2006	Economic Development
LL INT. 2-1 3/18/2008	RANZENHOFER, MILLS & RATH	A LL Requiring Businesses to Verify that Employees are Legally Eligible to be Employed in the US and Erie County	Economic Development
LL INT. 3-2 4/4/2008	IANNELLO, KONST, REYNOLDS, MILLS, GRANT & LOUGHRAN	Tax Payer Protection Law	Government Affairs
LL INT. 4-1 5/21/2008	MILLS, RANZENHOFER & RATH	A Local Law Relating to Leasing Vacant Land at ECC South Campus to West Herr Imports	Community Enrichment
LL INT. 5-1 6/10/2008	MILLS	A Local Law to Change the Name of the Department of Environment and Planning to the Department of Economic Development, Environment and Planning and Update Position Titles	

**COMMITTEE REPORTS:**

REPORT NO. 9 HEALTH & HUMAN SERVICES COMMITTEE

REPORT NO. 9 COMMUNITY ENRICHMENT COMMITTEE

REPORT NO. 9 ECONOMIC DEVELOPMENT COMMITTEE

REPORT NO. 7 PUBLIC SAFETY COMMITTEE

REPORT NO. 7 ENERGY & ENVIRONMENT COMMITTEE

REPORT NO. 9 FINANCE & MANAGEMENT COMMITTEE

REPORT NO. 7 GOVERNMENT AFFAIRS COMMITTEE

**LEGISLATOR RESOLUTIONS:**

**REFERENCE:**

INTRO 11-1	RATH	Controlling Health Insurance Costs for Retirees
INTRO 11-2	RANZENHOFER, MILLS & RATH	Terminating Sales Tax Revenue Distribution Agreement of December 30, 1977
INTRO 11-3	MARINELLI & MAZUR	Legislature's Recommendations to Governor for Appointment to the Erie County Medical Center Corporation Board of Directors
INTRO 11-4	WHYTE	The Dignity for All Students Act
INTRO 11-5	MARINELLI & GRANT	Capitalizing on ECC's Role in Erie County's Economic Vitality and Competitiveness
INTRO 11-6	MARINELLI & MAZUR	Recruiting the Highest Caliber of Forensic Scientists to Assist Erie County's Crime Fighting & Apprehension of Criminals
INTRO 11-7	MARINELLI, KENNEDY, WHYTE, MILLER-WILLIAMS, GRANT, MAZUR, WROBLEWSKI, IANNELLO, REYNOLDS & LOUGHRAN	Legislature Recommendation for Appointment to the Niagara Frontier Transportation Authority Board of Commissioners

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INTRO 11-8	RATH	Eliminating Project Labor Agreement Exemption from Wicks Law
INTRO 11-9	MARINELLI, WHYTE, REYNOLDS, LOUGHRAN, IANNELLO, GRANT & MAZUR	The Erie Niagara Framework for Regional Growth and the Establishment of an Erie County Planning Board
INTRO 11-10	WROBLEWSKI, MARINELLI, WHYTE, KOZUB, KENNEDY, MILLER-WILLIAMS, GRANT, MAZUR, IANNELLO, REYNOLDS & LOUGHRAN	Giving County Probation Officers the Technology and Tools Essential to Their Personal Security and Public Safety
INTRO 11-11	MILLS	Allowing Smaller Municipal Governments to Join Multiple Employer Health Insurance Plans
INTRO 11-12	MARINELLI, WHYTE, KOZUB, KENNEDY, MILLER-WILLIAMS, GRANT & REYNOLDS	Supporting A State DEC Grant for Plantings in Olmsted Parks
INTRO 11-13	MILLER-WILLIAMS	Support for the Creation and Development of the Buffalo Urban Arts Center

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**COMMUNICATIONS DISCHARGED FROM COMMITTEE:**

**SUSPENSION OF THE RULES:**

**COMMUNICATIONS FROM ELECTED OFFICIALS:**

**REFERENCE:**

COMM. 11E-1	COUNTY EXECUTIVE	Budget Monitoring Report for Period Ending April 30, 2008	Finance & Management
COMM. 11E-2	REYNOLDS	Absence from Committee Meetings Held Thursday, June 5, 2008	R&F
COMM. 11E-3	COMPTROLLER	Audit of Department of CPS Internal Controls Over Computers and Related Devices	Public Safety
COMM. 11E-4	DISTRICT ATTORNEY	District Attorney - Crimes Against Revenue Program Grant - Personnel Change	
COMM. 11E-5	DISTRICT ATTORNEY	District Attorney - Operation IMPACT Grant - 2008-2009	Public Safety
COMM. 11E-6	COUNTY EXECUTIVE	Amend AAATRAN Grant and POE Budgets	Health & Human Services
COMM. 11E-7	COUNTY EXECUTIVE	Medical Reserve Corps Grant - 5/5/08 - 7/31/08	Health & Human Services
COMM. 11E-8	COUNTY EXECUTIVE	Bathing Beach Water Quality Sanitary Survey Project	Health & Human Services
COMM. 11E-9	COUNTY EXECUTIVE	Amend Title VII and LTCOP Grant Budgets and Related Contracts	Health & Human Services
COMM. 11E-10	COUNTY EXECUTIVE	Operation Prime Time	
COMM. 11E-11	COUNTY EXECUTIVE	Central Police Services - 2008 Crime Mapping Grant	Public Safety
COMM. 11E-12	COUNTY EXECUTIVE	Lease Agreements - Women, Infants and Children's (WIC) Program Distribution Sites	Health & Human Services
COMM. 11E-13	COUNTY EXECUTIVE	Buffalo and Erie County Library - Main Branch - Fuel Oil Tank Replacement, Sidewalk Replacement and Storage Mezzanine	Economic Development
COMM. 11E-14	COUNTY EXECUTIVE	Lease of Space on Cell Tower and Construction of Equipment Structure at Erie Community College North Campus	Community Enrichment
COMM. 11E-15	COUNTY EXECUTIVE	Payment In Lieu of Taxes (PILOT) Agreement for Broadway Market Apartments	Finance & Management
COMM. 11E-16	COUNTY EXECUTIVE	County of Erie - Revocable Permit Between Erie County & National Fuel Gas Distribution Corporation	Government Affairs

COMM. 11E-17	COUNTY EXECUTIVE	Erie County Sewer District No. 6 - Lackawanna Wastewater Treatment Plant Elimination Feasibility Study - Phase II	Energy & Environment
COMM. 11E-18	COUNTY EXECUTIVE	Agreement to Grant an Easement at ECC North Campus to YMCA	
COMM. 11E-19	COUNTY EXECUTIVE	Department of Social Services - Employee Education & Training	Health & Human Services
COMM. 11E-20	COUNTY EXECUTIVE	State Aid for Snowmobile Department, 2007-2008	
COMM. 11E-21	COUNTY EXECUTIVE	Emergency Services Microwave Project	Public Safety
COMM. 11E-22	COUNTY EXECUTIVE	Lease Renewal - 85 Manitou, Depew, NY	
COMM. 11E-23	COUNTY EXECUTIVE	Buffalo/Niagara Convention Center - 2008 Capital Projects - Architect/Engineer Agreement Amendment	Economic Development
COMM. 11E-24	COUNTY CLERK	Semi-Annual Report of Receipts and Disbursements - Mortgage Tax Collections - October 1, 2007 - March 31, 2008	Finance & Management
COMM. 11E-25	COUNTY EXECUTIVE	County Attorney's Office Staff Adjustments	Government Affairs
COMM. 11E-26	SHERIFF	Erie County Sheriff's Office - Variable Minimum for Supervising Auto Mechanic	Public Safety
COMM. 11E-27	WHYTE	Appointments to the Erie County Commission on the Status of Women	RFP
<b><u>COMMUNICATIONS FROM THE DEPARTMENTS:</u></b>			<b><u>REFERENCE:</u></b>
COMM. 11D-1	ERIE COMMUNITY COLLEGE	Follow-Up to Legislative Questions Re: West Herr Lease/Local Law	Community Enrichment
COMM. 11D-2	DEPARTMENT OF LAW	Transmittal of New Claims Against Erie County	Government Affairs
COMM. 11D-3	DEPARTMENT OF HEALTH	Agenda for EC Board of Health Meeting on July 8, 2008 and Minutes from January 10, 2008	Health & Human Services
COMM. 11D-4	COUNTY ATTORNEY	Revised Designation in the Event of Vacancy, Absence or Inability	Government Affairs
COMM. 11D-5	DEPARTMENT OF LAW	Transmittal of New Claims Against Erie County	Government Affairs

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:**

**REFERENCE:**

COMM. 11M-1	NYS DEPARTMENT OF TRANSPORTATION	US Route 62, SH5172, Niagara Falls Boulevard, Ridge Lea/Koenig Rd. Intersection, I-290 Overpass to Ridge Lea/Koenig Rd. Intersection, Amherst & Tonawanda	Economic Development
COMM. 11M-2	GOVERNOR'S OFFICE	Acknowledgement of Receipt of Certified Resolution	R&F
COMM. 11M-3	ASSOCIATION OF ERIE COUNTY GOVERNMENTS	Certified Resolution Regarding Supporting an Amendment to NYS RPTL in Relation to Assessments of New Condominiums	R&F
COMM. 11M-4	NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION	Steelfields Ltd. Project Bulletin - Cleanup Activities Complete	Energy & Environment
COMM. 11M-5	COLUCCI & GALLAHER, P.C.	Materials Distributed at the May 29, 2008 Regular Meeting of the Board of Directors of Erie County Medical Center Corporation	Health & Human Services
COMM. 11M-6	NFTA	NFTA Board Minutes for Meeting Held on April 28, 2008	Economic Development
COMM. 11M-7	NFTA	Notice of Proposed Rulemaking Regarding 21 NYCRR Part 1159, NFTA's Procurement Guidelines	Economic Development
COMM. 11M-8	PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS	Letter and DVD Concerning Elephant Abuse at Carson & Barnes Circus	Government Affairs
COMM. 11M-9	EC LEGISLATURE MAJORITY COUNSEL	Letter to ECFSA Regarding Resolution 08-51 Payments to AFSCME Local 1095	Government Affairs
COMM. 11M-10	JAMES J. EAGAN	Letter Regarding NFTA Board of Commissioners Vacancy	Economic Development
COMM. 11M-11	LEGAL AID BUREAU OF BUFFALO, INC.	Monthly Report and Monthly Activity Report for May 2008	Government Affairs

**ANNOUNCEMENTS:**



**MEMORIAL RESOLUTIONS:**

**ADJOURNMENT:**