

**ERIE COUNTY LEGISLATURE  
MEETING NO. 9  
MAY 14, 2009**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Mr. Walter, who read a short prayer.

\*\*\*Legislator Whyte left the Legislative Chambers and is no longer present.

The Pledge of Allegiance was led by Ms. Miller-Williams.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. IANNELLO moved for the approval of the minutes for Meeting Number 8 from 2009. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. KENNEDY presented a Memorial Resolution for John Ludovico.

Item 6 – MR. KENNEDY presented a Memorial Resolution for Rosalie (Mahiques) Colucci.

Item 7 – MR. KOZUB presented a Resolution Honoring the 73rd Annual WNY Safety Conference.

Item 8 – MR. KENNEDY presented a Memorial Resolution for John F. 'Jack' Maurer.

Item 9 – MR. KENNEDY presented a Memorial Resolution for Maureen (Queally) Carney.

Item 10 – MR. KENNEDY presented a Memorial Resolution for John Anthony Shea.

Item 11 – MR. MAZUR presented a Memorial Resolution for Javon Jackson.

Item 12 – MR. MAZUR presented a Memorial Resolution for Joseph J. Wroblewski.

Item 13 – CHAIR MARINELLI, MS. WHYTE, MR. MILLS, MR. KOZUB, MR. KENNEDY, MS. MILLER-WILLIAMS, MR. WALTER, MS. KONST, MS. GRANT, MR. MAZUR, MR. WROBLEWSKI, MS. IANNELLO, MR. REYNOLDS, MR. LOUGHRAN & MR.

RATH presented a resolution Honoring the Legacy of former Erie County Legislator Raymond K. Dusza.

Item 14 – MS. IANNELLO presented a Proclamation Naming May as Older Americans Month in Erie County.

Item 15 – MS. IANNELLO presented a Proclamation Congratulating the Lions Club of Kenmore Upon the Occasion of Their 80th Anniversary.

Item 16 – MS. GRANT presented a resolution Honoring Dr. Angela Y. Davis for Her Ongoing Work Combating All Forms of Oppression in the U.S. and Abroad.

Item 17 – MR. REYNOLDS presented a resolution to Proclaim the Month of May 2009 as Motorcycle Awareness Month.

Item 18 – MR. REYNOLDS presented a resolution Honoring Reverend George L. Reger.

Item 19 – MR. REYNOLDS presented a resolution Declaring the Month of May as "Love Knows No Boundaries" Month Throughout WNY.

Item 20 – MR. WROBLEWSKI presented a resolution Congratulating the West Seneca Kiwanis Club on its 50th Anniversary.

Item 21 – MR. WALTER presented a resolution Congratulating Nathan B. Maziol on Achieving the Rank of Eagle Scout.

Item 22 – MR. MILLS presented a resolution Congratulating Erik S. Macaluso on Achieving the Rank of Eagle Scout.

Item 23 – MR. MILLS presented a resolution Congratulating George "Ethan" Dewald on Achieving the Rank of Eagle Scout.

Item 24 – MS. KONST presented a resolution Congratulating Christopher Wendel on Achieving the Rank of Eagle Scout.

Item 25 – MR. MAZUR presented a Memorial Resolution for Kathleen M. (Frankiewicz) Getz.

MS. GRANT moved for consideration of the above twenty-one items. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

MS. IANNELLO moved to amend the above twenty-one items by adding one for MS. IANNELLO and one for MR. KENNEDY, and also by including Et Al Sponsorship. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

MR. WROBLEWSKI moved for approval of the above twenty-three items as amended. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

\*\*\*Legislator Whyte returned to the Legislative Chambers and is now present.

**LOCAL LAWS**

Item 26 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 27 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 28 – MS. GRANT presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 130

APRIL 30, 2009	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MAZUR AND LOUGHRAN.  
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6M-7 (2009)  
BFLO. & EC PUBLIC LIBRARY: “Board of Trustees Agenda Items for Meeting Held 3/19/09”  
(5-0)
  - b. COMM. 8D-4 (2009)  
COMMISSIONER OF ENVIRONMENT & PLANNING: “Copy of Letter Concerning 2009 Public Benefit Services Contract”

(5-0)

- c. COMM. 8M-3 (2009)  
HAL D. PAYNE: "Copy of Letter to County Executive Concerning ECCRAB Appointment"  
(5-0)

**BETTY JEAN GRANT  
CHAIR**

Item 29 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 131

APRIL 30, 2009	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KONST.

1. RESOLVED, the following items are hereby received and filed:
- a. COMM. 3M-2 (2009)  
NFTA: "17A Report & Capital Expenditure Reports for Third Quarter"  
(4-0)
- b. COMM. 6D-1 (2009)  
COUNTY ATTORNEY: "Letter to EC Legislature Concerning Local Law Intro No. 8 - 2008"  
(4-0)
- c. COMM. 6D-6 (2009)  
COUNTY ATTORNEY: "Notice of Public Hearing - Local Law Intro. No. 8 - 2008 - Lowest Responsible Bidder Requirements for EC Contracts"  
(4-0)
- d. COMM. 7M-4 (2009)  
NFTA: "Copy of NFTA Board Minutes for Meeting Held February 23, 2009"  
(4-0)
- e. COMM. 8E-27 (2009)  
MARINELLI: "Letter from Chair Marinelli Concerning Road to a Bright Future Plan"  
(4-0)
- f. COMM. 8D-3 (2009)

PLANNER, DEPARTMENT OF ENVIRONMENT & PLANNING: “Dingens Storm Sewer Truckline Extension - SEQR Solicitation Notification”  
(4-0)

g. COMM. 8M-4 (2009)  
ECIDA: “Copy of 2008 Annual Report for ECIDA and Affiliates”  
(4-0)

h. COMM. 8M-5 (2009)  
ECIDA: “Notification of ECIDA Annual Membership Meeting”  
(4-0)

i. COMM. 8M-7 (2009)  
“NIAGARA COUNTY LEGISLATURE: “Copy of Resolution Regarding Relocation of the Buffalo Bills”  
(4-0)

2. COMM. 8E-20 (2009)  
COUNTY EXECUTIVE

WHEREAS, VE Associates, LLC, property owner at 406 Buffalo Street, Hamburg, New York, wishes to purchase a portion of highway right-of-way deemed no longer necessary due to road relocation from reconstruction in 2008; and

WHEREAS, VE Associates, LLC being the adjacent property owner to the existing right-of-way will compensate the County of Erie for the agreed upon price of \$5,000.00 for 0.015± acre at the time of filing in the Erie County Clerk’s Office.

NOW, THEREFORE, BE IT

RESOLVED, that for County purposes of transferring land no longer necessary for highway purposes, the County Executive is hereby authorized and directed to convey the following interest in the parcel of land herein described for and in consideration of the sum described herein for Legion Drive (CR 134), in the Village of Hamburg:

PARCEL	OWNER	AREA	VALUE
423	County of Erie	0.015± acre	\$5,000.00

and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Division of Highways, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.  
(4-0)

3. COMM. 8E-25 (2009)  
COUNTY EXECUTIVE

WHEREAS, as part of the Sherwood Greenway Project in the Town of Tonawanda (PIN 5756.76), it is necessary for the State of New York to acquire up to five small parcels of real property; and

WHEREAS, the State of New York will convey these parcels to the County of Erie thereby requiring the County of Erie to designate a representative to receive the Deed for these parcels.

NOW, THEREFORE, BE IT

RESOLVED, that County Executive Chris Collins is hereby authorized to receive the Deeds from the State of New York for the parcels to be acquired as part of the Sherwood Greenway Project in the Town of Tonawanda, Erie County (PIN 5756.76); and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10<sup>th</sup> Floor.

(4-0)

**TIMOTHY M. KENNEDY  
CHAIR**

Item 30 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 132

APRIL 30, 2009	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT KONST AND LOUGHRAN.

1. RESOLVED, the following items are hereby received and filed:
  - a. INTRO 10-3 (2008)  
MARINELLI & WHYTE: "Bolstering Our Economy by Recognizing the Value of the Olmsted Parks and the Foresight of the 21st Century Plan"  
(4-0)
  - b. COMM. 13D-13 (2008)  
COUNTY ATTORNEY: "Letter to Mayor Brown Regarding Termination of the Intermunicipal Agreement for the Management and Operation of the Buffalo Parklands"  
(4-0)
  - c. INTRO 26-3 (2008)

- IANNELLO: “Creating An Energy-Efficiency-Focused DPW Through A Ten-Hour, Four-Day Work Week”  
(4-0)
- d. COMM. 26E-1 (2008)  
WHYTE: “Letter to County Executive Concerning Intermunicipal Parks Agreement”  
(4-0)
- e. INTRO 2-8 (2009)  
WHYTE, MARINELLI, REYNOLDS, IANNELLO, MAZUR, KOZUB, KENNEDY, MILLER-WILLIAMS, KONST, GRANT, WROBLEWSKI & LOUGHRAN: “The Erie Niagara Framework for Regional Growth and the Strategic Development Act to Establish an Erie County Planning Board”  
(4-0)
- f. COMM. 5E-3 (2009)  
MARINELLI, WHYTE & KOZUB: “Copy of Letter to County Executive & Buffalo Mayor Concerning Intermunicipal Parks Agreement”  
(4-0)
- g. COMM. 5M-7 (2009)  
ERIE COUNTY WATER AUTHORITY TREASURER: “Letter to Chair Marinelli Concerning Reappointment to the ECWA Board of Commissioners”  
(4-0)
- h. COMM. 7E-4 (2009)  
MARINELLI: “Copy of Letter to Legislator Kozub Concerning Appointment of Commissioner to the Erie County Water Authority”  
(4-0)
- i. COMM. 7E-5 (2009)  
MARINELLI: “Copy of Letter to Legislature Clerk Concerning Appointment of Commissioner to the Erie County Water Authority”  
(4-0)
- j. COMM. 8E-24 (2009)  
COUNTY EXECUTIVE: “ECSD Nos. 2 & 6 - Engineer Term Agreement - DiDonato Associates”  
(4-0)
- k. COMM. 8M-10 (2009)  
ANTHONY VITIELLO: “Letter Expressing Interest in Position of Commissioner of EC Water Authority”  
(4-0)
- l. COMM. 8M-11 (2009)  
SALVATORE J. LOTEMPIO: “Letter Expressing Interest in Position of Commissioner of EC Water Authority”

(4-0)

- m. COMM. 8M-12 (2009)  
SYLVESTER HAROLD: "Letter Expressing Interest in Position of Commissioner of EC Water Authority"  
(4-0)
- n. COMM. 8M-22 (2009)  
ARTHUR J. GIACALONE: "Creation of an EC Planning Board - Ways to Make a Great Idea More Effective"  
(4-0)
- o. COMM. 8M-23 (2009)  
ANTHONY ARMSTRONG: "Testimony Regarding Strategic Development Act"  
(4-0)
- p. COMM. 8M-24 (2009)  
JOAN K. BOZER: "Urging EC Legislature to Re-Establish the EC Planning Board"  
(4-0)
- q. COMM. 8M-25 (2009)  
BUFFALO NIAGARA RIVERKEEPER: "Urging EC Legislature to Support Strategic Development Act and Create EC Planning Board"  
(4-0)
- r. COMM. 8M-27 (2009)  
NIAGARA DISTRICT COUNCILMEMBER RIVERA: "Letter of Support for the Strategic Development Act and the Creation of an EC Planning Board"  
(4-0)
- s. COMM. 8M-28 (2009)  
ASSEMBLYMEMBER HOYT: "Statement Supporting the Strategic Development Act and the Creation of an EC Planning Board"  
(4-0)
- t. COMM. 8M-29 (2009)  
EMPIRE STATE FUTURE: "Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board"  
(4-0)
- u. COMM. 8M-30 (2009)  
HOWARD ZEMSKY: "Written Statement Supporting the Strategic Development Act and the Creation of an EC Planning Board"  
(4-0)
- v. COMM. 8M-31 (2009)  
COALITION FOR ECONOMIC JUSTICE: "Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board"



(4-0)

- w. COMM. 8M-32 (2009)  
CENTER FOR TRANSPORTATION EXCELLENCE: “Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board”  
(4-0)
- x. COMM. 8M-33 (2009)  
KATY DUGGAN-HAAS: “Written Statement Supporting the Strategic Development Act and the Creation of an EC Planning Board”  
(4-0)
- y. COMM. 8M-34 (2009)  
CIMINELLI DEV. CO., INC.: “Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board”  
(4-0)
- z. COMM. 8M-35 (2009)  
WNY APOLLO ALLIANCE: “Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board”  
(4-0)
- aa. COMM. 8M-36 (2009)  
GEORGE R. GRASSER, PRESIDENT - PARTNERS FOR A LIVABLE WNY: “Written Statement Supporting the Strategic Development Act and the Creation of an EC Planning Board”  
(4-0)
- bb. COMM. 8M-37 (2009)  
MAX WILLIG: “Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board”  
(4-0)
- cc. COMM. 8M-38 (2009)  
ANDREW J. RUDNICK, BUFFALO NIAGARA PARTNERSHIP: “Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board”  
(4-0)
- 2. COMM. 8E-17 (2009)  
COUNTY EXECUTIVE  
WHEREAS, Erie County has an enterprise-level Geographic Information System (GIS), and an important component of this GIS is the online mapping application that is used by County departments, County residents, and the local business community; and

WHEREAS, the current software is being phased out by the developer, and new enterprise GIS software has been acquired but has not yet been fully implemented; and

WHEREAS, the new online mapping software requires custom programming to maintain and to add to the functionality of the prior online mapping software; and

WHEREAS, acquiring Geocortex Essentials software will provide the programming tools for customizing the County's online mapping software to meet the needs of County staff, County residents, and the local business community; and

WHEREAS, half of the funding (\$8,250) for the acquisition of the Geocortex Essentials software (\$16,500) is available from the Division of Sewerage Management , Fund 220, General Ledger Account No. 561410 (Lab and Tech Equipment); and

WHEREAS, the additional funds for this acquisition are available in Fund 110, Department of Environment and Planning budget as detailed below.

NOW, THEREFORE, BE IT

RESOLVED, that the acquisition of Geocortex Essentials software in an amount not to exceed \$16,500 is hereby approved; and be it further

RESOLVED, that 50 per cent of the funding (\$8,250) for the acquisition of the Geocortex Essentials software is available from the Division of Sewerage Management, Fund 220, General Ledger Account No. 561410 (Lab and Tech Equipment) as follows:

<u>Cost Center</u>	<u>Account</u>	<u>Amount</u>
1811010	561410 Lab and Tech	\$2,062.50
1821010	561410 Lab and Tech	2,062.50
1831010	561410 Lab and Tech	2,062.50
1861010	561410 Lab and Tech	<u>2,062.50</u>
		\$8,250.00

and be it further

RESOLVED, that the additional funds for this acquisition will be transferred within Fund 110 in the Department of Environment and Planning budget as follows:

<u>Cost Center</u>	<u>Account</u>	<u>Decrease</u>
16200	420270 GIS Receipts/Unanticipated Revenue	\$5,220
16200	516030 Maintenance Contracts	<u>3,030</u>
		\$8,250
		<u>Increase</u>
16200	561410 Lab and Tech	\$8,250

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the

Director of Budget and Management; the Commissioner of Environment and Planning; and the County Comptroller.

(4-0)

3. COMM. 8E-21 (2009)  
COUNTY EXECUTIVE

WHEREAS, County of Erie entered into a lease agreement with the Town of Hamburg in 2008 for the operation and maintenance of several former Town of Hamburg Sewer Districts, including former Town Sewer District No. 4 (hereinafter referred to as the "Cloverbank Sewer District"); and

WHEREAS, Erie County Sewer District No. 3 is now responsible for operation, maintenance, and administration of the sewerage assets in the Cloverbank Sewer District; and

WHEREAS, wastewater originating in the Cloverbank Sewer District flows to the Mount Vernon Sewer District and is subsequently conveyed by sewers located within the Mount Vernon Sewer District; and

WHEREAS, the Mount Vernon Sewer District previously charged the Town of Hamburg for conveyance services associated with the wastewater originating in the Cloverbank Sewer District; and

WHEREAS, the Erie County Division of Sewerage Management and the Mount Vernon Sewer District are desirous of entering into an agreement to allow for payment of said conveyance services provided to the Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the Mount Vernon Sewer District for conveyance services provided to the County District, subject to approval as to content by the Department of Environment and Planning and approval as to form by the County Attorney's office; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Michael Quinn, P.E., Department of Environment and Planning, and one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, and Martin Polowy, Second Assistant County Attorney.

(4-0)

4. COMM. 8E-23 (2009)  
COUNTY EXECUTIVE

WHEREAS, the County recognizes the need to properly train its employees to protect their health and well being, and to comply with applicable state and federal regulations; and

WHEREAS, Erie County's Division of Sewerage Management has applied for funds from the Western New York Council on Occupational Safety & Health through a New York State Department of Labor Hazard Abatement Board training grant.

NOW, THEREFORE, BE IT

RESOLVED, that the proposed agreement between the County of Erie and the Western New York Council on Occupational Safety & Health to provide health and safety training to the Division of Sewerage Management and Sewer District employees is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send two certified copies of this resolution to Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to the County Executive, the Director of Budget and Management, Erie County Comptroller; and Martin Polowy, 2<sup>nd</sup> Assistant County Attorney.

(4-0)

**DANIEL M. KOZUB  
CHAIR**

Item 31 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 133

April 30, 2009	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR REYNOLDS.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 8E-3 (2009)  
COMPTROLLER: “Review of Rath Building Garage Parking”  
(4-0)
  - b. COMM. 8D-1 (2009)  
COUNTY ATTORNEY: “Transmittal of New Claims Against Erie County”  
(4-0)
  - c. COMM. 8D-6 (2009)  
COUNTY ATTORNEY: “Transmittal of New Claims Against Erie County”  
(4-0)
  - d. COMM. 8M-2 (2009)

COOPERATIVE EXTENSION OF ERIE COUNTY: “Legislature Budget Accountability Act Report”  
(4-0)

e. COMM. 8M-14 (2009)  
EC BAR ASSOCIATION AID TO INDIGENT PRISONERS - ASSIGNED COUNSEL PROGRAM: “Report for First Quarter of 2009”  
(4-0)

f. COMM. 8M-19 (2009)  
LEGAL SERVICES FOR THE ELDERLY, DISABLED OR DISADVANTAGED OF WNY: “Copy of Annual Report for 2008”  
(4-0)

2. COMM. 8E-13 (2009)  
COUNTY EXECUTIVE  
WHEREAS, The Erie County Personnel Department has applied for and received a grant in the amount of \$60,000 from the ECFSA; and

WHEREAS, this grant will be utilized to automate the Civil Service process for towns, villages and school districts in Erie County; and

WHEREAS, the automation of this process will save money as well as improve the process associated with the Civil Service process.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the acceptance of a grant in the amount of \$60,000 from the ECFSA for the purpose of automating the Civil Service process; and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of Personnel, Erie County Budget Director and the Executive Director of the Erie County Fiscal Stability Authority.  
(4-0)

**BARBARA MILLER-WILLIAMS  
CHAIR**

Item 32 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 134

MAY 11, 2009	HEALTH & HUMAN SERVICES COMMITTEE
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REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MILLER-WILLIAMS AND GRANT.

1. RESOLVED, all items are hereby tabled.

**THOMAS J. MAZUR  
CHAIR**

**LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135

RE: Renaming Ridge Rd. "Father Baker  
Blvd."  
(INTRO 9-1)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR KOZUB**

WHEREAS, there are few figures in Western New York history who have made a greater community impact than Father Nelson Henry Baker, who was born in Buffalo, NY on February 16, 1842; and

WHEREAS, Father Baker is under consideration for canonization by the Vatican in Rome, a fitting tribute to and recognition of the transformative, and by some measures miraculous, contributions made by this humble man of the cloth; and

WHEREAS, prior to being ordained to the priesthood in 1876 at the age of 34, and following military service in the Civil War that included participation in the Battle of Gettysburg, Nelson H. Baker lived an accomplished life as a businessman/entrepreneur; and

WHEREAS, the call to the priesthood overrode his interest in the world of business, and service to others – particularly the less fortunate – became the hallmark of his remaining 60 years on this earth; and

WHEREAS, except for a brief assignment in Corning, NY, Father Baker ministered to the needs of the Limestone Hill community (present-day Lackawanna) and oversaw a faith-based complex that included a church, an orphanage, a protectory for young boys and later, a home for unwed mothers and their infants; and

WHEREAS, beyond his compassionate attention to the most basic needs of the most vulnerable members of society, Father Baker is best known as the driving force and chief fundraiser

for the construction of a Basilica at the corner of Ridge Road and South Park Avenue in the City of Lackawanna, a place of worship Father Baker said was inspired by Our Lady of Victory; and

WHEREAS, it is fitting and proper for a community to designate, or name, a public thoroughfare after a prominent individual, and there are numerous precedents both locally and nationally, including Frank Lloyd Wright Boulevard, the road leading to Taliesin West in Scottsdale, Arizona; and

WHEREAS, the renaming of Ridge Road to Father Baker Boulevard during the Centennial Year of the City of Lackawanna (1909-2009) would pay tribute to the memory of this American hero and humanitarian, as well as provide appropriate way-finding to the thousands of visitors who annually visit his final resting place in Our Lady of Victory Basilica; and

WHEREAS, Rome's beatification and canonization of Father Baker would substantially increase the number of visitors and religious pilgrims to our region, and perhaps one day would make Lackawanna synonymous with Father Baker, akin to Assisi in Italy being forever linked to St. Francis; and

WHEREAS, these visitors will also come to know the vast inventory of architecturally and artistically significant places of worship in Erie County, including those that have been featured in the nationally broadcast WNED production, "Houses of Worship" and presented through organized tours already available to the public; and

WHEREAS, these faith-focused visitors represent a discreet category of cultural tourist who may extend a stay in our area to familiarize themselves with what we have to offer as a 2009 Distinctive Destination according to the National Trust for Historic Preservation Board and the "#1 Arts Destination Among Mid-sized American Cities" according to *American Style Magazine*; and

WHEREAS, this influx of visitors will cast a favorable light on our entire region and will have a significant economic impact on the City of Lackawanna, the Town of West Seneca, the City of Buffalo and beyond.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body declare its unequivocal support of the renaming of Ridge Road in Lackawanna and West Seneca "Father Baker Boulevard;" and be it further

RESOLVED, that the Erie County Legislature hereby designate that portion of Ridge Road which falls under Erie County jurisdiction "Father Baker Boulevard;" and be it further

RESOLVED, that the Legislature hereby direct the Erie County Department of Public Works (DPW) – Division of Highways to undertake all necessary notification steps, approvals and actions to accomplish this designation, including the fabrication and installation of new signage, along the Erie County section of Ridge Road between Seneca and Abbott Rd.; and be it further

RESOLVED, that Erie County DPW in its role with the GBNRTC (Greater Buffalo Niagara Regional Transportation Council) coordinate the collaborative efforts of the New York State Department of Transportation relative to signage along the 219 Expressway and Route 5, and the

work of the Highway and/or Public Works Department of the City of Lackawanna, as well as any corresponding activity to be undertaken by the Town of West Seneca and the City of Buffalo in support of way-finding signage, in order to see this project through to completion during 2009 in conjunction with Lackawanna's Centennial; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the Erie County Commissioner of Public Works, the New York State Department of Transportation, the Lackawanna City Council, the West Seneca Town Board, the Buffalo Common Council, the Chancery of the Diocese of Buffalo, the Pastor of Our Lady of Victory Basilica and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136

RE: Demanding Transparency and Public  
Accountability for the Administration's  
Decision to Terminate EC  
Administration of the Federal WIC  
Program  
(INTRO 9-2)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MAZUR & REYNOLDS**

WHEREAS, the Erie County Legislature continues to be dismayed by the lack of transparency and public accountability for the Administration's unilateral decision to terminate Erie County's role in administering federally-funded WIC services; and

WHEREAS, in a March 31, 2009 letter to this Honorable Body, the Deputy County Executive stated that the Legislature was briefed on the Administration's "entire thought process with the WIC program" via a face-to-face meeting between Mr. Hammonds and Health & Human Services Committee Chair Thomas Mazur on February 9, 2009; and

WHEREAS, this meeting took place literally hours before the County Executive announced to the media that Erie County would not apply for WIC funding as of the deadline of March 31, 2009 and another provider in the community would takeover the administration of this vitally important nutrition program; and

WHEREAS, it was abundantly clear that the Deputy County Executive's briefing of Mr. Mazur was an "11<sup>th</sup> hour" attempt for the Administration to appear to reach out to the Legislature in a true spirit of collaboration and, instead, failed to meet this Body's expectations to have been consulted and asked for its assessment of the program's value long before a decision had been made; and

WHEREAS, despite the fact that the County Executive publicly states that he wishes to work with the County Legislature, in practice, his actions fall far short of his rhetoric; and



WHEREAS, although this Administration has turned to private industry for a model of process improvement, i.e. Six Sigma, the Legislature has seen no evidence that the measurement tool known as “DMAIC” – Define, Measure, Analyze, Improve, Control – was utilized at all in the Administration’s decision-making process regarding WIC; and

WHEREAS, the Administration has also provided “cultural change” training to county employees, which includes asking employees to complete a County of Erie Internal Assessment Scale that contrasts the following low-scoring organizational characteristics:

- ▶ stakeholders are not given information about organizational performance
- ▶ all decisions are made with little input
- ▶ there is no acknowledgement of contributions made by employees to the achievement of business results

with high-scoring cultural traits such as having “numerous mechanisms that enable effective horizontal and vertical communications;” and

WHEREAS, based on the experience of this Legislature and the people we represent, this Administration is creating and operating in a culture that belies its stated goals, and indeed, “all decision are made with little input;” and

WHEREAS, this Legislature asks for transparency on behalf of the taxpayers and public accountability to the 16,000 pregnant and nursing mothers, infants and children up to age five who are clients of Erie County’s WIC program; and

WHEREAS, this Honorable Body also asks that the dedicated employees of WIC be treated with dignity and respect during this transitional period, and that the Administration take steps to dispel the rumors that lay-off notices will be distributed to WIC employees months before the program’s end on September 30, 2009.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature request the attendance of the Deputy County Executive and the Commissioner of the Erie County Health Department at an upcoming meeting of the Legislature’s Health & Human Services Committee to fully air the concerns of this Body; and be it further

RESOLVED, that this Honorable Body take up the Deputy County Executive’s offer to provide the Legislature with the minutes from the WIC Transition Team, and that these minutes to date, and all future minutes, be clocked in by the Administration for the Legislature’s review; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive, the Deputy County Executive, the Commissioner of the Erie County Department of Health and all others deemed necessary and proper.

MS. WHYTE moved to amend the resolution by adding CHAIR MARINELLI, MS. WHYTE, MR. KOZUB, MR. KENNEDY, MS. MILLER-WILLIAMS, MS. KONST, MS. GRANT, MR. WROBLEWSKI, MS. IANNELLO and MR. LOUGHRAN as Co-Sponsors. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. REYNOLDS seconded. MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (12-3)

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

RE: Expressing Support for the Passage of  
Assembly Bill A7385 and Senate Bill  
S3039  
(INTRO 9-3)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR REYNOLDS**

WHEREAS, one of the major economic and fiscal concerns in Erie County are the over 10,000 properties which are generally defined as “Distressed Real Property” for which the owners have failed to pay the required property taxes; and

WHEREAS, the County of Erie averages over 6 million dollars a year in unpaid real property taxes; and

WHEREAS, Erie County pays all unpaid taxes to school districts, villages and towns that the property owners fail to pay; and

WHEREAS, many of these properties go unpaid for years and the amount of “unpaid property tax” continues to increase each year on these properties and many of these properties have unpaid tax bills that surpass the value of the property in question; and

WHEREAS, the purpose of this legislation is to amend certain provisions of the Erie County Tax Act as they relate to the amount required to redeem real property affected by any tax sale certificate in foreclosure or to be recovered by the plaintiff in foreclosure; and

WHEREAS, the proposed change would allow Erie County to be compensated for certain costs incurred while attempting to collect unpaid taxes including attorneys' fees, abstracts of title, court costs, allowances and other disbursements; and

WHEREAS, the enactment of such legislation would immediately increase the inherent value of Erie County tax sale certificates, whether offered for sale or retained by Erie County; and

WHEREAS, the Erie County Legislature Distressed Real Property Task Force has considered the proposed change embodied in Assembly Bill A7385 and its companion Senate Bill S3039 and concluded that the proposed change is appropriate and in the best interests of the owners of Erie County tax sales certificates and the taxpayers of Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the inclusion of foreclosure expenses such as reasonable and necessary attorneys' fees, abstract of title, court costs, allowances and other disbursements in the amount to be paid to redeem affected properties and the amount to be recovered in foreclosure is appropriate and will remove the financial burden of these expenses from the owners of Erie County tax sales certificates as well as Erie County taxpayers; and be it further

RESOLVED, that the Erie County Legislature go on record in full support of Assembly Bill A7385 and its companion Senate Bill S3039 and urges the New York State Legislature to approve both measures as expeditiously as possible; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Paterson, Assembly Speaker Sheldon Silver, Senate Majority Leader Malcolm Smith, all the members of the Western New York State Legislative Delegation and the Erie County Fiscal Stability Authority as well as any person deemed necessary and proper.

Item 36 – CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 9-4 from REYNOLDS Re-Appointments to the EC Soil & Water Conservation Dist.

Item 37 – CHAIR MARINELLI directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 9-5 from KONST Amending Sec. 1622 of the Vehicle and Traffic Law.

Item 38 – MR. WALTER presented the following resolution and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

RE: Supporting Passage of "Jordy's Law"  
(INTRO 9-6)

**A RESOLUTION TO BE SUBMITTED BY**

**LEGISLATORS WALTER, RATH, MILLS & LOUGHRAN**

WHEREAS, Jordan “Jordy” Maliken is a 20-year-old Amherst High School fifth-year senior living with both cognitive and physical disabilities; and

WHEREAS, according to state law, students are barred from competing in athletics in the public education system for more than four years, or after the age of 19; and

WHEREAS, Jordy has been on the high school track team for all four of his high school years and has recently requested permission to compete in the last two races remaining in his fifth and final year at Amherst High School; and

WHEREAS, despite the adversity that he faces on the track, his spirit and sportsmanship are an inspiration to his teammates and his school; and

WHEREAS, although Jordy is allowed to take part in track team practices, he is prohibited from competing with the team during meets, due to his age and length of team participation; and

WHEREAS, a bill has been introduced (awaiting assignment of a bill number) in the New York State Assembly entitled “Jordy’s Law,” which would allow school superintendents to grant special circumstance exceptions for students with disabilities to participate in high school sports; and

WHEREAS, this law will allow high school students with cognitive and physical disabilities to participate in high school athletics for more than four years or past the age of 19, at the discretion of the school superintendent; and

WHEREAS, because passage of such a law will not occur in time to allow Jordy to compete this year, Jordy’s case will be heard before the New York State Education Commissioner next week to determine if Jordy should be allowed to compete in his last two meets.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the New York State Education Commissioner give every consideration to granting Jordan Maliken permission to compete in his final two track meets as he completes his academic and athletic careers at Amherst High School; and be it further

RESOLVED, that the Erie County Legislature supports the approval of the Assembly Bill, “Jordy’s Law,” enabling high school administrators to determine the eligibility of students with disabilities to participate in high school sports; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader Malcolm Smith, the local delegation to the New York State Legislature and New York State Education Commissioner Richard Mills.

Item 39 – CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 9-7 from REYNOLDS, WHYTE, MILLER-WILLIAMS, GRANT & IANNELLO  
To Support the Passage of Federal Senate Bill S-889, the Federal Milk Marketing Improvement Act  
of 2009.

Item 40 – MS. WHYTE presented the following resolution and moved for immediate  
consideration and approval. MR. KENNEDY seconded. MR. MILLS, MR. RATH and MR.  
WALTER voted in the negative.

CARRIED. (12-3)

RESOLUTION NO. 139

RE: Cultural Grant Corrections for Arts in  
Education Institute and Big Orbit  
(INTRO 9-8)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MARINELLI, WHYTE, KOZUB, KENNEDY,  
MILLER-WILLIAMS, GRANT, IANNELLO & REYNOLDS**

WHEREAS, the 2009 Budget proposed by the County Executive recommended funding  
amounts for most cultural organizations at levels reduced from the amounts requested by these  
vitaly important institutions during the ECCRAB (Erie County Cultural Resources Advisory Board)  
process and less than they received in 2008; and

WHEREAS, on December 1, 2008, the Erie County Legislature determined that it was  
appropriate to fund these cultural institutions at a level which brought the 2009 cultural grants to  
95% of the funding level each organization received in 2008; and

WHEREAS, these funding restorations were offset by more than sufficient cuts in other areas  
of the budget proposed by the County Executive; and

WHEREAS, on December 8, 2008, the County Executive vetoed most of the funding  
restorations made by the Erie County Legislature for cultural institutions, an action that was reversed  
by the Erie County Legislature on December 9, 2008 pursuant to Section 2608 of the Erie County  
Charter; and

WHEREAS, two cultural institutions were inadvertently omitted during the override votes—  
Arts in Education Institute of WNY and Big Orbit Gallery; and

WHEREAS, it was and continues to be the stated intent of the Erie County Legislature to  
provide funding for these two organizations in 2009 at a level that is 95% of the operational support  
they received from Erie County in 2008.

NOW, THEREFORE, BE IT

RESOLVED, that through some error or oversight in the County Administration's loading of  
the County's Adopted 2009 Budget into SAP - an error also found in the 2009 Adopted Budget

books - the Legislature's budget amendments to appropriate additional 2009 funds to Big Orbit Gallery and Arts in Education Institute of WNY, Inc. were not included and said error needs to be corrected; and be it further

RESOLVED, that the amended, Adopted 2009 Budget appropriated \$16,285 for Big Orbit Gallery, not \$15,000 as stated; and be it further

RESOLVED, that the amended, Adopted 2009 Budget appropriated \$9,500 for Arts in Education Institute of WNY, Inc., not \$5,000 as stated; and be it further

RESOLVED, that to correct these errors, the Legislature now makes the following technical amendments to appropriate an additional \$1,285 to Big Orbit Gallery (Fund 110, Fund Center 1333020, Account 516000) and an additional \$4,500 to Arts in Education Council of WNY, Inc. (Fund 110, Fund Center 1333020, Account 516000), using unanticipated 2009 revenue from Fund 110, Fund Center 12090, Account 414030 - Federal Medicaid Assistance Percentage; and be it further

RESOLVED, that the contracts between these organizations and the County be modified to reflect the correct 2009 appropriation amounts; and be it further

RESOLVED, that certified copies of this resolution be delivered to the County Executive, Comptroller, Director of Budget and Management, County Attorney, Commissioner of the Department of Environment and Planning, Erie County Fiscal Stability Authority and the directors of the Arts in Education Institute of WNY, Inc. and Big Orbit Gallery.

Item 41 – CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 9-9 from IANNELLO, MARINELLI, WHYTE, MILLER-WILLIAMS & REYNOLDS Expressing Support for NYS Bills A.7572/S.4315 Regarding Limits on Greenhouse Gas Emissions.

Item 42 – CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 9-10 from IANNELLO, MARINELLI, WHYTE, KOZUB & MILLER-WILLIAMS Support of NYS Bills A.187/S.2715 Regarding the Purchase of Electricity from Renewable Sources by Certain Electric Service Providers.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 43 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 8E-19 (2009). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 140

RE: Revise 2008 Nutrition Grant (CIL Allocation)  
(COMM. 8E-19, 2009)

WHEREAS, the Erie County Legislature has already appropriated funds for the Cash in Lieu of Commodities (CIL) grants for the periods October 1, 2007 to September 30, 2008 and October 1, 2008 to September 30, 2009; and

WHEREAS, the 2008 portion of the CIL awards for both grant years was more than originally budgeted in the Meals on Wheels of WNY, Inc. (MOWs) contract for home delivered meals for 2008; and

WHEREAS, the CIL awards are based on prior meal count data and are awarded retroactively; and

WHEREAS, the MOWs contract for 2008 needs to be amended to reflect the \$21,052 in additional CIL allocation; and

WHEREAS, the CIL grant budgets have sufficient appropriations to cover the allocations to the 2008 MOWs contract.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to amend the 2008 nutrition contract with MOWs to reflect the additional \$21,052 in CIL allocations; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the County Attorney's Office, the Comptroller's Office and the Department of Senior Services.

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

CARRIED UNANIMOUSLY.

Item 44 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of INTRO 6-7 (2009). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141

RE: Pay Rate for Nurses  
(INTRO 6-7, 2009)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS WHYTE & MAZUR**

MS. WHYTE moved to amend the resolution. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Insert the following resolution:

WHEREAS, Franchesca Kurnik, is a resident of the City of Buffalo and mother to Sarah Kurnik; and

WHEREAS, Sarah is a medically fragile adult woman with a severe disability that requires care 24 hours a day and seven days per week; and

WHEREAS Franchesca Kurnik, along with other parents of adult children with severe disabilities, have been struggling to find essential Private Duty Nursing to care for their loved ones; and

WHEREAS Franchesca Kurnik has provided a detailed log to this legislature which provides clear evidence of the attempts she has made to secure the appropriate nursing care for her daughter; and

WHEREAS, one of the obstacles identified by Ms. Kurnik and other parents is the different rate of pay New York State Medicaid authorizes to adult patients and to pediatric patients; and

WHEREAS, according to NYS law, nurses providing in home care to pediatric patients are reimbursed at a rate ranging from \$28.12 - \$40.00 per hour when meanwhile nurses providing care to adult patients, whose care is equally challenging, is only \$24.72 per hour; and

WHEREAS, this discrepancy has made it nearly impossible for Ms. Kurnik, and other parents sharing her situation, to secure essential, reliable, permanent care for their adult children; and

WHEREAS, Ms. Kurnik and others like her, have made immeasurable sacrifices missing sleep, work, and other necessary responsibilities to fill the gaps in care caused by this dilemma.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature call upon the State of New York to support pay equity for nurses providing Private Duty Nursing Care to adult and pediatric patients; and be it further

RESOLVED, that certified copies of this resolution go to Erie County Executive Chris Collins, Erie County Commissioner of the Department of Social Services Michael Weiner, Erie County CASA, Governor David Patterson, the Western New York State delegation, and the Commissioner of the New York State Department of Health.

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

CARRIED UNANIMOUSLY.



**SUSPENSION OF THE RULES**

Item 45 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 9E-38 from the COMPTROLLER Re: Letter Concerning EC Sales & Use Tax - Revenues Below Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 46 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 9E-39 from CHAIR MARINELLI Re: 2009 Committee Assignments

Received, Filed & Printed.

**2009 Committee Assignments**  
Updated at Session #9, May 14, 2009

**Finance & Management**

Chairperson: Kathy Konst  
Vice-Chairperson: Robert B. Reynolds Jr.  
Members: Betty Jean Grant  
                  Maria R. Whyte  
                  John J. Mills  
Clerk: John Calvin Davis

**Health and Human Services**

Chairperson: Thomas J. Mazur  
Vice-Chairperson: Barbara Miller-Williams  
Members: Betty Jean Grant  
                  Robert B. Reynolds Jr.  
                  Raymond W. Walter  
Clerk: Paul P. Henderson

**Government Affairs**

Chairperson: Barbara Miller-Williams  
Vice-Chairperson: Maria R. Whyte  
Members: Daniel M. Kozub  
                  Robert B. Reynolds Jr.  
                  Raymond W. Walter  
Clerk: Kevin J. Hosey

**Economic Development**

Chairperson: Timothy M. Kennedy  
Vice-Chairperson: Kathy Konst  
Members: Timothy M. Wroblewski  
                  Robert B. Reynolds Jr.  
                  Barbara Miller-Williams  
                  Edward A. Rath, III  
Clerk: James C. Gambino

**Energy & Environment**

Chairperson: Daniel M. Kozub

**Public Safety**

Chairperson: Timothy M. Wroblewski

Vice-Chairperson: Thomas A. Loughran  
Members: Kathy Konst  
Maria R. Whyte  
John J. Mills  
Michele M. Iannello  
Clerk: Andrew A. Kulyk

Vice-Chairperson: Daniel M. Kozub  
Members: Timothy M. Kennedy  
Michele M. Iannello  
John J. Mills  
Clerk: Jeremy C. Rosen

**Community Enrichment**

Chairperson: Betty Jean Grant  
Vice-Chairperson: Michele M. Iannello  
Members: Timothy M. Kennedy  
Thomas A. Loughran  
Thomas J. Mazur  
Edward A. Rath, III  
Clerk: Dorothy U. Furtney

Item 47 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 9M-40 from the STATE DIRECTOR, DIVISION OF PROBATION & CORRECTIONAL ALTERNATIVES Re: Letter Regarding Meeting with Al Hammonds - Role of Public Service and the Value of Strong Leadership

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 48 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 9M-41 from REV. MSGR. PAUL J.E. BURKARD Re: Letter Supporting the Renaming of Ridge Road - "Father Baker Boulevard"

Received & Filed.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR WHYTE**

Item 49 – (COMM. 9E-1) Christopher Grant's Visit to the 6th District

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE SHERIFF**

Item 50 – (COMM. 9E-2) Law Enforcement Terrorism Prevention Program (LETPP) for Bomb Squads

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR MAZUR

Item 51– (COMM. 9E-3) Notice of Unavailability to Attend Committee Meetings Held April 30, 2009

Received & Filed.

FROM THE COMPTROLLER

Item 52 – (COMM. 9E-4) Risk Assessment of EC Government

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR MARINELLI

Item 53 – (COMM. 9E-5) Copy of Letter to Commissioner of Environment & Planning Concerning Cultural Funding

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMPTROLLER

Item 54 – (COMM. 9E-6) 2009 First Quarter Financial Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 55 – (COMM. 9E-7) Appointment of Director of Purchasing

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE

Item 56 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI.  
NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

RE: Request for Extension of EC Additional  
.75% Sales Tax Authority  
(COMM. 9E-8)

**ASSEMBLY**

WHEREAS, Assembly Bill No. A.7456 and Senate Bill No. S.4100, upon being enacted into law, would amend Tax Law § 1210-D so as to authorize the County of Erie, during the period beginning December 1, 2009 and ending November 30, 2011, to impose a sales and compensating use tax at a temporary additional rate that is three-quarters percent (.75%) above both the permanent 3% rate otherwise authorized for all New York cities and counties pursuant to Tax Law § 1210 and the temporary additional 1% rate currently authorized for Erie County pursuant to Tax Law § 1210, thereby continuing the 4.75% rate of the Erie County sales and compensating use tax beyond November 30, 2009.

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A.7456 entitled "AN ACT to amend the tax law, in relation to the sales and compensating use tax imposed within the county of Erie"

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize, and to thereupon impose, a continuation of the additional .75% sales tax rate in Erie County during the two (2) year period beginning December 1, 2009 and ending November 30, 2011 will prevent the County of Erie from continuing to provide services deemed vital to the community, while maintaining a balanced budget.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this home rule request, with or without the signature of the Erie County Executive, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

**SENATE**

WHEREAS, Senate Bill No. S.4100 and Assembly Bill No. A.7456, upon being enacted into law, would amend Tax Law § 1210-D so as to authorize the County of Erie, during the period beginning December 1, 2009 and ending November 30, 2011, to impose a sales and compensating use tax at a temporary additional rate that is three-quarters percent (.75%) above both the permanent

3% rate otherwise authorized for all New York cities and counties pursuant to Tax Law § 1210 and the temporary additional 1% rate currently authorized for Erie County pursuant to Tax Law § 1210, thereby continuing the 4.75% rate of the Erie County sales and compensating use tax beyond November 30, 2009.

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.4100 entitled "AN ACT to amend the tax law, in relation to the sales and compensating use tax imposed within the county of Erie"

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize, and to thereupon impose, a continuation of the additional .75% sales tax rate in Erie County during the two (2) year period beginning December 1, 2009 and ending November 30, 2011 will prevent the County of Erie from continuing to provide services deemed vital to the community, while maintaining a balanced budget.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this home rule request, with or without the signature of the Erie County Executive, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

FROM LEGISLATOR IANNELLO

Item 57 – (COMM. 9E-9) Copy of Letter Inviting Commissioners Sinnott and Sentz to Green Actions Community Sub-Committee - May 19, 2009

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 58 – (COMM. 9E-10) Appointment to ECMCC Board of Directors

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 59 – (COMM. 9E-11) Appointments to Buffalo & EC Public Library Board of Directors

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 60 – (COMM. 9E-12) Revised 2009-2012 EC Four-Year Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 61 – (COMM. 9E-13) Real Estate/Space Utilization - Efficiency Grant - Quarterly Update

Item 62 – (COMM. 9E-14) Appointment to EC Board of Ethics

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

Item 63 – (COMM. 9E-15) Appointments to Senior Services Advisory Board

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 64 – (COMM. 9E-16) Appointment to the Central Police Services Board of Trustees

Item 65 – (COMM. 9E-17) Appointments to EC Disaster Preparedness Advisory Board

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

Item 66 – (COMM. 9E-18) Appointment to the Board of Directors of the Buffalo Niagara Convention & Visitors Bureau

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 67 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

RE: Transfer of County Property to Town of Brant  
(COMM. 9E-19)

WHEREAS, Earlier this month Town of Brant Supervisor Leonard Pero contacted the County Executive in regards to obtaining a donation of picnic tables from the County; and

WHEREAS, Erie County Parks, Forestry and Recreation Commissioner Jim Hornung identified 8 picnic tables scheduled for surplus and disposal and offered them to the Town of Brant; and

WHEREAS, after inspecting the tables, Town of Brant officials formally requested them from the County; and

WHEREAS, the Town of Brant will restore the tables and put them into service in the Town of Brant Park's System.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to transfer 8 picnic tables, currently out of service in the Erie County Department of Parks, Forestry and Recreation, to the Town of Brant; and be it further

RESOLVED, that certified copies of this resolution be presented to the County Executive, Erie County Legislator Bob Reynolds, the Commissioner of the Department of Parks, Forestry and Recreation, and

Hon. Leonard K. Pero  
Supervisor of the Town of Brant  
1294 Brant North Collins Road  
Brant, New York 14027

Item 68 – (COMM. 9E-20) Emergency Services - Acceptance of Interoperable Emergency Communication Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 69 – (COMM. 9E-21) ECSD #3 - Central Maintenance Facility - Modification Project Contract Close Out

Item 70 – (COMM. 9E-22) ECSD #3 - Central Maintenance Facility - Modifications Contract #32B - HVAC - Change Order #1

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

Item 71 – (COMM. 9E-23) Fire Training Academy - New Live Burn Buildings at Chestnut Ridge Park and Amherst Sites

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 72 – (COMM. 9E-24) Buffalo and EC Public Library - Ellicott St. Entrance - Handicap Improvements

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 73 – (COMM. 9E-25) Request for Additional Senior Caseworker Position for HEAP

Item 74 – (COMM. 9E-26) DSS - Non-Residential Domestic Violence Contracts

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

Item 75 – (COMM. 9E-27) Pay As You Go Capital Project Utilization

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 76 – (COMM. 9E-28) 2009 Primetime Summer Contract Awards

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 77 – (COMM. 9E-29) EC Homelessness Prevention and Rapid Re-Housing Program - Grant Agreement with HUD and Sub-Grantee Organizations

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 78 – (COMM. 9E-30) Acceptance of Donated Equipment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 79 – (COMM. 9E-31) Sherwood Greenway - Town of Tonawanda: Receipt of Deed Conveyance for NYS Dept. of Transportation

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 80 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

RE: First Aid/CPR/AED Employee Training  
(COMM. 9E-32)

WHEREAS, the Division of Sewerage Management (DSM) has requested approval of an agreement with Rural/Metro Medical Services, 481 William L. Gaiter Parkway, Buffalo, New York 14215, in an amount not to exceed \$7,000.00 to provide First Aid with CPR/AED Training; and

WHEREAS, first aid/CPR training is necessary per OSHA Standard 29, CFR 1926.50 (c) for industries involved in construction; and

WHEREAS, Rural/Metro Medical Services will provide first aid/CPR training to the DSM employees.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement with Rural/Metro Medical Services to provide the necessary services in an amount not to exceed \$7,000.00 is hereby approved; and be it further

RESOLVED, that the funding for this training be allocated from Fund 220, G/L Account 510200 Training and Education as follows: SD Nos. 1,4,5, 1811010, \$1,347.50; SD No. 2, 1821010, \$1,265.00; SD No. 3, 1831010, \$2,887.50; and SD No. 6, 1861010, \$825.00; and be it further



RESOLVED, that the Clerk of the Legislature be authorized and directed to send two certified copies of this resolution to Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning, and one certified copy each to the County Executive, the Director of Budget and Management, Erie County Comptroller and Martin Polowy, 2<sup>nd</sup> Assistant County Attorney.

Item 81 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

RE: Award of Construction Contract and Change Order for Construction Insp. Services for Parkview Dr. Bridge – Akron (COMM. 9E-33)

WHEREAS, bids were taken for the Reconstruction of the Federal Aid Project for Parkview Drive Bridge (BR167-1), in the Town of Newstead, on March 30, 2009. The low bidder was Cold Spring Construction Co. of Akron, New York at a low bid amount of \$1,747,440.55; and

WHEREAS, a Contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Clark Patterson Associates of Buffalo, New York on February 24, 2003, at the 4<sup>th</sup> session of the Legislature of Erie County, Communication No. 25E-15, and it has been determined that the Contract must be increased to include construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Erie County Project No. BR-167-1-08, NYS PIN 5758.36 for the Reconstruction of Parkview Drive Bridge (BR 167-1), between the County of Erie and the low bidder, Cold Spring Construction Co. of Akron, New York at a low bid amount of \$1,747,440.55; and be it further

RESOLVED, that an amount of \$1,747,440.55 be allocated from Parkview Bridge Reconstruction (SAP Account B.00195), and an additional amount of \$55,598.45 be allocated for a Department of Public Works, Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed \$55,598.45, also to be allocated from Parkview Bridge Reconstruction (SAP Account B.00195); and be it further

RESOLVED, that an amount of \$95,654.00 be allocated from the Parkview Bridge Reconstruction Account (SAP Account B.00195) for a change order to the Contract for engineering services, Right-of-Way services and services during construction, construction reimbursables, and construction inspection with Clark Patterson Associates of Buffalo, New York; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each

to the Office of the County Executive, the Office of Budget, Management and Finance, and the Office of the Comptroller.

Item 82 – (COMM. 9E-34) Memo Regarding ARRA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 83 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

RE: Acceptance of Funds from the City of Buffalo  
(COMM. 9E-35)

WHEREAS, the Erie County Department of Parks, Recreation and Forestry operates and manages Buffalo City Park/Parcels through an agreement between the County of Erie and the City of Buffalo; and

WHEREAS, acceptance of \$3,542,682 from the City of Buffalo is required to adequately operate and manage Buffalo City Parks; and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry will utilize said funds to better serve the residents of the City of Buffalo and the patrons of Buffalo City Parks; and

WHEREAS, the \$3,542,682 includes the funding for City Park seasonal employees this honorable body has previously approved via communication 8E-12.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature accepts from the City of Buffalo, \$3,542,682 for the use of Erie County Parks, Recreation and Forestry Department City Division; and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management and the office of the Comptroller to make the necessary adjustments to the 2009 budget of the Department of Parks, Recreation and Forestry City Division; and be it further

RESOLVED, that the clerk of the legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Erie County Executive, the Office of the Comptroller, the Division of Budget, Management and Finance and the Erie County Department of Law.

FROM CHAIR MARINELLI

Item 84 – (COMM. 9E-36) Copy of Letter to Commissioner Sinnott Regarding CE Meeting  
- April 30, 2009

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM CHAIR MARINELLI, LEGISLATORS WHYTE, GRANT,  
IANNELLO, MILLER-WILLIAMS, MAZUR & KENNEDY

Item 85 – (COMM. 9E-37) Copy of Letter to County Attorney Regarding 2009 Cultural Funding Contracts

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

FROM THE COUNTY ATTORNEY

Item 86 – (COMM. 9D-1) Receipt of LL INT. 1-1 "The Strategic Development Act"

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMMISSIONER OF PARKS & RECREATION

Item 87 – (COMM. 9D-2) Statement of Cost of Outdoor Pools and Park Seasonals

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ASSISTANT SANITARY ENGINEER -  
DEPT. OF ENVIRONMENT AND PLANNING

Item 88 – (COMM. 9D-3) Vanderbilt Pump Station/Depew Pump Station and ORF Modifications

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET AND MANAGEMENT

Item 89 – (COMM. 9D-4) BMR Report for EC - Period Ending March 31, 2009

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ASSISTANT SANITARY ENGINEER -  
DEPT. OF ENVIRONMENT AND PLANNING

Item 90 – (COMM. 9D-5) Aurora North Pump Station -Elimination Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 91 – (COMM. 9D-6) Notice of Public Hearing: LL INT. 1-1 "The Strategic Development Act"

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC HISTORIAN

Item 92 – (COMM. 9D-7) Progress Report for Projects Completed or In-Progress - April 2009

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 93 – (COMM. 9D-8) RFID Project Update and 2010 Planning

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ECC PRESIDENT

Item 94 – (COMM. 9D-9) 2009-2010 ECC Budget

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE DIRECTOR OF SIX SIGMA

Item 95 – (COMM. 9D-10) Quarterly Status Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 96 – (COMM. 9D-11) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM THE IRISH CLASSICAL THEATER COMPANY

Item 97 – (COMM. 9M-1) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ROYCROFT CAMPUS CORPORATION

Item 98 – (COMM. 9M-2) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO AND ERIE COUNTY HISTORICAL SOCIETY

Item 99 – (COMM. 9M-3) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE MARTIN HOUSE RESTORATION CORPORATION

Item 100 – (COMM. 9M-4) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM BUFFALO COMMON COUNCIL MEMBER LOCURTO

Item 101 – (COMM. 9M-5) Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE LANCASTER OPERA HOUSE

Item 102 – (COMM. 9M-6) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO ZOO

Item 103 – (COMM. 9M-7) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM PENN DIXIE

Item 104 – (COMM. 9M-8) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE SPRINGVILLE CENTER FOR THE ARTS

Item 105 – (COMM. 9M-9) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM EXPLORE & MORE CHILDREN'S MUSEUM

Item 106 – (COMM. 9M-10) Legislature Budget Accountability Act Report  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE GRAYCLIFF CONSERVANCY, INC.

Item 107 – (COMM. 9M-11) Legislature Budget Accountability Act Report  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE AMERICAN LEGION BAND OF THE TONAWANDAS

Item 108 – (COMM. 9M-12) Legislature Budget Accountability Act Report  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM YOUNG AUDIENCES ARTS FOR LEARNING

Item 109 – (COMM. 9M-13) Legislature Budget Accountability Act Report  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMMUNITY MUSIC SCHOOL OF BUFFALO

Item 110 – (COMM. 9M-14) Legislature Budget Accountability Act Report  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 111 – (COMM. 9M-15) Cleanup Plan Finalized for Hanna Furnace Parcel - Available  
for Public Review

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE JUST BUFFALO LITERARY CENTER

Item 112 – (COMM. 9M-16) Legislature Budget Accountability Act Report  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE FOLKLORIC PRODUCTIONS DANCE CO., INC.

Item 113 – (COMM. 9M-17) Legislature Budget Accountability Act Report  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE AFRICAN AMERICAN CULTURAL CENTER

Item 114 – (COMM. 9M-18) Legislature Budget Accountability Act Report  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LOCUST STREET NEIGHBORHOOD ART CLASSES

Item 115 – (COMM. 9M-19) Legislature Budget Accountability Act Report  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM BIG ORBIT GALLERY

Item 116 – (COMM. 9M-20) Legislature Budget Accountability Act Report  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM CEPA GALLERY

Item 117 – (COMM. 9M-21) Legislature Budget Accountability Act Report  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM SENATOR VOLKER

Item 118 – (COMM. 9M-22) Acknowledgment of Receipt of Certified Resolutions  
Received and Filed.

FROM THE BUFFALO SOCIETY OF NATURAL SCIENCES

Item 119 – (COMM. 9M-23) Legislature Budget Accountability Act Report  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM OLMSTED PARKS

Item 120 – (COMM. 9M-24) Legislature Budget Accountability Act Report  
Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BALLET ARTISTS OF WNY, INC.

Item 121 – (COMM. 9M-25) Budget Plan - ECRAB Grant 2009 Ballet Artists of WNY  
(Neglia)  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ECIDA

Item 122 – (COMM. 9M-26) Letter Requesting Confirmation of Attendance for Annual Membership Meeting - May 11, 2009

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ALLEYWAY THEATRE

Item 123 – (COMM. 9M-27) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NAACP

Item 124 – (COMM. 9M-28) Letter Requesting Answers to the Findings of Two Comptroller Audits Regarding EC Correctional Facility and the EC Holding Center

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE ECIDA

Item 125 – (COMM. 9M-29) Copy of 2008 Annual Audited Financial Statements

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE THEODORE ROOSEVELT INAUGURAL SITE

Item 126 – (COMM. 9M-30) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM SHAKESPEARE IN DELAWARE PARK

Item 127 – (COMM. 9M-31) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY NAVAL & MILITARY PARK

Item 128 – (COMM. 9M-32) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BURCHFIELD PENNEY ART CENTER

Item 129 – (COMM. 9M-33) Legislature Budget Accountability Act Report



Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM COLUCCI & GALLAHER, P.C.

Item 130 – (COMM. 9M-34) ECMCC Agenda Items for Board of Directors Meeting Held 4/28/09

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE TOWN OF PEMBROKE

Item 131 – (COMM. 9M-35) Notice of Public Hearing - Town of Pembroke Local Law No. 2

Received and Filed.

FROM THE NFTA

Item 132 – (COMM. 9M-36) NFTA Board Minutes for Meeting Held 3/23/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ASSEMBLYMEMBER CALHOUN

Item 133 – (COMM. 9M-37) EC Legislature Actions Regarding Buffalo Bills

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM FRANCESCA KURNIK

Item 134 – (COMM. 9M-38) Enhanced Private Duty Nurse Rate

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE

FROM THE NYSDEC & NYSDOH

Item 135 – (COMM. 9M-39) Fact Sheet Regarding Environmental Cleanup Underway at Former Our Cleaners Site

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE

**ANNOUNCEMENTS**

Item 136 – CHAIR MARINELLI announced that the schedule of upcoming meetings has been distributed.

**MEMORIAL RESOLUTIONS**

Item 137 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Thomas W. Bender, husband of CSEA Union Leader Joan Bender; Dr. Edward H. Simmons and former Erie County Legislator Raymond K. Dusza. Mr. Kennedy, Mr. Mazur, Ms. Iannello and Mr. Kozub also voiced remembrances of Mr. Dusza.

Item 138 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of former United States Congressman and Republican Vice-Presidential nominee Jack Kemp, who Legislator Rath worked for when Mr. Kemp was a Buffalo area congressman and presidential candidate.

Item 139 – Legislator Grant also requested that when the Legislature adjourns, it do so in memory of former Congressman Jack Kemp.

Item 140 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Thomas F. Lafferty, John Ludovico, Rosalie (Mahiques) Colucci, John F. 'Jack' Maurer, Maureen (Queally) Carney, and John Anthony Shea.

Item 141 – Legislator Walter requested that when the Legislature adjourns, it do so in memory of Roberta “Robin” (Simon) Magavern, wife of Western New York community leader James Lewis Magavern. Legislator Walter further requested that when the Legislature adjourns, it do so in memory of former Congressman Jack Kemp.

Item 142 – Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Daniel R. Dix and Edward J. Herrmann.

Item 143 – Legislator Wroblewski requested that when the Legislature adjourns, it do so in memory of Joseph J. Wroblewski, Kathleen M. (Frankiewicz) Getz, and Jovon R. Jackson.

Item 144 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Joseph M. Serafin.

Item 145 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Peace Officers Memorial Day on May 15, 2009, in honor of federal, state and local officers killed or disabled in the line of duty.

**ADJOURNMENT**

Item 146 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MS. KONST moved that the Legislature adjourn until Thursday, May 28, 2009 at 2:00 P.M. Eastern Standard Time. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, May 28, 2009 at 2:00 P.M. Eastern Standard Time.

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