



THE ERIE COUNTY LEGISLATURE

Session No. 12

June 25, 2009

Lynn M. Marinelli
Chair

Maria R. Whyte
Majority Leader

John J. Mills
Minority Leader

Robert M. Graber
Clerk of the Legislature

ROLL CALL

INVOCATION – Ms. Iannello

PLEDGE OF ALLEGIANCE – Mr. Wroblewski

TABLED ITEMS

ITEMS FOR RECONSIDERATION FROM PREVIOUS MEETING

MINUTES OF PREVIOUS MEETING

PUBLIC HEARING

MISCELLANEOUS RESOLUTIONS:

MARINELLI, WHYTE, KONST &
IANNELLO

Congratulating Carmela Trippi on Her 100th Birthday

MAZUR & MARINELLI

Commemorating the 10th Anniversary of the U.S. Supreme Court's Olmstead Decision Regarding Services for the Disabled

GRANT & MARINELLI

Recognizing David Lacki on His Years of Service to the Buffalo Niagara Convention & Visitors Bureau

MILLS, RATH & WALTER

Congratulating Michael Weiner on His Retirement from the EC Department of Social Services

MARINELLI & MAZUR

Honoring EC Department of Social Services Commissioner Michael Weiner Upon Retiring After 30 Years of Service

KONST

A Memorial Resolution for Joseph Green Jr.

IANNELLO

Honoring Spencer Miliotto for Being Named New York's Top Energy Detective

KONST

A Memorial Resolution for Jeffrey F. Snaza

REYNOLDS

Congratulating Jennifer Parker for Her Outstanding Service as a Member and Chair of the Buffalo Niagara Convention and Visitors Bureau Board of Directors

REYNOLDS

Congratulating Richard Geiger for His Outstanding Service as President and Chief Executive Officer of the Buffalo Niagara Convention and Visitors Bureau

RATH

Recognizing Brad Archdeacon on Achieving the Rank of Eagle Scout

MARINELLI, WHYTE, MILLS,
KOZUB, WALTER, KONST,
GRANT, MAZUR, IANNELLO,
REYNOLDS & RATH

Congratulating Erie County Office for the Disabled Executive
Director Emily Kaznica Upon the Occasion of Her Retirement

LOCAL LAWS:

REFERENCE:

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|--------------------------|------------------------------|---|-------------------------|
| 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 |
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| LL INT. 3-1 6/5/2009 | MARINELLI, WHYTE, MILLER-WILLIAMS, KOZUB, REYNOLDS, GRANT, IANNELLO, KONST, WROBLEWSKI & MAZUR | A LL in relation to reducing the size of the Erie County Legislature and changing the term of office for members of the Erie County Legislature | Government Affairs |
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| LL INT. 4-1 6/5/2009 | KENNEDY | A LL in relation to reducing the size of the Erie County Legislature and changing the term of office for members of the Erie County Legislature | Government Affairs |
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| LL INT. 5-1 6/9/2009 | MILLS, RATH & WALTER | A LL in relation to reducing the size of the Erie County Legislature | Government Affairs |
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| LL INT. 6-1 6/9/2009 | MILLS, RATH & WALTER | A LL in relation to limiting the terms of office of Erie County elected officials | Government Affairs |
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| LL INT. 7-1 6/11/2009 | KONST & IANNELLO | A LL to Reform the Erie County Charter by Limiting the Term of Office that an Elected County Legislator Can Hold | |
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| LL INT. 8-1 6/11/2009 | MAZUR, MILLER- WILLIAMS, GRANT, REYNOLDS, MARINELLI & WALTER | A LL to Amend the Erie County Charter and Erie County Administrative Code Relative to the Dept. of Youth Services Merging into the Dept. of Social Welfare and Placing Youth Detention in the Dept. of Social Welfare | |
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COMMITTEE REPORTS:

REPORT NO. 9 FINANCE & MANAGEMENT COMMITTEE

REPORT NO. 9 ENERGY & ENVIRONMENT COMMITTEE

REPORT NO. 7 PUBLIC SAFETY COMMITTEE

REPORT NO. 9 HEALTH & HUMAN SERVICES COMMITTEE

REPORT NO. 9 COMMUNITY ENRICHMENT COMMITTEE

REPORT NO. 8 ECONOMIC DEVELOPMENT COMMITTEE

REPORT NO. 8 GOVERNMENT AFFAIRS COMMITTEE

LEGISLATOR RESOLUTIONS:

REFERENCE:

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| INTRO 12-1 | MILLS, RATH, KENNEDY, WALTER, KONST & REYNOLDS | Urging Support for NYS Assembly Bill A.8712a, Reinvesting New York Power Authority Profits in WNY |
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| INTRO 12-2 | KOZUB, MARINELLI, GRANT, REYNOLDS & IANNELLO | Updating the Empire Zone Program to Retain Manufacturing Jobs |
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| INTRO 12-3 | MILLS, KOZUB, WALTER, KONST, REYNOLDS & RATH | Opposing NYS Senate Bill S. 5212, Also Known as the "Farm Death Bill," Which Increases Costs to Farmers |
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| INTRO 12-4 | MILLS, KOZUB, WALTER, KONST & RATH | Opposing NYS Senate Bill S. 5791 and Assembly Bill A. 8742, Raising Disability Costs, Which Would Cripple Small Businesses Across NYS |
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COMMUNICATIONS DISCHARGED FROM COMMITTEE:

SUSPENSION OF THE RULES:

COMMUNICATIONS FROM ELECTED OFFICIALS:

REFERENCE:

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| COMM. 12E-1 | MARINELLI, WHYTE & GRANT | Copy of Letter to County Attorney - Reminder - Opinion of the Term "Ex Officio" | Community Enrichment |
| COMM. 12E-2 | COMPTROLLER | Letter to Legislature Concerning April 2009 Sales Tax | Finance & Management |
| COMM. 12E-3 | KONST | Copy of Letter to County Executive Requesting Participation in the Mid- Year Budget Hearings | Finance & Management |
| COMM. 12E-4 | COMPTROLLER | Letter to Legislature Concerning Erie County's Medicaid Anti-Fraud Initiatives | Health & Human Services |
| COMM. 12E-5 | MARINELLI | Letter to Legislative Clerk - Changing Dates of Legislature Sessions | RFP |
| COMM. 12E-6 | MARINELLI | 2009 Schedule of Legislative Sessions - Updated 6/18/09 | RFP |

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| COMM. 12E-7 | MARINELLI | 2009 Schedule of Legislative Sessions Invocation & Pledge Schedule - Updated 6/18/09 | RFP |
| COMM. 12E-8 | COUNTY EXECUTIVE | Buffalo & Erie County Botanical Gardens - Amendment to Asset Transfer Management Agreement | |
| COMM. 12E-9 | COUNTY EXECUTIVE | STOP-DWI GoSafe Project | |
| COMM. 12E-10 | COUNTY EXECUTIVE | Transferring Jail Management Medical Functions to the Department of Health | |
| COMM. 12E-11 | COUNTY EXECUTIVE | NYSDOT Federal Aid Bridge Painting Project - Agreement - Committee Agenda Placeholder | Economic Development |
| COMM. 12E-12 | COUNTY EXECUTIVE | Dingens St. Drainage - Intermunicipal Agreement - Committee Agenda Placeholder | Economic Development |
| COMM. 12E-13 | COUNTY EXECUTIVE | 2009 Overlay A, B & C Program - Construction Award - Committee Agenda Placeholder | Economic Development |
| COMM. 12E-14 | COUNTY EXECUTIVE | Cedar St. Bridge Construction - Niagara County Intermunicipal Agreement - Committee Agenda Placeholder | Economic Development |
| COMM. 12E-15 | COUNTY EXECUTIVE | EC Capital Bridge and Culvert Project Consultant Design - Committee Agenda Placeholder | Economic Development |
| COMM. 12E-16 | COUNTY EXECUTIVE | Aero-Youngs Federal Aid Intersection Project - NYSDOT Construction Agreement - Committee Agenda Placeholder | Economic Development |
| COMM. 12E-17 | COUNTY EXECUTIVE | Groth Rd. FEMA Slide Project - Construction Award - Committee Agenda Placeholder | Economic Development |
| COMM. 12E-18 | COUNTY EXECUTIVE | Blakeley Corners Rd. and Zoar Valley Rd. FEMA Road Slide Project - Right-of-Way Acquisition - Committee Agenda Placeholder | Economic Development |
| COMM. 12E-19 | COUNTY EXECUTIVE | Harris Hill Rd. - Pleasantview Dr. - Wehrle Dr. - Federal Aid Intersection Project - NYSDOT Right-of-Way Agreement - Committee Agenda Placeholder | Economic Development |
| COMM. 12E-20 | COUNTY EXECUTIVE | Request Authorization to Accept Efficiency Grant Funds - Six-Sigma Staffing and Training | Government Affairs |
| COMM. 12E-21 | COUNTY EXECUTIVE | ECSD #3 Engineering Term Agreement - CHA Work Order | Energy & Environment |

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| COMM. 12E-22 | COUNTY EXECUTIVE | Approve Funding for Parks Forestry Operations | Energy & Environment |
| COMM. 12E-23 | COUNTY EXECUTIVE | Appointment of Rev. Dave Borowiak to the Chaplain Corps | Public Safety |
| COMM. 12E-24 | COUNTY EXECUTIVE | Amend III-C-1 Grant Budget | Health & Human Services |
| COMM. 12E-25 | COUNTY EXECUTIVE | Authorization to Gift Boat Docks to the City of Buffalo | Energy & Environment |
| COMM. 12E-26 | COUNTY EXECUTIVE | State Assistance Application and Contract Execution - Household Hazardous Waste Collection Program | Energy & Environment |
| COMM. 12E-27 | COUNTY EXECUTIVE | Prescription Drug Discount Program | Health & Human Services |
| COMM. 12E-28 | COUNTY EXECUTIVE | Sale of County Owned Property - Morris Ave., West Seneca | Government Affairs |
| COMM. 12E-29 | COUNTY EXECUTIVE | Request for Qualifications - General Energy Performance Contracting Services (2009) | Energy & Environment |
| COMM. 12E-30 | COUNTY EXECUTIVE | Authorization to Allow EC Dept. of Mental Health to Contract with Pride Center of WNY, Inc. to Provide Substance Abuse Prevention and Intervention Services | Health & Human Services |
| COMM. 12E-31 | COUNTY EXECUTIVE | Highway Fuel Tank Spill Prevention Control and Countermeasure (SPCC) Plans - Wendel Duchscherer | Economic Development |
| COMM. 12E-32 | COUNTY EXECUTIVE | Adjustments to the Protective Services for Older Adults Program | Health & Human Services |
| COMM. 12E-33 | COUNTY EXECUTIVE | Leasing of EC Owned Rail Lines to the EC Industrial Development Agency | Economic Development |
| COMM. 12E-34 | COUNTY EXECUTIVE | ECSD #2, 3 & 6 - Engineering Service Agreement | Energy & Environment |
| COMM. 12E-35 | SHERIFF | Aviation Reserve Fund Transfer | Public Safety |
| COMM. 12E-36 | DISTRICT ATTORNEY | Asset Forfeiture Appropriations | |
| COMM. 12E-37 | DISTRICT ATTORNEY | District Attorney's Office Restructure | |
| COMM. 12E-38 | SHERIFF | Asset Forfeiture Funded Program SAFS | Public Safety |

COMMUNICATIONS FROM THE DEPARTMENTS:

REFERENCE:

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| COMM. 12D-1 | DEPUTY COMPTROLLER | Copy of Letter to Buffalo Mayor & City Comptroller Concerning City of Buffalo Cellblock Payments to Erie County (Second Request) | Public Safety |
| COMM. 12D-2 | COUNTY ATTORNEY | Copy of Letter to Legislature Chair Concerning 2009 Cultural Funding Contracts | Community Enrichment |
| COMM. 12D-3 | AUDIT COMMITTEE FOR ERIE COUNTY | Annual Report for Year Ended 12/31/07 | Finance & Management |
| COMM. 12D-4 | COUNTY ATTORNEY | Transmittal of New Claims Against Erie County | Government Affairs |
| COMM. 12D-5 | CLERK OF LEGISLATURE | Changing Dates of Legislature Sessions | RFP |
| COMM. 12D-6 | ASSOCIATE DEPUTY COMPTROLLER | Letter to Legislature Concerning Status of 2009 Payments to Cultural and Related Organizations | Community Enrichment |
| COMM. 12D-7 | COUNTY ATTORNEY | Notice of Public Hearing to be Held 7/1/09 Concerning LL INTRO 2-2009 | Health & Human Services |
| COMM. 12D-8 | COUNTY ATTORNEY | Transmittal of New Claim Against Erie County | Government Affairs |

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES:

REFERENCE:

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| COMM. 12M-1 | NIAGARA ERIE REGIONAL COALITION | Legislature Budget Accountability Act Report | Community Enrichment |
| COMM. 12M-2 | NYSDEC | Fish and Wildlife Monthly Highlights - 3/16/09 - 4/15/09 | Energy & Environment |
| COMM. 12M-3 | NYSDEC | Fact Sheet - Tecumseh Phase II Site - Available for Public Comment - Lackawanna | Energy & Environment |
| COMM. 12M-4 | CATHOLIC CHARITIES - PROJECTRUTH | Letter Requesting the Retention of Funding | Health & Human Services |
| COMM. 12M-5 | BUFFALO & ERIE COUNTY PUBLIC LIBRARY | Agenda Items for Board of Trustees Meeting Held 6/18/09 | Community Enrichment |
| COMM. 12M-6 | KALEIDA HEALTH | Elimination of Kaleida Health Early Childhood Program | Health & Human Services |
| COMM. 12M-7 | BUFFALO PHILHARMONIC ORCHESTRA | Legislature Budget Accountability Act Report | Community Enrichment |
| COMM. 12M-8 | ASSOCIATION OF ERIE COUNTY GOVERNMENTS | Copy of Town of Brant Resolution Opposing EC Planning Board | Energy & Environment |

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| COMM. 12M-9 | NYS FISH & WILDLIFE MANAGEMENT BOARD | Agenda Items for Region 9 Board Meeting Held 6/4/09 | Energy & Environment |
| COMM. 12M-10 | NY DEPARTMENT OF STATE | Copy of Letter to Legislator Whyte Concerning the Establishment of an EC Planning Board | Energy & Environment |
| COMM. 12M-11 | ERIE CANAL HARBOR DEVELOPMENT CORP. | Copy of Letter to Legislator Whyte Concerning Draft Coordination Plan/Initial Project Meeting | Economic Development |
| COMM. 12M-12 | PUSH BUFFALO PEOPLE UNITED FOR SUSTAINABLE HOUSING | Copy of Letter to Legislator Whyte Concerning "Healthy Neighborhood Concept Plan" | Energy & Environment |
| COMM. 12M-13 | ASSEMBLYMAN HOYT | Copy of Letter to James Finamore Concerning Workforce Investment Board Meeting | Economic Development |
| COMM. 12M-14 | ALBRIGHT-KNOX ART GALLERY | Legislature Budget Accountability Act Report | Community Enrichment |
| COMM. 12M-15 | ARTS IN EDUCATION INSTITUTE OF WNY | Legislature Budget Accountability Act Report | Community Enrichment |
| COMM. 12M-16 | BUFFALO INNER CITY BALLET | Legislature Budget Accountability Act Report | Community Enrichment |
| COMM. 12M-17 | BUFFALO PHILHARMONIC ORCHESTRA | Legislature Budget Accountability Act Report | Community Enrichment |
| COMM. 12M-18 | BUFFALO TRANSPORTATION/PIERCE- ARROW MUSEUM | Legislature Budget Accountability Act Report | Community Enrichment |
| COMM. 12M-19 | MARTIN HOUSE RESTORATION CORPORATION | Legislature Budget Accountability Act Report | Community Enrichment |
| COMM. 12M-20 | HALLWALLS | Legislature Budget Accountability Act Report | Community Enrichment |
| COMM. 12M-21 | MUSICALFARE THEATRE | Legislature Budget Accountability Act Report | Community Enrichment |

ANNOUNCEMENTS:

MEMORIAL RESOLUTIONS:

ADJOURNMENT: