

ERIE COUNTY LEGISLATURE
MEETING NO. 17
SEPTEMBER 10, 2009

The Legislature was called to order by Chair Marinelli.

All members present, except Legislator Miller-Williams.

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

The Pledge of Allegiance was led by Mr. Kennedy.

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 Numbers 14, 15 and 16 from 2009. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

Item 5 – MS. WHYTE moved to take COMM. 17E-9 out of order. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to Receive, File and Print the item. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

August 4, 2009

Hon. Kathy Hochul
Erie County Clerk
92 Franklin Street, First Floor
Buffalo, New York 14202

Mr. Robert M. Graber
Clerk of the Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

Re: Resignation from the Office of 5th District Erie County Legislator

Dear County Clerk Hochul & Mr. Graber:

In accordance with the New York State Public Officers Law, Article III, Section 31-1f, please accept my resignation from the position of Fifth District Erie County Legislator.

In further accordance with the New York State Public Officers Law, Article III, Section 31-2, my resignation shall take effect on August 17, 2009.

I am resigning this position to accept the position of Erie County Commissioner of Environment & Planning.

Sincerely,

Kathy Konst
Erie County Legislator
District 5

Cc: Hon. Lynn M. Marinelli
Chairperson of the Erie County Legislature

Item 6 – MS. WHYTE moved to take COMM. 17E-27 out of order. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to Receive, File and Print the item. MR. MILLS seconded.

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

AYES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. NOES: None. (AYES: 13; NOES: 0)

CARRIED UNANIMOUSLY.

September 3, 2009

Robert M. Graber, Clerk
Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, N.Y. 14202

RE: Appointment of Diane M. Terranova to fill vacancy in the 5th Legislative District

Dear Mr. Graber:

Pursuant to Section 1904-B of the Erie County Charter, we, the undersigned representing a majority of the members of the Erie County Legislature enrolled as members of the Democratic Party do hereby appoint Diane M. Terranova, of 560 Lake Ave., Lancaster, NY 14086, a duly qualified elector of the fifth legislative district, having the same political affiliation as the person last elected to such office, to fill the vacancy in the office of fifth district County Legislator.

Said appointment shall take effect of September 10, 2009.

Daniel M. Kozub, 1st District

Timothy M. Kennedy, 2nd District

Barbara Miller-Williams, 3rd District

Maria R. Whyte, 6th District

Betty Jean Grant, 7th District

Thomas J. Mazur, 8th District

Timothy M. Wroblewski, 9th District

Michele M. Iannello, 10th District

Lynn M. Marinelli, 11th District

Robert B. Reynolds Jr., 12th District

Thomas A. Loughran, 14th District

MISCELLANEOUS RESOLUTIONS

Item 7 – MR. MAZUR presented a resolution Honoring David "Scrubby" Seweryniak for His 50 Years of Service as an Entertainer and His Dedication to Polish Culture.

Item 8 – CHAIR MARINELLI & MR. KOZUB presented a resolution Honoring the Life and Legacy of Russell Pawlak, Highlighted by His Passion for the Central Terminal.

Item 9 – MR. REYNOLDS & MR. WROBLEWSKI presented a resolution Honoring Capt. Kevin Caffery & Co-Pilot Art Litzinger for Rescuing Campers in Flooded Zoar Valley.

Item 10 – MR. KENNEDY presented a resolution Congratulating the Italian Culture & Heritage of South Park Ave. & South Buffalo.

Item 11 – MS. IANNELLO presented a resolution Congratulating Helen Rydzak on Her 90th Birthday.

Item 12 – MS. IANNELLO presented a resolution Congratulating Honoring Marion and Clarence Schultz on Their 60th Wedding Anniversary.

Item 13 – MS. IANNELLO presented a Memorial Resolution in Honor of Fred Korey, Coach for Hasek's Heroes.

Item 14 – MS. IANNELLO presented a Memorial Resolution for Cindy Giroux.

Item 15 – MR. MILLS presented a resolution Recognizing the Outstanding Dedication of Warren E. Emblidge Jr. and the McCullagh Coffee Co. for Their Commitment and Enthusiasm to Create a "Green" Erie County.

Item 16 – MR. MILLS presented a resolution Recognizing Edward McGrath Sr. for His Outstanding Commitment and Dedication to Little Loop Football in East Aurora.

MR. WHYTE moved for consideration of the above ten items. MS. TERRANOVA seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above ten items by adding one for MR. MAZUR and also by including Et Al Sponsorship. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above eleven items as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 17 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 18 – CHAIR MARINELLI directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 – CHAIR MARINELLI directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR MARINELLI directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 – CHAIR MARINELLI directed that Local Law No. 10 (Print #1) 2009 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 24 – MR. WROBLEWSKI presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 221

September 1, 2009	PUBLIC SAFETY COMMITTEE REPORT NO. 9
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KOZUB

1. RESOLVED, all items are hereby tabled.

**TIMOTHY M. WROBLEWSKI
CHAIR**

LEGISLATOR RESOLUTIONS

Item 25 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 222

RE: Reconfiguration of Cluster Areas
of Senior Services Case
Managers
(INTRO 17-1)

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

WHEREAS, the United Way of Buffalo and Erie County has reported that 16% of Erie County's population is 65 or older and by 2015 that number is expected to rise to 20%; and

WHEREAS, the United Way further reports that nearly half of all senior citizens are living alone and almost 30% of those over 75 have some type of disability that limits their ability to leave their home; and

WHEREAS, since the 1980's, the Erie County Department of Senior Services has recognized that seniors are often only able to travel a short distance from their homes and has provided case managers at satellite locations that are located in neighborhoods throughout the County; and

WHEREAS, the senior citizens of Erie County have come to depend on their case managers for an array of services including assistance with food stamp and HEAP applications for example; and

WHEREAS, it is our duty as a municipality to provide accessible services for those who need them most especially house bound senior citizens; and

WHEREAS, the Department of Senior Services is now attempting to eliminate several neighborhood sites where seniors are provided case management services; and

WHEREAS, throughout the County, senior citizens will no longer have direct access to their case managers as a result of the elimination of neighborhood sites.

NOW, THEREFORE, BE IT

RESOLVED, that the Health and Human Services Committee of the Erie County Legislature invite the Commissioner of Senior Services, the administration of affected building sites, and any seniors who wish to express their concerns into committee to educate this Honorable Body on the important merits of this issue; and be it further

RESOLVED, that this Honorable Body go on record as against this elimination of neighborhood sites, because it prevents our vulnerable seniors from accessing services and unduly disrupts the delivery of neighborhood based services; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Comptroller, and the Senior Services Commissioner.

MS. WHYTE moved to amend the resolution by adding MR. KENNEDY, MS. TERRANOVA, MS. GRANT, MR. MAZUR, MR. WROBLEWSKI, MS. IANNELLO, CHAIR MARINELLI, MR. REYNOLDS and MR. LOUGHRAN as Co-Sponsors. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED. (11-3)

Item 26 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. TERRANOVA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 223

RE: Appointment to Erie County
Audit Committee
(INTRO 17-2)

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

WHEREAS, Section 2617 of the Erie County Charter establishes the Erie County Audit Committee and prescribes the membership, duties and responsibilities of the committee; and

WHEREAS, pursuant to Section 2617 of the Erie County Charter, one member of the Erie County Audit Committee is to be appointed from the majority of the Legislature on an annual basis, by the majority members of the Legislature; and

WHEREAS, the majority appointee to the Erie County Audit Committee for 2009 resigned from the Erie County Legislature effective August 17, 2009, thereby creating a vacancy on the Erie County Audit Committee.

NOW, THEREFORE, BE IT

RESOLVED, that the majority of the Erie County Legislature hereby appoints Legislator Robert B. Reynolds Jr. to serve as a member of the Erie County Audit Committee for the remainder of 2009; and be it further

RESOLVED, that the Clerk of the Erie County Legislature provide copies of this resolution to the County Executive, the County Comptroller, the County Attorney and Mr. Michael R. Szukala, the Secretary of the Erie County Audit Committee.

Item 27 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 224

RE: Showing the EC Legislature's
Support in Keeping the
Lackawanna Post Office Open
(INTRO 17-3)

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

WHEREAS, the United States Postal Service and post offices have earned and firmly held a long revered and well-respected place in our nation since their inception over 200 years ago; and

WHEREAS, over time, the USPS has become an integral part of the American way of life as all citizens rely on the post office and the services it provides; and

WHEREAS, the transition into the Computer Age and the Internet have revolutionized our country and the world over the past twenty years, drastically changing the way people communicate and function; and

WHEREAS, the USPS has witnessed an extremely sharp decline in the pieces of mail sent out in recent years, losing a great deal of revenue as millions have turned to the Internet as a means of sending mail, paying bills, etc.; and

WHEREAS, recently the USPS announced that almost 1,000 post offices across the country will be closing their doors to taxpayers, many of whom have no means of transportation to another post office or Internet access to pay bills and communicate online; and

WHEREAS, the Lackawanna Post Office has been cited as one location that may be closed due to the economic challenges faced by the USPS; and

WHEREAS, it would be an egregious mistake for the USPS to shut down the Lackawanna Post Office as it is located near and frequented by taxpayers in an area where 20% of the residents are elderly and another 20% live below the poverty line; and

WHEREAS, both the elderly and the poor will struggle greatly to mail out letters and packages, along with paying bills, as many either do not have or cannot afford computers or the Internet – an amenity that many of us take for granted in this day and age; and

WHEREAS, numerous citizens who are within a short distance of this location and cannot travel far, particularly the elderly of the community, will have to strain to meet the deadlines on their bills and reply to letters as transportation to and from other branches will pose a challenge; and

WHEREAS, the closing of this branch would not only be a terrible inconvenience to the Lackawanna community, but also a harbinger of a continued economic downturn in Erie County, with more jobs being lost to local workers in an area where one-fifth of the residents are already living below the poverty line; and

WHEREAS, if the Lackawanna Post Office is closed, there will be severe repercussions within the city of Lackawanna due to the area's demographics; and

WHEREAS, it is absolutely imperative that we keep our post offices open for business in Erie County in order to provide jobs for local residents, maintain economic development, and preserve part of our country's culture and heritage.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature demonstrate its support for the USPS to keep the Lackawanna Post Office open so it can provide its steadfast services in a community that so greatly depends on them; and be it further

RESOLVED, that this Honorable Body call upon the Postmaster General and the United States Postal Service to revise the list of branches for closure, specifically reviewing their troubling choice in designating the Lackawanna Branch, and instead ponder the likely negative ramifications of branch closings; and be it further

RESOLVED, that certified copies of this Resolution be sent to Postmaster General John Potter, Congressman Brian Higgins, United States Senators Charles Schumer and Kirsten Gillibrand, Governor David Paterson, and all others deemed necessary and proper.

MS. WHYTE moved to amend the resolution by adding Et Al Sponsorship. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 28 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 225

RE: Supporting the Construction of a
High-Speed Rail Hub at
Buffalo's Central Terminal
(INTRO 17-4)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS KOZUB, MARINELLI, WHYTE, MILLS,
MILLER-WILLIAMS, WALTER, GRANT, MAZUR,
IANNELLO, LOUGHRAN & RATH**

WHEREAS, built in 1929, Buffalo's Central Terminal train station has served as a landmark on the city's East Side for eighty years; and

WHEREAS, in its prime, Central Terminal was a thriving railroad hub that was able to efficiently handle and accommodate up to 200 trains per day and was built with the goal of avoiding congestion within the city of Buffalo; and

WHEREAS, though it has fallen into disrepair, grants and other funds have been pouring into the Central Terminal Restoration Corporation since the late 1990s in order to provide maintenance and restoration for this historic facility; and

WHEREAS, the Central Terminal is poised for a rebirth, as the creation of a high speed rail hub in Buffalo with Federal stimulus funds would revitalize one of the city's most renowned landmarks, along with boosting the region's economy; and

WHEREAS, the Central Terminal is a prime location for a high-speed rail hub due to its immense size, rich architecture and prosperous history as a high-volume train station during the early and mid 20th century; and

WHEREAS, our region is an excellent choice for a hub as it would allow a countless number of travelers to experience the rich history and cultural diversity of Buffalo and Erie County, spanning every ethnic group and walk of life through the various restaurants, music, art, and architecture in the area; and

WHEREAS, located only two and one-half miles from downtown and four miles from the Buffalo Niagara International Airport, using the Central Terminal as the hub for high-speed rail would be an excellent choice for this Federal stimulus investment as a transportation venue alone, yet Erie County has many more amenities to offer that further distinguishes this region; and

WHEREAS, one of the prerequisites for the high-speed rail project is to provide rail service in an uncongested area – an original aim in building the Central Terminal in its East Side location eighty years ago, and a realistic accomplishment today and into the future; and

WHEREAS, once restored, the Central Terminal would be able to readily meet the requirements of a fast, convenient, safe, environmentally friendly, and energy efficient site for a high-speed rail hub as set forth in the guidelines by the Federal government; and

WHEREAS, preservation and reuse of the Central Terminal would serve as an outstanding example of “going green” in a fiscally responsible manner, largely through reducing the much higher comparative costs of designing, planning, and building in larger cities, along with the adaptability of older buildings to newer and cleaner energy such as solar and wind; and

WHEREAS, the Central Terminal Restoration Corporation has set its long term goals to turn the Central Terminal into a multifaceted facility, which would house space for events, offices, condominiums, various retail stores and restaurants, making it a unique and extremely viable location to serve as the hub for high speed rail; and

WHEREAS, the New York State Department of Transportation has recently finished the pre-application process to receive funds from the American Recovery and Reinvestment Act [ARRA] for this immense and important project, but has stiff competition with cities like Chicago, Illinois and other midwestern states that are seeking to build a high speed rail as well; and

WHEREAS, the Buffalo Common Council, Mayor Byron Brown, United States Senator Kirsten Gillibrand and many residents and activists from bordering East Side neighborhoods have expressed their full support for the Central Terminal becoming the hub for high speed rail linking Buffalo, Albany and New York City; and

WHEREAS, making the Central Terminal the hub of this high-speed rail would stimulate and create growth in the region's tattered economy, revitalizing Buffalo and Erie County, making it a superb choice going forward.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature voice its support of using Buffalo's Central Terminal as the hub for high speed rail in New York State, as this magnificent structure has proved throughout its history to be an outstanding, well-suited and historically significant facility for transportation; and be it further

RESOLVED, that this Honorable Body back this endeavor and echo the vision statement of the Central Terminal Restoration Corporation, which aims to preserve and make available the grandeur of the Central Terminal for all generations, present and future, an accomplishment readily achieved through this high speed rail project; and be it further

RESOLVED, that this Honorable Body strongly supports the building of a high speed rail hub in our region in order to promote economic development, the creation of numerous jobs and a healthy boost in tourism to the City of Buffalo and Erie County, goals that are tailor-made for Federal economic stimulus dollars; and be it further

RESOLVED, that certified copies of this resolution be forwarded to U.S. Senators Kirsten Gillibrand and Chuck Schumer, the WNY Congressional Delegation, Buffalo Common Council President David Franczyk, the NYS Department of Transportation, the Central Terminal Preservation Corporation and all others deemed necessary and proper.

MS. WHYTE moved to amend the resolution by including Et Al Sponsorship. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 29 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 226

RE: Calling Upon NYS to More Equitably Allocate NYS Dept. of Transportation and Federal Stimulus Funds for Road & Bridge Repair (INTRO 17-5)

A RESOLUTION TO BE SUBMITTED BY

**LEGISLATORS RATH, KENNEDY, MILLS, WALTER, MARINELLI,
WHYTE, KOZUB, MILLER-WILLIAMS, MAZUR, IANNELLO,
REYNOLDS & LOUGHRAN**

WHEREAS, Erie County, along with Cattaraugus, Chautauqua and Niagara, comprise the New York State Department of Transportation (DOT) Region 5; and

WHEREAS, historically, Region 5 has been allocated over 9% of the total DOT funding for road and bridge projects; and

WHEREAS, this allocation is representative of the number of lane miles in Region 5 as a percentage of the entire state highway system; and

WHEREAS, in the 2008-2009 New York State Budget, this percentage was cut to 4.4%; and

WHEREAS, the 2009-2010 New York State Budget will reflect an allocation of 6.1% of the road repair budget; and

WHEREAS, it does not appear that the overall condition of roads and bridges in Region 5 has vastly improved in comparison to roads and bridges in other transportation regions in New York State, so as to warrant such a significant reduction in funding level; and

WHEREAS, the number of lane numbers does not appear to have changed drastically as compared to other transportation regions in New York State to warrant such a significant reduction in funding level; and

WHEREAS, the cut in funding levels do not reflect the infrastructure realities faced in Region 5; and

WHEREAS, New York State will receive federal stimulus funding specifically earmarked for road and bridge repairs; and

WHEREAS, in addition to roads and bridges owned and controlled by New York State, the federal stimulus money can be used to fund projects on roads and bridges owned and controlled by counties and other municipalities; and

WHEREAS, the road and bridge projects funded by federal stimulus dollars are in part intended to stimulate economic growth for areas hit by the recession; and

WHEREAS, the counties of Region 5 have been hit hard by the recession and are in desperate need of economic growth; and

WHEREAS, of the federal stimulus money, Region 5 has been allocated by New York State to receive 6.7% of the funds for road and bridge construction; and

WHEREAS, this allocation represents about \$30 million less than Region 5 would receive if the allocation formula took into consideration historical funding levels or levels based on lane miles within the region; and

WHEREAS, the allocation of funding to Region 5, both in the New York State budget and in the allocation of federal stimulus funds, does not reflect the need for adequate road and bridge funding or the magnitude of the effects of the recession in Western New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls upon our elected representatives in New York State government to more equitably redistribute road and bridge funding to Western New York according to historic levels; and be it further

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

MS. WHYTE moved to amend the resolution by including Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 30 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17E-55 from CHAIR MARINELLI Re: Revised Committee Assignments

CHAIR MARINELLI directed that the item be Received, Filed and Printed.

2009 Committee Assignments

Updated at Session #17, September 10, 2009

Finance & Management

Chairperson: Robert B. Reynolds Jr.
Vice-Chairperson: Maria R. Whyte

Health and Human Services

Chairperson: Thomas J. Mazur
Vice-Chairperson: Barbara Miller-Williams

Members: Betty Jean Grant
Diane M. Terranova
John J. Mills
Clerk: John Calvin Davis

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: Rosemary Cicero Sullivan

Economic Development

Chairperson: Timothy M. Kennedy
Vice-Chairperson: Maria R. Whyte
Members: Timothy M. Wroblewski
Barbara Miller-Williams
Edward A. Rath, III
Clerk: James C. Gambino

Energy & Environment

Chairperson: Daniel M. Kozub
Vice-Chairperson: Thomas A. Loughran
Members: Diane M. Terranova
Maria R. Whyte
John J. Mills
Michele M. Iannello
Clerk: Andrew A. Kulyk

Public Safety

Chairperson: Timothy M. Wroblewski
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 31 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17E-56 from CHAIR MARINELLI Re: Appointment of Open Meetings Advisor

CHAIR MARINELLI directed that the item be Received, Filed and Printed.

DATE: September 8, 2009
TO: Robert M. Graber
FROM: Lynn M. Marinelli, Chair

RE: Designation of Erie County Legislature
Open Meetings Advisor

Pursuant to the Erie County Charter, Article 2, Section 202.4, I hereby designate Erie County Legislator Betty Jean Grant as Open Meetings Advisor, to advise the legislature on compliance with New York State Open Meetings and Freedom of Information laws.

Should you have any further questions with respect to this application please contact me at 716/858-8868.

Thank you.

Item 32 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17E-57 from MS. TERRANOVA Re: Lease for Legislative Office Space

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

CARRIED. (13-0-1)

RESOLUTON NO. 227

RESOLVED, the Erie County Executive is hereby authorized to sign a Four (4) Month Lease Agreement with the Lancaster Area Chamber of Commerce for Legislative office space for Diane M. Terranova, located at 41 Central Ave., Lancaster, New York for a monthly rate of \$550.

Item 33 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17E-58 from MR. MILLS Re: Letter of Absence from Special Meeting Held 8/25/09

CHAIR MARINELLI directed that the item be Received, Filed and Printed.

September 9, 2009

Hon. Lynn M. Marinelli, Chair
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Chair Marinelli,

I regret that I was unavoidably unable to attend the special session on July 24, 2009. As you know, I was scheduled to be out of town on that date. I had previously notified the Clerk of the Legislature of my unavailability during this time period prior to the scheduling of this session.

Thank you.

Yours Truly,

John J. Mills
Erie County Legislator – 13th District

cc: Robert M. Graber, Clerk
Erie County Legislature

Item 34 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 17E-59 from MS. MILLER-WILLIAMS Re: Letter of Absence from Session Held 9/10/09

CHAIR MARINELLI directed that the item be Received, Filed and Printed.

September 10, 2009

Hon. Lynn M. Marinelli, Chair
Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, NY 14202

Dear Chair Marinelli,

Please be advised that I will be unable to attend today's session of the Erie County Legislature due to military service. This scheduling conflict was unavoidable.

I will be available via cell phone at (716) 510-7726. Thank you.

Sincerely,

Barbara Miller-Williams
Erie County Legislator
3rd District

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR WHYTE

Item 35 – (COMM. 17E-1) Copy of Article Entitled, "Our Real Prison Problem"

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR KOZUB

Item 36 – (COMM. 17E-2) Copy of Letter to County Executive Concerning Capital Borrowing Projects & Funding - Utilization of Local Design Professionals

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 37 – (COMM. 17E-3) Erie County 2008 Comprehensive Annual Financial Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 38 – (COMM. 17E-4) Additional Intergovernmental Transfer/Disproportionate Share Payment to NYS

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 39 – (COMM. 17E-5) Pennsylvania Electric Motor Service

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 40 – (COMM. 17E-6) Salary Increase for Deputy County Executive

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 41 – MS. WHYTE presented the following item and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 228

RE: Veto Message, LL Intro. No. 3-
2009
(COMM. 17E-7)

MS. WHYTE moved to override the County Executive's veto of Local Law Intro #3 - 2009, A Local Law in relation to reducing the size of the Erie County Legislature and changing the term of office for members of the Erie County Legislature. MR. WROBLEWSKI seconded.

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

AYES: MS. GRANT, MS. IANNELLO, MR. KENNEDY, MR. KOZUB, CHAIR MARINELLI, MR. REYNOLDS, MS. TERRANOVA, MS. WHYTE and MR. WROBLEWSKI. NOES: MR. MILLS, MR. RATH, MR. WALTER, MR. LOUGHRAN and MR. MAZUR. (AYES: 9; NOES: 5)

FAILED.

FROM THE COMPTROLLER

Item 42 – (COMM. 17E-8) EC Financial Report for Period Ending 6/30/09

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR MARINELLI

Item 43 – (COMM. 17E-10) Appointment of Finance & Management Committee Chair

Received, Filed and Printed

TO: Robert M. Graber, Clerk
FROM: Lynn M. Marinelli, Chair
RE: Appointment of Finance & Management Committee Chair
DATE: August 5, 2009

Pursuant to the Rules of the Erie County Legislature, effective immediately, I hereby appoint 12th District Legislator Robert B. Reynolds Jr. as Chair of the Legislature's Finance & Management Committee.

In as much as Legislator Reynolds has served as chair of the Finance & Management Committee and also served as the committee's vice-chair, it is appropriate for Legislator Reynolds to take over the leadership of this important committee without delay in order to continue to monitor the 2009 budget, as well as begin addressing 2010 budget deliberations.

Please apprise the Legislature membership of this appointment.

Thank you for your attention to this matter.

FROM LEGISLATOR KONST

Item 44 – (COMM. 17E-11) Letter to Legislator Kozub Concerning Energy & Environment Committee Informational Meeting

Received and Filed.

FROM THE COMPTROLLER

Item 45 – (COMM. 17E-12) Letter Concerning June 2009 Sales Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 17E-13) Approval Notification for LL Intro. No. 8-2009

Received and Filed.

Item 47 – (COMM. 17E-14) Appointments to the EC Youth Services Board

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CHAIR MARINELLI

Item 48 – (COMM. 17E-15) Appointment to the Niagara Erie Regional Coalition Board

Received, Filed and Printed

August 25, 2009

Mr. Tod A. Kniazuk, Executive Director
Niagara Erie Regional Coalition
275 Oak St., Suite #150
Buffalo, N.Y. 14203

Dear Mr. Kniazuk:

With the appointment by Erie County Executive Chris Collins of Kathy Konst to the position of Commissioner of the Department of Environment and Planning, two vacancies will be created in the Erie County Legislature's representation on the Niagara Erie Regional Coalition, one being the Legislature's designee as NERC Co-Chair, as well as Ms. Konst's seat on the NERC Board.

Accordingly, as Chair of the Legislature, I write to submit the appointment of 10th District Erie County Legislator Michele M. Iannello, who currently is a member of the NERC Board, to the position of Co-Chair. I further wish to fill Ms. Konst's NERC Board seat with the appointment of 6th District Erie County Legislator Maria R. Whyte, who also serves as Majority Leader of the Legislature.

Please do not hesitate to contact me at my district office at the telephone number listed above if you need any additional information concerning the matter.

Thank you so very much.

Sincerely,

Lynn M. Marinelli
Chair, Erie County Legislature

FROM THE COMPTROLLER

Item 49 – (COMM. 17E-16) Copy of the External Auditor's (Deloitte & Touche LLP) Management Letter for EC, Year Ended 12/31/08

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR WROBLEWSKI

Item 50 – (COMM. 17E-17) Copy of Letter to County Executive Concerning City of Buffalo Cellblock Agreement

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR IANNELLO

Item 51 – (COMM. 17E-18) Copy of Letter to Congresswoman Slaughter Regarding the Closing of Village of Kenmore Post Office Branch

Item 52 – (COMM. 17E-19) Copy of Letter to Senator Schumer Regarding the Closing of Village of Kenmore Post Office Branch

Item 53 – (COMM. 17E-20) Copy of Letter to Senator Gillibrand Regarding the Closing of Village of Kenmore Post Office Branch

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

FROM THE COUNTY EXECUTIVE

Item 54 – (COMM. 17E-21) Appointment of Emergency Services Deputy Commissioner

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR KOZUB

Item 55 – (COMM. 17E-22) Letter to Chair Marinelli - Absence from Special Session Held 8/25/09

Received, Filed and Printed

August 24, 2009

Hon. Lynn M. Marinelli, Chair
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, N.Y. 14202

Dear Chair Marinelli,

I write to you today to inform you that I am unable to attend the Special Meeting of the Erie County Legislature that you have called for August 25, 2009.

Unfortunately, my absence is unavoidable in that a scheduling conflict will prevent me from attending this Special Meeting.

Thank you.

Sincerely,

Daniel M. Kozub
Erie County Legislator - 1st District

cc: Robert M. Graber, Clerk
Erie County Legislature

FROM LEGISLATOR REYNOLDS

Item 56 – (COMM. 17E-23) Finance & Management Committee - Summary Report of the 2009 Mid-Year Budget Hearings

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 57 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 229

RE: District Attorney's Office - 2009
Recovery Act Justice Assistant Grant
(COMM. 17E-24)

WHEREAS, funding for two specialized prosecutors was eliminated or drastically reduced as of August 31, 2009; and

WHEREAS, funds have been made available to the District Attorney's Office from the Buffalo Police Department's 2009 Recovery Act Justice Assistance Grant (JAG), awarded by the US Department of Justice in the amount of \$193,286; and

WHEREAS, these funds will be used by District Attorney's Office to retain the Community Prosecutor and the Juvenile Justice Prosecutor.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the Buffalo Police Department and US Department of Justice to accept 2009 Recovery Act Justice Assistance Grant funding, which will allow for the retention of two Assistant District Attorneys; and be it further

RESOLVED, that effective September 1, 2009 (the grant start date), that authorization is hereby provided to transfer position #51004880 Assistant District Attorney IV, Job Grade 15, out of 114COMMUNITY0809 and into grant 114BPDRECOVERY0910 (B-100 #5030); and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to establish the District Attorney's BPD Recovery JAG Grant as follows:

BPD Recovery JAG Program
September 1, 2009 to December 31, 2010
Fund: 281, Cost Center: 1140050, Grant: 114BPDRECOVERY0910

Revenues	
410520 Revenue – City of Buffalo	\$ 193,286
Total Revenues	\$ 193,286
Appropriations	
500000 Salaries	\$ 87,636
502000 Fringe Benefits	27,194
911400 ID District Attorney Services	78,456
Total Appropriations	\$193,286

and be it further

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

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

Item 58 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. TERRANOVA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 230

RE: District Attorney's Office - Operation

IMPACT VI Grant
(COMM. 17E-25)

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

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

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

NOW, THEREFORE, BE IT

RESOLVED, that effective July 1, 2009, authorization is hereby provided to create one position of Legal Data Systems Coordinator, Job Group 7, in the District Attorney's Operation IMPACT Grant (B-100 #4982); and be it further

RESOLVED, that authorization is hereby provided to delete position #51002165, Paralegal (B-100 #4982) from the Operation IMPACT grant of the District Attorney's Office; and be it further

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

OPERATION IMPACT GRANT 114IMPACT0910 July 1, 2009 – June 30, 2010			
	ORIGINAL	CHANGE	FINAL
Revenue			
409000 State Revenue	\$ 534,006	\$ 12,350	\$ 546,356
479000 County Share Contribution	86,941	- 0 -	86,941
Total Revenue	\$ 620,947	\$ 12,350	\$ 633,297
	ORIGINAL	CHANGE	FINAL
Appropriation			
500000 Full Time Salaries	\$ 416,209	\$ 10,500	\$ 426,709
502000 Fringe Benefits	200,238	(14,150)	186,088
510100 Out of Area Travel	4,500	(2,000)	2,500
911400 ID DA Services	- 0 -	18,000	18,000
Total Appropriations	\$ 620,947	\$ 12,350	\$ 633,297

and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate the following appropriations to the 2009 Adopted Budget:

District Attorney (114)
2009
Fund 110, Fund Center 11400

501000 Overtime	\$ 5,760
911400 ID District Attorney Services	(5,760)

and be it further

RESOLVED, that the 2010 Budget for the District Attorney's Office include the following appropriation:

District Attorney (114)
2010
Fund 110, Fund Center 11400

501000 Overtime	\$ 12,240
911400 ID District Attorney Services	(12,240)

and be it further

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

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

Item 59 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 231

RE: District Attorney's Office - Victim
Witness Assistance Grant
(COMM. 17E-26)

WHEREAS, the District Attorney through the Victim Witness Assistance Program Grant provides needed services to the residents of Erie County; and

WHEREAS, the Erie County Legislature has already approved the District Attorney's Victim Witness Grant Budgets in Book B for 2009; and

WHEREAS, the executed contract received from the NYS Crime Victims Board authorizes funding levels different from the adopted budget; and

WHEREAS, Erie County STOP DWI provides funding to the District Attorney's Office to focus on DWI/DUI victims and their specialized needs, and for the administration of the DWI Victim Impact Panel; and

WHEREAS, the funds appropriated from STOP DWI amount to \$17,500 for calendar 2009 and \$40,000 for calendar 2010.

NOW, THEREFORE, BE IT

RESOLVED, that effective October 1, 2009, position #506 of Assistant Project Coordinator, JG 9, be deleted, and the position of Homicide/Witness Protection Case Manager, JG 11, be created in the District Attorney's Victim Witness grant budget (B100 # 4919); and be further

RESOLVED, that effective October 1, 2009, position #51000342 and #51000343 of Sr. Victim/Witness Case Aide be upgraded from a job group 6 to a job group 7 (B100 # 4931); and be it further

RESOLVED, that effective January 1, 2010, position #7590 of Project Coordinator be upgraded from a job group 10 to a job group 12 (B100 #4972); and be it further

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Victim/Witness Grant to match final state authorized funding levels, to be adjusted as follows:

VICTIM/WITNESS ASSISTANCE GRANT (114VICTIMWTNSS0910)
October 1, 2009 to September 30, 2010

Revenue	ORIGINAL	CHANGE	FINAL
409000 State Revenue	\$ 300,000	\$ 24,329	\$ 324,329
479000 County Share Contribution	101,167	(7,741)	93,426
Total Revenue	\$ 401,167	\$ 16,588	\$ 417,755

Appropriation	ORIGINAL	CHANGE	FINAL
500000 Personal Services	\$ 275,705	\$ 17,651	\$ 293,356
500350 Other Employee Payments	1,820	1,820	3,640
501000 Overtime	2,000	4,000	6,000
502000 Fringe Benefits	132,642	8,492	141,134
510000 Local Mileage Reimbursement	2,000	1,000	3,000
516020 Professional Fees	2,500	2,500	5,000
911490 ID DA Grant Services	(15,500)	(18,875)	(34,375)
Total Appropriations	\$ 401,167	\$ 16,588	\$ 417,755

and be it further

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

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

FROM LEGISLATOR REYNOLDS

Item 60 – (COMM. 17E-28) Copy of Letter to Assoc. of EC Governments Concerning Drainage in the 12th Legislative District

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 61 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

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

AYES: MR. MILLS, MR. RATH, MR. WALTER, MS. IANNELLO, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MR. REYNOLDS, MS. TERRANOVA, MS. WHYTE and MR. WROBLEWSKI. NOES: MS. GRANT. (AYES: 13; NOES: 1)

CARRIED.

RESOLUTION NO. 232

RE: Extension & Imposition of Additional
.75% Sales and Compensating Use Tax
(COMM. 17E-29)

RESOLUTION

of the

Legislature of Erie County increasing taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on amusement charges pursuant to Article 29 of the Tax Law of the State of New York.

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

Section 1. The Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended by amending section 4-A thereof to read as follows:

Section 4-A. Imposition of additional rate of sales and compensating use taxes.

In addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional three quarters of one percent rate of such sales and compensating use taxes, for the period beginning ~~January 15, 2006~~ December 1, 2009 and ending November 30, ~~2007~~ 2011. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section; provided that net collections from such additional rate shall be set aside for county purposes as provided in subdivision (f) of section 14 of this resolution.

Section 2. Subdivision (E) of clause (1) of section 11 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby amended to read as follows:

(E) With respect to the additional taxes imposed at the rate of three-quarters of one percent by section 4-A of this resolution, for the period beginning ~~January 15, 2006~~ December 1, 2009 and ending November 30, ~~2007~~ 2011, in respect to the use of property used by the purchaser in this county prior to January 15, 2006.

Section 3. Subdivision (f) of section 14 of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting

Number 31, held July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby amended to read as follows:

Net collections from the additional three-quarters of one percent rate of taxes imposed during the period commencing ~~January 15, 2006~~ December 1, 2009 and ending November 30, ~~2007-2011~~ by section 4-A of this resolution shall be paid to the county and shall be used by the county solely for county purposes and shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law. Nor shall any part of such net collections, or other County revenues, be subject to the revenue sharing formula set forth in a resolution adopted by the Erie County Legislature on December 7, 2004, relative to twelve million five hundred thousand dollars.

Section 4. This enactment shall take effect immediately.

Item 62 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 233

RE: Property Transfer to Williamsville
Central Schools
(COMM. 17E-30)

WHEREAS, Erie County is in possession of 6 card catalog cabinets; and

WHEREAS, The Williamsville Central School District approached the County looking to acquire them to save them the cost of having to purchase them; and

WHEREAS, Erie County has no use for the furniture, and agreed to conduct the transfer.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Purchasing Director is hereby authorized to transfer ownership of 6 Card Catalog Filing Cabinets from Erie County to the Williamsville Central School District; and be it further

RESOLVED, that certified copies of this resolution be delivered to: Bryan Fiume, Erie County Director of Intergovernmental Affairs, Bridget Corcoran, Erie County Director of Purchasing, Williamsville Central School District, Attn: Chris McGinley, 105 Casey Road, PO Box 5000, East Amherst, NY 14051.

Item 63 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 234

RE: 929 South Park Ave. - NYS DMNA
Depot
(COMM. 17E-31)

WHEREAS, on May 28, 2004 an Intermunicipal Exchange Agreement was entered into, by and among the State of New York, the State University of New York, the Frank Lloyd Wright Rowing Boathouse Corporation and the County of Erie to facilitate construction of a new rowing boathouse in the City of Buffalo on the Niagara River in the immediate vicinity of the West Side Rowing Club; and

WHEREAS, pursuant to the Intermunicipal Exchange Agreement the County of Erie is to provide the NYS – Division of Military and Naval Affairs with a replacement parcel of land and construct a motor vehicle storage facility; and

WHEREAS, the County received bids for the construction of a motor vehicle storage facility on November 7, 2007; and

WHEREAS, the Department of Public Works, Division of Real Estate & Asset Management is recommending award of contracts to the following lowest responsible bidders as follows:

SITE WORK

Trason Development	Base Bid	\$125,000.00
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GENERAL CONSTRUCTION WORK

Trason Development	Base Bid	\$480,000.00
	Add Alternate for 4/12 roof pitch	<u>\$ 7,000.00</u>

TOTAL GENERAL CONSTRUCTION CONTRACT	\$487,000.00
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ELECTRICAL CONSTRUCTION CONTRACT

O’Connell Electric	Base Bid	\$ 29,700.00
	Add Alternate for 4/12 roof pitch	<u>\$ 200.00</u>

TOTAL ELECTRICAL CONSTRUCTION CONTRACT	\$ 29,900.00
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TOTAL AWARD OF ALL CONTRACTS	\$641,900.00
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NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts for the 929 South Park Avenue – NYS DMNA Depot project with the lowest responsible bidders as follows:

SITE WORK

Trason Development	Base Bid	\$125,000.00
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GENERAL CONSTRUCTION WORK

Trason Development	Base Bid	\$480,000.00
	Add Alternate for 4/12 roof pitch	<u>\$ 7,000.00</u>

TOTAL GENERAL CONSTRUCTION CONTRACT	\$487,000.00
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ELECTRICAL CONSTRUCTION CONTRACT

O’Connell Electric	Base Bid	\$ 29,700.00
	Add Alternate for 4/12 roof pitch	<u>\$ 200.00</u>

TOTAL ELECTRICAL CONSTRUCTION CONTRACT	\$ 29,900.00
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TOTAL AWARD OF ALL CONTRACTS NOT TO EXCEED	\$641,900.00
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and be it further

RESOLVED, that the sum of \$100,000.00 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 Comptroller’s Office be authorized to make payment for all the above from SAP Project A.20912 – 2009 – Frank Lloyd Wright Boathouse for an amount not to exceed \$741,900.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, 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 64 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 235

RE: Award of Construction Contract &
Change Order for Construction

Inspection Services - 2009 Capital
Overlay Contract
(COMM. 17E-32)

WHEREAS, bids were taken for the 2009 Capital Overlay Contract C, in the Towns of Amherst, Cheektowaga, Clarence and Tonawanda, New York on August 20, 2009. The low bidder was Milherst Construction, Inc., of Getzville, New York at low bid amount of \$1,486,018.25; and

WHEREAS, a Contract was previously awarded for construction inspection services for the 2009 Overlay A and B to the engineering firm of DiDonato Associates, P.E., P.C., of Buffalo, New York on July 9, 2009 in the 14th Session of the Legislature of Erie County, Communication No. 12E-13, and it has been determined that the Contract must be increased to include additional construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for the Erie County Project Number CAP-107.1129.208.245.276.301-09-C for the 2009 Capital Overlay Contract C, between the County of Erie and the low bidder, Milherst Construction, Inc., of Getzville, New York at low bid amount of \$1,486,018.25; and be it further

RESOLVED, that an amount of \$35,000.00 be allocated from the 2009 Capital Overlay Program (B.20901) for a change order to the Contract for construction inspection services with DiDonato Associates, P.E., P.C., of Buffalo, New York; and be it further

RESOLVED, that amount of \$1,486,018.25 be allocated from the 2009 Capital Overlay Program (B.20901), and an additional amount of \$148,600.00 be allocated for a Department of Public Works – Division of Highways construction contingency fund with authorization of the County Executive to approve change orders in an amount not to exceed \$35,000.00, also to be allocated from the 2009 Capital Overlay Program (B.20901); 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 and Management, and the Office of the Comptroller.

Item 65 – (COMM. 17E-33) Transfer of Funds for Furthering Swipe Card System200

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 66 – (COMM. 17E-34) ECSD #2 - Engineer Term Agreement - Wendel - Duchscherer - Work Order

Item 67 – (COMM. 17E-35) ECSD #3 & #6 - Engineer Term Agreement - Liro Engineers, Inc. - Work Order

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

Item 68 – (COMM. 17E-36) Back to School Payment to Temporary Assistance Cases

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 69 – (COMM. 17E-37) ECC Request to Utilize the Capital Chargeback Acct. for City Campus Academic Lab & Library Improvements

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 70 – (COMM. 17E-38) ECSD #3-#6 & #8 - Section 270/271 Resolutions

Item 71 – (COMM. 17E-39) Semi-Annual Attendance Records - Board of Managers - ECSDs'

Item 72 – (COMM. 17E-40) Chestnut Ridge Park - 2009 - Casino Building Roof Replacement & Exterior Façade Work

Item 73 – (COMM. 17E-41) Notice of Public Hearing - ECSDs' 2010 Assessment Rolls

Item 74 – (COMM. 17E-42) Notice of Adoption - ECSDs' 2010 Assessment Rolls

Item 75 – (COMM. 17E-43) ECSD #4 - Contract No. 39 - Contract Close Out

Item 76 – (COMM. 17E-44) ECSD #3 & #6 - Amended License Agreements Between Buffalo & Pittsburgh, Inc. and EC

Item 77 – (COMM. 17E-45) EC Division of Sewer Management - ECSD #2 - Engineering Agreement - Stearns & Wheler, LLC - Change Order #1

Item 78 – (COMM. 17E-46) ECSD # 3,#4 & #5 - Engineer Term Agreement - Greenman-Peterson, Inc. - Work Order GPI-2

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

Item 79 – (COMM. 17E-47) Dept. of Social Services - Medicaid Staff Additions

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 80 – (COMM. 17E-48) Employee Subsidized Wage Stimulus Grants

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 81 – (COMM. 17E-49) EC Court Building - 2009 - Roof Replacement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 82 – (COMM. 17E-50) Juvenile Accountability Block Award (JABG) - From NYS Dept. of Criminal Justice Services - Amendment to COMM. 14E-15 (2008)

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 83 – (COMM. 17E-51) Dept. of Social Services - International Institute Interpreter Services Contract

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 84 – (COMM. 17E-52) Rental Car Charges to Out of Area Travel Account

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 85 – (COMM. 17E-53) Sewerage Management - Local Gov. Efficiency Grant Application (2009)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 86 – (COMM. 17E-54) Letter to Chair Marinelli - Absence from Public Safety Committee Meeting Held 9/1/09

Received and Filed.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 87 – (COMM. 17D-1) Notice of Public Hearing Held 7/22/09 - LL Intro. No. 3-2009

Received and Filed.

Item 88 – (COMM. 17D-2) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ENVIRONMENT & PLANNING COMMISSIONER

Item 89 – (COMM. 17D-3) Project Description - Negative Declaration of Elimination Project of Aurora Pump Station - Lancaster & Cheektowaga

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 90 – (COMM. 17D-4) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE MEDICAL DIRECTOR

Item 91 – (COMM. 17D-5) Board of Health Agenda Items for Meeting Held 8/13/09, and Minutes for Meeting Held 5/7/09

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 92 – (COMM. 17D-6) Copy of Review of Time and Attendance Data for Employees Within the EC Dept. of Personnel for 1/1/07 - 12/31/08

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 93 – (COMM. 17D-7) Pennsylvania Electric Motor Service

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 94 – (COMM. 17D-8) Notice of Public Hearing Held 7/23/09 - LL Intro. No. 8-2009

Received and Filed.

FROM THE MAJORITY COUNSEL

Item 95 – (COMM. 17D-9) Copy of Letter to County Attorney Concerning FOIL Requests

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMMISSIONER OF SOCIAL SERVICES

Item 96 – (COMM. 17D-10) Response Letter to Legislator Konst Concerning Financial Reports

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE MAJORITY COUNSEL

Item 97 – (COMM. 17D-11) FOIL Request - Notice of Appeal

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE EC COMPTROLLER'S OFFICE

Item 98 – (COMM. 17D-12) EC Dept. of Mental Health Audit of Payroll Transactions for 1/1/07 - 12/31/08

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE ENVIRONMENT & PLANNING COMMISSIONER

Item 99 – (COMM. 17D-13) Project Description - Negative Declaration of EC Highways Cistern Installation Project - Ellicott Rd., West Falls

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 100 – (COMM. 17D-14) Project Description - Negative Declaration of Botanical Gardens Cistern Installation Project - South Park Ave., Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 101 – (COMM. 17D-15) Quarterly Chairs' & Liaisons' Meeting Agenda & Reports

Received and Filed.

FROM THE COMMISSIONER OF PERSONNEL

Item 102 – (COMM. 17D-16) Salary Increment for Deputy County Executive

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 103 – (COMM. 17D-17) BMR Report - Period Ending 6/30/09

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 104 – (COMM. 17D-18) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 105 – (COMM. 17D-19) Freedom of Information Law Request

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 106 – (COMM. 17D-20) Transmittal of New Claim Against Erie County

Item 107 – (COMM. 17D-21) Transmittal of New Claim Against Erie County

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

Item 108 – (COMM. 17D-22) Letter to Legislator Wroblewski Concerning Inability to Attend Public Safety Informational Meeting Held 8/19/09

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE HEALTH COMMISSIONER

Item 109 – (COMM. 17D-23) Dept. of Health Special Needs Division - Petty Cash Fund

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DIRECTOR OF REAL ESTATE

Item 110 – (COMM. 17D-24) Real Estate/Space Utilization - Efficiency Grant - Quarterly Update

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER OF PERSONNEL

Item 111 – (COMM. 17D-25) Response to Copy of Review of Time and Attendance Data for Employees within the EC Dept. of Personnel for 1/1/07 - 12/31/08

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 112 – (COMM. 17D-26) Notice of EC Legislature Public Safety Committee Meeting Held 9/1/09

Received and Filed.

FROM THE EC HISTORIAN

Item 113 – (COMM. 17D-27) Progress Report for Projects Completed or In-Progress - 8/15/09

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ENVIRONMENT & PLANNING COMMISSIONER

Item 114 – (COMM. 17D-28) Project Description - Negative Declaration of South Main St. Waterline Improvements - Village of Angola

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 115 – (COMM. 17D-29) Project Description - Negative Declaration of WTP/WWTP Remediation & Asbestos Abatement - Niagara Shore Dr. & Niagara St. - Tonawanda

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 116 – (COMM. 17D-30) Letter to Legislator Wroblewski Concerning Inability to Attend Public Safety Informational Meeting Held 9/1/09

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DEPUTY COMPTROLLER

Item 117 – (COMM. 17D-31) Letter to Chair Marinelli Concerning Appointment to the Audit Committee

Received and Filed.

FROM THE COUNTY ATTORNEY

Item 118 – (COMM. 17D-32) Letter to Legislator Grant Concerning US DOJ v. EC and EC Sheriff

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 119 – (COMM. 17D-33) Transmittal of New Claims Against Erie County

Item 120 – (COMM. 17D-34) Transmittal of New Claims Against Erie County

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

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYSDEC

Item 121 – (COMM. 17M-1) Region 9 Fish & Wildlife Highlights - 1/15/09 - 3/15/09

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 122 – (COMM. 17M-2) Agenda Items for Meeting Held 7/16/09

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE FULTON COUNTY BOARD OF SUPERVISORS

Item 123 – (COMM. 17M-3) Copy of Resolution Opposing Various Proposed Anti-Gun Legislation in NYS - Passed 7/13/09

Item 124 – (COMM. 17M-4) Copy of Resolution Opposing NYS Assembly Bill A-1747 & NYS Senate Bill S-3344 - Local Correctional Facilities With-in the Definition of Hospital Under Jurisdiction of the NYSDOH - Passed 7/13/09

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

FROM THE AFSCME - LOCAL 1095

Item 125 – (COMM. 17M-5) Copy of Letter to Chair Marinelli Concerning Intro. 15-6 (2008)

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NAACP

Item 126 – (COMM. 17M-6) 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 SENIORS AT NORTHWEST BUFFALO COMMUNITY CENTER

Item 127 – (COMM. 17M-7) Copy of Petition Protesting Action of EC Senior Services Relocating Two Caseworkers to the North Buffalo Community Center

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM SENATOR THOMPSON

Item 128 – (COMM. 17M-8) Copy of Letter to Governor Paterson Re: Proposed Sale of Southtowns Connector by NFTA

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ECFSA

Item 129 – (COMM. 17M-9) Copy of Letter to Chair Marinelli Concerning Status Change from Control to Advisory Status

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SCHOHARIE CO. BOARD OF SUPERVISORS

Item 130 – (COMM. 17M-10) Resolution Passed by Schoharie County Board of Supervisors
- Requesting NYS to Take Back Local Share of Medicaid

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE U.S. DEPT. OF JUSTICE - ASSIST. ATTORNEY GENERAL

Item 131 – (COMM. 17M-11) Copy of Letter to County Executive - CRIPA Investigation of
the EC Holding Center & EC Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NYSDEC

Item 132 – (COMM. 17M-12) Region 9 Fish & Wildlife Highlights - 5/16/09 - 6/15/09

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC BAR ASSOCIATION AID
TO INDIGENT PRISONERS - ASSIGNED COUNSEL PROGRAM

Item 133 – (COMM. 17M-13) Report for Second Quarter of 2009

Item 134 – (COMM. 17M-14) Financial Report for 1/1/09 - 6/30/09 & Copy of Minutes of
Each Meeting of Board of Directors

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

FROM THE NEWSTEAD TOWN BOARD

Item 135 – (COMM. 17M-15) Copy of Resolution Adopted on 7/27/09 - Process of
Updating the EC Tax Act from 1997

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM COLUCCI & GALLAHER, P.C.

Item 136 – (COMM. 17M-16) ECMCC Agenda Items for Board of Directors' Meeting Held
7/29/09

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NFTA

Item 137 – (COMM. 17M-17) Agenda Items & Minutes from NFTA Board Meeting Held 6/22/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM SENATOR VOLKER

Item 138 – (COMM. 17M-18) Letter Acknowledging Receipt of Certified Resolutions

Received and Filed.

FROM LAUX SPORTING GOODS

Item 139 – (COMM. 17M-19) Letter Concerning Opposition To America's Affordable Health Choices Act

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE LANCASTER TOWN BOARD

Item 140 – (COMM. 17M-20) Copy of Resolution Adopted 8/3/09 Concerning EC Tax Act

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYSDOT

Item 141 – (COMM. 17M-21) Copy of Resolution Regarding the Abandonment of West River Service Rd. - Grand Island

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS BOARD OF REAL PROPERTY SERVICES

Item 142 – (COMM. 17M-22) Certification of County Equalization Rates for 2009 Assessment Rolls for Municipalities in EC

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM GOVERNOR PATERSON

Item 143 – (COMM. 17M-23) Appointment of Thomas Malecki to Position of ECMCC Director - Term Expiring 3/30/12

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NY POWER AUTHORITY

Item 144 – (COMM. 17M-24) SEQR Notice of Determination - Niagara Ice Boom Storage - City of Buffalo

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM DAVID A. CARR, P.E.

Item 145 – (COMM. 17M-25) Letter Supporting Kathy Konst as Commissioner of Environment & Planning

Received and Filed.

FROM SENATOR VOLKER

Item 146 – (COMM. 17M-26) Letter Acknowledging Receipt of Certified Resolutions

Received and Filed.

FROM THE NYSDEC

Item 147 – (COMM. 17M-27) Public Notice - Inactive Hazardous Waste Disposal Site Classification - 1079 Clinton St., Buffalo

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE CONCORD TOWN BOARD

Item 148 – (COMM. 17M-28) Copy of Resolution Adopted on 8/13/09 - Process of Updating the EC Tax Act from 1997

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ALDEN HIGHWAY SUPERINTENDENT

Item 149 – (COMM. 17M-29) Letter Concerning the Price of Salt

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYSDEC

Item 150 – (COMM. 17M-30) Region 9 Fish & Wildlife Highlights - 6/16/09 -7/15/09

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE SCHOHARIE CO. BOARD OF SUPERVISORS

Item 151 – (COMM. 17M-31) Resolution Encouraging Immediate Relief for Dairy Farmers

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM SENATOR VOLKER

Item 152 – (COMM. 17M-32) Letter Acknowledging Receipt of Certified Resolutions

Received and Filed.

FROM THE ECIDA

Item 153 – (COMM. 17M-33) Letter Requesting Confirmation of Attendance at Meeting to be Held 9/14/2009

Received and Filed.

FROM COLUCCI & GALLAHER, P.C.

Item 154 – (COMM. 17M-34) ECMCC Agenda Items for Board of Directors Meeting Held 8/26/09

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE BUFFALO DEPT. OF ASSESSMENT & TAXATION

Item 155 – (COMM. 17M-35) 2010 Transit Mall Service Charge Roll

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CAYUGA COUNTY LEGISLATURE CLERK

Item 156 – (COMM. 17M-36) Copy of Resolution Urging Senators Schumer & Gillibrand and Congressman Arcuri to Oppose Any "Carcieri Fix"

Received and Filed.

FROM THE EC DEMOCRATIC COMMITTEE

Item 157 – (COMM. 17M-37) Letter to Chair Marinelli Concerning 5th District Committeemen Endorsement of Diane M. Terranova

Received, Filed and Printed.

September 2, 2009

Chair Lynn Marinelli
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Dear Chair Marinelli:

Please be advised that pursuant to the rules of the Erie County Democratic Committee, Article 1, Section 8, a meeting of the ECDC members of the 5th Legislative District was held at 7:30 pm on Tuesday, September 1, 2009 at the Lancaster Democratic Headquarters, 5150 Broadway, Depew, NY, for the purpose of endorsing a candidate to fill the vacancy in the 5th Erie County Legislative District.

At the meeting, the 5th District Committeemen endorsed Diane M. Terranova to fill the vacancy left in the 5th Erie County Legislative District.

Sincerely,

Jeremy Zellner
Executive Director

FROM THE NFTA

Item 158 – (COMM. 17M-38) Agenda Items & Minutes from NFTA Board Meeting Held 7/27/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

ANNOUNCEMENTS

Item 159 – CHAIR MARINELLI announced that the Legislature committee schedule has been distributed. She also announced that she will be joined by Legislators Iannello and Rath for the Fall Conference of the New York State Association of Counties, scheduled to begin on Wednesday, September 16, 2009.

MEMORIAL RESOLUTIONS

Item 160 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of John B. Fisher, who was deeply involved in the Western New York community, and who also was the husband of former Erie County Legislator Judy Fisher.

Item 161 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Marine Gunnery Sgt. Aaron M. Kenefick, from Amherst, who was killed in the war in Afghanistan.

Item 162 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Mary Mahoney, Harry A. Quinn Jr., Matthew R. Connors, Carol A. Lindner, Robert H. Ernst, Patricia Henault, Lorraine McGill, Stanley Mann, Leonard Allman, and Asa Binam Hill.

Item 163 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Lincoln High School Head Football Coach and Athletic Director Keith Howard, of Alabama, who suffered a heart attack and died during a football game for the team he coached.

Item 164 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Loretta Nicomento and Thomas Sawicki.

Item 165 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Louis A. Greco, father of her friend Joanne Greco.

ADJOURNMENT

Item 166 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MS. TERRANOVA moved that the Legislature adjourn until Thursday, September 24, 2009 at 2:00 P.M. Eastern Standard Time. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, September 24, 2009 at 2:00 P.M. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE