

**ERIE COUNTY LEGISLATURE
MEETING NO. 1
JANUARY 7, 2010**

The Legislature was called to order by the Clerk of the Erie County Legislature.

The Roll being duly called by Mr. Robert M. Graber, Clerk of the Legislature, the following Legislators answered, to wit:

1 st District Daniel M. Kozub	2 nd District Timothy M. Kennedy
3 rd District Barbara Miller-Williams	4 th District Raymond W. Walter
5 th District Dino J. Fudoli	6 th District Maria R. Whyte
7 th District Betty Jean Grant	8 th District Thomas J. Mazur
9 th District Christina W. Bove	10 th District Kevin R. Hardwick
11 th District Lynn M. Marinelli	12 th District Lynne M. Dixon
13 th District John J. Mills	14 th District Thomas A. Loughran
15 th District Edward A. Rath, III	

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

The Pledge of Allegiance was led by Ms. Bove.

Item 1 – MR. GRABER called for nominations and the election of Chair of the Legislature for 2010.

MR. KENNEDY placed in nomination for Chair of the Legislature for 2010 BARBARA MILLER-WILLIAMS. MR. MILLS seconded.

We the undersigned, representing a Majority of the Erie County Legislature do hereby nominate BARBARA MILLER-WILLIAMS as Chair of the Erie County Legislature for 2010.

Timothy M. Kennedy 2 nd District	Barbara Miller-Williams 3 rd District
--	---

Raymond W. Walter
4th District

Dino J. Fudoli
5th District

Christina W. Bove
9th District

Kevin R. Hardwick
10th District

Lynne M. Dixon
12th District

John J. Mills
13th District

Edward A. Rath, III
15th District

MR. GRABER asked if there were any other nominations for the Office of Chair of the Erie County Legislature for 2010.

MS. WHYTE placed in nomination for Chair of the Legislature for 2010 LYNN M. MARINELLI. MR. KOZUB seconded.

I, a duly elected Erie County Legislator for the term beginning January 1, 2010, do hereby support LYNN M. MARINELLI, for Chair of the Erie County Legislature:

Lynn M. Marinelli
11th District

Maria R. Whyte
6th District

Betty Jean Grant
7th District

Daniel M. Kozub
1st District

Thomas J. Mazur
8th District

Thomas A. Loughran
14th District

MR. GRABER asked if there were any other nominations for the Office of Chair of the Erie County Legislature for 2010.

MR. LOUGHRAN moved that nominations be closed. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MR. GRABER moved the question, and directed that a roll-call vote be taken.

VOTES for MS. MILLER-WILLIAMS: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KENNEDY and MS. MILLER-WILLIAMS. VOTES for MS. MARINELLI: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. (MS. MILLER-WILLIAMS: 9; MS. MARINELLI: 6).

MS. MILLER-WILLIAMS having received the required number of votes cast was declared duly elected CHAIR OF THE ERIE COUNTY LEGISLATURE for the year 2010.

Item 2 – CHAIR MILLER-WILLIAMS called for nominations and the election of the Clerk of the Erie County Legislature for 2010.

MR. KENNEDY placed in nomination for Clerk of the Legislature for 2010 ROBERT M. GRABER. MR. MILLS seconded.

We, the undersigned, representing a Majority of the Erie County Legislature, do hereby nominate ROBERT M. GRABER as Clerk of the Erie County Legislature for 2010.

Timothy M. Kennedy
2nd District

Barbara Miller-Williams
3rd District

Raymond W. Walter
4th District

Dino J. Fudoli
5th District

Christina W. Bove
9th District

Kevin R. Hardwick
10th District

Lynne M. Dixon
12th District

John J. Mills
13th District

Edward A. Rath, III
15th District

We, the undersigned, representing a majority of the members of the Democratic Caucus in the Erie County Legislature, do hereby nominate ROBERT M. GRABER as Clerk of the Erie County Legislature for 2010.

Daniel M. Kozub
1st District

Maria R. Whyte
6th District

Betty Jean Grant
7th District

Thomas J. Mazur
8th District

Lynn M. Marinelli
11th District

Thomas A. Loughran
14th District

CHAIR MILLER-WILLIAMS asked if there were any other nominations for the Office of Clerk of the Erie County Legislature for 2010.

MR. KENNEDY moved that nominations be closed. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS moved the question.

CARRIED UNANIMOUSLY.

MR. GRABER, having received the required number of votes cast was declared duly elected CLERK OF THE ERIE COUNTY LEGISLATURE for the year 2010.

Item 3 – CHAIR MILLER-WILLIAMS called for the designation of Majority Leader of the Erie County Legislature for the year 2010.

MR. KENNEDY presented a petition designating MARIA R. WHYTE as Majority Leader of the Erie County Legislature for 2010.

CHAIR MILLER-WILLIAMS directed that the petition be Received, Filed and Printed.

GRANTED.

We, the undersigned, representing a Majority of the members of the Democratic Caucus of the Erie County Legislature do hereby nominate MARIA R. WHYTE as Majority Leader of the Erie County Legislature for 2010.

Daniel M. Kozub
1st District

Timothy M. Kennedy
2nd District

Barbara Miller-Williams
3rd District

Maria R. Whyte
6th District

Betty Jean Grant
7th District

Thomas J. Mazur
8th District

Christina W. Bove
9th District

Lynn M. Marinelli
11th District

Thomas A. Loughran
14th District

Item 4 – CHAIR MILLER-WILLIAMS called for the designation of Minority Leader of the Erie County Legislature for the year 2010.

MR. RATH presented a petition designating JOHN J. MILLS as Minority Leader of the Erie County Legislature for 2010.

CHAIR MILLER-WILLIAMS directed that the petition be Received, Filed and Printed.

GRANTED.

We, the undersigned, pursuant to the 2009 rules of the Erie County Legislature, do hereby designate JOHN J. MILLS as Minority Leader of the Erie County Legislature.

John J. Mills
13th District

Edward A. Rath, III
15th District

Raymond W. Walter
4th District

Dino J. Fudoli
5th District

Kevin R. Hardwick
10th District

Lynne M. Dixon
12th District

Item 5 – CHAIR MILLER-WILLIAMS directed that the Rules of the Legislature for 2010 remain on the table.

GRANTED.

Item 6 – CHAIR MILLER-WILLIAMS directed that the Designation of Newspapers be Received, Filed and Printed.

We, the undersigned, a Majority Caucus of the Erie County Legislature, do hereby designate the Front Page, published in Lackawanna, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices and other matters required by law to be published for the County of Erie, effective January 1, 2010.

Daniel M. Kozub
1st District

Timothy M. Kennedy
2nd District

Barbara Miller-Williams
3rd District

Maria R. Whyte
6th District

Betty Jean Grant
7th District

Thomas J. Mazur
8th District

Christina W. Bove
9th District

Lynn M. Marinelli
11th District

Thomas A. Loughran
14th District

We, the undersigned, a Majority Caucus of the Erie County Legislature, do hereby designate the Buffalo Challenger, published in Buffalo, New York, having general circulation in the County of Erie, for the publication of all Concurrent Resolutions of the New York State Legislature, required by law to be published for the year 2010, effective January 1, 2010.

Daniel M. Kozub
1st District

Timothy M. Kennedy
2nd District

Barbara Miller-Williams
3rd District

Maria R. Whyte
6th District

Betty Jean Grant
7th District

Thomas J. Mazur
8th District

Christina W. Bove
9th District

Lynn M. Marinelli
11th District

Thomas A. Loughran
14th District

January 7, 2010

We, the undersigned, a Majority of the Minority Caucus of the Erie County Legislature, do hereby designate the Amherst Bee, published in Amherst, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices and other matters required by law to be published for the County of Erie, effective January 1, 2010.

John J. Mills
13th District

Edward A. Rath, III
15th District

Raymond W. Walter
4th District

Dino J. Fudoli
5th District

Kevin R. Hardwick
10th District

Lynne M. Dixon
12th District

January 7, 2010

We, the undersigned, a Majority of the Minority Caucus of the Erie County Legislature do hereby designate the Orchard Park Bee, published in Amherst, New York, having general circulation in the County of Erie, as the official newspaper effective January 1, 2010 for the publication of concurrent resolutions.

John J. Mills
13th District

Edward A. Rath, III
15th District

Raymond W. Walter
4th District

Dino J. Fudoli
5th District

Kevin R. Hardwick
10th District

Lynne M. Dixon
12th District

Item 7 – No tabled items.

Item 8 – No items for reconsideration from previous meeting.

Item 9 – MS. WHYTE moved for the approval of minutes for Meeting Number 27 of 2009.
MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 10 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 11 – MR. MAZUR presented a Memorial Resolution In Memory of the Life of Thomas D. Donohue Jr.

Item 12 – MR. MAZUR presented a Memorial Resolution In Memory of the Life of Thomas J. "Rocko" Griffin.

Item 13 – MR. KOZUB presented a resolution Congratulating Abdulsalam Noman on Being the First Arab-American Elected to Lackawanna City Council and to Public Office in NYS and on Being Only the Second Arab-American Elected Official in the Nation.

MS. WHYTE moved to consider the above three items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above three items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 14 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLER-WILLIAMS directed that Local Law No. 5 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLER-WILLIAMS directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLER-WILLIAMS directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLER-WILLIAMS directed that Local Law No. 9 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 19 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. WALTER seconded. MS. GRANT voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 1

December 30, 2009	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 17
-------------------	---

ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 27E-5 (2009)
REYNOLDS: “Copy of Letter to the President of Community Action Organization of EC, Inc. - Resignation”
(5-0)
 - b. COMM. 27M-5 (2009)
COLUCCI & GALLAHER, P.C.: “ECMCC Agenda Items for Board of Directors Meeting Held 12/01/09”
(5-0)
2. INTRO 27-2 (2009)
REYNOLDS
WHEREAS, Assembly Bill §8625A - Sponsor New York State Assemblyman Mark J. F. Schroeder and Senate Bill §5831A - Sponsor New York State Senator Shirley L. Huntley & William T. Stachowski would direct the Commissioner of Mental Retardation and Developmental Disabilities to study and report the cost to the state for the early diagnosis and long-term treatment of autism spectrum disorder; and

WHEREAS, these bills requires that the Commissioner Of Mental Retardation conduct a study and report the results to the State of New York on the cost of early diagnosis of autism spectrum disorders and the long-term treatment of individuals with autism spectrum disorders; and

WHEREAS, there are NO current studies in New York State being done in this area; and

WHEREAS, improving systems of care for individuals and their families with autism spectrum disorder, mental health, and neuro-behavioral disorders; and

WHEREAS, create timely and efficient systems of care for all children with autism spectrum and mental health needs; and

WHEREAS, achieve effective cost savings to reinvest in education, prevention, and early intervention; and

WHEREAS, according to current research, 1 in 91 children, and 1 in 64 boys born in the United States will be diagnosed as on the Autism Spectrum. A recent study by Michael Ganz, M.S.,PH.D., Abt Associates Inc. Lexington, Mass., and Harvard School of Public Health, Boston, reports that each individual with Autism accrues about \$3.2 million in costs to society over his or her lifetime; and

WHEREAS, Autism costs more than \$35 billion in direct and indirect expenses each year. These costs do affect our society as a whole. This is an epidemic that needs to be addressed in order to ensure the most efficient effective services, teaching and parenting methods, and treatment is provided to all children who are living with an autistic spectrum disorder; and

WHEREAS, only this way will we be able to get an accurate diagnosis of the problem; and proper treatment be prescribed; and

WHEREAS, brain research demonstrates that intervention is most effective when implemented on a young, flexible brain. Children with autism benefit from intensive, early intervention programs and should reduce their need for intensive supports later. This legislation seeks to project the estimate of future costs to the state associated with the increased demand for state services that will be needed to accommodate the tremendous growth in the number of individuals being diagnosed with autism spectrum disorder.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record to call for the support of A.8625A/S.5831A; and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Commissioner of Mental Health Department, Commissioner of Health Department, Chairperson of New York State Assembly Ways & Means Committee, Chairperson of New York State Senate Rules Committee, our entire New York State delegation and the Governor of New York State.
(5-0)

3. INTRO 27-3 (2009)
REYNOLDS

WHEREAS, Assembly Bill §8998 - Sponsor New York State Assemblyman Mark J. F. Schroeder and Senate Bill §5985 - Sponsor New York State Senator William T. Stachowski would amend the public health law and the mental hygiene law, in relation to directing the Commissioner of Health and the Commissioner of Mental Retardation and Developmental Disabilities to promulgate rules and regulations to creates a voluntary universal consent form to enable the efficient transfer of health and mental health records among providers; and

WHEREAS, these bills allow for continuous, informed, coordinated care for children, adolescents, and families; and

WHEREAS, in the current system, each health care agency has its own individual consent and when an individual goes from one agency to the next, sometimes it can take significant time for critical treatment information and historical information to follow. As a result, the treatment process can become ineffective; and

WHEREAS, improving systems of care for individuals and their families with autism spectrum disorder, mental health, and neuro-behavioral disorders; and

WHEREAS, create timely and efficient systems of care for all children with autism spectrum and mental health needs; and

WHEREAS, achieve effective cost savings to reinvest in education, prevention, and early intervention; and

WHEREAS, expands current law to mandate autism spectrum training for all special and general education NYS teacher candidates seeking certification; and

WHEREAS, with the Passport, designated individuals will be able to have their records more easily shared among providers when needed, without delay. As a result, with mental health and health treatment records more easily shared, treatment can be accomplished more efficiently and timely, with less barriers; and

WHEREAS, coordinated and streamlined care does not happen without smooth transfer of records and information. These bills seek to make for a seamless system of information sharing between and among providers with a need to know.

Additionally, such rules and regulations shall establish guidelines and protocols for:

- Best practices for the screening for and diagnosis of autism spectrum disorders;
- Employment of objective autism spectrum disorder tools;
- Appropriate referral mechanism for children, who based upon the results of screening for autism spectrum disorders, requires further evaluation; and

WHEREAS, according to current research, one in 91 children and one in 58 boys born in the United States will be diagnosed as being on the Autism Spectrum. When an individual moves from one health care organization to the next, families do not want to keep telling their account of the problem repeatedly. They would like to share their information with the originating provider and have the expectation that it will be compiled and become a comprehensive record; and

WHEREAS, only this way will we be able to get an accurate diagnosis of the problem, and proper treatment to be prescribed; and

WHEREAS, these bills direct the Commissioner Of Health and Commissioner Of Mental Retardation and Developmental Disabilities to jointly promulgate rules and regulations to make for a

seamless system of information sharing between and among providers for autism spectrum disorders.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record to call for the support of A.8998/S.5985; and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Commissioner of Mental Health Department, Commissioner of Health Department, Chairperson of New York State Assembly Health Committee, Chairperson of New York State Senate Rules Committee, our entire New York State delegation and the Governor of New York State.
(5-0)

4. INTRO 27-4 (2009)

REYNOLDS

WHEREAS, Assembly Bill §9075 - Sponsor New York State Assemblyman Mark J. F. Schroeder and Senate Bill §6200 - Sponsor New York State Senator William T. Stachowski would create opportunities to demonstrate that blended funding will support efficient systems of care for all children with behavioral health challenges; and

WHEREAS, these bills calls for the NYS Health Commissioner to fund mental health wrap-around demonstration projects in State of New York for early diagnosis of autism spectrum disorders and the long-term treatment of individuals with autism spectrum disorders; and

WHEREAS, this blends Office of Mental Retardation and Developmental Disabilities, Office of Mental Health, Dept. of Health, and other funding streams to improve outcomes for children, adolescents and families; and

WHEREAS, improving systems of care for individuals and their families with autism spectrum disorder, mental health, and neuro-behavioral disorders; and

WHEREAS, create timely and efficient systems of care for all children with autism spectrum and mental health needs; and

WHEREAS, achieve effective cost savings to reinvest in education, prevention, and early intervention; and

WHEREAS, coordinates support and services for children, adolescents and families across different service systems; and

WHEREAS, efficiently assists children and families from high risk or crisis to stabilization; and

WHEREAS, decreases utilization of high cost out-of-home services; and

WHEREAS, increases utilization of home, community, and school based support and services; and

WHEREAS, needed because children and adolescents with behavioral health issues in New York State are getting passed around between various mental health, health, social services, and educational systems, rather than the right care in the right place at the right time to improve outcomes; and

WHEREAS, Autism costs more than \$35 billion in direct and indirect expenses each year. These costs do affect our society as a whole. This is an epidemic that needs to be addressed in order to ensure the most efficient effective services, teaching and parenting methods, and where treatment is provided to all children who are living with an autistic spectrum disorder; and

WHEREAS, brain research demonstrates that intervention is most effective when implemented on a young, flexible brain. Children with autism benefit from intensive, early intervention programs and this should reduce their need for intensive supports later. This legislation seeks to project the estimate of future costs to the state associated with the increased demand for state services that will be needed to accommodate the tremendous growth in the number of individuals being diagnosed with autism spectrum disorder.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record to call for the support of A.9075/S.6200; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the New York State Commissioner of Mental Health Department, the Commissioner of Health Department, Chairperson of New York State Assembly Health Committee, Chairperson of New York State Senate Rules Committee, our entire New York State delegation and the Governor of New York State.
(5-0)

5. INTRO 27-5 (2009)
REYNOLDS

WHEREAS, Assembly Bill §8251 - Sponsor New York State Assemblyman Mark J. F. Schroeder and Senate Bill §6201 - Sponsor New York State Senator William T. Stachowski would to amend the public health law and the mental hygiene law, in relation to directing the Commissioner of Health and the Commissioner of Mental Retardation and Developmental Disabilities to promulgate rules and regulations requiring every child beginning at the age of eighteen months to be examined for autism spectrum disorders; and to repeal section 2500-j of the public health law relating to screening children for autism spectrum disorders; and

WHEREAS, improving systems of care for individuals and their families with autism spectrum disorder, mental health, and neuro-behavioral disorders; and

WHEREAS, create timely and efficient systems of care for all children with autism spectrum and mental health needs; and

WHEREAS, achieve effective cost savings to reinvest in education, prevention, and early intervention; and

WHEREAS, expands current law to mandate autism spectrum training for all special and general education NYS teacher candidates seeking certification; and

WHEREAS, Public Health Law §2500-j directed the commissioner to establish, for use by pediatric primary care providers, best practice protocols for early screening of children for autism spectrum disorders; and

WHEREAS, the protocols incorporate standards and guidelines established by the American Academy of Pediatricians and include, but are not limited to:

- (1) The routine employment of objective autism spectrum disorder screening tools at regular intervals during critical childhood developmental stages; and
- (2) A provider/parental dialogue, utilizing the modified checklist for autism in toddlers as a reference, intended to educate parents in regard to autism spectrum disorders; and
- (3) An appropriate referral mechanism for children who, based upon results of the aforementioned screening process, require further evaluation; and

WHEREAS, these bills direct the Commissioner Of Health and Commissioner Of Mental Retardation And Developmental Disabilities to jointly promulgate rules and regulations requiring pediatric health care providers to screen children beginning at the age of 18 months for autism spectrum disorders during each wellness and preventative care examination; and

WHEREAS, these bills direct the Commissioner of Health and Commissioner of Mental Retardation and Developmental Disabilities to jointly develop the rules and regulations that must include the Clinical Diagnostic Tools needed by pediatricians to evaluate for Autism Spectrum Disorder (ASD). Additionally such rules and regulations shall establish guidelines and protocols for: the best practices for the screening for and diagnosis of autism spectrum disorders; and the employment of objective autism spectrum disorder tools; and the appropriate referral mechanism for children, who based upon the results of screening for autism spectrum disorders, require further evaluation; and

WHEREAS, brain research demonstrates that intervention is most effective when implemented on a young, flexible brain. Children with autism benefit from intensive, early intervention programs and should reduce their need for intensive supports later. This legislation focuses awareness and promote understanding of children with autism and help to support these children and their families; and

WHEREAS, additionally, according to a study by the London School of Economics, the cost of lifelong care can be reduced by 2/3 with early diagnosis and intervention; and

WHEREAS, this legislation requires early screening of each child which should facilitate earlier diagnosis and intervention and help improve the outcomes for the child with an autism spectrum disorder.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record to call for the support of A.8251/S.6201; and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Commissioner of Mental Health Department, Commissioner of Health Department, Chairperson of New York State Assembly Health Committee, Chairperson of New York State Senate Rules Committee, our entire New York State delegation and the Governor of New York State.
(5-0)

6. INTRO 27-6 (2009)
REYNOLDS

WHEREAS, Assembly Bill §8996 - Sponsor New York State Assemblyman Mark J. F. Schroeder and Senate Bill §5986 - Sponsor New York State Senator William T. Stachowski would require all teachers to complete training in area of autism and directs the commissioner of education to assure that such training is included in all teacher certificates; and

WHEREAS, improving systems of care for individuals and their families with autism spectrum disorder, mental health, and neuro-behavioral disorders; and

WHEREAS, create timely and efficient systems of care for all children with autism spectrum and mental health needs; and

WHEREAS, achieve effective cost savings to reinvest in education, prevention, and early intervention; and

WHEREAS, expands current law to mandate autism spectrum training for all special and general education NYS teacher candidates seeking certification; and

WHEREAS, Chapter 143 of the Laws of 2006 requires that all persons applying for a teaching certificate or license as special education teachers must complete three hours of course work and/or training in the area of children with Autism. Training must be provided by an institution that is approved by the NYS Education Department. The Commissioner of Education has developed standards to ensure that candidates for a teaching certificate or license in special education have received appropriate training; and

WHEREAS, this bill requires that all teacher candidates complete a minimum of three hours of training in the area of Autism and directs the Commission of Education to ensure that this training is appropriate and is included in all teacher certification programs; and

WHEREAS, according to current research, one in 91 children, and one in 64 boys born in the United States will be diagnosed as on the Autism Spectrum. With the emphasis on the least restrictive environment, schools work to include all students with disabilities in the regular education program as much as possible. Also, schools are forefront in working with parents to meet the needs of all students and may be the one of the first institutions to speak with parents if a student is presenting concerns in the classroom; and

WHEREAS, given the prevalence of Autism Spectrum Disorders mentioned above, this will include students on the Autism spectrum. This law will require all teachers to be trained in Autism Spectrum Disorders.

Training will include, but is not limited to:

- Awareness of the types of Autism Spectrum Disorders, including Asperger's Syndrome and PDD-NOS,
- Characteristics of children with autism,
- Steps to take if a teacher has a student who presents these characteristics,
- Instructional strategies to assist in the education of students with autism; and

WHEREAS, brain research demonstrates that intervention is most effective when implemented on a young, flexible brain. Children with autism benefit from intensive, early intervention programs and should reduce their need for intensive support later. This legislation focuses educators' awareness on and promote understanding of children with autism and help to support these children and their families.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby go on record to call for the support of A.8996/S.5986; and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Commissioner of Mental Health Department, Commissioner of Health Department, Chairperson of New York State Assembly Education Committee, Chairperson of New York State Senate Rules Committee, our entire New York State delegation and the Governor of New York State.

(5-0)

7. COMM. 27E-34 (2009)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of Carol Dankert as the Commissioner of the Erie County Department of Social Services.

(5-0)

**THOMAS J. MAZUR
CHAIR**

Item 20 – MS. WHYTE presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 2

December 30, 2009	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 12
-------------------	--

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 17E-23 (2009)
REYNOLDS: "Finance & Management Committee - Summary Report of the 2009 Mid-Year Budget Hearings"
(4-0) Chair Marinelli not present for vote.
 - b. COMM. 17E-28 (2009)
REYNOLDS: "Copy of Letter to Assoc. of EC Governments Concerning Drainage in the 12th Legislative District"
(4-0) Chair Marinelli not present for vote.
 - c. COMM. 18E-3 (2009)
REYNOLDS: "Copy of Schedule of Departmental Hearings to be Conducted by the Finance, Management & Budget Committee Regarding the 2010 Proposed EC Budget"
(4-0)
 - d. COMM. 20E-3 (2009)
MILLER-WILLIAMS: "Copy of Letter Concerning the Jesse Nash Women's Health Clinic Being Cut from the Tentative 2010 Budget"
(4-0) Chair Marinelli not present for vote.
 - e. COMM. 20E-24 (2009)
MILLER-WILLIAMS: "EC Health Dept. - Clinic Statistics -2009"
(4-0) Chair Marinelli not present for vote.
 - f. COMM. 20M-5 (2009)
NYS BOARD OF REAL PROPERTY SERVICES: "List of Certified 2009 Class Equalization Rates"
(4-0)
 - g. COMM. 21E-1 (2009)
COMPTROLLER: "Certificate of Determination - Authorization, Sale, Issuance, Form and Contents of Revenue Anticipation Note - 009A"
(4-0) Chair Marinelli not present for vote.
 - h. COMM. 21E-2 (2009)
REYNOLDS: "Letter Requesting Commissioner Konst to Appear before the Finance, Management & Budget Committee"
(4-0) Chair Marinelli not present for vote.
 - i. COMM. 21E-11 (2009)
COMPTROLLER: "Third Quarter 2009 Financial Report - 10/30/09"
(4-0) Chair Marinelli not present for vote.
 - j. COMM. 25M-5 (2009)

ECFSA: "2010 Budget Recommendations"
(4-0)

k. COMM. 25M-9 (2009)
NYS DEPT. OF TAXATION & FINANCE: "Semi-Annual Report - April-September 2009"
(4-0) Chair Marinelli not present for vote.

l. COMM. 27E-33 (2009)
COUNTY EXECUTIVE: "Appointment of Director of the Department of Information & Support Services"
(4-0) Chair Marinelli not present for vote.

2. COMM. 27E-30 (2009)
COUNTY EXECUTIVE
WHEREAS, Amherst Station Housing Development Fund Company, Inc. is developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Project, located at 2665-2671 Main Street in the City of Buffalo, New York, will contain 24 one-bedroom and two-bedroom apartments for low and very low income persons; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for Amherst Station Housing Development Fund Company, Inc. to operate the apartment complex it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Amherst Station Housing Development Fund Company, Inc. relating to the Amherst Station Apartments and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto. Payment under the Agreement will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

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

SCHEDULE A

Year	Payment to the City of Buffalo	Payment to the County of Erie	Total Payment
1	3,628.40	1,209.47	4,837.86
2	3,737.25	1,245.75	4,983.00
3	3,849.36	1,283.12	5,132.49
4	3,964.85	1,321.62	5,286.46
5	4,083.79	1,361.26	5,445.05
6	4,206.30	1,402.10	5,608.41
7	4,332.49	1,444.16	5,776.66
8	4,462.47	1,487.49	5,949.96
9	4,596.34	1,532.11	6,128.46
10	4,734.23	1,578.08	6,312.31
11	4,876.26	1,625.42	6,501.68
12	5,022.55	1,674.18	6,696.73
13	5,173.22	1,724.41	6,897.63
14	5,328.42	1,776.14	7,104.56
15	5,488.27	1,829.42	7,317.70

(5-0) Chair Marinelli present for vote.

3. COMM. 27E-31 (2009)
COUNTY EXECUTIVE

WHEREAS, the State of New York has established an Empire Zone Program to revitalize economic development by providing financial inducements for businesses and industry to locate within Empire Zones; and

WHEREAS, the proposed amendment to Section Six of the County Sales and Use Tax Resolution will provide for exemptions from local sales and compensatory use taxes applicable to qualified empire zone enterprises (QEZES); and

WHEREAS, by Legislative Resolution on November 20, 2008, (Comm. 23E-15), this amendment was approved to accept the Empire Zone Program benefits; and

WHEREAS, due to the sunset provisions of this State legislation, an approved resolution must be submitted to New York State prior to December 1, 2009; and

WHEREAS, this exemption has been provided by Erie County on an annual basis since the inception of the QEZES benefit; and

WHEREAS, Erie County wishes to continue to participate in the Empire Zone Program established by New York State; and

WHEREAS, the Legislature of the County of Erie, electing the provision for credit or refund of sales and compensating use taxes described in Section 1119(d) of the New York Tax Law relating to QEZES, pursuant to the authority of Article 29 of the New York Tax Law and repealing the resolution of November 5, 2009, (Comm. 21E-8 2009), extending the authorization of Empire Zone Sales Tax Exemptions.

NOW, THEREFORE, BE IT

RESOLVED, that Section Twelve of the Erie County Sales and Use Tax Resolution being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, Page 666, as amended, is amended by adding a new subdivision (d) to read as follows:

(d) For the period beginning March 1, 2010, and ending February 28, 2011, the provision for credit or refund described in subdivision (d) of Section 1119 of the New York Tax Law, relating to Qualified Empire Zones Enterprises, shall apply to the taxes imposed by this enactment; and be it further

RESOLVED, that Subdivision (h) of Section Six of the Erie County Sales and Use Tax Resolution being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, Page 666, as amended, is REPEALED; and be it further

RESOLVED, that a resolution of the Legislature of the County of Erie enacted November 5, 2009, (Comm. 21E-8 2009), to provide an "Extension of Authorization for Empire Zone Sales Tax Exemptions" by amending subdivision (h) of Section Six of the Erie County Sales and Use Tax Resolution being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, Page 666, as amended, is REPEALED; and be it further

RESOLVED, that this resolution shall take effect March 1, 2010; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget and Management; Kathy Konst, Commissioner of Environment and Planning; Daniel D. Barry, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(4-0) Chair Marinelli not present for vote.

**ROBERT B. REYNOLDS JR.
CHAIR**

LEGISLATOR RESOLUTIONS

Item 21 - CHAIR MILLER-WILLIAMS directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 1-1 from RATH. Calling Upon the Local US Congressional Delegation to Ensure that Medicaid Cost Increases are Not Shifted to County Taxpayers.

Item 22 - CHAIR MILLER-WILLIAMS directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 1-2 from MILLER-WILLIAMS, MILLS, KENNEDY, WALTER, WLEKLINSKI-BOVE, RATH, FUDOLI, HARDWICK & DIXON. The 2010 Rules of the Legislature.

Item 23 – MR. KENNEDY presented the following resolution and moved for immediate consideration. MR. MILLS seconded.

MS. MARINELLI moved to send the resolution to committee for further consideration. MS. WHYTE seconded.

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

AYES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KENNEDY and CHAIR MILLER-WILLIAMS. (AYES: 6; NOES: 9)

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, MR. KENNEDY and CHAIR MILLER-WILLIAMS. NOES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. (AYES: 9; NOES: 6)

CARRIED.

RESOLUTION NO. 3

RE: 2010 Reform Coalition Amendment
(INTRO 1-3)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLER-WILLIAMS, MILLS, KENNEDY, WALTER,
WLEKLINSKI-BOVE, RATH, FUDOLI, HARDWICK & DIXON**

MR. KENNEDY moved to amend the resolution. MR. WALTER 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, MS. BOVE, MR. KENNEDY and CHAIR MILLER-WILLIAMS. NOES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. (AYES: 9; NOES: 6)

CARRIED.

Insert the Following Resolution:

WHEREAS, the Erie County Legislature believes that it is appropriate to restructure the 2010 Budget for the Erie County Legislature in a manner to ensure a more effective and efficient delivery of services to the citizens of Erie County; and

WHEREAS, this restructuring of the Erie County Legislature's 2010 Budget will reflect the similar but divergent nature of the fifteen legislative districts and the constituents residing therein served by the Members of the Erie County Legislature; and

WHEREAS, this restructuring of the Erie County Legislature's 2010 Budget will result in immediate savings to the taxpayers of Erie County and provide future savings with respect to retirement and health care costs of future employees of the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature's Personnel Services budget is hereby deleted in its entirety and replaced with the following:

TITLE (BUDGET LINE)	JOB GROUP	STEP	# POS	ACTUAL SALARY
Chairman County Legislature	3		1	\$52,589.00
County Legislature (Majority/Minority)	2		2	\$95,176.00
County Legislature	1		12	\$511,056.00
Clerk Of Legislature	16	2	1	\$71,069.00
Chief of Staff Legislature	16	3	1	\$75,177.00
First Administrative Asst. Leg. Maj.	12	3	1	\$49,937.00
Senior Admin. Clerk (Leg)	9	A	1	\$44,306.00
Senior Admin. Clerk (Leg)	9	A	1	\$44,306.00
Senior Admin. Clerk (Leg)	9	3	1	\$39,158.00
Senior Admin. Clerk (Leg)	9	1	1	\$35,038.00
Junior Administrative Asst. (Leg)	8	2	1	\$34,449.00
Counsel Majority (PT)	56	0	1	\$44,000.00
Senior Clerk Typist (Leg)	4	3	1	\$26,869.00
Administrative Clerk - RPT (Leg)	7	4	3	\$69,567.00
Administrative Clerk PT (Leg)	7	4	2	\$23,814.00
Chief of Staff Minority	14	5	1	\$67,758.00
First Administrative Asst. (Leg)	12	5	1	\$55,305.00
Administrative Liaison Asst. (Leg)	13	1	1	\$48,755.00
First Administrative Asst. (Minority)	12	0	1	\$41,877.00
Administrative Clerk (Leg)	7	4	13	\$456,248.00
Counsel Minority (PT)	56	0	1	\$32,000.00



and be it further

RESOLVED, that the Commissioner of Personnel is authorized to fill each position at a variable minimum rate as indicated above; and be it further

RESOLVED, that \$30,169 is transferred from account 545000 to account 500000; and be it further

RESOLVED, that \$10,000 is transferred from account 530000 to account 500000; and be it further

RESOLVED, that the Legislature wishes to codify benefits for all Managerial Confidential employees; and be it further

RESOLVED, that all newly hired Managerial Confidential employees shall be compensated on the MC-01 pay scale; and be it further

RESOLVED, that all Managerial Confidential employees that are newly hired after February 1, 2010 and subsequently retire shall be responsible for 100 percent of the cost of their retiree health insurance; and be it further

RESOLVED, that all active Managerial Confidential (exempting JG 10 or lower Managerial Confidential non-exempt from the Fair Labor Standards Act) employees shall contribute 15% toward the cost of the monthly premium for health insurance; and be it further

RESOLVED, that Managerial Confidential employees will not be eligible for extended sick leave with pay; and be it further

RESOLVED, that Managerial Confidential employee who charges 8 hours or less of sick leave in a calendar year will receive a bonus payment of \$500 by January 15th of the succeeding year; and be it further

RESOLVED, that Managerial Confidential employees will be permitted to annually rollover five (5) unused sick days or forty (40) hours. All other unused accumulated sick leave will be placed in an individual "Catastrophic Illness Bank" for each employee; and be it further

RESOLVED, that Managerial Confidential Employees are not eligible for Summer Hours; and be it further

RESOLVED, that all Managerial Confidential employees shall receive all other benefits in accordance with and similar to those provided by the Collective Bargaining Agreement between CSEA Local 815 and the County of Erie; and be it further

RESOLVED, that the Erie County Budget Director is authorized to make the necessary budgetary and accounting adjustments to effectuate the above changes; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Budget Director, Commissioner of Personnel, County Executive and Comptroller.

MS. WHYTE moved to recess the Legislature at 4:24 P.M. MS. MARINELLI seconded.

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

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

FAILED.

***MS. GRANT left the Legislature Chambers at 4:26 P.M.

***MS. GRANT returned to the Legislature Chambers at 4:28 P.M.

MS. MARINELLI moved to further amend the resolution. MS. WHYTE seconded.

CHAIR MILLER-WILLIAMS ruled that upon the recommendation of the Parliamentarian that the amendment was out of order.

MS. MARINELLI moved to challenge the chair. MS. WHYTE seconded.

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

AYES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KENNEDY and CHAIR MILLER-WILLIAMS. (AYES: 6; NOES: 9)

FAILED.

MR. KENNEDY moved to approve the resolution as amended. MR. MILLS 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, MS. BOVE, MR. KENNEDY and CHAIR MILLER-WILLIAMS. NOES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. (AYES: 9; NOES: 6)

CARRIED.

Item 24 – MR. KENNEDY presented the following resolution and moved for immediate consideration. MR. RATH seconded.

MS. WHYTE moved to send the resolution to committee for further consideration. MR. LOUGHRAN seconded.

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

AYES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KENNEDY and CHAIR MILLER-WILLIAMS. (AYES: 6; NOES: 9)

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, MR. KENNEDY and CHAIR MILLER-WILLIAMS. NOES: MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MS. WHYTE. (AYES: 9; NOES: 6)

CARRIED.

RESOLUTION NO. 4

RE: Discontinuance of Child Care Benefits through the Erie County Department of Social Services (INTRO 1-4)

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

WHEREAS, the Erie County Department of Social Services administers a Child Care Block Grant through the State of New York that funds the cost of day care services for the children of low income Erie County residents and those who are also eligible through the TANF (Temporary Assistance for Needy Families) Program; and

WHEREAS, this program has become a valuable asset in tough economic times for families who are seeking gainful employment, and for those who already have a job, but just cannot afford the cost of child care while seeking or holding a job; and

WHEREAS, the Department of Social Services has announced a significant cutback in this program by scaling back eligibility from the current 200% above the poverty level to 125% percent, thus eliminating from the program over 1,500 Erie County children, or 42% of current recipients; and

WHEREAS, there has been an understandable outcry from constituents affected, and who also were given little notice of the termination of their child care grants, and in some instances have been billed by day care providers due to the lack of a required notification to end child care.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is alarmed by the sudden announcement by the Department of Social Services of its intent to discontinue child care benefits affecting more than 1,500 Erie County children through its Child Care Block Grant provided by the State of New York; and be it further

RESOLVED, that this Legislative Body requests that Erie County Social Services Commissioner Carol Dankert attend the next meeting of this Legislature's Health & Human Services Committee to fully explain the reasoning for discontinuance of child care grants for certain Erie County residents, and further explain what steps are being taken to mitigate child care funding discontinuance for these families; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the County Comptroller, the WNY Delegation to the NYS Legislature, and to Erie County Social Services Commissioner Carol Dankert.

MS. WHYTE moved to amend the resolution. MS. MARINELLI seconded.

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

AYES: MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH and MR. WALTER. (AYES: 9; NOES: 6)

CARRIED.

Delete the First Resolved Clause in its Entireity and Replace with the Following:

RESOLVED, that the Erie County Legislature does hereby go on record as opposed to the Department of Social Services' plan to discontinue child care benefits affecting more than 1,500 Erie County children through its Child Care Block Grant provided in part by funding from the State of NY; and be it further

MS. MARINELLI moved to approve the resolution as amended. MS. GRANT seconded.

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

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

CARRIED.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 25 – MR. KENNEDY moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 1E-30 from the CHAIR MILLER-WILLIAMS Re: Erie County Legislature 2010 Committee Assignments

CHAIR MILLER-WILLIAMS directed that the item be Received, Filed and Printed.

GRANTED.

2010 Committee Assignments

Finance & Management

Chair: Thomas J. Mazur
Vice-Chair: Maria R. Whyte
Members: Christina W. Bove
Kevin R. Hardwick
John J. Mills
Clerk: John Calvin Davis

Health, Human Services

Chair: Betty Jean Grant
Vice-Chair: Maria R. Whyte
Members: Thomas J. Mazur
Dino J. Fudoli
Raymond W. Walter
Clerk: Paul P. Henderson

Government Affairs

Chair: Lynn M. Marinelli
Vice-Chair: Thomas A. Loughran
Members: Maria R. Whyte
Dino J. Fudoli
Raymond W. Walter
Clerk: Rosemary Cicero Sullivan

Economic Development

Chair: Timothy M. Kennedy
Vice-Chair: Christina W. Bove
Members: Daniel M. Kozub
Raymond W. Walter
Edward A. Rath, III
Clerk: James C. Gambino

Energy & Environment

Chair: Daniel M. Kozub
Vice-Chair: Betty Jean Grant
Members: Thomas J. Mazur
Lynne M. Dixon
John J. Mills
Clerk: Andrew A. Kulyk

Public Safety

Chair: Christina W. Bove
Vice-Chair: Timothy M. Kennedy
Members: Daniel M. Kozub
Lynne M. Dixon
John J. Mills
Clerk: Jeremy C. Rosen

Community Enrichment

Chair: Thomas A. Loughran
Vice-Chair: Betty Jean Grant
Members: Lynn M. Marinelli
Kevin R. Hardwick
Edward A. Rath, III
Clerk: Dorothy U. Furtney

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR WHYTE

Item 26 – (COMM. 1E-1) In Accordance with Section 5.10 of the Legislature's 2009 Rules of Order - Amendment of Rules, 24-Hour Notification, Part A

Item 27 – (COMM. 1E-2) In Accordance with Section 5.10 of the Legislature's 2009 Rules of Order - Amendment of Rules, 24-Hour Notification, Part B

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

FROM THE COUNTY EXECUTIVE

Item 28 – (COMM. 1E-3) Appointment of the Commissioner of DISS/CIO

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 29 – (COMM. 1E-4) 2009 Budget Accountability Act Close-Out Report - Filing Requirements

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 30 – (COMM. 1E-5) Local 4.75% Sales & Compensating Use Tax for EC (September - November `09)

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATORS KOZUB, WHYTE,
GRANT, MAZUR, MARINELLI & LOUGHRAN**

Item 31 – (COMM. 1E-6) Nominating Petition for 2010 Chair of the Legislature

Received and Filed.

FROM LEGISLATOR LOUGHRAN

Item 32 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded. MR. LOUGHRAN abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 5

RE: Lease for Legislative
Office Space
(COMM. 1E-7)

RESOLVED, the Erie County Executive is hereby authorized to sign a Two (2) Year Lease Agreement with 3d Partners, LLC for Legislative office space for Thomas A. Loughran, located at 7 Bernhardt Dr., Amherst, New York for a monthly rate of \$725.

FROM LEGISLATORS MILLER-WILLIAMS, FUDOLI,
WLEKLINSKI-BOVE, MILLS, RATH, KENNEDY,
WALTER, HARDWICK & DIXON

Item 33 – (COMM. 1E-8) Nominating Petition for 2010 Chair of the Legislature

Received and Filed.

FROM LEGISLATORS KENNEDY, MILLER-WILLIAMS,
WALTER, FUDOLI, WLEKLINSKI-BOVE,
HARDWICK, DIXON & RATH

Item 34 – (COMM. 1E-9) Nominating Petition for 2010 Clerk of the Legislature

Received and Filed.

FROM THE COUNTY EXECUTIVE

Item 35 – (COMM. 1E-10) Appointment of Director of the Department of Information & Support Services

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 36 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded. MS. MARINELLI abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 6

RE: Lease for Legislative
Office Space

(COMM. 1E-11)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with David J. Galbo for Legislative office space for Lynn M. Marinelli, located at 1701 Hertel Ave., Buffalo, New York for a monthly rate of \$650.

FROM THE COUNTY EXECUTIVE

Item 37 – (COMM. 1E-12) Designation of 2009 - Copier Machines

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 38 – (COMM. 1E-13) East Concord Highway Facility - Emergency Vehicle Storage Building Replacement

Item 39 – (COMM. 1E-14) Request Authorization to Accept Efficiency Grant Funds - Replacement Vehicles - Phased Approach

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

Item 40 – (COMM. 1E-15) Appointments to the EC Commission on the Status of Women Advisory Board

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 41 – (COMM. 1E-16) Appointments to the EC Youth Services Board

Item 42 – (COMM. 1E-17) Appointment to the EC Senior Services Advisory Board

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

Item 43 – (COMM. 1E-18) Appointments to the Buffalo & EC Public Library Board of Directors

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 44 – (COMM. 1E-19) Appointments to the EC Fire Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 45 – (COMM. 1E-20) ECSD No. 3 - Amended License Agreement between CSX Transportation, Inc. and the County of Erie

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 46 – (COMM. 1E-21) Appointment to the Central Police Services Board of Trustees

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 47 – (COMM. 1E-22) Extension of NYSEG Operating Agreement

Item 48 – (COMM. 1E-23) ECSD No. 3 & 6 - Engineering Term Agreement

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

Item 49 – (COMM. 1E-24) Pollution Prevention in Buffalo Niagara Hospitality Program Grant Funding

Item 50 – (COMM. 1E-25) OPEN ITEM - Finance & Management Committee - Correction of Errors/NYS Real Property Tax Law

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

Item 51 – (COMM. 1E-26) Emergency Services Communication Systems - 2009 - Building and Misc. Improvements

Item 52 – (COMM. 1E-27) Central Police Services 2009-2011 - DNA Laboratory Backlog Reduction Grant

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 53 – (COMM. 1E-28) ECSD No. 1-6 & 8 - Engineer Term Agreement - DiDonato Associates

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 7

RE: Operation IMPACT VI Grant –
Personnel Change
(COMM. 1E-29)

WHEREAS, the District Attorney through the Operation IMPACT Grant provides needed services to the residents of Erie County; and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Operation IMPACT Grant Budget in Book B for 2009; and

WHEREAS, the contract received from the New York State Division of Criminal Justice Services authorizes positions and funding levels different from the adopted budget; and

WHEREAS, it is necessary to reclassify the position from a Legal Data Systems Coordinator to a Confidential Aide given the sensitivity and confidential nature of the duties required; and

WHEREAS, the funds necessary to effectuate the following changes are available in the Operation IMPACT grant budget due savings in the Full Time Salaries budget as a result of staffing changes in the grant.

NOW, THEREFORE, BE IT

RESOLVED, that effective January 1, 2010, authorization is hereby provided to delete position #51008000, Legal Data Systems Coordinator, Job Group 7, in the District Attorney's Operation IMPACT Grant (B-100 #5269); and be it further

RESOLVED, that authorization is hereby provided to create one position Confidential Aide (District Attorney), Job Group 8 (B-100 #5269) in the Operation IMPACT grant of the District Attorney's Office; and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Operation IMPACT Grant, to be adjusted as follows:

OPERATION IMPACT GRANT
114IMPACT0910
July 1, 2009 – June 30, 2010

	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
<u>Revenue</u>			
409000 State Revenue	\$ 546,356	\$ - 0 -	\$ 546,356
479000 County Share Contribution	86,941	(5,570)	81,371
Total Revenue	<u>\$ 633,297</u>	<u>\$ (5,570)</u>	<u>\$ 627,727</u>

	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
<u>Appropriation</u>			
500000 Full Time Salaries	\$ 426,709	\$ (5,570)	\$ 421,139
502000 Fringe Benefits	186,088	- 0 -	186,088
510100 Out of Area Travel	2,500	- 0 -	2,500
911400 ID DA Services	18,000	- 0 -	18,000
Total Appropriations	<u>\$ 633,297</u>	<u>\$ (5,570)</u>	<u>\$ 627,727</u>

and be it further

RESOLVED, that during the grant fiscal year, the Director of Budget and Finance is hereby authorized to adjust budgets to comply with grantor approved funding levels, including interdepartmental billing adjustments; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Erie County Comptroller, Erie County Personnel and the Director of Budget and Finance.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 55 – (COMM. 1D-1) Transmittal of New Claim Against Erie County

Item 56 – (COMM. 1D-2) Transmittal of New Claims Against Erie County

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

FROM THE ENVIRONMENT & PLANNING COMMISSIONER

Item 57 – (COMM. 1D-3) Project Description - Negative Declaration of Hollywood Theater, Phase II - Village of Gowanda

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ASSISTANT COUNTY ATTORNEY

Item 58 – (COMM. 1D-4) Notice of Public Hearing: LL INTRO 11-2009

Received and filed.

FROM THE COUNTY ATTORNEY

Item 59 – (COMM. 1D-5) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 60 – (COMM. 1D-6) In Accordance with Section 5.05 of the Legislature's 2009 Rules of Order - Agenda Items Received & Filed as of 12/31/09

Received, Filed and Printed.

Erie County Legislature

**In accordance with Section 5.05 of the Legislature's 2009 Rules of Order
Agenda Items Received & Filed as of 12/31/09**

Listed by Legislature Committee

<u>ITEM NUMBER</u>	<u>FROM</u>	<u>SUBJECT</u>
<u>Community Enrichment Committee:</u>		
INTRO 8-13 (2008)	GRANT, MILLER-WILLIAMS, KENNEDY, KOZUB & WHYTE	Support for the Buffalo Urban Arts Center
INTRO 11-13 (2008)	MILLER-WILLIAMS	Support for the Creation and Development of the Buffalo Urban Arts Center
<u>Economic Development Committee:</u>		
LL INT. 2-1 (2008)	RANZENHOFER, MILLS & RATH	A LL Requiring Businesses to Verify that Employees are Legally Eligible to be Employed in the US and Erie County
INTRO 3-15 (2008)	WHYTE, KENNEDY, GRANT & LOUGHRAN	State-Wide IDA Reform
INTRO 11-8 (2008)	RATH	Eliminating Project Labor Agreement Exemption from Wicks Law
INTRO 13-3 (2008)	WHYTE	Encouraging Governor Paterson Signing Into Law A.8059C and S.5366C
COMM. 17D-2 (2008)	PUBLIC WORKS	Rules & Regulations Adopted by DPW Commissioner Concerning LL No. 2-2006 NYS Certified Worker Training Programs
COMM. 19E-3 (2008)	KENNEDY	Remarks to NYS DOL Pertaining to the NYS Apprenticeship Law (9/23/2008)
<u>Government Affairs Committee:</u>		
INTRO 5-9 (2008)	IANNELLO, MILLER-	Resolution to Improve

WILLIAMS & GRANT

Transparency in Legislative Sessions

Finance & Management Committee:

INTRO 2-7 (2008)	MILLS, RANZENHOFER & RATH	Replenishing The Real Property Tax Stabilization Reserve Fund
INTRO 8-18 (2008)	RANZENHOFER, MILLS & RATH	Supporting New York State Property Taxpayers Protection Act
INTRO 10-5 (2008)	RATH & MILLS	The Commission on Property Tax Relief's Proposal to Cap Property Tax Increases
INTRO 11-2 (2008)	RANZENHOFER, MILLS & RATH	Terminating Sales Tax Revenue Distribution Agreement of December 30, 1977
COMM. 19D-2 (2008)	REAL PROPERTY TAX SERVICES	Open Item – Finance & Management Committee

Public Safety Committee:

INTRO 15-5 (2008)	WHYTE	Dispatch Process and Response Time to 911 Calls
-------------------	-------	---

Health & Human Services Committee: No Items

Energy & Environment Committee: No Items

FROM THE DIRECTOR OF SIX SIGMA

Item 61 – (COMM. 1D-7) Quarterly Status Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 62 – (COMM. 1M-1) Agenda Items for Meeting Held 12/17/09 & Minutes from Meeting Held 11/19/09

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE WNY HOTEL MOTEL ASSOCIATION

Item 63 – (COMM. 1M-2) Copy of Article Regarding No Further Public Support Provided to New Hotel Development

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSDEC

Item 64 – (COMM. 1M-3) Fish and Wildlife Monthly Highlights - 10/16/09 - 11/15/09

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 65 – (COMM. 1M-4) Agenda Items & Minutes from NFTA Board Meeting Held 10/26/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSDEC

Item 66 – (COMM. 1M-5) Fact Sheet - Cleanup Activities Completed at Former N.L. Industries Site - Cheektowaga/Depew - Available for Public Review

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM DAVID J. SWARTS

Item 67 – (COMM. 1M-6) 2010 STOP - DWI Plan Approval

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NFTA

Item 68 – (COMM. 1M-7) Annual Operating Budget for FY Ending 3/31/11

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSDEC

Item 69 – (COMM. 1M-8) Fact Sheet - Environmental Investigation and Cleanup Work to Begin at Niagara Transformer Site - Cheektowaga

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 70 – (COMM. 1M-9) Agenda Items for Region 9 Board Meeting Held 12/3/09

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM GOVERNOR PATERSON

Item 71 – (COMM. 1M-10) Acknowledgement of Receipt of Certified Resolutions 27-7
(2009)

Received and Filed.

FROM THE NFTA

Item 72 – (COMM. 1M-11) Minutes from NFTA Board Meeting Held 11/23/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ANNOUNCEMENTS

Item 73 – MR. KOZUB announced best wishes to everyone on this day, which is recognized as Christmas for people of the Orthodox Christian faith.

MEMORIAL RESOLUTIONS

Item 74 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of former UB President William Greiner, Anthony F. ‘Nino’ Trillizio, and Dominic C. Caruana.

Item 75 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Thomas D. Donohue Jr. and Thomas J. "Rocko" Griffin.

Item 76 – Legislator Walter requested that when the Legislature adjourns, it also do so in memory of former UB President William Greiner.

Item 77 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Rex A. Brown.

Item 78 – Legislator Rath requested that when the Legislature adjourns, it also do so in memory of former UB President William Greiner.

Item 79 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Stephanie Ali and Grace Ingalsbe.

Item 80 – Legislator Bove requested that when the Legislature adjourns, it do so in memory of Charmaine Oake.

ADJOURNMENT

Item 81 – 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, January 21, 2010 at 2:00 p.m. Eastern Standard Time. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, January 21, 2010 at 2:00 p.m. Eastern Standard Time.

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