

**ERIE COUNTY LEGISLATURE  
MEETING NO. 19  
OCTOBER 8, 2009**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Ms. Terranova, who read a prayer.

The Pledge of Allegiance was led by Ms. Whyte.

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 18 from 2009. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. KENNEDY presented a resolution Recognizing Buffalo Sabres Player Tim Kennedy.

Item 6 – MS. WHYTE presented a resolution Recognizing Friday, October 9, 2009 as Latino AIDS Awareness Day.

Item 7 – MR. MAZUR presented a Memorial Resolution Remembering the Life of Rev. Msgr. John C. Weimer.

Item 8 – MR. WALTER presented a resolution Recognizing and Applauding the Clarence Community and Schools Federal Credit Union for Its 55 Years of Service to the Clarence Community.

Item 9 – MR. WALTER presented a resolution Recognizing and Applauding The Brothers of Mercy for Their 85 Years of Dedication and Service to the Wellness and Spiritual Needs of the Elderly of WNY.

Item 10 – MS. IANNELLO presented a resolution Congratulating the American Legion Band, Tonawanda Post 264, for Winning the National Championship for the 16th Time.

Item 11 – MS. IANNELLO presented a resolution Congratulating Christopher Ernst for Achieving the Rank of Eagle Scout.

Item 12 – MS. IANNELLO presented a resolution Congratulating Lorenda D. Williams for Being Elected to the Canisius College Alumni Association Board of Directors.

Item 13 – MS. IANNELLO presented a Memorial Resolution for Ruth M. Lilac.

Item 14 – MS. MILLER-WILLIAMS presented a resolution Commemorating October as Breast Cancer Awareness Month.

Item 15 – MR. KENNEDY presented a resolution Honoring Newly Commissioned Eucharistic Ministers from Bishop Timon St. Jude High School.

MR. WHYTE moved for consideration of the above eleven items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eleven items by adding one for MS. IANNELLO and also by including Et Al Sponsorship. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 16 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR MARINELLI directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR MARINELLI directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 – CHAIR MARINELLI directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – 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 23 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 250

September 29, 2009	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 12
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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. INTRO 6-4 (2009)  
RATH: “Opposing Upstate Rate Increases by the New York State Power Authority”  
(6-0)
  - b. COMM. 8M-6 (2009)  
NYSDEC: “NYS Nonattainment Area Recommendation for the 2008 Revised Ozone National Ambient Air Quality Standard”  
(6-0)
  - c. COMM. 18E-4 (2009)  
COUNTY EXECUTIVE: “ECSD #4, EC Sewer Agency Report, Increase & Improvement of Facilities (2009)”  
(6-0)

- d. COMM. 18M-1 (2009)  
NYS FISH & WILDLIFE MANAGEMENT BOARD: “Agenda Items for Region 9 Board Meeting Held 9/3/09”  
(6-0)
- e. COMM. 18M-5 (2009)  
NYSDEC: “Region 9 Fish & Wildlife Highlights - 7/16/09 - 8/15/09”  
(6-0)
- f. COMM. 18M-7 (2009)  
NYSDEC: “Fact Sheet - Investigation & Cleanup to Begin at the 1318 Niagara St. Site”  
(6-0)
- g. COMM. 18M-8 (2009)  
ALLEGANY COUNTY BOARD OF LEGISLATORS: “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”  
(6-0)

- 2. COMM. 12E-26 (2009)  
COUNTY EXECUTIVE  
WHEREAS, household hazardous waste is being generated by residents in Erie County; and

WHEREAS, improper disposal of household hazardous waste has the potential to contaminate the air, land, and waters of Erie County; and

WHEREAS, continued storage of hazardous household products in the home constitutes a danger to the occupants and the community; and

WHEREAS, Erie County has successfully conducted a model Household Hazardous Waste (HHW) Collection Program since 1988, servicing over 48,000 residents within Erie County; and

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS, the Erie County HHW Program is dependent upon State Aid assistance for partial funding; and

WHEREAS, Erie County deems it to be in the public interest and benefit to file an application for State Aid; and

WHEREAS, it is necessary that a contract by and between the people of the State of New York and Erie County be executed for such State Aid.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for State assistance for the HHW Collection Program in the form required by the State of New York in conformity with the applicable laws of the State of New York, including all understanding and assurances contained in said application is hereby authorized; and be it further

RESOLVED, that the County Executive is directed and authorized to enter into agreement and sign the resulting contract for partial reimbursement for expenses incurred conducting the Erie County HHW Program, if said application is approved by the State; and be it further

RESOLVED, that Erie County agrees to fund the cost of said HHW Collection Program and will be reimbursed by the State for the State's share of such costs; and be it further

RESOLVED, that five (5) certified copies of this resolution be prepared and sent to the NYSDEC together with a complete application; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget and Management; Holly A. Sinnott, AICP, the Commissioner of Environment and Planning; William M. Murray, Esq., Deputy Commissioner of Environment and Planning; Paul B. Kranz, P.E., Associate Engineer; the County Comptroller; and the County Attorney.

(6-0)

3. COMM. 18E-5 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Pratt & Huth Associates to provide engineering services related to the design, construction, and inspection of Sewerage Facilities for the Erie County Sewer Districts; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated October 4, 2001 with Pratt & Huth Associates in the final contract amount of \$141,805.21.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated October 4, 2001 between the County of Erie and Pratt & Huth Associates be formally closed in the final amount of \$141,805.21; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Engineering Agreement dated October 4, 2001, between the County of Erie and Pratt & Huth Associates; and be it further

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

(6-0)

4. COMM. 18E-6 (2009)  
COUNTY EXECUTIVE

WHEREAS, approval of a resolution to authorize the transfer of funds from Erie County Sewer District Nos. 3/8 Professional Service Account and Maintenance Contract Account to the Maintenance & Repair Account is needed due to increases in chemicals, specifically, Ferric Chloride for the remainder of Fiscal Year 2009.

NOW, THEREFORE, BE IT

RESOLVED, that in order to implement this request, the budget revisions will be submitted to the Budget Office to transfer available funds within the Erie County Sewer District Nos. 3/8 Budget to the appropriate account codes; and be it further

RESOLVED, that authorization is hereby provided to make the following budget adjustments:

Fund 220 – Sewers – Fund Center 18310 SD3/SD8

		<u>Increase</u>
Expense	506200 Maintenance & Repair	\$200,000
		<u>Decrease</u>
Expense	516020 Professional Services	(\$100,000)
Expense	516030 Maintenance Contracts	<u>(\$100,000)</u>
		-0-

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, Director of Budget and Management, Erie County Comptroller and Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning.  
(6-0)

5. COMM. 18E-7 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of DiDonato Associates to provide engineering services related to the design, construction, and inspection of Sewerage Facilities for the Erie County Sewer Districts; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement, dated October 21, 2004 with DiDonato Associates in the final contract amount of \$235,523.90.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated October 21, 2004 between the County of Erie and DiDonato Associates be formally closed in the final amount of \$235,523.90; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Engineering Agreement dated October 21, 2004, between the County of Erie and DiDonato Associates; and be it further

RESOLVED, that the Clerk of the Legislature send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one (1) certified copy each to the County Executive, the Erie County Comptroller and Eric Ziobro, Assistant County Attorney.  
(6-0)

6. COMM. 18E-8 (2009)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie/Erie County Sewer District No.4 has initiated plans to undertake the rehabilitation of the existing sanitary sewer in Parkdale and Glendale Roads and Broadway Avenue located in the Town of Lancaster; and

WHEREAS, the Town of Lancaster has requested Erie County to include the gravity sewer rehabilitation project within the Town's road rehabilitation of Glendale and Parkdale Roads and Broadway Avenue; and

WHEREAS, the County of Erie/Erie County Sewer District No.4 has estimated the cost of the sanitary sewer installation to be \$577,000.00 including General Services During Construction and Resident Inspection; and

WHEREAS, the Erie County/Erie County Sewer District No.4 and the Town of Lancaster desire to enter into an intermunicipal agreement to coordinate and facilitate the sanitary sewer rehabilitation project and the road rehabilitation project in order to achieve cost containment and efficiency and to minimize inconvenience to the public.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No.4 and the Town of Lancaster to include the sanitary sewer rehabilitation of the existing sanitary sewer for Glendale and Parkdale Roads and Broadway Avenue within the Town of Lancaster at a cost not to exceed \$577,000.00 is hereby approved; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate funds for the sanitary sewer portion of the work from Sewer Capital, Erie County Sewer District No.4, Account C.00063; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said intermunicipal agreement 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 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 certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney.  
(6-0)

7. COMM. 18E-9 (2009)  
COUNTY EXECUTIVE

WHEREAS, County of Erie/Erie County Sewer District No. 4, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Aurora North Subtrunk Sanitary Sewer, identified as CWSRF Project No. 6699-09; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT



RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Eric Ziobro, Assistant County Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.

WHEREAS, County of Erie/Erie County Sewer District No. 3, herein called the "Borrower" after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the Project generally described as the Southtowns Sewage Treatment Plant Upgrade/Expansion, identified as CWSRF Project No. 6647-08; herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987, (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to Chapter 565 of the Laws of New York 1989 as amended, (the "CWSRF Act"), established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, (the "Act") being Chapter 744 of the Laws of 1970, as amended and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for planning, development and construction of eligible projects.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application; and be it further

RESOLVED, that the following person(s) is/are directed and authorized as the official representative(s) of the Municipal Applicant to execute and deliver an application or CWSRF assistance, to execute and deliver the Project Financing Agreement and any other documents necessary to receive financial assistance from the Fund for the Project described, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Municipal Applicant as may be required:

The COUNTY EXECUTIVE  
(Authorized Representative)

The ERIE COUNTY COMPTROLLER  
(Chief Fiscal Officer)

and be it further

RESOLVED, that the official(s) designated above is/are authorized to make application for financial assistance under the following CWSRF Program for either short-term or long-term financing or both; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send three (3) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the Erie County Comptroller's Office, Director of Budget and Management and to Eric Ziobro, Assistant County Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.

(6-0)

**DANIEL M. KOZUB  
CHAIR**

Item 24 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 251

October 1, 2009	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MAZUR.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 5E-6 (2009)  
IANNELLO: “Letter to Commissioner of Environment & Planning Concerning Tonawanda Coke Plant”  
(4-0)

**THOMAS J. MAZUR  
CHAIR**

Item 25 – MS. GRANT presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 252

October 1, 2009	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR IANNELLO.  
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 14M-4 (2009)  
ALTERNATIVE CARE SERVICES OF WNY INC.: “Copy of Letter to Chair Marinelli Expressing Gratitude for Erie County Financial Support”  
(6-0)

- b. COMM. 18M-3 (2009)  
BUFFALO & EC PUBLIC LIBRARY: “Agenda Items for Board of Trustees Meeting Held 9/17/09”  
(6-0)

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

Item 26 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 253

October 1, 2009	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 12
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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. INTRO 13-2 (2008)  
WHYTE & REYNOLDS: “Employee Free Choice Act”  
(6-0)
  - b. INTRO 11-2 (2009)  
IANNELLO: “Calling for Residents of East River Road, Grand Island, to Meet with the Economic Development Committee Regarding Repeated Requests for Repairs to Sections of East River Road, Grand Island”  
(6-0)

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

Item 27 – MR. WROBLEWSKI presented the following report and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 254

October 1, 2009	PUBLIC SAFETY COMMITTEE REPORT NO. 10
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR IANNELLO.  
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 26D-3 (2009)  
DEPUTY COMPTROLLER - AUDIT: "Comptroller's Office Review of Probation/Youth Detention Petty Cash Accounts"  
(5-0)
  - b. COMM. 5D-3 (2009)  
DEPUTY COMPTROLLER - AUDIT & CONTROL: "Dept. of Probation - Audit of Cash Receipts & Disbursements, 1/1/06 - 9/30/08"  
(5-0)
  - c. COMM. 17E-21 (2009)  
COUNTY EXECUTIVE: "Appointment of Emergency Services Deputy Commissioner"  
(5-0)
  - d. COMM. 17M-3 (2009)  
FULTON COUNTY BOARD OF SUPERVISORS: "Copy of Resolution Opposing Various Proposed Anti-Gun Legislation in NYS - Passed 7/13/09"  
(5-0)
  - e. COMM. 17M-4 (2009)  
FULTON COUNTY BOARD OF SUPERVISORS: "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"  
(5-0)
2. COMM. 13E-8 (2009)  
COUNTY EXECUTIVE  
WHEREAS, the position of Probation Officer is critical to the function of community safety;  
and

WHEREAS, Probation Officers assist the judiciary and public officials in decision making to enhance New York State's commitment to public safety and offender accountability; and

WHEREAS, Probation Officers hold adult and juvenile probationers accountable, provide structured guidance, supervise offenders for compliance with Court orders and collect fines, fees and restitution on behalf of victims; and

WHEREAS, Probation Officers are Peace Officers and discharge their law enforcement duties by performing their Peace Officer functions; and

WHEREAS, the Erie County Probation Department recognizes the job of Probation Officer as a full-time professional career requiring a Bachelor's Degree with at least thirty (30) credit hours in the social or behavioral sciences and specific knowledge of social sciences, sociology,

psychology, economics, social service programs, community resources, factors related to crime and delinquency, good judgment in dealing with people, ability to understand and interpret and prepare written material; and

WHEREAS, the Department wishes to retain the dedicated professional staff who have undergone months of extensive specialized training in firearms, Peace Officer, Fundamentals of Probation and defensive tactics; and

WHEREAS, departmental operations are impeded with the current requirement of Probation Officers remaining in a regular part-time (RPT) status; and

WHEREAS, out of eighty-nine (89) Probation Officers, thirty-five (35) have advanced degrees in the areas of Masters in Criminal Justice, Masters in Criminal Justice and NYS Teacher Certificate, Masters in Forensic Psychology, Masters in Psychology, Masters in Social Work, Masters in Counseling, Masters in Counselor Education, Masters in General Education and Counselor Education, Masters in Human Services Administration, Masters in Human Services Administration and a Juris Doctor (JD), Masters in Mental Health Counseling and Credentialed Alcohol and Substance Abuse Counselor (CASAC), CASAC, Masters in Rehabilitation Counseling, Masters in Education in Counseling, Masters in Business Administration (MBA), Masters in Public Administration, State Certified School Counselor, Certified Rehabilitation Counselor (CRC), Licensed Master in Social Work, Certified Trauma Counseling and Doctor of Chiropractic (DC).

NOW, THEREFORE, BE IT

RESOLVED, that the Probation Department is requesting authorization to create four (4) full-time Probation Officer positions and one (1) full-time Probation Assistant position (J.G. 7) to replace the current regular part-time (RPT) positions, thus creating uniformity within the officer ranks. The necessary B-100's (control #4659, 4660 and 4661) needed for this purpose are attached; and be it further

RESOLVED, that funds are available within existing Personnel Services, account #500000, within the Probation Department's 2009 adopted budget due to vacancy savings; and be it further

RESOLVED, that authorization is hereby provided for the County Executive to create four (4) Probation Officer positions (J.G. 11) and one (1) Probation Assistant position (J.G. 7) within the Probation Department, Fund 110 – Operating Department and to delete four (4) regular part-time Probation Officer positions and one (1) regular part-time (RPT) Probation Assistant position within the same fund and operating unit; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Department of Probation, the Division of Budget, Management and Finance, the Director of Personnel and the Office of the Comptroller.  
(5-0)

3. COMM. 14E-7 (2009)  
COUNTY EXECUTIVE

WHEREAS, the City of Buffalo, in partnership with the County of Erie, the Cities of Lackawanna and Tonawanda, the Towns of Amherst, Cheektowaga, Evans, Orchard Park,

Tonawanda and West Seneca, and the Villages of Depew and Kenmore, has been awarded funding under the 2009 Recovery Act through the U.S. Department of Justice; and

WHEREAS, the City of Buffalo and the partners have proposed strategies toward criminal justice initiatives that will enhance local law enforcement; and

WHEREAS, the City of Buffalo has been appointed by the partners to serve as the applicant and fiscal agent for these joint funds; and

WHEREAS, Central Police Services will utilize the funding to provide software enhancements to the local Criminal History Arrest Records Management System.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into an agreement with and accept funding from the City of Buffalo in the amount of \$67,865; and be it further

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

GRANT FUND – SAP 165JAGSTIMF090913  
Central Police Services 03/01/09 to 02/28/13

<u>Revenue</u>	<u>Increase</u>
420499 Other – Local Source Revenue	\$67,865
<u>Appropriation</u>	<u>Increase</u>
516020 Professional Services Contracts	\$67,865
<u>Total Appropriation</u>	\$67,865

and be it further

RESOLVED, that authorization is hereby provided to issue a purchase order to Globalquest Solutions, Inc., a local WBE/New York State contract vendor in the amount of \$67,865 to provide the professional technical staff for this project; and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Central Police Services, c/o Florence Hollenbeck, 45 Elm Street, Buffalo, New York 14203.

(5-0)

**TIMOTHY M. WROBLEWSKI**

**CHAIR**

Item 28 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 255

October 1, 2009	GOVERNMENT AFFAIRS 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. INTRO 8-16 (2008)  
IANNELLO & KONST: “Resolution to Reform the Erie County Charter by Limiting the Term of Office that an Elected County Legislator Can Hold and Changing the Term to Four Years with a Limit of Twelve Consecutive Years”  
(6-0)
  - b. COMM. 17E-6 (2009)  
COMPTROLLER: “Salary Increase for Deputy County Executive”  
(6-0)
  - c. COMM. 17D-6 (2009)  
COMPTROLLER’S OFFICE: “Copy of Review of Time and Attendance Data for Employees Within the EC Dept. of Personnel for 1/1/07 - 12/31/08”  
(5-0) Legislator Kozub absent for vote.
  - d. COMM. 17D-16 (2009)  
COMMISSIONER OF PERSONNEL: “Salary Increment for Deputy County Executive”  
(5-0) Legislator Kozub absent for vote.
  - e. COMM. 17D-25 (2009)  
COMMISSIONER OF PERSONNEL: “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”  
(5-0) Legislator Kozub absent for vote.
  - f. COMM. 17M-8 (2009)  
SENATOR THOMPSON: “Copy of Letter to Governor Paterson Re: Proposed Sale of Southtowns Connector by NFTA”  
(5-0) Legislator Kozub absent for vote.



- g. COMM. 17M-29 (2009)  
ALDEN HIGHWAY SUPERINTENDENT: "Letter Concerning the Price of Salt"  
(5-0) Legislator Kozub absent for vote.
- h. COMM. 18D-4 (2009)  
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"  
(5-0) Legislator Kozub absent for vote.
- i. COMM. 18D-5 (2009)  
COUNTY ATTORNEY: "Transmittal of New Claim Against Erie County"  
(5-0) Legislator Kozub absent for vote.
- j. COMM. 18M-2 (2009)  
NIAGARA COUNTY LEGISLATURE: "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"  
(5-0) Legislator Kozub absent for vote.
- k. COMM. 18M-10 (2009)  
NYS BOARD OF REAL PROPERTY SERVICES: "Copy of Certificate of County  
Equalization Rates for 2009 Assessment Rolls for Municipalities in EC"  
(5-0) Legislator Kozub absent for vote.
2. INTRO 18-4 (2009)  
REYNOLDS, MARINELLI, WHYTE,  
MILLER-WILLIAMS & TERRANOVA AS AMENDED  
WHEREAS, NYSEG (New York State Electric and Gas) has requested permission from the  
PSC (Public Service Commission) to increase its rates for the delivery of electricity and natural gas;  
and

WHEREAS, the requested rate increases are excessive by any measure, to wit, 18.6% in the rate charged for the delivery of electricity and 17.4% in the rate charged for the delivery of natural gas; and

WHEREAS, data made available from the federal government clearly demonstrate that costs for electrical and natural gas transmissions have actually fallen during the past year; and

WHEREAS, it is unconscionable for NYSEG to seek a rate increase when its costs have decreased; and

WHEREAS, under ARRA (American Recovery and Reinvestment Act), \$4.5 billion is available for the Enhancement of Electricity Delivery and Energy Reliability; and

WHEREAS, a component of ARRA funding is the Smart Grid Matching Grant Program which was authorized in the Energy Independence and Security Act of 2007; and

WHEREAS, under the Smart Grid program, a 20% subsidy will be made available to utility companies for costs associated with upgrading and improving the efficiency of facilities engaged in electrical transmission; and

WHEREAS, no reasonable justification or supporting data exist for the Public Service Commission to grant a rate increase to NYSEG in this current environment of both deflation of costs and availability of federal subsidies.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record expressing its vehement opposition to the increase in rates for the delivery of electricity and natural gas that has been requested by New York State Electric and Gas; and be it further

RESOLVED, that this Honorable Body encourage utility consumers to convey their opposition to the Public Service Commission regarding these excessive, unjustified rate increases; and be it further

RESOLVED, that copies of this resolution be conveyed to the New York State Public Service Commission, United States Senators Chuck Schumer and Kirsten Gillibrand, the Western New York Congressional Delegation, the WNY Delegation to the State Legislature and all others deemed necessary and proper.  
(5-0) Legislator Kozub absent for vote.

**BARBARA MILLER-WILLIAMS  
CHAIR**

**LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 256

RE: Buffalo Niagara Convention & Visitors  
Bureau Re-designation as Authorized  
Tourism Promotion Agency for Erie  
County  
(INTRO 19-1)

A RESOLUTION SUBMITTED BY  
LEGISLATORS MARINELLI & GRANT

WHEREAS, the promotion, development and expansion of the tourist travel, meetings and vacation business are vital and necessary concerns to the citizens of Erie County, since such tourism business strengthens the county's vital and necessary opportunities, and promotes the general welfare of county residents; and

WHEREAS, the New York State Legislature, in 1977, recognizing the value of local and state involvement and assistance in tourism promotion, enacted the New York State Tourism Protection Act; and

WHEREAS, this Tourism Protection Act authorizes the state's Department of Commerce to initiate a program of matching state funds for non-profit tourist promotion agencies designated by county legislative bodies as agencies authorized to apply for and receive grants for recognized media advertising programs; and

WHEREAS, the Buffalo Niagara Convention and Visitors Bureau, a non-profit tourism promotion association, has begun to bring together many new segments of the county, servicing the tourism industry in a coordinated effort.

NOW, THEREFORE, BE IT

RESOLVED, that the Buffalo Niagara Convention and Visitors Bureau, having been designated as the authorized tourism promotion agency for Erie County in 1974, is hereby re-designated as such for 2009-2010; and be it further

RESOLVED, that this Honorable Body does hereby request that the Buffalo Niagara Convention and Visitors Bureau make the appropriate application to the Commissioner of the New York State Department of Commerce for state matching funds to assist said tourism promotion agency in the financing of a recognized media advertising program, as defined and set forth in the New York State Tourism Protection Act; and be it further

RESOLVED, that officials of the Convention and Visitors Bureau are hereby requested to appear at a future meeting of the Legislature's Community Enrichment Committee to discuss the status of the aforementioned state matching fund grants and other matters relating to the furtherance of tourist activities within Erie County and Western New York; and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioner of the New York State Department of Economic Development (30 South Pearl Street, Albany, NY 12245), Drew Cerza and Leah Mueller of the Buffalo-Niagara Convention and Visitors Bureau (617 Main Street, Suite 200, Buffalo, New York 14203-1496), State Assembly Tourism, Arts and Sports Development Committee Chair (LOB 712, Albany, NY 12248), State Senate Tourism, Recreation and Sports Development Committee Chair (LOB 310, Albany, NY 12248), and to Erie County Executive Chris Collins.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 30 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 257

RE: Expressing Support for NYS Bills  
A.765/S.2948 Regarding the Practice of  
Certified Nurse Practitioners  
(INTRO 19-2)

A RESOLUTION SUBMITTED BY  
LEGISLATORS IANNELLO & MAZUR

WHEREAS, in New York State, nurse practitioners practice in both primary and specialty care settings that include acute, ambulatory and long term care; and

WHEREAS, the New York State Education Department licenses and certifies nurse practitioners to diagnose illnesses and physical conditions, to perform therapeutic and corrective measures, to order tests, and to prescribe medications, medical devices and immunizing agents; and

WHEREAS, nurse practitioners also refer patients to other health care providers without direct supervision; and

WHEREAS, many nurse practitioners are certified by national accrediting agencies in one or more practice specialties, beyond the certification they receive by New York State; and

WHEREAS, at present, a mandatory collaboration relationship between a nurse practitioner and medical doctor is required under New York State law; and

WHEREAS, legislation pending in the State Assembly and State Senate would update the practice of nurse practitioners to reflect the times and the need for primary health care access by individuals and families in underserved urban and rural areas of the state; and

WHEREAS, the following states allow such a practice, thereby acting as a magnet for individuals educated in New York State to instead serve communities in Arizona, Maine, Oregon, Alaska, the District of Columbia, Montana, New Hampshire, Utah, Washington State, Iowa and Wyoming; and

WHEREAS, mandatory collaboration no longer serves a clinical purpose, given the education, training and advanced certification of nurse practitioners.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature express its support for Assembly Bill 765/Senate Bill 2948 regarding the practice of nurse practitioners in New York State; and be it further

RESOLVED, that this Honorable Body believes that passage of this legislation would allow for greater access to primary health care by individuals in underserved urban and rural communities, including those in Erie County; and be it further

RESOLVED, that representatives from the Western New York Chapter of the Nurse Practitioner Association of New York State will be invited to speak on this legislation during an upcoming meeting of the Health & Human Services Committee of the Erie County Legislature; and be it further

RESOLVED, that copies of this resolution be conveyed to the Governor, the Speaker of the Assembly, the Majority Leader of the State Senate, the WNY Delegation to the State Legislature, the WNY Chapter of the Nurse Practitioner Association and all others deemed necessary and proper.

Item 31 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded. MR. RATH and MR. WALTER voted in the negative.

CARRIED. (13-2)

RESOLUTION NO. 258

RE: Urging the Federal Government to  
Implement Immediate Actions to Help  
Relieve the Fiscal Crisis in the Dairy  
Industry  
(INTRO 19-3)

A RESOLUTION SUBMITTED BY  
LEGISLATOR REYNOLDS

WHEREAS, New York State's vast farming industry contributes to both the State's and the nation's health and economic well-being; and

WHEREAS, dairy farming is the backbone of agriculture, which is the largest industry in New York State; and

WHEREAS, the current state of the dairy industry is dire, as dairy producers struggle to meet their financial commitments at a time when milk prices have hit a historic low; and

WHEREAS, further economic stresses on dairy farmers include erratically high costs for energy, feed and fertilizer; and

WHEREAS, the bleak economic climate has reduced demand for dairy products in both the domestic and foreign markets, creating a surplus in supply which is driving down the price of this important commodity; and

WHEREAS, in many areas of the State including Erie County, even the most efficiently run dairy farms will not be able to stay in business unless immediate and decisive actions – akin to those taken to shore up other industries as part of the American Recovery and Reinvestment Act.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urge the Federal Government to take immediate action to save the dairy industry by relieving the current dairy fiscal crisis; and be it further

RESOLVED, that this Honorable Body recommend that the following measures be taken to foster the recovery of both the state and national dairy industry:

- Congress must provide an immediate increase in funding for payments to dairy farmers under the Mild Income Loss Contract (MILC)
- The USDA (United States Department of Agriculture) should move dairy commodities off the domestic market as quickly as possible to fully utilize the Dairy Export Incentive Program (DEIP)
- The USDA should temporarily increase the product Price levels of the Dairy Product Price Support Program
- The USDA and the State of New York should immediately increase domestic dairy product purchases for government-sponsored nutrition programs
- Passage of United States Senate Bill 1722, known as the Federal Milk Marketing Improvement Act of 2007, which will require the Secretary of Agriculture to determine the price for all milk used for manufacturing to be based on the national average cost of production, thereby increasing the price per hundred weight; and be it further

RESOLVED, that copies of this resolution be forwarded to President Barack Obama, the Western New York State Congressional Delegation and all others deemed necessary and proper.

Item 32 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 259

RE: CPR Certification and AED Training for  
Teachers & School Personnel  
(INTRO 19-4)

A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR KENNEDY

WHEREAS, our children are our future; and

WHEREAS, the safety and well-being of our children in our schools should be of the highest priority; and

WHEREAS, teachers and school personnel are very dedicated and concerned about the well-being and safety of their students, our children; and

WHEREAS, each year more than 250,000 Americans die from sudden cardiac arrest alone, many of these children; and

WHEREAS, children may also suffer life-threatening injuries in addition to sudden cardiac arrest, and in such instances a fast response time can be the difference between life and death; and

WHEREAS, New York state, recognizing the need for the quick and efficient ministering of emergency cardiopulmonary resuscitation (CPR) and/or automated external defibrillators (AEDs) in the schools, in 2002 required by law that all public school facilities with more than 1000 persons to provide and maintain on-site AED equipment; and

WHEREAS, the same law required that all school sponsored activities have at least one person present that is trained to use an AED; and

WHEREAS, New York State does *not* require as part of the continuing education and certification process that all teachers and school personnel be trained in CPR and AED use; and

WHEREAS, teachers and other school personnel are close to our children and therefore their proper training in CPR and AED use is critical and could save a life; and

WHEREAS, the cost of this training would be negligible if required as part of the certification and recertification process of teachers and school personnel.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support the adoption by the New York State Legislature and/or the Board of Regents of Education to amend State law so that all teachers and school personnel be required to undergo training and recertification in CPR and AED use; and be it further

RESOLVED, that certified copies of this resolution be sent to the WNY State Delegation, the NY State Senate Majority Leader, the NY State Assembly Speaker, Governor David Paterson, the NY State Board of Regents, and the NY State Department of Education.

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

CARRIED UNANIMOUSLY.

MS. GRANT moved to further amend the resolution. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Insert the Following Recipients to Receive a Copy of the Certified Resolution in the Final Resolved Clause:

Superintendents of all school districts in Erie County.

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

CARRIED UNANIMOUSLY.

Item 33 – CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 19-5 from RATH, MILLS & WALTER Calling Upon NYS to Approve A. 9157 and S. 6156, the "People's Convention to Reform New York Act."

Item 34 – CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 19-6 from TERRANOVA Urging Congress to Pass the "Senior Investors Protections Enhancement Act."

Item 35 – CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 19-7 from IANNELLO A Resolution to Amend the EC Legislature Rules of Order to Establish Evening Sessions of the EC Legislature.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 36 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 19D-2 (2008). MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Insert the Following Resolution:





Acct. No. 112 \$0.00 County  
Acct. No. 132 \$9,743.41 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$9,743.41

RPTL 550(2): THE SANITARY SEWER WAS CALCULATED INCORRECTLY  
REFUND TO BE ISSUED TO: BOULEVARD MALL SPEC LLC/ SHARED SERVICES OFF.

FISCAL YEAR 2009 Petition No. 209,190.00

ASSESSOR Refund \$77,046.26

S-B-L 54.03-1-24.1 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$77,046.26 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$77,046.26

RPTL 550(2): THE SANITARY SEWER WAS CALCULATED INCORRECTLY  
NEW TAX BILL TO BE ISSUED TO: BOULEVARD MALL EXPANSION LLC/ SHARED SE

FISCAL YEAR 2009 Petition No. 209,191.00

ASSESSOR Cancel \$279.50

S-B-L 159.19-1-20./223 144889 HAMBURG

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$279.50 Town/SpecialDist/School  
Charge To : 144889 HAMBURG \$279.50  
Relevy School \$279.50 144804 FRONTIER CENTRAL

RPTL 550(2): DELETE ENTIRE PARCEL FROM THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: EAGLECREST LIMITED PARTNERSHIP

FISCAL YEAR 2009 Petition No. 209,192.00

ASSESSOR Cancel \$438.11

S-B-L 193.03-3-35 144889 HAMBURG

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$438.11 Town/SpecialDist/School  
Charge To : 144889 HAMBURG \$438.11  
Relevy School \$438.11 144804 FRONTIER CENTRAL

RPTL550(2): FAILED TO APPLY A ENHANCED STAR  
NEW TAX BILL TO BE ISSUED TO: WILLIAM Z & KAREN E ZERN



	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$23,983.36	Town/SpecialDist/School
<u>Charge To :</u>	145289 LANCASTER	\$23,983.36	
	Relevy School	\$23,983.36	145201 LANCASTER CENTRAL

RPTL 550(2): ASSESSMENT REDUCTION NOT RECORDED  
NEW TAX BILL TO BE ISSUED TO: BUFFALO CRUSHED STONE INC.

FISCAL YEAR 2009                      Petition No.                      209,197.00

ASSESSOR                      Cancel                      \$1,083.02

S-B-L 78.24-6-17    146401 KENMORE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,083.02	Town/SpecialDist/School
<u>Charge To :</u>	146401 KENMORE	\$1,083.02	
	Relevy School	\$1,083.02	146401 KEN-TON UNION FREE

RPTL 550(2): FAILED TO APPLY A DISABILITY EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: ESTHER YODER

FISCAL YEAR 2009                      Petition No.                      209,198.00

ASSESSOR                      Cancel                      \$100.35

S-B-L 107.04-1-17.1    142089 ALDEN

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$100.35	Town/SpecialDist/School
<u>Charge To :</u>	142089 ALDEN	\$100.35	
	Relevy School	\$100.35	142001 ALDEN CENTRAL

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL  
DELETE ENTIRE PARCEL FROM THE TAX ROLL

FISCAL YEAR 2009                      Petition No.                      209,199.00

ASSESSOR                      Cancel                      \$444.48

S-B-L 47.07-2-16.11/d17    145601 AKRON

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$444.48	Town/SpecialDist/School
<u>Charge To :</u>	145601 AKRON	\$444.48	
	Relevy School	\$444.48	145601 AKRON CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
NEW TAX BILL TO BE ISSUED: LEONARD CHELIUS

FISCAL YEAR 2009                      Petition No.                      209,200.00  
  
   ASSESSOR                      Cancel                      \$8.58

S-B-L 81.10-5-36.2    142289 AMHERST

   Acct. No. 112                      \$0.00      County  
   Acct. No. 132                      \$8.58      Town/SpecialDist/School  
Charge To :                      142289 AMHERST                      \$8.58  
   Relevy School                      \$8.58      142203 WILLIAMSVILLE CENT

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL  
DELETE ENTIRE PARCEL FROM THE TAX ROLL

FISCAL YEAR 2009                      Petition No.                      209,201.00  
  
   ASSESSOR                      Cancel                      \$496.61

S-B-L 172.06-1-41    146089 ORCHARD PARK

   Acct. No. 112                      \$0.00      County  
   Acct. No. 132                      \$496.61      Town/SpecialDist/School  
Charge To :                      146089 ORCHARD PARK                      \$496.61  
   Relevy School                      \$496.61      146001 ORCH PARK CENTRAL

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR  
NEW TAX BILL TO BE ISSUED TO: DAVID J & MARIE B FOWLER

FISCAL YEAR 2009                      Petition No.                      209,202.00  
  
   ASSESSOR                      Cancel                      \$598.88

S-B-L 104.07-4-66    145201 DEPEW

   Acct. No. 112                      \$0.00      County  
   Acct. No. 132                      \$598.88      Town/SpecialDist/School  
Charge To :                      145201 DEPEW                      \$598.88  
   Relevy School                      \$598.88      143007 DEPEW UNION-CHEEK

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
NEW TAX BILL TO BE ISSUED TO: THERESA E GEFERT

FISCAL YEAR 2009                      Petition No.                      209,203.00  
  
   ASSESSOR                      Cancel                      \$26.67

S-B-L 207.00-1-7.2 144000 EDEN

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$26.67	Town/SpecialDist/School
<u>Charge To :</u>	144000 EDEN		\$26.67
	Relevy School	\$26.67	144001 EDEN CENTRAL

RPTL 550(2): TOWN OWNED PROPERTY SHOULD HAVE BEEN FULLY EXEMPT  
NEW TAX BILL TO BE ISSUED TO: TOWN OF EDEN

FISCAL YEAR 2009 Petition No. 209,204.00

ASSESSOR Cancel \$5.91

S-B-L 161.06-2-11 146089 ORCHARD PARK

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$5.91	Town/SpecialDist/School
<u>Charge To :</u>	146089 ORCHARD PARK		\$5.91
	Relevy School	\$5.91	146001 ORCH PARK CENTRAL

RPTL 550(2): EXEMPTION CALCULATED INCORRECTLY  
NEW TAX BILL TO BE ISSUED TO: 3712 SOUTHWESTERN BLVD LLC

FISCAL YEAR 2008 Petition No. 209,205.00

ASSESSOR Refund \$3,222.05

S-B-L 152.17-1-13.14 146089 ORCHARD PARK

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$3,222.05	Town/SpecialDist/School
<u>Charge To :</u>	146089 ORCHARD PARK		\$3,222.05
	Relevy School	\$3,222.05	146001 ORCH PARK CENTRAL

RPTL 550(2): FAILED TO APPLY A BUSINESS IMPROVEMENT EXEMPTION  
REFUND TO BE ISSUED TO: QUAKER CROSSING LLC

FISCAL YEAR 2009 Petition No. 209,206.00

ASSESSOR Refund \$2,085.70

S-B-L 152.17-1-13.14 146089 ORCHARD PARK

	Acct. No. 112	\$1,040.57	County
	Acct. No. 132	\$1,045.13	Town/SpecialDist/School
60141 ERIE CO SEW DST 3		\$106.50	

Charge To : 146089 ORCHARD PARK \$938.63

RPTL 550(2): FAILED TO APPLY A BUSINESS IMPROVEMENT EXEMPTION  
REFUND TO BE ISSUED TO: QUAKER CROSSING LLC

FISCAL YEAR 2009 Petition No. 209,207.00

ASSESSOR Cancel \$3,058.85

S-B-L 152.17-1-13.14 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$3,058.85 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$3,058.85  
Relevy School \$3,058.85 146001 ORCH PARK CENTRAL

RPTL 550(2): FAILED TO APPLY A BUSINESS IMPROVEMENT EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: QUAKER CROSSING LLC

FISCAL YEAR 2009 Petition No. 209,208.00

ASSESSOR Cancel \$470.54

S-B-L 235.07-2-5.1 144489 EVANS

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$470.54 Town/SpecialDist/School

Charge To : 144489 EVANS \$470.54  
Relevy School \$470.54 144401 LAKE SHORE CENTRAL

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: LESLIE & RAE HANKS

FISCAL YEAR 2009 Petition No. 209,209.00

ASSESSOR Cancel \$588.03

S-B-L 143.08-1-14.11 146800 WEST SENECA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$588.03 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$588.03  
Relevy School \$588.03 146801 WEST SENECA CENT

RPTL 550(2): FAILED TO APPLY A AGED STAR EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: BETTY A BROWN

FISCAL YEAR 2009 Petition No. 209,210.00

ASSESSOR Cancel \$252.80

S-B-L 143.18-1-16 146800 WEST SENECA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$252.80 Town/SpecialDist/School  
Charge To : 146800 WEST SENECA \$252.80  
Relevy School \$252.80 146801 WEST SENECA CENT

INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: TODD KLEOTZER & JOSETTE COCKLIN

FISCAL YEAR 2009 Petition No. 209,211.00

ASSESSOR Cancel \$20.60

S-B-L 41.20-3-21 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$20.60 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$20.60  
Relevy School \$20.60 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE IASSUED TO: FRANCIS G ROELL & MARY ANN ROGERS

FISCAL YEAR 2009 Petition No. 209,212.00

ASSESSOR Cancel \$82.56

S-B-L 27.11-4-2 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$82.56 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$82.56  
Relevy School \$82.56 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX BILL  
NEW TAX BILL TO BE ISSUED TO: KRAMHOLLER LIVING TRUST

FISCAL YEAR 2009 Petition No. 209,213.00

ASSESSOR Cancel \$554.25

S-B-L 55.07-6-44 142289 AMHERST

Acct. No. 112 \$0.00 County



Charge To : Acct. No. 132 \$554.25 Town/SpecialDist/School  
142289 AMHERST \$554.25  
Relevy School \$554.25 142203 WILLIAMSVILLE CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
NEW TAX BILL TO BE ISSUED TO: QUANTANG ZHONG & SHUYING YANG

FISCAL YEAR 2009 Petition No. 209,214.00  
ASSESSOR Cancel \$374.99

S-B-L 40.19-3-8 142289 AMHERST

Charge To : Acct. No. 112 \$0.00 County  
Acct. No. 132 \$374.99 Town/SpecialDist/School  
142289 AMHERST \$374.99  
Relevy School \$374.99 142207 SWEET HOME CENTRAL

RPTL 550(2): FAILED TO APPLY AN ENHANCED STAR EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: GERALD & THERESA V RIVARD

FISCAL YEAR 2009 Petition No. 209,215.00  
ASSESSOR Cancel \$563.09

S-B-L 68.15-9-13./30 142289 AMHERST

Charge To : Acct. No. 112 \$0.00 County  
Acct. No. 132 \$563.09 Town/SpecialDist/School  
142289 AMHERST \$563.09  
Relevy School \$563.09 142201 AMHERST CENTRAL

RPTL 550(2): FAILED TO APPLY AN ENHANCED STAR EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: WILBERT D SAYLOR JR

FISCAL YEAR 2009 Petition No. 209,216.00  
ASSESSOR Cancel \$594.08

S-B-L 67.16-4-5 142289 AMHERST

Charge To : Acct. No. 112 \$0.00 County  
Acct. No. 132 \$594.08 Town/SpecialDist/School  
142289 AMHERST \$594.08  
Relevy School \$594.08 142201 AMHERST CENTRAL

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR  
NEW TAX BILL TO BE ISSUED TO: GORDON & LORRAINE POPLAWSKI



	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$592.06	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$592.06	
	Relevy School	\$592.06	142201 AMHERST CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
NEW TAX BILL TO BE ISSUED TO: PHILLIP FERGUSON

FISCAL YEAR 2009                      Petition No.                      209,221.00

ASSESSOR                      Cancel                      \$556.14

S-B-L 28.02-8-35    142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$556.14	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$556.14	
	Relevy School	\$556.14	142203 WILLIAMSVILLE CENT

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR  
NEW TAX BILL TO BE ISSUED TO: GERALD & ROSALIE D FRAWLEY

FISCAL YEAR 2009                      Petition No.                      209,222.00

ASSESSOR                      Cancel                      \$1,186.14

S-B-L 67.57-6-7    142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,186.14	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$1,186.14	
	Relevy School	\$1,186.14	142201 AMHERST CENTRAL

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR  
NEW TAX BILL TO BE ISSUED TO: KATHERINE CARROLL

FISCAL YEAR 2009                      Petition No.                      209,223.00

ASSESSOR                      Cancel                      \$1,110.38

S-B-L 68.20-9-6    142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,110.38	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$1,110.38	
	Relevy School	\$1,110.38	142203 WILLIAMSVILLE CENT

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR EXEMPTION

NEW TAX BILL TO BE ISSUED TO: JOAN M HEINE

FISCAL YEAR 2009	Petition No.	209,224.00
ASSESSOR	Cancel	\$598.88

S-B-L 104.56-3-11 145201 DEPEW

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$598.88	Town/SpecialDist/School
	145201 DEPEW	\$598.88	
	Relevy School	\$598.88	143007 DEPEW UNION-CHEEK

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: JOHN KIRIPOLSKY & TINA WIESNER

and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the Director of Real Property Tax Services.

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

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

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

GRANTED.

COMM. 19E-19 from LEGISLATORS GRANT, MARINELLI & REYNOLDS Re: Letter to Environment & Planning Commissioner Concerning ECCRAB 2010 Tentative Budget Determinations

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 38 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 19-8 from LEGISLATORS MARINELLI, WHYTE & GRANT Re: Recognizing the Important History of Buffalo & Black Rock in the Promotional Efforts for the 200th Anniversary Celebration of the War of 1812

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 39 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 19-9 from LEGISLATORS MARINELLI, WHYTE & MILLER-WILLIAMS Re: Legislative Settlement of Factfinder Report Relating to AFSCME Local #1095

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM CHAIR MARINELLI**

Item 40 – (COMM. 19E-1) Copy of Letter to County Executive Concerning 2010 Budget Concerns Voiced by District 11 Constituents

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR WHYTE**

Item 41 – (COMM. 19E-2) Copy of Buffalo Police Complaint Summary Report

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM CHAIR MARINELLI**

Item 42 – (COMM. 19E-3) Appointment of Legislator Timothy M. Wroblewski to Serve as a Member of the Finance & Management/Budget Committee

Received, Filed and Printed.

September 30, 2009

Mr. Robert Graber, Clerk  
Erie County Legislature  
92 Franklin Street  
Buffalo, New York 14202

Dear Mr. Graber:

Please be advised that pursuant to and consistent with the provisions of the 2009 Rules of Order for the Erie County Legislature, Section 3.02, I appoint Legislator Timothy M. Wroblewski to serve as a member of the Finance & Management/Budget Committee.

Thank you.

Sincerely,

Lynn M. Marinelli  
Chair, Erie County Legislature

Cc: Legislator Timothy M. Wroblewski

Item 43 – (COMM. 19E-4) Appointment of Legislator Raymond W. Walter to Serve as a Member of the Finance & Management/Budget Committee

Received, Filed and Printed.

September 30, 2009

Mr. Robert Graber, Clerk  
Erie County Legislature  
92 Franklin Street  
Buffalo, New York 14202

Dear Mr. Graber:

Please be advised that pursuant to and consistent with the provisions of the 2009 Rules of Order for the Erie County Legislature, Section 3.02, I appoint Legislator Raymond W. Walter, to serve as a member of the Finance & Management/Budget Committee.

Thank you.

Sincerely,

Lynn M. Marinelli  
Chair, Erie County Legislature

Cc: Legislator Raymond W. Walter

FROM THE COMPTROLLER

Item 44 – (COMM. 19E-5) New Intergovernmental Transfer/Disproportionate Share Payment to NYS

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 45 – (COMM. 19E-6) Copy of Letter to EC Legislature Regarding 2010 Revenue & Expenditure Estimates and 2010 Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 19E-7) 2010 Tentative Budget

Received and referred to the FINANCE, MANAGEMENT & BUDGET COMMITTEE.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 261

RE: Ralph Wilson Stadium - 2009 –  
Miscellaneous Improvements - Phase 4  
(COMM. 19E-8)

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

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management received bids for the Ralph Wilson Stadium – 2009 – Miscellaneous Improvements Phase 4 Work on September 3, 2009; and

WHEREAS, the Department of Public Works, Division of Real Estate and Asset Management is recommending award of contracts to the lowest responsible bidders, along with the engineer.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts with the lowest responsible bidders for the Ralph Wilson Stadium – 2009 – Miscellaneous Improvements Phase 4 as follows:

GENERAL CONSTRUCTION WORK

Trason Development Corporation	Base Bid	\$1,294,000.00
	Deduct Alternate #3	(\$ 496,000.00)
	Negotiated Credit	<u>(\$ 73,000.00)</u>
TOTAL AWARD OF GENERAL CONSTRUCTION CONTRACT		\$ 725,000.00

SITE WORK

American Paving & Excavating	Base Bid	<u>\$ 209,300.00</u>
TOTAL AWARD OF SITE CONTRACT		\$ 209,300.00

ELECTRICAL WORK

O'Connell Electric Co.	Base Bid	\$ <u>21,900.00</u>
TOTAL AWARD OF ELECTRICAL CONTRACT		\$ 21,900.00

MECHANICAL WORK

John W. Danforth Co.	Base Bid	\$ <u>158,700.00</u>
TOTAL AWARD OF MECHANICAL CONTRACT		\$ 158,700.00

PLUMBING WORK

LC Mechanical, Inc.	Base Bid	\$ <u>34,440.00</u>
TOTAL AWARD OF PLUMBING CONTRACT		\$ <u>34,440.00</u>

TOTAL AWARD OF ALL CONTRACTS NOT TO EXCEED		\$1,149,340.00
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and be it further

RESOLVED, that the sum of \$160,660.00 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 the construction contingency for Phases 1, 2 and 3 work be increased by \$85,000.00 from \$41,497.00 to \$126,497.00 for unforeseen conditions; and be it further

RESOLVED, that deduct change orders will result in these funds being 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 accounts as follows:

A.00318	2008 – Rehabilitation of Ralph Wilson Stadium	\$ 434,973.50
A.20901	2009 – Rehabilitation of Ralph Wilson Stadium	\$ <u>960,026.50</u>
TOTAL PAYMENTS NOT TO EXCEED		\$1,395,000.00

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.



Item 48 – (COMM. 19E-9) Request Authorization to Accept Efficiency Grant Funds - Tax Map Conversion Project

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 49 – (COMM. 19E-10) ECDS #3 and #6 - Energy Performance Contract - Change Order No. 1

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 50 – (COMM. 19E-11) Request Authorization to Accept Efficiency Grant Funds - Thin Client Technology

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 51 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 262

RE: Board of Elections - HAVA  
Reimbursement  
(COMM. 19E-12)

WHEREAS, New York State was mandated by the Federal government to improve access to polling places for individuals with disabilities; and

WHEREAS, Federal funds to reimburse portions of the expense incurred have been allocated through New York State; and

WHEREAS, Erie County has received reimbursement from New York State in the amount of \$33,046.50 to cover funds expended out of 2009 budget lines; and

WHEREAS, the Board of Elections requires that this unanticipated revenue be allocated within 2009 budget accounts to cover normal operational expense.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby granted to budget this unanticipated revenue in the 2009 budget as follow:

Fund 110, Business Area 150 – Board of Elections

	<u>Increase</u>
<u>Fund Center 1500010- BOE-Admin</u>	
Account 409010 State Aid-Other	\$33,046.50
	<u>Increase</u>

Fund Center 1500020 – BOE – Support Services  
Account 506200 Maintenance & Repair

\$33,046.50

and be it further

RESOLVED, that the Director of Budget and Management and Erie County Comptroller are hereby authorized to make necessary budget and accounting adjustments to effectuate this change; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, Director of Budget and Management, and two copies to the Erie County Board of Elections.

Item 52 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MS. GRANT 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, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. TERRANOVA, MS. WHYTE and MR. WROBLEWSKI. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 263

RE: Amendment to COMM. 17E-29 (2009)  
(COMM. 19E-13)

AMENDING 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.

WHEREAS, the New York State Department of Taxation and Finance has indicated that the effective date of the sales tax resolution adopted by the Honorable Body on September 10, 2009 [Comm. 17E-29] must be amended to comply with the requirements of Tax Law § 1210(d),

NOW, THEREFORE,

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

Section 1. Section 4 of the resolution adopted by this Honorable Body on September 10, 2009 [Comm. 17E-29] to impose an additional three-quarters of one percent rate of sales and compensating use taxes for the period beginning December 1, 2009 and ending November 30, 2011, is amended to read as follows:

Section 4. This enactment shall take effect December first, two thousand nine.

Section 2. The Clerk of the Honorable Body, with the assistance of the County Attorney, is directed to mail a certified copy of this correcting resolution, together with a certified copy of the resolution adopted on September 10, 2009 [Comm. 17E-29], by certified or registered mail to the Commissioner of the New York State Department of Taxation and Finance in accordance with the provisions of Tax Law §1210(d).

Section 3. The Clerk of this Honorable Body, with the assistance of the County Attorney, is directed to file a certified copy of this correcting resolution, together with a certified copy of the resolution adopted on September 10, 2009 [Comm. 17E-29], with the Erie County Clerk, the New York State Department of Audit and Control and the New York State Department of State, all pursuant to the provisions of Tax Law § 1210(e).

Section 4. This enactment shall take effect December first, two thousand nine, provided that sections 2 and 3 of this enactment shall take effect immediately.

Item 53 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MR. REYNOLDS 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, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. TERRANOVA, MS. WHYTE and MR. WROBLEWSKI. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 264

RE: RAN Declaration of Need and  
Resolution  
(COMM. 19E-14)

RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, APPROVING A DECLARATION OF  
NEED FOR FINANCING ASSISTANCE FROM THE ERIE COUNTY FISCAL STABILITY  
AUTHORITY.

(Introduced) October 8, 2009

(Adopted) October 8, 2009

Recitals

WHEREAS, the County Legislature of the County of Erie, New York, has heretofore duly authorized the issuance of its general obligation revenue anticipation notes for fiscal year 2009 cash flow financing needs in the amount of \$75,000,000 pursuant to Resolution No. 177-209 adopted by the County Legislature on June 25, 2009 (said revenue anticipation notes being hereinafter referred to as the "County RANS"); and

WHEREAS, said County Legislature has heretofore received from the County Executive a Declaration of Need (Comm. 19E-14) for cash flow financing assistance in the amount of \$65,000,000 from the Erie County Fiscal Stability Authority ("ECFSA") necessary under the ECFSA enabling statute in order to authorize ECFSA to provide such financing assistance; and

WHEREAS, a financing plan has been structured through negotiations between the County and ECFSA which provides for (i) the sale of the County RANS in the amount of \$65,000,000 to the ECFSA and application of the proceeds from such sale to the financing of the County's fiscal year 2009 cash flow needs; and (ii) negotiated sale by ECFSA of its bond anticipation notes (the "ECFSA BANS") to investors in order to provide ECFSA with sufficient proceeds to purchase the County RANS (the "ECFSA Cash Flow Financing Plan");

NOW, THEREFORE, BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE,  
NEW YORK AS FOLLOWS:

Section 1. The Declaration of Need for Financing Assistance and request by the County Executive for the ECFSA to undertake a financing of fiscal year 2009 cash flow needs of the County is hereby approved in accordance with Section 3961 of the Public Authorities Law and the ECFSA Cash Flow Financing Plan.

Section 2. This Resolution shall take effect immediately upon approval by the County Executive."

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 265

RE: Novel H1N1 Influenza Phase III Mass  
Immunization Funding and City  
Readiness Initiative  
(COMM. 19E-15)

WHEREAS, the novel H1N1 virus is continuing to cause illness and hospitalizations across the US and we are unsure what the forthcoming flu season may bring to our communities; and

WHEREAS, the novel H1N1 influenza vaccine will be ready for the public in the Fall; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practices (AICP) has made recommendations on who should receive the new vaccine first when it becomes available; and

WHEREAS, the New York State Health Commissioner has declared H1N1 a Public Health Threat; and

WHEREAS, the target group in Erie County totals approximately 460,000 people; and

WHEREAS, the Erie County Department of Health has been designated as the lead agency to coordinate this monumental mass immunization effort; and

WHEREAS, Erie County is working with school districts, municipalities, the community medical providers, hospitals and nursing homes, etc. to accomplish this mass immunization effort; and

WHEREAS, the New York State Department of Health has made available \$1,900,530 in Phase III funding specifically for novel H1N1 mass immunizations; and

WHEREAS, actual negotiated contract amounts and project totals as approved by the grantor may differ from the specific amounts projected for accounts and project totals.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive is hereby authorized to enter into a contract with the New York State Department of Health and the Health Research Institute to accept funding budgeted as follows:

Novel H1N1 Influenza Phase III Mass Immunization Funding  
HS127H1N10910

Account	Description	Amount
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Revenue

409000	State Revenue	<u>\$1,900,530</u>
	TOTAL	<u>\$1,900,530</u>

Expenses

501000	Overtime	\$250,000
502000	Fringe Benefits	30,000
505000	Office Supplies	25,530
505800	Medical Supplies	220,000
510000	Local Mileage	25,000
516020	Prof Serv Contracts	1,200,000
545000	Rental	50,000
561410	Lab & Tech Equip	<u>100,000</u>
	TOTAL	<u>\$1,900,530</u>

and be it further

RESOLVED, the County Executive is already authorized to enter into a contract with the New York State Department of Health and the Health Research Institute to accept funding but that the City Readiness Initiative be accounted for separately and budgeted as follows:

City Readiness Initiative  
HS127CRI0910

Account	Description	Amount
	<u>Revenue</u>	
409000	State Revenue	<u>\$250,000</u>
	TOTAL	<u>\$250,000</u>
	<u>Expenses</u>	
500000	Salaries	\$129,831
502000	Fringe Benefits	50,834
505000	Office Supplies	10,000
505800	Medical Supplies	5,920
510000	Local Mileage	15,000
516020	Prof Serv Contracts	10,000
530000	Miscellaneous	7,000
561410	Lab & Tech Equip	18,720
912700	Administrative	<u>2,695</u>
	TOTAL	<u>\$250,000</u>

and be it further

RESOLVED, that authorization is hereby granted to transfer appropriations between accounts and sub-account contract amounts within the respective projects to reflect the outcome of negotiations with the grantor; and be it further

RESOLVED, that authorization is hereby granted for further revisions, including changes to the approved project total amounts, in accordance with state, federal and other grantor approval; and be it further

RESOLVED, that the County Executive is hereby authorized to execute any and all contracts necessary to carry out the novel H1N1 mass immunization effort or as otherwise needed to best promote the public interest; and be it further

RESOLVED, that any contracts or sub-contracts required to carry out the novel H1N1 mass immunization effort are special services which must be provided immediately and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code is hereby waived; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billitteri, IV, Commissioner of Health, 9<sup>th</sup> Floor, 95 Franklin Street, Buffalo, New York.

**FROM LEGISLATOR IANNELLO**

Item 55 – (COMM. 19E-16) Copy of Letter Regarding the Creation of a Regional Girls' Varsity Ice Hockey League

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM LEGISLATOR GRANT**

Item 56 – (COMM. 19E-17) Memo: Referral of Citizen Concerns Regarding the EC Holding Center and EC Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE COMPTROLLER**

Item 57 – (COMM. 19E-18) Federal Financial Assistance Audit Report for the Year Ended 12/31/08

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COMPTROLLER'S OFFICE**

Item 58 – (COMM. 19D-1) Letter Regarding Initiation of EC Comptroller Audit - Change Orders, Contingencies and Related Cost Factors on Road/Highway and Bridge Contracts

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 59 – (COMM. 19D-2) EC Dept. of Personnel Audit of Payroll Transactions - for Period 1/1/07 - 12/31/08

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 60 – (COMM. 19D-3) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE VETERANS' SERVICE AGENCY DIRECTOR

Item 61 – (COMM. 19D-4) Copy of Statement on the Value of Establishing Veterans' Courts

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE INTERGOVERNMENTAL AFFAIRS DIRECTOR

Item 62 – (COMM. 19D-5) County Historian's Report for September 2009

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM THE NYSDEC

Item 63 – (COMM. 19M-1) Fact Sheet - Brownfield Cleanup Program - Notification for Public Comments

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ERIE COUNTY PROBATION OFFICERS' ASSOC.

Item 64 – (COMM. 19M-2) Copy of Letter to County Executive Expressing Appreciation for Filling Probation Officer Vacancies

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM GOVERNOR PATERSON



Item 65 – (COMM. 19M-3) Acknowledgement of Receipt of Certified Resolution

Received and Filed.

FROM THE ECFSA

Item 66 – (COMM. 19M-4) Copy of Resolution - Commenting on and Approving the Issuance of Revenue Anticipation Notes by ECFSA

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NIAGARA COUNTY LEGISLATURE

Item 67 – (COMM. 19M-5) Copy of Resolution - Opposition to NYS Fee for License Plates & Calling on NYS Public Service Commission to Reject NYSEG Rate Increase

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

Item 68 – (COMM. 19M-6) 2009 WIC Locations Erie County

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE ALLEGANY COUNTY LEGISLATURE

Item 69 – (COMM. 19M-7) Copy of Resolution - Opposing Various Proposed Anti-Gun Owner Legislation in NYS

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ECIDA

Item 70 – (COMM. 19M-8) Letter Requesting Confirmation of Attendance at Meeting to be Held 10/19/2009

Received and Filed.

FROM THE NIAGARA ERIE REGIONAL COALITION

Item 71 – (COMM. 19M-9) Agenda Items for Meeting Held 10/2/09, and Minutes from Meeting Held 3/27/09

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYS BOARD OF REAL PROPERTY SERVICES

Item 72 – (COMM. 19M-10) Final Certificate of County Equalization Rates for 2009 Assessment Rolls for Municipalities in EC

Item 73 – (COMM. 19M-11) List of Certified 2009 Class Equalization Rates

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

**FROM THE THE BUFFALO PRISONERS' ABUSE PROJECT**

Item 74 – (COMM. 19M-12) Resolution Regarding EC Holding Center and EC Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE NFTA**

Item 75 – (COMM. 19M-13) Agenda Items & Minutes from NFTA Board Meeting Held 8/24/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM MICROBIZ BUFFALO**

Item 76 – (COMM. 19M-14) Copy of Letter to County Executive Requesting Funding to Benefit EC's Entrepreneurs and Microbusiness Owners

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE ERIE CANAL HARBOR DEVELOPMENT CORP.**

Item 77 – (COMM. 19M-15) Draft Generic Environmental Impact Statement - Canal Side Project

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 78 – CHAIR MARINELLI announced that the Legislature committee schedule has been distributed, noting that Monday, October 12, 2009 is Columbus Day, a holiday.

Item 79 – LEGISLATOR REYNOLDS announced that Legislature's Budget Hearings, conducted by the Finance, Management & Budget Committee have been scheduled for the week of Monday, October 26, 2009 through Friday, October 30, 2009. All meetings will be held in the Chambers of the Legislature and are open to the public, Legislator Reynolds added.

Item 80 – CHAIR MARINELLI also announced that the public hearing on the 2010 proposed Erie County Budget has been scheduled for Thursday, November 12, 2009, at 5:00 P.M.

**MEMORIAL RESOLUTIONS**

Item 81 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of David Scott Dearmyer, a retired Erie County Sheriff's Deputy, who worked in the Court Division. Legislator Mazur also requested that when the Legislature adjourns, it do so in memory of Rev. Msgr. John C. Weimer and Raymond Federman.

Item 82 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Leo M. Rudny, Edward J. 'Tommy' Tomasik and Karen R. Bifano.

Item 83 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Jamie Martin.

Item 84 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Dr. Frank G. Evans.

Item 85 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Isabella M. 'Lady Isabel' Osinski and Ruth M. Lilac.

Item 86 – Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Lina T. Newton.

Item 87 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Joan Measer.

**ADJOURNMENT**

Item 88 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. WALTER moved that the Legislature adjourn until Thursday, October 22, 2009 at 2:00 P.M. Eastern Standard Time. MS. TERRANOVA seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, October 22, 2009 at 2:00 P.M. Eastern Standard Time.

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