

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 18**  
**SEPTEMBER 24, 2009**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Ms. Miller-Williams, who read a prayer.

The Pledge of Allegiance was led by Mr. Walter.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Number 17 from 2009. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – CHAIR MARINELLI presented a resolution Honoring Louise McFeely Upon the Occasion of Her Retirement After 24 Years of Service with Erie County Government.

Item 6 –MR. MILLS, MR. RATH & MR. WALTER presented a resolution Recognizing the Buffalo Veterans' Court for the Many Accolades It Has Received From the House Veterans' Affairs Committee in Washington, D.C.

Item 7 – MR. MILLS presented a resolution Recognizing Don Birdd for His Constant Commitment and Dedication to Procuring Funds for Cancer and Diabetes Research.

Item 8 – MS. IANNELLO presented a resolution Congratulating Jennifer L. Bognar from Cardinal O'Hara High School for Winning a Canal Fest of Tonawandas 2009 Scholarship.

Item 9 – CHAIR MARINELLI & MS. IANNELLO presented a Memorial Resolution for Louis M. Reuter, Jr.

Item 10 – MS. IANNELLO presented a resolution Congratulating Brittney M. Giuga from Tonawanda High School for Winning the Canal Fest of the Tonawandas 2009 Scholarship.

Item 11 – CHAIR MARINELLI presented a resolution Recognizing the Month of October as Domestic Violence Awareness Month.

Item 12 – MR. REYNOLDS presented a resolution Recognizing 4-H Youth Across the Nation Leading Efforts to Solve Problems in Their Communities and Make a Difference for Their Futures.

Item 13 – MR. WALTER presented a resolution Honoring Hertha Ball Upon Her 100th Birthday Celebration.

Item 14 – CHAIR MARINELLI presented a resolution Congratulating Jerry Castiglia on Receiving the Frederick Law Olmsted Award.

Item 15 – CHAIR MARINELLI presented a resolution Recognizing October 2009 as The Big Read Month in Erie County.

Item 16 – MR. REYNOLDS presented a resolution Recognizing October 5-10, 2009 as National 4-H Week in Erie County.

MR. WHYTE moved for consideration of the above twelve items. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above thirteen items as amended. MS. TERRANOVA 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. KOZUB presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 236

September 17, 2009	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 13M-7 (2009)  
SENATOR SCHUMER: “Copy of Letter to Tonawanda Coke Concerning Air Pollution”  
(6-0)
  - b. COMM. 13M-8 (2009)  
SENATOR THOMPSON: “Copy of Letter to NYS Health Commissioner Regarding Health Impacts from Air Pollution - Tonawanda Coke”  
(6-0)

- c. COMM. 13M-9 (2009)  
NYS HEALTH COMMISSIONER: "Copy of Letter to Legislator Iannello Regarding Health Impacts from Air Pollution - Tonawanda Coke"  
(6-0)
- d. COMM. 13M-10 (2009)  
ATTORNEY CRAIG A. SLATER: "Copy of Letter to Legislator Iannello Concerning Air Pollution - Tonawanda Coke"  
(6-0)
- e. COMM. 14M-2 (2009)  
NYSDEC: "Fact Sheet - Former Bethlehem Steel - Lackawanna - Public Meeting"  
(6-0)
- f. COMM. 17E-5 (2009)  
COMPTROLLER: "Pennsylvania Electric Motor Service"  
(6-0)
- g. COMM. 17E-34 (2009)  
COUNTY EXECUTIVE: "ECSD #2 - Engineer Term Agreement - Wendel - Duchscherer - Work Order"  
(6-0)
- h. COMM. 17E-35 (2009)  
COUNTY EXECUTIVE: "ECSD #3 & #6 - Engineer Term Agreement - Liro Engineers, Inc. - Work Order"  
(6-0)
- i. COMM. 17E-38 (2009)  
COUNTY EXECUTIVE: "ECSD #1- #6 & #8 - Section 270/271 Resolutions"  
(6-0)
- j. COMM. 17E-39 (2009)  
COUNTY EXECUTIVE: "Semi-Annual Attendance Records - Board of Managers - ECSDs"  
(6-0)
- k. COMM. 17E-45 (2009)  
COUNTY EXECUTIVE: "EC Division of Sewer Management - ECSD #2 - Engineering Agreement - Stearns & Wheler, LLC - Change Order #1"  
(6-0)
- l. COMM. 17E-46 (2009)  
COUNTY EXECUTIVE: "ECSD # 3, #4 & #5 - Engineer Term Agreement - Greenman-Peterson, Inc. - Work Order GPI-2"  
(6-0)
- m. COMM. 17D-3 (2009)

- ENVIRONMENT & PLANNING COMMISSIONER: “Project Description - Negative Declaration of Elimination Project of Aurora Pump Station - Lancaster & Cheektowaga”  
(6-0)
- n. COMM. 17D-7 (2009)  
COUNTY ATTORNEY: “Pennsylvania Electric Motor Service”  
(6-0)
- o. COMM. 17D-14 (2009)  
ENVIRONMENT & PLANNING COMMISSIONER: “Project Description - Negative Declaration of Botanical Gardens Cistern Installation Project - South Park Ave., Buffalo”  
(6-0)
- p. COMM. 17D-28 (2009)  
ENVIRONMENT & PLANNING COMMISSIONER: “Project Description - Negative Declaration of South Main St. Waterline Improvements - Village of Angola”  
(6-0)
- q. COMM. 17M-1 (2009)  
NYSDEC: “Region 9 Fish & Wildlife Highlights - 1/15/09 - 3/15/09”  
(6-0)
- r. COMM. 17M-12 (2009)  
NYSDEC: “Region 9 Fish & Wildlife Highlights - 5/16/09 - 6/15/09”  
(6-0)
- s. COMM. 17M-30 (2009)  
NYSDEC: “Region 9 Fish & Wildlife Highlights - 6/16/09 -7/15/09”  
(6-0)
- t. COMM. 17M-31 (2009)  
SCHOHARIE CO. BOARD OF SUPERVISORS: “Resolution Encouraging Immediate Relief for Dairy Farmers”  
(6-0)
2. COMM. 17E-40 (2009)  
COUNTY EXECUTIVE  
WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management received bids for the Chestnut Ridge Park – 2009 – Casino Building Roof Replacement & Exterior Facade Work on July 2, 2009; and

WHEREAS, your honorable body has previously authorized the County Executive to enter into contracts for an amount not to exceed \$674,638.00; and

WHEREAS, the lowest responsible bidders and their respective bids are as follows:

General Construction Work

Miller Enterprises, Inc.                      Base Bid                      \$507,000.00

Roofing Work

Joseph A. Sanders & Sons, Inc.              Base Bid                      \$259,342.00

TOTAL OF CONTRACTS    \$766,342.00

and

WHEREAS, the total value of all contracts for the lowest responsible bidders exceeds the previously authorized not to exceed amount; and

WHEREAS, to fully fund all construction contracts, including a construction contingency, an additional \$200,000.00 is required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts with the lowest responsible bidders for a total award of contracts to be increased by \$200,000.00 from the previously authorized amount of \$674,638.00, for a not to exceed total of \$874,638.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the additional funding from SAP project accounts as follows:

A.00044	2002 – Exterior Building and Envelope Rehabilitation	\$ 49,096.00
A.00070	2003 – Roof Replacement and Waterproofing	\$ 91,364.00
A.00227	2004 – Roof Replacement and Waterproofing	<u>\$ 59,540.00</u>

TOTAL PAYMENTS NOT TO EXCEED    \$200,000.00

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, the Department of Parks, Recreation and Forestry, and the Office of the Comptroller.

(6-0)

3.        COMM. 17E-41 (2009)  
          COUNTY EXECUTIVE

WHEREAS, Article 5-A, Sections 270 and 271 of County Law requires your Honorable Body to hold a Public Hearing on the Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and

WHEREAS, notice of said Public Hearing shall be published at least once in the official County newspapers prior to holding the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED, that the Sewer District assessment rolls are open for public inspection in the offices of the Division of Sewerage Management, 95 Franklin Street, Buffalo, New York 14202; and be it further

RESOLVED, that a Public Hearing be held in the Chambers of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, NY, at 1:30 p.m., local time, on Wednesday, November 4, 2009 for the purpose of meeting to hear and consider any objections which may be made to the 2010 Sewer District Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to have published in the official County Newspapers, and the Buffalo News, a Notice of Public Hearing no later than the week of September 27, 2009; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning, the County Executive, Erie County Comptroller, and Eric Ziobro, Assistant County Attorney.

(6-0)

4. COMM. 17E-43 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 39 to Tom Greenauer Development, Inc. for the installation of a new sanitary sewer to eliminate failing septic systems; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 39, Broadway and Pavement Sewer Extension, in the final contract amount of \$41,819.10 which includes Change Order No. 1 (final), a decrease of \$4,339.90 in account 516020 in Fund 220 Business Area 181.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 39, Broadway and Pavement Sewer Extension between the County of Erie and Tom Greenauer Development, Inc., P.O. Box 250, Springbrook, New York 14140 is accepted in the amount of \$41,819.10 which includes Change Order No. 1 (final), a decrease of \$4,339.90 in account 516020 in Fund 220 Business Area 181 and release of retention is approved; and be it further

RESOLVED, that the Erie Count Comptroller is hereby authorized and directed to finalize Contract No. 39, Broadway and Pavement Sewer Extension between the County of Erie and Tom Greenauer Development, Inc. in the amount of \$41,819.10 and release all retention; and be it further

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

(6-0)

5. COMM. 17E-44 (2009)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie and Buffalo & Pittsburgh Railroad, Inc have license agreements for right of ways for sanitary sewers; and

WHEREAS, the County of Erie currently pays these license agreements fees on an annual basis; and

WHEREAS, the County of Erie and Buffalo & Pittsburgh Railroad, Inc. have negotiated a one time lump sum final payment; and

WHEREAS, the County of Erie and Buffalo & Pittsburgh will amend the license agreements and the County will make a final payment of \$6,800.00.

NOW, THEREFORE, BE IT

RESOLVED, that amended license agreements between the County of Erie, on behalf of Erie County Sewer Districts Nos. 3 & 6 in the amount of \$6,800.00 is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is authorized to execute the amended license agreements with the Buffalo & Pittsburgh Railroad, Inc. subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized to allocate from Professional Services, Contracts and Fees SD # 3 (1831010), \$3,400.00 and SD # 6 (1861010), \$3,400.00, subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Deputy Commissioner of the Department of Environment and Planning and one (1) certified copy each to the County Executive, the County Comptroller and Eric Ziobro, Assistant County Attorney.

(6-0)

6. COMM. 17E-53 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Buffalo Lakeside Commerce Park is a former brownfield site located in the southwestern portion of the City of Buffalo; and

WHEREAS, the Buffalo Lakeside Commerce Park is one of the most important development sites in the County of Erie; and



WHEREAS, the County of Erie through Erie County Sewer District No. 6 provides sanitary sewer services to the Buffalo Lakeside Commerce Park per an agreement with the Buffalo Urban Development Corporation; and

WHEREAS, improvements to the sanitary sewer system in Buffalo Lakeside Commerce Park are necessary to allow for additional tenants to be secured in the area; and

WHEREAS, the County of Erie desires to apply to the New York Department of State's Local Government Efficiency grant program for \$400,000 to partially fund sanitary sewer system improvements required to support the continued development in the Buffalo Lakeside Commerce Park.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie supports the Local Government Efficiency grant application to partially fund the "Sanitary Sewer Improvements in the Buffalo Lakeside Commerce Park;" and be it further

RESOLVED, that the Erie County Department of Environment and Planning – Division of Sewerage Management be authorized to complete the necessary application for Local Government Efficiency grant funding, with the County of Erie as lead applicant; and be it further

RESOLVED, upon notification of award, the Erie County Department of Environment and Planning – Division of Sewerage Management shall advise the County Legislature; and be it further

RESOLVED, that the County Executive is authorized to execute Standard Cost Reimbursement Contract(s) between the County of Erie and the State of New York to receive grant monies for the "Sanitary Sewer Improvements in the Buffalo Lakeside Commerce Park", subject to approval as to content by the Commissioner of the Department of Environment and Planning, and approval as to form by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy of this resolution each to the County Executive, the County Comptroller, the County Director of Budget and Management, and Eric R. Ziobro, Esq., Assistant County Attorney; and two (2) certified copies of this resolution to Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning – Division of Sewerage Management.

(6-0)

**DANIEL M. KOZUB**  
**CHAIR**

Item 25 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 237

September 17, 2009	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 14D-2 (2009)  
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"  
(5-0)
  - b. COMM. 17D-2 (2009)  
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"  
(3-0) Legislators Whyte & Kozub absent for vote.
  - c. COMM. 17D-4 (2009)  
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"  
(3-0) Legislators Whyte & Kozub absent for vote.
  - d. COMM. 17D-18 (2009)  
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"  
(3-0) Legislators Whyte & Kozub absent for vote.
  - e. COMM. 17D-20 (2009)  
COUNTY ATTORNEY: "Transmittal of New Claim Against Erie County"  
(3-0) Legislators Whyte & Kozub absent for vote.
  - f. COMM. 17D-21 (2009)  
COUNTY ATTORNEY: "Transmittal of New Claim Against Erie County"  
(3-0) Legislators Whyte & Kozub absent for vote.
  - g. COMM. 17D-24 (2009)  
DIRECTOR OF REAL ESTATE: "Real Estate/Space Utilization - Efficiency Grant -  
Quarterly Update"  
(3-0) Legislators Whyte & Kozub absent for vote.
  - h. COMM. 17D-33 (2009)  
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"  
(3-0) Legislators Whyte & Kozub absent for vote.
  - i. COMM. 17D-34 (2009)  
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"  
(3-0) Legislators Whyte & Kozub absent for vote.
  - j. COMM. 17M-13 (2009)

EC BAR ASSOCIATION AID TO INDIGENT PRISONERS - ASSIGNED COUNSEL PROGRAM: "Report for Second Quarter of 2009"  
(3-0) Legislators Whyte & Kozub absent for vote.

k. COMM. 17M-14 (2009)  
EC BAR ASSOCIATION AID TO INDIGENT PRISONERS - ASSIGNED COUNSEL PROGRAM: "Financial Report for 1/1/09 - 6/30/09 & Copy of Minutes of Each Meeting of Board of Directors"  
(3-0) Legislators Whyte & Kozub absent for vote.

2. COMM. 17E-48 (2009)  
COUNTY EXECUTIVE  
WHEREAS, the enacted State Fiscal Year (SFY) 2009-10 Budget contains funding for three new distinct initiatives to support subsidized employment. This funding will be used to provide wage subsidies to employers through the Green Jobs Corps program, the Health Care Jobs program and the Transitional Jobs program; and

WHEREAS, subsidized employment serves as an important component of any district's employment services array by providing effective placements for individuals who may lack an adequate or demonstrated work history, who have other barriers to employment, or when employment opportunities in the community are limited; and

WHEREAS, Green Jobs will be by application awaiting State approval and both Health Care and Transitional Jobs are by preapproved allocation; and

WHEREAS, there is no fiscal impact to this resolution as there is 100% federal reimbursement for these programs with no local share through the American Resource and Recovery Act (ARRA).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept funds in the amount of \$1,869,672 for the "Employee Subsidized Wage Stimulus" grant program; and be it further

RESOLVED, that the following appropriations are established in the Department of Social Services for the period of August 15, 2009 through October 1, 2009 for the Employee Subsidized Wage Stimulus grant program;

Department of Social Services, Fund Center 120, Fund 281

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
530030	Green Jobs Wage Subsidies	\$567,500
530030	Health Care Wage Subsidies	330,750
530030	Transitional Wage Subsidies	867,890
530000	Green Jobs Bus Passes	32,500
530000	Health Care Bus Passes	18,864
530000	Transitional Bus Passes	52,168

Total Expenditure	<u>\$1,869,672</u>
State Aid Grant Program	<u>\$1,869,672</u>
Total Revenue	<u>\$1,869,672</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.

(3-0) Legislators Whyte & Kozub absent for vote.

**BARBARA MILLER-WILLIAMS**  
**CHAIR**

Item 26 – MR. MAZUR presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 238

September 21, 2009	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 6E-11 (2009)  
COUNTY EXECUTIVE: “Realignment of Youth Bureau into Division of Youth Services”  
(5-0)
  - b. COMM. 7E-3 (2009)  
MAZUR: “Copy of Letter to NYS Health Commissioner Concerning Erie County's Role in WIC Program”  
(5-0)
  - c. COMM. 8D-2 (2009)  
DEPUTY COUNTY EXECUTIVE: “Letter Responding to Legislators’ Questions Raised About WIC Program”  
(5-0)
  - d. COMM. 14D-4 (2009)  
HEALTH DEPARTMENT: “EC WIC Program Transition Team Minutes for April 3, 2009”  
(5-0)
  - e. COMM. 14D-5 (2009)

- HEALTH DEPARTMENT: "EC WIC Program Transition Team Minutes for April 24, 2009"  
(5-0)
- f. COMM. 14D-6 (2009)  
HEALTH DEPARTMENT: "EC WIC Program Transition Team Minutes for May 8, 2009"  
(5-0)
- g. COMM. 14D-7 (2009)  
HEALTH DEPARTMENT: "EC WIC Program Transition Team Minutes for May 21, 2009"  
(5-0)
- h. COMM. 14M-3 (2009)  
COLUCCI & GALLAHER, P.C.: "ECMCC Agenda Items for Board of Directors Meeting Held 6/17/09"  
(5-0)
- i. COMM. 17E-14 (2009)  
COUNTY EXECUTIVE: "Appointments to the EC Youth Services Board"  
(5-0)
- j. COMM. 17D-5 (2009)  
MEDICAL DIRECTOR: "Board of Health Agenda Items for Meeting Held 8/13/09, and Minutes for Meeting Held 5/7/09"  
(5-0)
- k. COMM. 17D-10 (2009)  
COMMISSIONER OF SOCIAL SERVICES: "Response Letter to Legislator Konst Concerning Financial Reports"  
(5-0)
- l. COMM. 17D-12 (2009)  
EC COMPTROLLERS OFFICE: "EC Dept. of Mental Health Audit of Payroll Transactions for 1/1/07 - 12/31/08"  
(5-0)
- m. COMM. 17M-10 (2009)  
SCHOHARIE CO. BOARD OF SUPERVISORS: "Resolution Passed by Schoharie County Board of Supervisors - Requesting NYS to Take Back Local Share of Medicaid"  
(5-0)
- n. COMM. 17M-16 (2009)  
COLUCCI & GALLAHER, P.C.: "ECMCC Agenda Items for Board of Directors' Meeting Held 7/29/09"  
(5-0)
- o. COMM. 17M-23 (2009)

GOVERNOR PATERSON: “Appointment of Thomas Malecki to Position of ECMCC Director - Term Expiring 3/30/12”  
(5-0)

P. COMM. 17M-34 (2009)  
COLUCCI & GALLAHER, P.C.: “ECMCC Agenda Items for Board of Directors' Meeting Held 8/26/09”  
(5-0)

2. INTRO 6-6 (2009)  
MAZUR, WHYTE, MILLER-WILLIAMS, AS AMENDED  
GRANT & REYNOLDS

WHEREAS, the Erie County Legislature has learned through media reports that the County Executive wants to “get out of the business of running the federally funded WIC Nutrition Program for low-income pregnant and nursing mothers, as well as their children – from birth through age five;” and

WHEREAS, this unilateral decision was made without consulting with the Erie County Legislature or soliciting the opinions of the general public on such a significant shift in public policy; and

WHEREAS, national data have placed the City of Buffalo second or third in the nation relative to its percentage of the population living in poverty; and

WHEREAS, proper nutrition is a key component of a preventive health strategy regardless of age; however, it is critically important to children during the period of fastest growth and development (birth to age five), as well as to pregnant and nursing mothers; and

WHEREAS, according to the March of Dimes, the combined infant and maternity costs of caring for a medically fragile premature baby is \$64,713 during the first year of the infant’s life, as compared to \$15,047 for a full-term, healthy infant; and

WHEREAS, the number of women, infants and children who depend on Erie County’s WIC program to meet their nutritional needs is more than 16,000; and

WHEREAS, it is also apparent from the media reports that a seamless transition plan to move the WIC program to a community-based organization, rumored to be Catholic Charities, is not in place; and

WHEREAS, this situation may require the New York State Department of Health to step in to ensure that clients do not fall through the cracks resulting from this hasty, short-sighted and poorly planned business decision on the part of the Collins’ administration.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature again go on record in opposition to the County Executive’s unilateral decision to terminate Erie County’s administration of the federally funded WIC Program; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive, the Erie County Commissioner of Health, the New York State Commissioner of Health, the Director of the Western Regional Office of the New York State Health Department, all others deemed necessary and proper.

(4-1) Legislator Walter voted in the negative.

3. COMM. 17E-36 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Department was notified of a special Back to School payment of one-time benefits of \$200 per child to Temporary Assistance and Food Stamps cases with children between the ages of 3 and 17, inclusive; and payments were mass authorized by New York State for distribution via electronic benefits transaction; and

WHEREAS, Back to School money is designated for purchase of such items as books, pencils, pens, notebooks, calculators, backpacks, shoes, school uniforms, pants, shirts, skirts, dresses and other essential school items; and

WHEREAS, the State advanced funds in the amount of \$8,512,600 to Erie County for this special program, and initial payments authorized by the State were in the amount of \$7,706,400 for retrieval by Temporary Assistance and Food Stamps clients; and

WHEREAS, there is no local share to this program as the special funds are fully provided by New York State as a combination of private donation and Temporary Assistance to needy Families funding.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2009 Adopted Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
525045	Back to School Benefits	<u>\$8,512,600</u>
	Total Expenditure	<u>\$8,512,600</u>
411525	Federal Aid	\$6,810,080
407525	State Aid	<u>1,702,520</u>
	Total Revenue	<u>\$8,512,600</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.

(5-0)

3. COMM. 17E-51 (2009)  
COUNTY EXECUTIVE

WHEREAS, this resolution authorizes an increase to the International Institute Interpreter Services contract in the amount of \$24,000; and

WHEREAS, the increase to this contract is necessary due to the utilization of critical interpreter services for non English speaking persons primarily from Somalia, Burma, Thailand, and the Middle East whose languages include Somali, Burmese, Karen, and Arabic; and

WHEREAS, currently, there are four agencies in this community which conduct re-settlement programming, and families and individuals that arrive are in need of translation services; and

WHEREAS, this resolution has no fiscal impact in the 2009 Adopted Budget. Funds utilized for this contract expansion are available in a budget line from a United Way contract that was discontinued in 2009 due to regulatory program changes.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2009 Adopted Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
516010	International Institute	\$24,000
516010	United Way-Public Schools (Preventive)	<u>(24,000)</u>
	Total Expenditure	<u>-0-</u>

and be it further

RESOLVED, that the Erie County Executive and/or the Commissioner of Social Services are authorized to increase the contract with the International Institute; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.

(5-0)

**THOMAS J. MAZUR**  
**CHAIR**

MR. MAZUR moved to approve item Number 2. MR. REYNOLDS seconded. MR. MILLS, MR. RATH and MR. WALTER voted in the negative.



CARRIED. (12-3)

Item 27 – MS. GRANT presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 239

September 21, 2009	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 8M-15 (2009)  
ARTS COUNCIL: “Legislature Budget Accountability Act Report”  
(6-0)
  - b. COMM. 8M-16 (2009)  
EL MUSEO: “Legislature Budget Accountability Act Report”  
(6-0)
  - c. COMM. 8M-17 (2009)  
BUFFALO ARTS STUDIO: “Legislature Budget Accountability Act Report”  
(6-0)
  - d. COMM. 8M-18 (2009)  
MUSICAL FARE: “Legislature Budget Accountability Act Report”  
(6-0)
  - e. COMM. 9E-18 (2009)  
COUNTY EXECUTIVE: “Appointment to the Board of Directors of the Buffalo Niagara  
Convention & Visitors Bureau”  
(6-0)
  - f. COMM. 9M-1 (2009)  
IRISH CLASSICAL THEATER COMPANY: “Legislature Budget Accountability Act  
Report”  
(6-0)
  - g. COMM. 9M-2 (2009)  
ROYCROFT CAMPUS CORPORATION: “Legislature Budget Accountability Act Report”  
(6-0)

- h. COMM. 9M-3 (2009)  
BUFFALO AND ERIE COUNTY HISTORICAL SOCIETY: "Legislature Budget  
Accountability Act Report"  
(6-0)
- i. COMM. 9M-4 (2009)  
MARTIN HOUSE RESTORATION CORPORATION: "Legislature Budget Accountability  
Act Report"  
(6-0)
- j. COMM. 9M-6 (2009)  
LANCASTER OPERA HOUSE: "Legislature Budget Accountability Act Report"  
(6-0)
- k. COMM. 9M-7 (2009)  
BUFFALO ZOO: "Legislature Budget Accountability Act Report"  
(6-0)
- l. COMM. 9M-8 (2009)  
PENN DIXIE: "Legislature Budget Accountability Act Report"  
(6-0)
- m. COMM. 9M-9 (2009)  
SPRINGVILLE CENTER FOR THE ARTS: "Legislature Budget Accountability Act  
Report"  
(6-0)
- n. COMM. 9M-10 (2009)  
EXPLORE & MORE CHILDREN'S MUSEUM: "Legislature Budget Accountability Act  
Report"  
(6-0)
- o. COMM. 9M-11 (2009)  
GRAYCLIFF CONSERVANCY, INC.: "Legislature Budget Accountability Act Report"  
(6-0)
- p. COMM. 9M-12 (2009)  
AMERICAN LEGION BAND OF THE TONAWANDAS: "Legislature Budget  
Accountability Act Report"  
(6-0)
- q. COMM. 9M-13 (2009)  
YOUNG AUDIENCES ARTS FOR LEARNING: "Legislature Budget Accountability Act  
Report"  
(6-0)
- r. COMM. 9M-14 (2009)

- COMMUNITY MUSIC SCHOOL OF BUFFALO: "Legislature Budget Accountability Act Report"  
(6-0)
- s. COMM. 9M-16 (2009)  
JUST BUFFALO LITERARY CENTER: "Legislature Budget Accountability Act Report"  
(6-0)
- t. COMM. 9M-17 (2009)  
FOLKLORIC PRODUCTIONS DANCE CO., INC.: "Legislature Budget Accountability Act Report"  
(6-0)
- u. COMM. 9M-18 (2009)  
AFRICAN AMERICAN CULTURAL CENTER : "Legislature Budget Accountability Act Report"  
(6-0)
- v. COMM. 9M-19 (2009)  
LOCUST STREET NEIGHBORHOOD ART CLASSES: "Legislature Budget Accountability Act Report"  
(6-0)
- w. COMM. 9M-20 (2009)  
BIG ORBIT GALLERY: "Legislature Budget Accountability Act Report"  
(6-0)
- x. COMM. 9M-21 (2009)  
CEPA GALLERY: "Legislature Budget Accountability Act Report"  
(6-0)
- y. COMM. 9M-23 (2009)  
BUFFALO SOCIETY OF NATURAL SCIENCES: "Legislature Budget Accountability Act Report"  
(6-0)
- z. COMM. 9M-25 (2009)  
BALLET ARTISTS OF WNY, INC.: "Legislature Budget Accountability Act Report"  
(6-0)
- aa. COMM. 9M-27 (2009)  
ALLEYWAY THEATRE: "Legislature Budget Accountability Act Report"  
(6-0)
- bb. COMM. 9M-30 (2009)  
THEODORE ROOSEVELT INAUGURAL SITE: "Legislature Budget Accountability Act Report"  
(6-0)

- cc. COMM. 9M-31 (2009)  
SHAKESPEARE IN DELAWARE PARK: "Legislature Budget Accountability Act Report"  
(6-0)
- dd. COMM. 9M-32 (2009)  
BUFFALO & ERIE COUNTY NAVAL & MILITARY PARK: "Legislature Budget  
Accountability Act Report"  
(6-0)
- ee. COMM. 9M-33 (2009)  
BURCHFIELD PENNEY ART CENTER: "Legislature Budget Accountability Act Report"  
(6-0)
- ff. COMM. 11M-5 (2009)  
MUSICAL FARE: "Letter Thanking Legislature for its Support of Musical Fare Theatre and  
Other Organizations in its 2009 Budget"  
(6-0)
- gg. COMM. 12M-7 (2009)  
BUFFALO PHILHARMONIC ORCHESTRA: "Legislature Budget Accountability Act  
Report"  
(6-0)
- hh. COMM. 12M-14 (2009)  
ALBRIGHT-KNOX ART GALLERY: "Legislature Budget Accountability Act Report"  
(6-0)
- ii. COMM. 12M-15 (2009)  
ARTS IN EDUCATION INSTITUTE OF WNY: "Legislature Budget Accountability Act  
Report"  
(6-0)
- jj. COMM. 12M-16 (2009)  
BUFFALO INNER CITY BALLET: "Legislature Budget Accountability Act Report"  
(6-0)
- kk. COMM. 12M-17 (2009)  
BUFFALO PHILHARMONIC ORCHESTRA: "Legislature Budget Accountability Act  
Report"  
(6-0)
- ll. COMM. 12M-18 (2009)  
BUFFALO TRANSPORTATION/PIERCE-ARROW MUSEUM: "Legislature Budget  
Accountability Act Report"  
(6-0)
- mm. COMM. 12M-19 (2009)

MARTIN HOUSE RESTORATION CORPORATION: "Legislature Budget Accountability Act Report"  
(6-0)

nn. COMM. 12M-20 (2009)  
HALLWALLS: "Legislature Budget Accountability Act Report"  
(6-0)

oo. COMM. 12M-21 (2009)  
MUSICAL THEATRE: "Legislature Budget Accountability Act Report"  
(6-0)

pp. COMM. 17D-27 (2009)  
EC HISTORIAN: "Progress Report for Projects Completed or In-Progress - 8/15/09"  
(6-0)

qq. COMM. 17M-2 (2009)  
BUFFALO & EC PUBLIC LIBRARY: "Agenda Items for Meeting Held 7/16/09"  
(6-0)

2. INTRO 14-1 (2009)

GRANT

AS AMENDED

WHEREAS, the Free Application for Federal Student Aid [FAFSA] is available to prospective college students across the United States in order to provide every American the chance to attend college; and

WHEREAS, many students coming from middle and lower class families are limited in their choice of school and even their chance to receive a college degree due to the financial burden of tuition; and

WHEREAS, the cost of attending a two or four-year school has steadily increased in previous years, a trend that will continue into the future; and

WHEREAS, in order to receive their assistance, students must fill out a FAFSA application every year, which contains over 150 questions, and has been referred to as an "endurance test" more than anything; and

WHEREAS, the FAFSA form has become a nightmare for both parents and students, many of which give up on the application without even finishing it; and

WHEREAS, in 2004, The American Council on Education reported that an estimated 1.5 million students would have received grants had they applied for them; and

WHEREAS, even though millions of students submit a FAFSA every year, there are still many more who could be receiving government aid, signaling that change and reform is needed in this antiquated process; and

WHEREAS, our own community college, ECC, concurs that feedback obtained from students validates President Obama's contention that completing the existing FAFSA application is overly complex and burdensome to many families who seek access to higher education and the employment opportunities that arise from higher education; and

WHEREAS, President Obama and his administration wish to simplify this form, making it more user-friendly so that every student has an equal opportunity to attend the college they would like; and

WHEREAS, taking the initiative in making higher education more accessible, the Obama Administration wants to implement three steps to improve the FAFSA process, including shortened, streamlined online applications, a Web application to facilitate easy access to families' tax data from the IRS, and asking Congress to remove more than half of the questions on the form; and

WHEREAS, these reforms would provide grant money to not only those wishing to attend college in the future, but those currently attending who have failed to complete the lengthy application in past years; and

WHEREAS, the Obama Administration's use of FAFSA as a stepping stone to reforms in education is a welcome start for parents and students alike, who can now receive grants and financial aid with much greater ease, thereby realizing the dream of a higher education and college degree.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record in support of President Obama and his administration in their efforts to restructure the FAFSA process, giving the opportunity of higher education to all prospective students, regardless of their economic status; and be it further

RESOLVED, that this Honorable Body echo the need for the Obama Administration's goals and reforms so that the American ideals of freedom, opportunity and equality resound throughout our education system, an imperative for the future of this great nation.

(6-0)

**BETTY JEAN GRANT**  
**CHAIR**

MS. GRANT moved to amend item Number 2. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Add the Following Third Resolved Clause:

RESOLVED, that certified copies of this resolution be conveyed to President Obama, U.S. Senators Chuck Schumer and Kirsten Gillebrand, the WNY Delegation to Congress and the President of Erie Community College.

MS. GRANT moved to approve item Number 2 as amended. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

Item 28 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 240

September 21, 2009	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 1M-18 (2009)  
NFTA: “Copy of Five Year Capital Plan”  
(6-0)
  - b. COMM. 12M-11 (2009)  
ERIE CANAL HARBOR DEVELOPMENT CORP.: “Copy of Letter to Legislator Whyte Concerning Draft Coordination Plan/Initial Project Meeting”  
(6-0)
  - c. COMM. 14M-1 (2009)  
NFTA: “PARIS Report for Fiscal Year Ending March 31, 2009”  
(6-0)
  - d. COMM. 14M-5 (2009)  
SURFACE TRANSPORTATION BOARD: “Copy of Letter to Chair Marinelli and Legislator Iannello Regarding the Reduction in Operations at the CSX Transportation, Inc. Frontier Yard”  
(6-0)
  - e. COMM. 17E-18 (2009)  
IANNELLO: “Copy of Letter to Congresswoman Slaughter Regarding the Closing of Village of Kenmore Post Office Branch”  
(6-0)
  - f. COMM. 17E-19 (2009)  
IANNELLO: “Copy of Letter to Senator Schumer Regarding the Closing of Village of Kenmore Post Office Branch”  
(6-0)

- g. COMM. 17E-20 (2009)  
IANNELLO: "Copy of Letter to Senator Gillibrand Regarding the Closing of Village of Kenmore Post Office Branch"  
(6-0)
- h. COMM. 17D-13 (2009)  
ENVIRONMENT & PLANNING COMMISSIONER: "Project Description - Negative Declaration of EC Highways Cistern Installation Project - Ellicott Rd., West Falls"  
(6-0)
- i. COMM. 17D-29 (2009)  
ENVIRONMENT & PLANNING COMMISSIONER: "Project Description - Negative Declaration of WTP/WWTP Remediation & Asbestos Abatement - Niagara Shore Dr. & Niagara St. - Tonawanda"  
(6-0)
- j. COMM. 17M-17 (2009)  
NFTA: "Agenda Items & Minutes from NFTA Board Meeting Held 6/22/09"  
(6-0)
- k. COMM. 17M-21 (2009)  
NYSDOT: "Copy of Resolution Regarding the Abandonment of West River Service Rd. - Grand Island"  
(6-0)
- l. COMM. 17M-27 (2009)  
NYSDEC: "Public Notice - Inactive Hazardous Waste Disposal Site Classification - 1079 Clinton St., Buffalo"  
(6-0)
- m. COMM. 17M-38 (2009)  
NFTA: "Agenda Items & Minutes from NFTA Board Meeting Held 7/27/09"  
(6-0)

2. COMM. 13E-10 (2009)  
COUNTY EXECUTIVE  
WHEREAS, as the result of structural flag for a deteriorated pier pedestal in 2007 at the Hammond Hill Road Bridge over Cattaraugus Creek, BR 713, BIN 3228360; requiring emergency repairs to keep the bridge open; and

WHEREAS, this bridge is jointly owned and maintained by Cattaraugus and Erie Counties, the two County Department of Public Works, Division of Highways have agreed to share the cost of the repairs; and

WHEREAS, Cattaraugus County Department of Public Works has said that they will pay Erie County half of the cost of the concrete repairs less the Erie County share of the painting.

NOW, THEREFORE, BE IT



RESOLVED, that Erie County be authorized to accept payment from Cattaraugus County for their share of the emergency pier pedestal repairs in an amount not to exceed \$22,532.74; and be it further

RESOLVED, Project B.00166 – 2007 – Capital Overlay and Reconstruction be equally increased by the amount of \$22,532.74 in both the Capital Projects expense line and Other Local Source revenue account 420499 enabling the Department of Public Works to use the money for additional road repairs; 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.

(6-0)

3. COMM. 17E-49 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management received bids for the Erie County Court Building – 2009 – Roof Replacement on July 13, 2009; and

WHEREAS, your honorable body has previously authorized the County Executive to enter into contracts for an amount not to exceed \$695,000.00; and

WHEREAS, the lowest responsible bidder is Jameson Roofing Company with a bid of \$768,500.00; and

WHEREAS, the total value of the contract for the lowest responsible bidder exceeds the previously authorized not to exceed amount; and

WHEREAS, to fully fund the construction contract, including a construction contingency, an additional \$181,000.00 is required.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract with the lowest responsible bidder for a total award of the contract to be increased by \$181,000.00 from the previously authorized amount of \$695,000.00, for a not to exceed total of \$876,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for the additional funding from SAP project A.00309 – 2007 Code Compliance for an amount not to exceed \$181,000.00; 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.

(6-0)

**TIMOTHY M. KENNEDY**  
**CHAIR**

Item 29 – MR. REYNOLDS presented the following report and moved for immediate consideration and approval. MS. TERRANOVA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 241

September 21, 2009	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 10M-6 (2009)  
THE AMERICAN COUNCIL OF ENGINEERING COMPANIES OF NY - WESTERN REGION: “Copy of Letter to County Executive Regarding Engineering Firms Providing Professional Services to EC”  
(6-0)
  - b. COMM. 12E-2 (2009)  
COMPTROLLER: “Letter to Legislature Concerning April 2009 Sales Tax”  
(6-0)
  - c. COMM. 12E-3 (2009)  
KONST: “Copy of Letter to County Executive Requesting Participation in the Mid-Year Budget Hearings”  
(6-0)
  - d. COMM. 12D-3 (2009)  
AUDIT COMMITTEE FOR ERIE COUNTY: “Annual Report for Year Ended 12/31/07”  
(6-0)
  - e. COMM. 13E-1 (2009)  
MARINELLI, WHYTE, MILLS & KONST: “Copy of Letter to Budget Director Regarding Guidance & Coordination of the Capital Projects Committee - Proposed Capital Projects for 2010 - 2016”  
(6-0)
  - f. COMM. 13D-4 (2009)  
DIRECTOR OF BUDGET & MANAGEMENT: “Budget Monitoring Report For Period Ending 5/31/09”

- (6-0)
- g. COMM. 14E-1 (2009)  
COMPTROLLER: “Apportionment and Distribution of Net Collections from the Local 4.75% Sales & Compensating Use Tax for EC (March -May 09)’”  
(6-0)
- h. COMM. 14E-12 (2009)  
REYNOLDS: “Report Entitled, "Forclosing Erie County" by the WNY Law Center, 2009”  
(6-0)
- i. COMM. 14D-1 (2009)  
DIRECTOR OF BUDGET & MANAGEMENT: “Information Request - Mid-Year Budget Hearings”  
(6-0)
- j. COMM. 14D-3 (2009)  
ASSOCIATE DEPUTY COMPTROLLER: “Copy of Letter to Legislator Konst Regarding Mid-Year Budget Hearings - Attachment of Submission from the Office of Comptroller”  
(6-0)
- k. COMM. 17E-3 (2009)  
COMPTROLLER: “Erie County 2008 Comprehensive Annual Financial Report”  
(6-0)
- l. COMM. 17E-8 (2009)  
COMPTROLLER: “EC Financial Report for Period Ending 6/30/09”  
(6-0)
- m. COMM. 17E-12 (2009)  
COMPTROLLER: “Letter Concerning June 2009 Sales Tax”  
(6-0)
- n. COMM. 17E-16 (2009)  
COMPTROLLER: “Copy of the External Auditor's (Deloitte & Touche LLP) Management Letter for EC, Year Ended 12/31/08”  
(6-0)
- o. COMM. 17D-17 (2009)  
DIRECTOR OF BUDGET & MANAGEMENT: “BMR Report - Period Ending 6/30/09”  
(6-0)
- p. COMM. 17M-9 (2009)  
ECFSA: “Copy of Letter to Chair Marinelli Concerning Status Change from Control to Advisory Status”  
(6-0)
- q. COMM. 17M-22 (2009)

NYS BOARD OF REAL PROPERTY SERVICES: "Certification of County Equalization Rates for 2009 Assessment Rolls for Municipalities in EC"  
(6-0)

r. COMM. 17M-35 (2009)  
BUFFALO DEPT. OF ASSESSMENT & TAXATION: "2010 Transit Mall Service Charge Roll"  
(6-0)

2. COMM. 13E-23 (2009)  
COUNTY EXECUTIVE

WHEREAS, the real property known as 204 Hirschfield Drive in the Village of Williamsville (S.B.L. 81.06-3-74) is a vacant parcel of residential land measuring approximately fifty (50) feet by one hundred thirty nine and thirty nine hundredths (139.39) feet and is owned by Williamsville Realty Company, Inc., a defunct New York corporation dissolved by Proclamation filed December 31, 1937 in the Erie County Clerk's Office; and

WHEREAS, Glen M. Wagner and Marcia Wagner have owned and resided at 198 Hirschfield Drive in the Village of Williamsville since 1981 which realty is located next north of the aforementioned vacant parcel at 204 Hirschfield Drive; and

WHEREAS, the Wagner's have maintained, cultivated, planted and used the subject property for off street parking, equipment storage and gardening for the past twenty-eight (28) years; and

WHEREAS, the subject property was restored to the tax rolls in 2005 after having been declassified as a paper street; and

WHEREAS, the 2006 and 2007 real property taxes on the subject property have not been paid and the tax certificates of these unpaid taxes are held by the County of Erie; and

WHEREAS, Glen M. Wagner conveyed the subject property to himself and Marcia Wagner by Quit Claim deed in 2008 and thereafter paid the 2008 and 2009 real property taxes assessed against it; and

WHEREAS, the Wagner's wish to purchase the 2006 tax certificate in an effort to acquire title to the subject property through the tax deed sale procedure established by the Erie County Tax Act and thereby avoid the institution of legal proceedings based upon the doctrine of adverse possession.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services, Joseph L. Maciejewski, CCD is hereby authorized to sell the 2006 tax certificate for 204 Hirschfield Drive in the Village of Williamsville to Glen M. Wagner and Marcia Wagner in accord with the provisions of the Erie County Tax Act; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Gregory Kammer, County Attorney's Office, and the Department of Real Property Tax Services.

(6-0)

3. COMM. 17E-37 (2009)  
COUNTY EXECUTIVE

WHEREAS, Erie Community College has identified a need for a capital project involving the renovation and upgrade of several academic labs and the library at City Campus, which was not included as part of the original capital project budget approved by Erie County; and

WHEREAS, there currently exists a balance of approximately \$366,000 in ECC's capital chargeback account; and

WHEREAS, the renovation and upgrade will create state-of-the-art academic labs and an expanded library providing an enhanced teaching and learning environment, increasing student retention and enrollment while addressing some infrastructure needs; and

WHEREAS, all costs incurred up to \$250,000 for this project will be paid out of ECC's capital chargeback account without utilizing operating funds; and

WHEREAS, on August 26, 2009 the ECC Board of Trustees approved the capital project to be submitted for sponsor approval.

NOW, THEREFORE, BE IT

RESOLVED, that the ECC Board of Trustees approved a capital project involving the renovation and upgrade of several academic labs and the library at City Campus at a cost estimated not to exceed \$250,000 to be funded by the Erie Community College Capital Chargeback Fund; and be it further

RESOLVED, that pending Erie County Legislative approval, such project, along with corporate donations, will be submitted to New York State for 50% state aid reimbursement, with such reimbursement being placed back into the capital chargeback account; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, President of Erie Community College, the Chairman of the Board of Trustees, the Erie County Director of Budget, Management and Finance, the Erie County Comptroller, the Department of Law and the Erie County Commissioner of Public Works.

(6-0)

**ROBERT B. REYNOLDS, JR.**  
**CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 30 – CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 18-1 from WALTER, MILLS & RATH Calling Upon NYS to Repeal the 2% Utility Tax.

Item 31 – CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 18-2 from MILLS, RATH & WALTER Calling Upon the NYS Legislature to Override Governor Paterson’s Veto of S.5603C/A.8405C “Establishes the NYS War of 1812, 200th Anniversary Commemoration Commission.”

Item 32 – CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 18-3 from KOZUB Encouraging the Passage of State Legislation to Authorize the NYSDEC to Promulgate Standards that Allow Hunting with a Crossbow.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 33 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 13E-22 (2009). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 242

RE: Authorization to Enter into Contract with Cattaraugus-Allegany-Erie-Wyoming BOCES (COMM. 13E-22, 2009)

WHEREAS, the Erie County Department of Health’s Children with Special Needs Division currently contracts with several tuition based programs; and

WHEREAS, according to the New York State Education Department, if a Committee on Preschool Special Education places a child in a NYS Education Department approved program, the county must contract with that program at rates fixed by the NYS Department of Education; and

WHEREAS, the Pioneer School District Committee on Preschool Special Education has placed a child from Erie County in the Cattaraugus-Allegany-Erie-Wyoming BOCES for Preschool Tuition Based Services; and

WHEREAS, the Cattaraugus-Allegany-Erie-Wyoming BOCES for Preschool Tuition Based Services is a NYS Education Department approved program; and

WHEREAS, the Children with Special Needs Division must therefore enter into a contract with Cattaraugus-Allegany-Erie-Wyoming BOCES for Preschool Tuition Based Services; and

WHEREAS, funds are available in Account 528000 Services to Handicapped Children to cover the costs incurred.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is hereby authorized to enter into a contract with Cattaraugus-Allegany-Erie-Wyoming BOCES; and be it further

RESOLVED, the term of this contract shall commence on July 1, 2009 through June 30, 2010; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner, in the Erie County Department of Health, 9<sup>th</sup> Floor, Rath Building.

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

CARRIED UNANIMOUSLY.

Item 34 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 17E-47 (2009). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 243

RE: Dept. of Social Services - Medicaid  
Staff Additions  
(COMM. 17E-47, 2009)

WHEREAS, ten additional full-time Medicaid Social Welfare Worker staff positions (JG VI) are needed immediately to manage workload which is increasing by 650 cases per month as of April 2009 in order to maintain an adequate level of customer service and regulatory compliance; and

WHEREAS, applications and eligibility for Medicaid benefits have dramatically increased with expansion of categorical eligibility, increased unemployment and the economic recession; and

WHEREAS, these very same positions have been requested and will also be contained in the 2010 Department Budget Request; and

WHEREAS, the County is subject to financial penalties in the event of delays and non-compliance; and

WHEREAS, there is no fiscal impact to this resolution as all expenses are funded under the Medicaid Cap at no additional local share.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2009 Adopted Budget for position hires effective October 1, 2009:

Department of Social Services Fund 110, Cost Center 1207040 Community Medicaid

<u>Account</u>	<u>Description</u>	<u>Amount</u>
500000	Full Time Wages	\$75,795
502000	Fringe Benefits	36,548
561410	Lab & Tech Equipment	6,000
561420	Office Equipment	<u>35,000</u>

Total Expenditure \$153,343

<u>Account</u>	<u>Description</u>	<u>Amount</u>
411590	Federal Aid for Medicaid Assistance	<u>\$153,343</u>

Total Revenue \$153,343

and be it further

RESOLVED, that the following ten staff positions be created and filled:

		<u>B-100#</u>
Social Welfare Examiner	JG 6	5033
Social Welfare Examiner	JG 6	5033
Social Welfare Examiner	JG 6	5033
Social Welfare Examiner	JG 6	5033
Social Welfare Examiner	JG 6	5033
Social Welfare Examiner	JG 6	5033
Social Welfare Examiner	JG 6	5033
Social Welfare Examiner	JG 6	5033
Social Welfare Examiner	JG 6	5033
Social Welfare Examiner	JG 6	5033

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Commissioner of Personnel, the Erie County Comptroller and the Director of the Division of Budget and Management.

MS. WHYTE moved to amend the item. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Delete the Second Resolved Clause in its Entirety and Replace with the Following:





NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2009 Adopted Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
510100	Out of Area Travel	\$10,000
530000	Other Expenses	<u>(10,000)</u>
	Total Expenditure	<u>-0-</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.

MS. WHYTE moved to approve the item. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 36 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 18E-15 from LEGISLATOR MILLS Re: Lease for Legislative Office Space

MS WHYTE moved to approve the item. MR. WALTER seconded. MR. MILLS abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 245

RESOLVED, the Erie County Executive is hereby authorized to sign a Two (2) Month Lease Agreement with Robert Schlossin for Legislative office space for John J. Mills, located at 652 Main St. East Aurora, New York for a monthly rate of \$700.

Item 37 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 18-4 from LEGISLATOR REYNOLDS Re: Resolution Opposing the Proposed Rate Increase Sought by NYSEG (New York State Electric & Gas)

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 38 – (COMM. 18E-1) Erie County Financial Obligations To/With Erie County Medical Center Corporation

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 39 – (COMM. 18E-2) July 2009 Sales Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR REYNOLDS**

Item 40 – (COMM. 18E-3) Copy of Schedule of Departmental Hearings to be Conducted by the Finance, Management & Budget Committee Regarding the 2010 Proposed EC Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 41 – (COMM. 18E-4) ECSD #4, EC Sewer Agency Report, Increase & Improvement of Facilities (2009)

Item 42 – (COMM. 18E-5) ECSDs, Engineering Agreement Close-Out - A/E Agreement - Pratt & Huth Associates

Item 43 – (COMM. 18E-6) ECSD #3 & #8 - Transfer of Funds

Item 44 – (COMM. 18E-7) ECSDs, Engineering Agreement Close-Out - A/E Agreement - DiDonato Associates

Item 45 – (COMM. 18E-8) ECSD #4 - Town of Lancaster - Glendale Rd. & Parkdale Rd. and Broadway Ave. - Proposed Intermunicipal Agreement

Item 46 – (COMM. 18E-9) ECSDs, NYS Water Pollution Control - Revolving Loan Program

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

Item 47 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 246

RE: Change in Golf Course Fee Structure  
(COMM. 18E-10)

WHEREAS, the Department of Parks, Forestry and Recreation is trying to increase end of the season attendance at the two county-owned golf courses; and

WHEREAS, reducing the fee to golf with us of a cart and the greens fee included to \$20.00 would be reasonable; and

WHEREAS, this fee reduction will make Erie County's courses competitive at the end of the season and should increase attendance and revenue.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby authorizes the Commissioner of the Erie County Department of Parks, Forestry, and Recreation to change the fee to golf and use a cart on County-owned golf courses to \$20.00 for the period of October 1, 2009 until the courses close in 2009; and be it further

RESOLVED, that certified copies of this resolution be delivered to the County Executive and to the Commissioner of the Department of Parks, Forestry, and Recreation.

Item 48 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 247

RE: Authorization to Enter into Training  
Agreement  
(COMM. 18E-11)

WHEREAS, Erie County has embarked upon a Supervisory Training Program; and

WHEREAS, Certified ICMA trainers have been identified and have agreed to provide training for the Erie County Departments of Personnel, EEO, Labor Relations and Commission on the Status of Women; and

WHEREAS, the certified trainers have agreed to train our employees at no cost over and above the cost of travel, room and board; and

WHEREAS, the County will provide students for the class as well as personnel to be trained as trainers for future supervisory classes; and

WHEREAS, the training provided will assist the workforce by providing effective supervisors and trainers; and

WHEREAS, funding is available in the 2009 Budget, Division of EEO, Account 516020, Professional Services, Contracts and Fees.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body authorize the County Executive to enter into contract with Walter C. Mobley, Jr., Human Resource Manger, City of Atlanta, Department of Watershed Management, in an amount not to exceed \$4,500 to pay the costs of travel, lodging arrangements and food during the training courses; and be it further

RESOLVED, that certified copies of this resolution be sent to the Office of the County Executive, the Department of Personnel, the Office of Equal Employment Opportunity, the County Attorney's Office, the Division of Budget and Management and the Office of the Comptroller.

Item 49 – MS. WHYTE presented the following item and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 248

RE: Medical Examiner's Toxicology Grant –  
Leasing Agreement  
(COMM. 18E-12)

WHEREAS, New York State requires that the Medical Examiner's Toxicology Laboratory maintain forensic laboratory accreditation; and

WHEREAS, the New York State Legislature appropriated funds to help laboratories pay for costs associated with attaining and maintaining accreditation required by Executive Law Article 49-B; and

WHEREAS, the Medical Examiner's Division has received a grant in the amount of \$119,512 from the Division of Criminal Justice Services which includes leasing a liquid chromatograph – mass spectrometer system; and

WHEREAS, this equipment will be used in the toxicological analysis of drugs and other poisons in biological specimens from decedents, victims of sexual assault, when drugs may have been used to incapacitate victims and in drivers apprehended while under the influence of drugs; and

WHEREAS, the leased system is a duplicate of a recently purchased system and will expand laboratory capacity to perform required testing and serve as a backup should the current system fail; and

WHEREAS, the cost of leasing this equipment will be \$50,000 in year one followed by four annual payments of \$49,309.90 with a \$1 (one dollar) buyout as allocated in the Medical Examiner Toxicology Grant SAP#127MEDTOXLAB0810 and the remainder allocated in subsequent grant budget years; and

WHEREAS, DeLage Financial Services, the leasing company for the manufacture/vendor Applied Biosystems is the sole source vendor for this equipment.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Executive is authorized to enter into a five year lease agreement with DeLage Financial Services, the leasing company for the manufacture/vendor Applied Biosystems for the purpose of leasing a liquid chromatograph – mass spectrometer system; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, M.D., Commissioner of Health, 9<sup>th</sup> Floor Rath Building.

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

CARRIED UNANIMOUSLY.

Insert the Following Between the Third and Fourth Whereas Clauses:

WHEREAS, it is the intent of the County to pay for the remaining years of the lease with grant funding from the State of New York; and

Insert the Following Between the First and Second Resolved Clauses:

RESOLVED, if additional grant funds or county resources are unavailable for the lease after the initial grant of \$119,512 has been expended the County shall return the equipment to the lessor; and be it further

MS. WHYTE moved to approve the item as amended. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

Item 50 – MS. WHYTE presented the following item and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 249

RE: ECC South Campus - EC Auto Bureau –  
Parking Improvements  
(COMM. 18E-13)

WHEREAS, parking at the satellite Auto Bureau, located on the campus of Erie Community College-South, has been difficult to obtain for some customers, especially the elderly and handicapped, as parking is located far from the satellite office and is open to the general student population; and

WHEREAS, the Department of Public Works has worked with the Erie County Clerk and the ECC administration to secure and develop parking accommodations with walkways adjacent to the Satellite Office that will be available exclusively to Auto Bureau customers; and

WHEREAS, ECC has approved the dedication of parking space for exclusive use by Auto Bureau customers.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for an amount not to exceed \$50,000.00 for the completion of this project; and be it further

RESOLVED, that the project account appropriation and revenues be increased and a line be added in SAP Project A.00309 – 2007 – Code Compliance, showing transfer of funds from Fund Center 17000, Account 551600, Interest BAN, in an amount not to exceed \$50,000.00; and be it further

RESOLVED, that the Comptroller's Office is authorized to make payment(s) for the above from SAP Project A.00309 – 2007 – Code Compliance for an amount not to exceed \$50,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works (Lynn Sacha), and one copy each to the Office of the County Executive, Erie County Clerk Kathy Hochul, the Division of Budget and Management, and the Office of the Comptroller.

MS. WHYTE moved to amend the item. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Delete the Resolution in its Entirety and Replace with the Following:

WHEREAS, parking at the satellite Auto Bureau, located on the campus of Erie Community College-South, has been difficult to obtain for some customers, especially the elderly and handicapped, as parking is located far from the satellite office and is open to the general student population; and

WHEREAS, the Department of Public Works has worked with the Erie County Clerk and the ECC administration to secure and develop parking accommodations with walkways adjacent to the Satellite Office that will be available exclusively to Auto Bureau customers; and

WHEREAS, ECC has approved the dedication of parking space for exclusive use by Auto Bureau customers.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for an amount not to exceed \$50,000.00 for the completion of this project; and be it further

RESOLVED, that the Director of Budget and Management is here authorized to transfer funds from General Fund 110 Fund Center 17000, Account 551600, Interest BAN, in an amount not to exceed \$50,000.00 in order to fund a capital project for parking improvements to be budgeted as follows:

Fund 410 - Capital Project A.20914  
ECC South/Auto Bureau Parking Improvements

Revenue	Increase
486000 Interfund Subsidy	50,000
Expense	
Capital Projects	50,000
Net	0

and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works (Lynn Sacha), and one copy each to the Office of the County Executive, Erie County Clerk Kathy Hochul, the Division of Budget and Management, and the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

FROM LEGISLATOR IANNELLO

Item 51 – (COMM. 18E-14) Copy of Article - UB Regional Institute Examines Tradeoffs of Downsizing Local Government in WNY

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 52 – (COMM. 18D-1) BMR Report - Period Ending 7/31/09

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY



Item 53 – (COMM. 18D-2) US DOJ v. EC and EC Sheriff

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DEPUTY COMPTROLLER

Item 54 – (COMM. 18D-3) EC Comptroller Audit - EC Industrial Development Agency-Related Payments in Lieu of Taxes to the County of Erie

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 55 – (COMM. 18D-4) Transmittal of New Claims Against Erie County

Item 56 – (COMM. 18D-5) Transmittal of New Claim 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 NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 57 – (COMM. 18M-1) Agenda Items for Region 9 Board Meeting Held 9/3/09

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NIAGARA COUNTY LEGISLATURE

Item 58 – (COMM. 18M-2) Copy of Resolution Calling Upon the NYS Legislature to Override Governor Paterson's Veto of - Establishes the NYS War of 1812, 200th Anniversary Commemoration Commission

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 59 – (COMM. 18M-3) Agenda Items for Board of Trustees Meeting Held 9/17/09

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE US EPA

Item 60 – (COMM. 18M-4) Community Update Concerning Air Quality Study and Evaluation of the Tonawanda Coke Facility

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYSDEC

Item 61 – (COMM. 18M-5) Region 9 Fish & Wildlife Highlights - 7/16/09 - 8/15/09

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ECIDA

Item 62 – (COMM. 18M-6) Copy of Letter to Deputy Comptroller Regarding the EC Industrial Development Agency

Received and Filed.

FROM THE NYSDEC

Item 63 – (COMM. 18M-7) Fact Sheet - Investigation & Cleanup to Begin at the 1318 Niagara St. Site

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ALLEGANY COUNTY BOARD OF LEGISLATORS

Item 64 – (COMM. 18M-8) Copy of Resolution to Request Governor Paterson & NYS Legislature to Advance Funding and Expedite the Timetables to Complete Parts of the Appalachian Development Highway System

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYSAC

Item 65 – (COMM. 18M-9) Acknowledgement of Receipt of Certified Resolution

Received and Filed.

FROM THE NYS BOARD OF REAL PROPERTY SERVICES

Item 66 – (COMM. 18M-10) Copy of Certificate of County Equalization Rates for 2009 Assessment Rolls for Municipalities in EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**ANNOUNCEMENTS**

Item 67 – CHAIR MARINELLI announced that the Legislature committee schedule has been distributed.

Item 68 – LEGISLATOR REYNOLDS announced that Legislature’s Budget Hearings, conducted by the Finance, Management & Budget Committee, have been scheduled, and that the dates have been set for Monday, October 26, 2009 through Friday, October 30, 2009. All meetings will be held in the Chambers of the Legislature.

Item 69 – CHAIR MARINELLI also announced that the required public hearing on the 2010 proposed Erie County Budget has also been scheduled, and the hearing will be held on Thursday, November 12, 2009, beginning at 5:00 P.M.

Item 70 – LEGISLATOR GRANT announced that there will be a community meeting at the Pratt Willert Community Center on Monday, September 28, 2009, from 6:00 to 8:30 P.M. The meeting will address the issues involved in the U.S. Department of Justice’s report concerning conditions at the Erie County Holding Center and Alden prison. The Legislature’s Community Enrichment Committee will also address this issue, Legislator Grant added, at its meeting scheduled for Thursday, October 1, 2009, at 9:30 A.M.

### **MEMORIAL RESOLUTIONS**

Item 71 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Margit I. (Badt) Spector.

Item 72 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Marine Gunnery Sgt. Aaron M. Kenefick.

Item 73 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of retired Lackawanna Police Officer Gene H. Wheeler.

Item 74 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of 3-year-old Madelyn ‘Maddie’ Lippitt, from Orchard Park, who died following a long illness.

### **ADJOURNMENT**

Item 75 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. LOUGHRAN moved that the Legislature adjourn until Thursday, October 8, 2009 at 2:00 P.M. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, October 8, 2009 at 2:00 P.M. Eastern Standard Time.

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