

ERIE COUNTY LEGISLATURE
MEETING NO. 5
MARCH 4, 2010

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

All members present.

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

The Pledge of Allegiance was led by Mr. Mills.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Number 4 from 2010. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – CHAIR MILLER-WILLIAMS presented a resolution Honoring WWII Veteran Helen Jacobs During Women's History Month.

Item 6 – MR. MILLS presented a resolution Congratulating the East Aurora Middle School Marching Band on Being Selected to Perform at Disney Magic Music Days & March in the Magic Kingdom Main Street Parade.

Item 7 – MR. MAZUR presented a memorial resolution In Memory of the Life of Rosemary B. Markiewicz.

Item 8 – MR. FUDOLI presented a resolution Congratulating Evan Redlinski on Becoming an Eagle Scout.

Item 9 – MR. FUDOLI presented a resolution Congratulating Joshua J. Polinski on Becoming an Eagle Scout.

Item 10 – MR. FUDOLI presented a resolution Congratulating Scott R. Gowanlock on Becoming an Eagle Scout.

Item 11 – MR. FUDOLI presented a resolution Congratulating Christopher Borschel on Becoming an Eagle Scout.

Item 12 – MS. GRANT presented a resolution Recognizing the 2010 Women's History Month Honorees.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eight items by adding one for MR. KOZUB, adding one for MR. KENNEDY, adding one for MR. WALTER, adding one for MS. BOVE, and also adding Et Al Sponsorship. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above twelve items as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 13 – MS. MARINELLI moved to remove Local Law No. 4 (Print #1) 2009 from the table. MR. KENNEDY seconded.

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

AYES: MR. KENNEDY and MS. MARINELLI. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. LOUGHRAN, MS. GRANT, MR. KOZUB, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. (AYES: 2; NOES: 13)

FAILED.

Local Law No. 4 (Print #1) 2009 remains on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

Item 14 – MR. MILLS moved to remove Local Law No. 5 (Print #1) 2009 from the table. MR. LOUGHRAN 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, MR. KENNEDY, MR. LOUGHRAN and MS. MARINELLI. NOES: MS. BOVE, MS. GRANT, MR. KOZUB, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. (AYES: 9; NOES: 6)

CARRIED.

LOCAL LAW INTRO. NO. ____-2009

LOCAL LAW NO. ____-2009

A Local Law in relation to reducing the size of the Erie County Legislature

Be it enacted by the Legislature of the County of Erie as follows:

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that the size of the Erie County Legislature be reduced from fifteen (15) members to nine (9) members to respond to the decline in the population of Erie County, recognize the proper number of legislators required to effectively carry out charter mandated duties and to reduce the costs of government for the taxpayers of Erie County. It is further the intent of the Legislature that this proposed change to the Erie County Charter be placed on the November, 2009 ballot as a referendum question. It is further the intent of the Legislature that the boundaries for the nine districts be determined in 2011 after the federal decennial census is taken in a manner consistent with Section 210 of the Erie County Charter.

SECTION 2. Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended to read as follows:

Article 1 of the Erie County Charter is hereby amended to read as follows:

Section 105. Legislative Districts. The County of Erie is hereby divided into ~~fifteen~~ nine districts, described as follows:

Section 106. Legislative districts, continued. The ~~seventeen~~ fifteen legislative districts as previously bounded and described by ~~Local Law No. 2-1994~~ Local Law No. 4-2002, shall continue as such for the limited purpose of continuing in office the legislators presently elected from said districts and shall cease to exist as such on January 1, ~~2004~~ 2012. For the purpose of the general election of ~~2003~~ 2011 and all other purposes, except as herein before provided, the county of Erie is divided into ~~fifteen~~ nine districts, as described as contained in section hundred five herein.

Article 2 of the Erie County Charter is hereby amended to read as follows:

Section 201. County Legislature constituted. The county legislature shall be composed of ~~fifteen~~ nine members who shall be elected one from each of the ~~fifteen~~ nine districts set forth in section one hundred five hereof. The county legislators representing the ~~fifteen~~ nine districts heretofore or herein created, as the case may be, when lawfully convened shall constitute the county legislature which shall be the legislative and governing body of the county.

SECTION 3. EFFECTIVE DATE. This Local Law shall take effect on January 1, 2012.

SECTION 4. SEVERABILITY. If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SPONSORED BY
LEGISLATOR JOHN J. MILLS
LEGISLATOR EDWARD A. RATH III
LEGISLATOR RAYMOND W. WALTER

MR. MILLS moved to approve Local Law No. 5 (Print #1) 2009. 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 and MR. LOUGHRAN. NOES: MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. (AYES: 7; NOES: 8)

FAILED.

Item 15 – CHAIR MILLER-WILLIAMS directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLER-WILLIAMS directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – MR. LOUGHRAN moved to remove Local Law No. 9 (Print #1) 2009 from the table. MR. RATH 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, MR. LOUGHRAN and MS. MARINELLI. NOES: MS. GRANT, MR. KOZUB, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. (AYES: 10; NOES: 5)

CARRIED.

COUNTY OF ERIE

LOCAL LAW INTRO. NO. ____-2009

LOCAL LAW NO. ____-2009

A Local Law in relation to reducing the size of the Erie County Legislature.

Be it enacted by the Legislature of the County of Erie as follows:

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that the size of the Erie County Legislature be reduced from fifteen (15) members to eleven (11) members to respond to the decline in the population of Erie County and to reduce the costs of government for the taxpayers of Erie County. It is further the intent of the Legislature that this proposed change to the Erie County Charter be placed on the November, 2009 ballot as a referendum question. It is further the intent of the Legislature that the boundaries for the eleven districts be determined in 2011 after the federal decennial census is taken in a manner consistent with Section 210 of the Erie County Charter.

SECTION 2. Erie County Local Law number one of nineteen hundred fifty-nine, as amended, constituting the Erie County Charter, is hereby amended to read as follows:

Article 1 of the Erie County Charter is hereby amended to read as follows:

Section 105. Legislative Districts. The County of Erie is hereby divided into ~~fifteen~~ eleven districts, described as follows:

Section 106. Legislative districts, continued. The ~~seventeen~~ fifteen legislative districts as previously bounded and described by ~~Local Law No. 2-1994~~ Local Law No. 4-2002, shall continue as such for the limited purpose of continuing in office the legislators presently elected from said districts and shall cease to exist as such on January 1, ~~2004~~ 2012. For the purpose of the general election of ~~2003-2011~~ and all other purposes, except as herein before provided, the county of Erie is divided into ~~fifteen~~ eleven districts, as described as contained in section hundred five herein.

Article 2 of the Erie County Charter is hereby amended to read as follows:

Section 201. County Legislature constituted. The county legislature shall be composed of ~~fifteen~~ eleven members who shall be elected one from each of the ~~fifteen~~ eleven districts set forth in section one hundred five hereof. The county legislators representing the ~~fifteen~~ eleven districts heretofore or herein created, as the case may be, when lawfully convened shall constitute the county legislature which shall be the legislative and governing body of the county.

Section 202.2 Election and terms of office. County legislators shall first be elected at the general election in the year nineteen hundred sixty-seven and shall assume office on January

first, nineteen hundred sixty-eight. All elected county legislators shall hold their respective offices for a term of two years.

SECTION 3. EFFECTIVE DATE. This Local Law shall take effect on January 1, 2012.

SECTION 4. SEVERABILITY. If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SPONSORED BY
LEGISLATOR THOMAS A. LOUGHRAN

MR. LOUGHRAN moved to approve Local Law No. 9 (Print #1) 2009. MR. KENNEDY 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 MR. LOUGHRAN. NOES: MS. GRANT, MR. KOZUB, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. (AYES: 9; NOES: 6)

CARRIED.

Item 18 – CHAIR MILLER-WILLIAMS directed that Local Law No. 1 (Print #1) 2010 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 19 – MS. WHYTE moved to remove Local Law No. 2 (Print #1) 2010 from the table. MS. MARINELLI seconded.

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

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

FAILED.

Local Law No. 2 (Print #1) 2010 remains on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 50

March 1, 2010	PUBLIC SAFETY COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 2M-14 (2010)
GARY W. WALDMAN: “Letter to Legislature Concerning Probation Department Firearm Policy”
(5-0)
2. INTRO 4-5 (2010)
WALTER, MILLS, RATH, DIXON, FUDOLI, AS AMENDED
HARDWICK, WHYTE, KOZUB, KENNEDY,
GRANT, BOVE & LOUGHRAN
WHEREAS, first responders routinely put themselves in harm’s way to selflessly protect individuals in need of emergency assistance; and

WHEREAS, the individuals who serve as first responders ensure not only our public safety, but also preserve our quality of life; and

WHEREAS, our state must recognize the importance of the service of our uniformed public servants and stand ready to assist these individuals, their spouses and children when, in the course of their service to the community, they are injured and become permanently and totally disabled; and

WHEREAS, Assembly Bill A. 4444 and Senate Bill S. 528 give a yearly cost-of-living adjustment to the benefits of any total and permanently disabled volunteer firefighter & volunteer ambulance worker in New York State; and

WHEREAS, Assembly Bill A. 2204 and Senate Bill S. 2944 provide tuition awards at schools in the S.U.N.Y. and C.U.N.Y. systems to children of firefighters, police officers, volunteer firefighters, and EMT's with total and permanent disabilities; and

WHEREAS, Assembly Bill A. 4569 and Senate Bill S. 543 authorize distinctive license plates to the vehicles of severely disabled volunteer firefighters, subject to an annual \$15 surcharge; and

WHEREAS, each of these bills provides much needed benefits to disabled first responders and their families.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support the passage and signing into law of Assembly bills A. 4444, A. 2204 and A. 4569, and Senate bills S. 528, S.2944 and S. 543, which provide benefits for first responders with total and permanent disabilities; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader John Sampson and the local delegation to the New York State Legislature.

(5-0)

3. COMM. 4E-17 (2010)
COUNTY EXECUTIVE

WHEREAS, the Erie County Sheriff's is responsible for the health care at the Erie County Correctional Facility and the Erie County Holding Center; and

WHEREAS, the Erie County Department of Health provides medical oversight and staff who provide health care at the Erie County Correctional Facility and Erie County Holding Center under an Interdepartmental Agreement with the Erie County Sheriff; and

WHEREAS, in 2008 a task force was formed to review the provision of health and mental health care in the two facilities overseen by the Sheriff; and

WHEREAS, in 2008 the Sheriff's Office, the Department of Law, the Departments of Health and Mental Health requested that the National Commission of Correctional Health Care provide technical assistance regarding health services at the facilities. Using national accepted standards, the purpose was to assess the state of health service delivery and make recommendations for improvement. This undertaking was funded by a grant from the New York State Division of Criminal Justice Services; and

WHEREAS, as a result of this assessment a comprehensive plan was prepared which included specific steps to be taken to correct deficiencies outlined in the report of the National Commission of Correctional Health; and

WHEREAS, the comprehensive plan included transitioning medical aide positions to registered nurse positions as they become vacant; and

WHEREAS, in order to efficiently meet program mandates it is necessary to implement staffing adjustments as outlined in the comprehensive plan by creating four full-time and two regular part-time positions of Registered Nurse, JG N-1 as indicated on B100 #5334 and deleting four

vacant full-time positions of Holding Center Medical Aide, JG 7, and two vacant part-time positions of Registered Nurse HC, JG N-1, as indicated on B100 # 5334; and

WHEREAS, sufficient funds are available within the Division to fully fund this request.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby authorizes the creation of four full-time and two regular part-time positions of Registered Nurse, JG N-1, as indicated on B100 #5334, and the deletion of four vacant full-time positions of Holding Center Medical Aide, JG 7, position numbers 51007717, 51007718, 51007719, 51007720 and two vacant part-time positions of Registered Nurse HC, JG N-1, position numbers 51007835 and 51007836 within the Health Department, Health Division – Jail Medical Services Holding Center Cost Center 1271720, as outlined below:

DELETE: Four vacant full-time positions of Holding Center Medical Aide, JG 7, position numbers 51007717, 51007718, 51007719, and 51007720 and two vacant part-time positions of Registered Nurse HC, JG N-1, position numbers 51007835 and 51007836

ADD: Four full-time and two regular part-time positions of Registered Nurse, JG N-1 positions B100#5334

and be it further

RESOLVED, that sufficient funds are available within the Division to fully fund this request; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Sheriff, the County Executive, the Office of the Comptroller, the Department of Personnel, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner, in the Erie County Department of Health, 9th Floor, Rath Building.
(5-0)

4. COMM. 4E-19 (2010)
COUNTY EXECUTIVE

WHEREAS, the City of Buffalo has been awarded funding under the Justice Assistance Grant program through the New York State Division of Criminal Justice Services; and

WHEREAS, the Buffalo Police Department seeks the assistance of Central Police Services to provide law enforcement software enhancements for its projects.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby granted to the County Executive to accept funding from the City of Buffalo in the amount of \$16,456; and be it further

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund-SAP#165 CPSJAG0812
Central Police Services
10/01/08 - 09/30/12

<u>Revenue</u>	<u>Increase</u>
479100 Other – Local Source	\$16,456

<u>Appropriation</u>	<u>Increase</u>
516020 Professional Services Contracts	\$16,456

Total Appropriation	\$16,456
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and be it further

RESOLVED, that authorization is hereby provided to contract with Globalquest Solutions Inc., a local WBE/New York State contract vendor, in the amount of \$16,456 to provide the professional technical staff for this project; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State-approved funding levels; and be it further

RESOLVED, that certified copies of this resolutions be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Central Police Services, c/o Kathy Gumulak.
(5-0)

CHRISTINA W. BOVE
CHAIR

LEGISLATOR RESOLUTIONS

Item 21 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 51

RE: Celebrating March as Women's History
Month
(INTRO 5-1)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLER-WILLIAMS, WHYTE, GRANT,
BOVE, MARINELLI & DIXON

WHEREAS, March is Women’s History Month as declared both by the State of New York and also by the Congress of the United States of America; and

WHEREAS, this year the Erie County Legislature does hereby officially set aside time to recognize the unique and varied contributions that women have made to Erie County and our community; and

WHEREAS, this Honorable Body is served by many Women Legislators who work together to improve the representation and participation of women in all areas of government, support issues that affect women and their families in Erie County and provide a network of support for women in the Erie County Legislature; and

WHEREAS, today six Women serve as Legislators for Erie County and hold various leadership positions in this Honorable Body, bringing the diverse experiences of women into law and public policy; and

WHEREAS, in addition to the Women Legislators in this Honorable Body there are many women in positions of leadership in the business and political community of Erie County that make significant contributions to the families of Erie County in their daily work and service.

NOW, THEREFORE, BE IT

RESOLVED, that this Legislative Body pause in its deliberations to proclaim March 2010 as Women's History Month in the County of Erie, and to thereby honor the women of Erie County; and be it further

RESOLVED, that this Honorable Body further recognizes March as Women's History Month and commends the efforts of organizations nationwide regarding women's issues in the communities we live in and the efforts that Women Leaders have on our society as a whole.

Item 22 – MR. KENNEDY presented the following resolution and moved for immediate consideration and approval.

MR. KOZUB moved to send the resolution to committee for further consideration.

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. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. NOES: MS. BOVE and MR. KENNEDY.
(AYES: 13; NOES: 2)

CARRIED.

CHAIR MILLER-WILLIAMS directed that the item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

INTRO 5-2 from KENNEDY. Calling on New York to Honor Native American Treaties.

Item 23 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the

ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 5-3 from KENNEDY. American Recovery & Reinvestment Tax Act (ARRA) of 2009.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 24 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of INTRO 4-10 (2010). 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.

RESOLUTION NO. 52

RE: Suicide at EC Holding Center
(INTRO 4-10, 2010)

WHEREAS, the recent suicide of a young inmate using shoelaces at the Erie County Holding Center has raised additional serious concerns about conditions inside the facility; and

WHEREAS, conditions at the Erie County Holding Center are already under serious scrutiny by both federal and state officials; and

WHEREAS, the Erie County Holding Center has had five suicides by hanging since 2007 and eight since 2003; and

WHEREAS, federal officials have indicated that the suicide rate in the Erie County facility is nearly five times the national average; and

WHEREAS, rates are further exacerbated if one includes the rate of attempted suicide; and

WHEREAS, Erie County was warned about how the Holding Center's poor design increases the likelihood of suicide in 2008 when the National Commission on Correctional Health Care noted that nooses can be tied to beds, loosened wall plates or bars on windows; and

WHEREAS, conditions at the Holding Center are clearly a matter of life and death.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature call upon the Sheriff and the County Attorney to immediately develop a written policy whereby shoelaces are not available to inmates at the Holding Center or simply enforce an existing policy, if there is one; and be it further

RESOLVED, that said policy be filed with the clerk of the Legislature within seven days; and be it further

RESOLVED, that the Sheriff and the County Attorney come before the Legislature's Public Safety Committee to discuss how the county is addressing the warnings provided by the National Commission on Correctional Health Care; and be it further

RESOLVED, that certified copies of this resolution be sent to the Sheriff, the County Attorney, the Comptroller, the NYS Commission on Corrections, and the Department of Justice.

MS. WHYTE moved to amend the resolution. MS. MARINELLI seconded. MR. FUDOLI, MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (11-4)

Delete the First Three Resolved Clauses and Replace Them with the Following:

RESOLVED, that the County Attorney immediately file with the Clerk of the Legislature the following documents: the section of New York State law pertaining to footwear for incarcerated individuals; the written review conducted by the National Commission on Correctional Health Care in which Erie County was recognized for following the "best practice" model for 12 out of 13 suicide prevention strategies; all written materials (including but not limited to training manuals, checklists, questionnaires, etc.) related to the internal policies and procedures used by Erie County personnel in the identification of potentially suicidal inmates; and be it further

RESOLVED, that the Erie County Legislature call upon the County Executive, County Attorney, and Sheriff to immediately grant access to the Holding Center and the Correctional Facility to a Suicide Prevention Specialist who can advise Erie County on any additional protocol jail personnel might employ in identifying suicidal inmates; and be it further

MS. WHYTE moved to approve the item as amended. MS. GRANT seconded.

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

AYES: MS. DIXON, MR. HARDWICK, MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. NOES: MR. FUDOLI, MR. MILLS, MR. RATH and MR. WALTER. (AYES: 11; NOES: 4)

CARRIED.

Item 25 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE of further consideration of COMM. 4E-22 (2010). MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 53

RE: Request Authorization to Accept
Efficiency Grant Funds - AFSCME
Retroactive Bonus Payments
(COMM. 4E-22, 2010)

WHEREAS, Chapter 182 of the New York Laws of 2005 created the Erie County Fiscal Stability Authority (“ECFSA”), to serve as a corporate governmental agency and instrumentality of the State of New York, and as a public benefit corporation to “oversee [Erie] County’s budget, financial and capital plans; to issue bonds, notes or other obligations to achieve budgetary savings and to finance short-term cash flow or capital needs; and, if necessary, to develop financial plans on behalf of the County if the County is unwilling or unable to take the required steps toward fiscal stability;” and

WHEREAS, Section 3957(a) of New York State Public Authorities Law provides that, subject to appropriations during State fiscal years 2006-07 through 2010-11, the ECFSA shall provide grants to the County of Erie (the “County”) to support activities that achieve savings through innovations and reengineering; and

WHEREAS, the County Executive submitted an efficiency grant application for the purpose of funding retroactive bonus payments of up to \$4,000 per AFSCME member to achieve productivity, holiday and healthcare savings for the county; and

WHEREAS, the ECFSA Finance Committee met on November 30, 2009 to discuss the AFSCME efficiency grant application; and

WHEREAS, on November 30, 2009, the ECFSA Finance Committee voted unanimously to recommend to the ECFSA Board that efficiency grant funding be made available to the County to be used to fund the county, library and college share \$2,449,077 of the \$2,918,074 application.

NOW, THEREFORE, BE IT

RESOLVED, based on the recommendation of the ECFSA Finance Committee, the ECFSA hereby grants up to \$2,449,077 to Erie County, The Erie county Libraries and Erie Community College for bonus payments to AFSCME members required in final ratification of the negotiated labor contract; and be it further

RESOLVED, that the ECFSA Executive Director send, via first-class mail, copies of this resolution to the County Executive; the County Comptroller; the Chair, the Majority Leader, the Minority Leader, and the Clerk of the County Legislature; and the Governor, the Comptroller, the Senate Majority Leader, and the Speaker of the Assembly of the State of New York.

MS. MARINELLI moved to approve the item. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 26 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 5D-4 from the ASSOCIATE DEPUTY COMPTROLLER Re: Memorandum to County Comptroller Concerning 2010 Legislature Budget Adjustments

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 27 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 5-4 from KENNEDY Re: Opposing the Proposed Closing of Woodlawn Beach State Park & Knox Farm State Park

MR. KENNEDY moved to approve the resolution. MR. MILLS seconded.

MS. GRANT objected.

CHAIR MILLER-WILLIAMS directed that the resolution be received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 28 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 5E-10 from the COUNTY EXECUTIVE Re: Supplemental Agreement with NYDOT and Change Orders for Reconstruction of Como Park Blvd., Cheektowaga

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 29 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 5-5 from WHYTE, GRANT, MARINELLI, LOUGHRAN, MILLER-WILLIAMS & MAZUR Re: EC Holding Center Correctional Facility Citizen's Advisory Commission

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR DIXON

Item 30 – (COMM. 5E-1) Letter to CPS Commissioner Concerning the CPS' Website Regarding 911 Calls from Cell Phones

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR WHYTE

Item 31 – (COMM. 5E-2) Government Affairs Committee Items

Received and Filed.

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

Item 32 – (COMM. 5E-3) CVB Appointment - Majority Designation

Received, Filed and Printed.

We, the undersigned, representing a majority of the members of the Democratic Caucus in the Erie County Legislature, do hereby designate Lynn M. Marinelli as the Majority Caucus appointment to the Board of Directors of the Buffalo Niagara Convention & Visitors Bureau, pursuant to the bylaws of the CVB.

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

FROM THE COUNTY EXECUTIVE

Item 33 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 54

RE: Ralph Wilson Stadium - 2010 –
Miscellaneous General Construction,
Plumbing, Mechanical & Electrical
Improvements
(COMM. 5E-4)

WHEREAS, the County is required pursuant to the Lease Agreement between the Buffalo Bills and Erie County to provide capital improvements to Ralph Wilson Stadium on an annual basis; and

WHEREAS, the Erie County Division of Real Estate and Asset Management received bids for the Ralph Wilson Stadium – 2010 on February 25, 2010; and

WHEREAS, the Erie County Division of Real Estate and Asset Management is recommending award of contracts to the lowest responsible bidders, along with the engineer; and

WHEREAS, your honorable body has previously approved a General Architectural/Engineering Agreement with the Engineering firm of DiDonato Associates for providing professional services on County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to DiDonato Associates for providing professional design services for the 2010 projects.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts with the lowest responsible bidders for the Ralph Wilson Stadium – 2010 – Miscellaneous General Construction, Plumbing, Mechanical & Electrical Improvements as follows:

GENERAL CONSTRUCTION WORK

Trason Development Corporation	Base Bid	\$749,900.00
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ELECTRICAL WORK

O’Connell Electric Company, Inc.	Base Bid	\$55,000.00
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MECHANICAL WORK

Northeast Mechanical, Inc.	Base Bid	\$102,826.00
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PLUMBING WORK

MLP Plumbing & Mechanical, Inc.	Base Bid	<u>\$73,898.00</u>
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TOTAL AWARD OF ALL CONTRACTS NOT TO EXCEED		\$981,624.00
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and be it further

RESOLVED, that the sum of \$147,250.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the County Executive be authorized to issue a Supplemental Agreement to DiDonato Associates to provide this years' design work for an amount not to exceed \$150,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project accounts as follows:

A.20901	2009 – Rehabilitation of Ralph Wilson Stadium	\$1,278,874.00
TOTAL PAYMENTS NOT TO EXCEED		\$1,278,874.00

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 34 – (COMM. 5E-5) Buffalo Niagara Convention Center - 2010 - Exhibition Hall Wall, Ceiling & Floor Renovations; Kitchen & Exhibit Hall Concession Renovations; Franklin Street Marquee and Soffit Renovation

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 35 – (COMM. 5E-6) Capacity Building for Public Health Partners - 8/11/09 - 3/31/10

Item 36 – (COMM. 5E-7) Accept Funds for Disproportionate Minority Representation Project

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

Item 37 – (COMM. 5E-8) Actions Required to Meet Contractual Obligations to Solid Waste Management Boards

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 38 – (COMM. 5E-9) Supplemental Agreement with NYSDOT & Related Change Orders for Design, Right of Way Incidentals & Acquisition Services for Pavement Road Bridge Replacement, Lancaster

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 39 – (COMM. 5D-1) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE EC MEDICAL DIRECTOR

Item 40 – (COMM. 5D-2) Notice of Public Hearing to be Held on 3/18/10 - Agenda & Minutes of the Meeting Held 11/19/09

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMMISSIONER OF ENVIRONMENT & PLANNING

Item 41 – (COMM. 5D-3) Demolition of Buildings at the ECMCC Grider Campus

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM SHAKESPEARE IN DELAWARE PARK

Item 42 – (COMM. 5M-1) 2010 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ECIDA

Item 43 – (COMM. 5M-2) Requesting Confirmation of Attendance

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE POLISH ARTS CLUB OF BUFFALO, INC.

Item 44 – (COMM. 5M-3) 2010 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO MUSEUM OF SCIENCE

Item 45 – (COMM. 5M-4) 2010 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE SPRINGVILLE CENTER FOR THE ARTS

Item 46 – (COMM. 5M-5) 2010 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE AFRICAN AMERICAN CULTURAL CENTER, INC.

Item 47 – (COMM. 5M-6) 2010 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 48 – (COMM. 5M-7) Notice of Certification - Brownfield Cleanup Program - Remedial Investigation Work Plan for Former Scott Aviation Facility

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC PRISONER'S RIGHTS COALITION

Item 49 – (COMM. 5M-8) Letter to Legislature Concerning the EC Holding Center

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NFTA

Item 50 – (COMM. 5M-9) Minutes of the Meeting Held 1/25/10

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE PARTNERSHIP FOR THE PUBLIC GOOD

Item 51 – (COMM. 5M-10) 2010 Community Agenda

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

ANNOUNCEMENTS

Item 52 – MR. LOUGHRAN announced that the Community Enrichment Committee will hold its next meeting at ECC City Campus on Monday, March 15, 2010.

Item 53 – CHAIR MILLER-WILLIAMS announced that the committee schedule for upcoming meetings has been distributed.

Item 54 – MR. KOZUB announced that the Energy & Environment Committee will hold an informational meeting to hear the annual presentation to the committee by the Erie County Water Authority on Tuesday, March 9, 2010.

MEMORIAL RESOLUTIONS

Item 55 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Richard S.F. Gallivan.

Item 56 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Stewart Eaton, father of former Legislature Majority Chief of Staff Chuck Eaton.

Item 57 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Biondo ‘Bruno’ Marsillo.

Item 58 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Tasha E. (Nowakowski) Nadjimzadah and Dr. Ivan Lee Bunnell.

Item 59 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of all those who lost their lives while in the Erie County Holding Center, and all those who perished in Chile’s earthquake disaster.

Item 60 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Rosemary B. Markiewicz.

ADJOURNMENT

Item 61 - 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, March 25, 2010 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, March 25, 2010 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE