

**ERIE COUNTY LEGISLATURE  
MEETING NO. 21  
NOVEMBER 5, 2009**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Mr. Wroblewski, who requested a moment of silence.

The Pledge of Allegiance was led by Ms. Iannello.

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 20 from 2009. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. IANNELLO presented a resolution Remembering the Life of Lorraine M. Gianadda.

Item 6 – MS. MILLER-WILLIAMS presented a resolution In Memory of Henry B. Thomas.

Item 7 – MS. MILLER-WILLIAMS presented a resolution Honoring the Life of Bernard Mitchell.

Item 8 – MS. MILLER-WILLIAMS presented a resolution Recognizing Red Ribbon Week in Honor of the Lives of Enrique “Kiki” Camarena and Zavala-Avelar.

Item 9 – MR. LOUGHRAN presented a resolution Honoring Msgr. Angelo M. Caligiuri Upon the Occasion of His Retirement.

Item 10 – MR. MAZUR presented a resolution In Remembrance of Wayne Beck.

MS. WHYTE moved for consideration of the above six items. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above six items by adding one for CHAIR MARINELLI, adding one for MS. IANNELLO, adding one for MR. MILLS, and also by including Et Al Sponsorship. MS. TERRANOVA seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 11 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 12 – CHAIR MARINELLI directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIR MARINELLI directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MARINELLI directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

### **COMMITTEE REPORTS**

Item 17 – 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. 277

October 26, 2009	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 20E-21 (2009)  
COUNTY EXECUTIVE: “Appointments to the Youth Services Board”  
(4-0) Legislator Walter absent for vote.

2. INTRO 20-3 (2009)  
MILLER-WILLIAMS

AS AMENDED

WHEREAS, in the 2010 Tentative Budget recently presented to the Erie County Legislature, the County Executive has proposed closing the only two remaining health care clinics; and

WHEREAS, these clinics, located at 1500 Broadway and 608 William Street, are vital to the health care needs of the 3<sup>rd</sup> Legislative District, to be certain, but are also utilized by county residents from other parts of the City of Buffalo, as well as suburban and rural communities; and

WHEREAS, pediatrics, ob-gyn, podiatry, dental and adult medicine are offered, providing underserved individuals in high-need zip codes health care they otherwise could not access; and

WHEREAS, closing health clinics in these communities will undoubtedly lead to inappropriate, costly utilization of emergency rooms by individuals who could more cost-effectively and conveniently be seen in community health centers; and

WHEREAS, it is the Erie County Legislature’s belief that state revenues for bad debt and charity care, as well as billing private insurance companies or public plans such as Medicaid or Medicare, more than compensated for the expenses of running these health care centers; and

WHEREAS, absent solid evidentiary support that Erie County taxpayers will indeed save money and that clinic clients will be seamlessly transitioned to other community-based health care facilities, the Erie County Legislature stands in firm opposition to the closing of these clinics.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record to express its opposition to the County Administration’s proposed closure of the only two remaining county-run health care centers

– the Dr. Matt Gajewski Health Care Center at 1500 Broadway and the Jesse Nash Health Care Center at 608 William Street; and be it further

RESOLVED, that interested and knowledgeable parties to this important public health policy discussion attend a future meeting of the Erie County Legislature’s Health and Human Services Committee to more fully explore the reasons behind these closures and to determine whether there is any evidentiary support of cost savings to do so; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive, Budget Director, Commissioner of Health, and community stakeholders deemed necessary and proper.

(4-0) Legislator Walter absent for vote.

3. COMM. 20E-5 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Weatherization Referral and Packaging Program (WRAP-SOFA) grant for the period April 1, 2009 through March 31, 2010; and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) of final WRAP-SOFA allocations for the 2009/2010 grant year; and

WHEREAS, the Department reviewed the program budgets and service objectives and desires to provide additional weatherization services to HEAP-eligible seniors in Erie County that will allow them to remain independent in their own homes and healthy; and

WHEREAS, the WRAP-SOFA grant budget need to be revised, and

WHEREAS, there is no local match required for this grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional Federal funds for the WRAP-SOFA grant; and be it further

RESOLVED, that the WRAP-SOFA grant (163WRAP-SOFA0910) be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
414000 Federal Aid	\$320,456	\$298,994	\$619,450
TOTAL REVENUE		<u>\$298,994</u>	
APPROPRIATIONS			
Last Resort Weatherization			
530000 Services	\$70,847	\$298,994	\$369,841

\$298,994

and be it further

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

(4-0) Legislator Walter absent for vote.

4. COMM. 20E-6 (2009)  
COUNTY EXECUTIVE

WHEREAS, Senior Service America and the New York State Office for Aging have notified the Department of Senior Services (Department) that the Department has been awarded additional federal funds for the Senior Aides and Senior Employment programs for the period July 1, 2009 to June 30, 2010; and

WHEREAS, the Department currently contracts with Supportive Services Corp. to provide Title V employment services to seniors 55 years of age and older, and desires to amend the contract with Supportive Services Corp. to reflect the additional funds to expand the employment placements; and

WHEREAS, the ARRA Senior Aides and ARRA Senior Employment grant budgets need to be revised; and

WHEREAS, Supportive Services Corp. will provide the required local match.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional Senior Aides and Senior Employment funds from Senior Service America, Inc. and the New York State Office for Aging; and be it further

RESOLVED, that the County Executive be and is hereby authorized to amend the contract with Supportive Services Corp.; and be it further

RESOLVED, that the budget for the Senior Aides grant, 163SRAIDES0910, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
414000 Federal Aid	\$985,090	\$219,259	\$1,204,349
466320 Subcontractor Match	44,751	29,117	73,868
TOTAL REVENUE		<u>\$248,376</u>	
APPROPRIATIONS			
516010 Supportive Services Corp., Inc.	\$1,113,841	\$248,376	\$1,362,217
TOTAL CHANGE		<u>\$248,376</u>	

and be it further

RESOLVED, that the budget for the Senior Employment grant, 163SREMP0910, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
REVENUES				
Account	Description			
414000	Federal Aid	\$279,400	\$32,017	\$311,417
466320	Subcontractor Match	13,045	3,558	16,603
	TOTAL REVENUE		<u>\$35,575</u>	
APPROPRIATIONS				
516010	Supportive Services Corp., Inc.	\$310,445	\$35,575	\$346,020
	TOTAL CHANGE		<u>\$35,575</u>	

and be it further

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

(4-0) Legislator Walter absent for vote.

5. COMM. 20E-7 (2009)  
COUNTY EXECUTIVE

WHEREAS, the National Association of Area Agencies on Aging (n4a) and the New York State Office for Aging have notified the Department of Senior Services (Department) that the Department has been awarded \$47,000 for the n4a Generational Communication Campaign (GENCOM) for the period July 1, 2009 to March 31, 2010 and \$10,000 for the Performance Outcomes Measures Project (POMP) for the period August 1, 2009 to July 31, 2010, respectively; and

WHEREAS, GENCOM funds will be used to:

- recruit and train volunteers to assist seniors and early retirees to use the Internet and online tools to learn about public and private health insurance options;
- train seniors, younger retirees and caregivers in the use of the Benefits Checkup, Medicare Plan Finder and other ways to access information on the Internet;
- inform workers facing early retirement or loss of health insurance coverage about health insurance options and long term care planning;
- provide an online forum for consumers to post questions and staff/train volunteers to provide responses; and
- increase use of local media in order to raise awareness of available health care options; and

WHEREAS, the POMP grant funds will be used to maintain and support the case management system that will compile the POMP statistical results and to cover the cost of POMP-related meetings and conferences coordinated by the New York State Office for the Aging; and

WHEREAS, the GENCOM and POMP grant budgets need to be established; and

WHEREAS, the Department will provide the required local match from the established Community Services for the Elderly State grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the GENCOM and POMP funds from n4a and the New York State Office for Aging, respectively; and be it further

RESOLVED, that the budget for the GENCOM grant, GENCOM0910, be established as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
414000	Federal Aid	\$47,000
466330	Other Local Match	4,493
	TOTAL REVENUE	<u>\$51,493</u>

APPROPRIATIONS		
505000	Office Supplies	\$500
510000	Local Mileage Reimbursement	825
510100	Out of Area Travel	2,904
516020	Professional Services and Fees	6,000
	Software Support and	
516020	Modification	2,435
530000	Other Expenses	140
561410	Lab & Tech Equipment	2,500
916300	ID Senior Services	31,589
980000	ID DISS Services	4,600
	TOTAL APPROPRIATIONS	<u>\$51,493</u>

and be it further

RESOLVED, that the budget for the POMP grant, 163POMP0910, be established as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	

409000	State Aid	\$10,000
	TOTAL REVENUE	<u>\$10,000</u>

APPROPRIATIONS

510100	Out of Area Travel	\$1000
516030	Maintenance Contracts	<u>9,000</u>
	TOTAL APPROPRIATIONS	<u>\$10,000</u>

and be it further

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

(4-0) Legislator Walter absent for vote.

6. COMM. 20E-17 (2009)  
 COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Elder Abuse Prevention (Title VII) grant for the period January 1, 2009 to December 31, 2009 and the Long Tern Care Ombudsman Program (LTCOP) grant for the period April 1, 2009 to March 31, 2010; and

WHEREAS, the New York State Office for the Aging notified the Department of Senior Services (Department) of final allocations for the above grants; and

WHEREAS, the Department, as the designated Area Agency on Aging in Erie County, is responsible to oversee the provision of the ombudsman services required by this grant, via contract with the American Red Cross, the designated Ombudsman for Erie County; and

WHEREAS, the Department desires to amend the contracts with the American Red Cross to reflect the increases in Title VII and LTCOP funding; and

WHEREAS, there are no County funds associated with these grants.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional Title VII and LTCOP grant funds and amend the contracts with the American Red Cross for the remainder of the grant periods at the amount authorized herein; and be it further

RESOLVED, that the Title VII grant (163VII2009) for the period January 1, 2009 to December 31, 2009, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
REVENUES				
Account	Description			
414000	Federal Aid	\$48,051	\$36,272	\$84,323



TOTAL REVENUE		<u>\$36,272</u>	
APPROPRIATIONS			
516010 American Red Cross	\$48,051	<u>\$36,272</u>	\$84,323
		<u>\$36,272</u>	

and be it further

RESOLVED, that the LTCOP grant (163LTCOP0910) for the period April 1, 2009 to March 31, 2010, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
Account Description			
409000 State Aid	\$43,983	<u>\$16,624</u>	\$60,607
TOTAL REVENUE		<u>\$16,624</u>	
APPROPRIATIONS			
516010 American Red Cross	\$43,983	<u>\$16,624</u>	\$60,607
		<u>\$16,624</u>	

and be it further

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

(4-0) Legislator Walter absent for vote.

7. COMM. 20E-18 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Home Delivered Meals Program (III-C-2) grant for the period January 1, 2009 to December 31, 2009; the Supplemental Nutrition Assistance Program (SNAP) for the period April 1, 2009 to March 31, 2010; and the Cash in Lieu of Commodities (CIL) grant for the period October 1, 2008 to September 30, 2009; and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) of the final federal and state allocations; and

WHEREAS, the Department reviewed the program budgets and service objectives and desires to allocate the additional federal funds to improve the delivery of home delivered meals and to serve additional seniors throughout Erie County; and

WHEREAS, the Department contracts with Meals on Wheels of WNY, Inc. to provide home delivered meals to frail, elderly seniors throughout Erie County; and

WHEREAS, the Department desires to amend the contract with Meals on Wheels of WNY, Inc. for the remainder of the 2009 calendar year; and

WHEREAS, the III-C-2, SNAP and CIL grant budgets need to be revised; and

WHEREAS, sufficient local match is already in place.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional federal and state funds from New York State Office for Aging; and be it further

RESOLVED, that the County Executive be and is hereby authorized to amend the contract with Meals on Wheels of WNY, Inc. as detailed herein; and be it further

RESOLVED, that the III-C-2 grant (163III-C-22009) be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
414000	Federal Aid Revenue	\$739,809	<u>-\$7,736</u>	\$732,073
	TOTAL CHANGE		<u><u>-\$7,736</u></u>	
APPROPRIATIONS				
	Meals on Wheels of WNY,			
516010	Inc.	\$1,245,918	<u>-\$7,736</u>	\$1,238,182
	TOTAL CHANGE		<u><u>-\$7,736</u></u>	

and be it further

RESOLVED, that the SNAP grant (163SNAP0910) be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid Revenue	\$1,161,694	<u>\$16,464</u>	\$1,178,158
	TOTAL CHANGE		<u><u>\$16,464</u></u>	
APPROPRIATIONS				
	Meals on Wheels of WNY,			
516010	Inc.	\$1,761,980	<u>\$16,464</u>	\$1,778,444
	TOTAL CHANGE		<u><u>\$16,464</u></u>	

and be it further

RESOLVED, that the CIL grant (163CIL0910) be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES			
414000 Federal Aid	\$666,633	<u>\$85,957</u>	\$752,590
TOTAL REVENUES		<u><u>\$85,957</u></u>	
APPROPRIATIONS			
516010 Meals on Wheels of WNY, Inc.	\$434,995	\$48,845	\$483,840
516020 Professional Svs - Meal Preparation	231,638	37,112	268,750
TOTAL APPROPRIATIONS		<u><u>\$85,957</u></u>	

and be it further

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

(4-0) Legislator Walter absent for vote.

8. COMM. 20E-19 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Public Health Laboratories Division of the Erie County Department of Health is responsible for the provision of emerging infections/biodefense laboratory services to a 17 county region of New York State; and

WHEREAS, the Erie County Department of Health has been awarded a Laboratory Response Network (LRN) grant by the New York State Department of Health to support the emerging infection/biodefense laboratory in the Division of Public Health Laboratories, Epidemiology and Environmental Health; and

WHEREAS, the Public Health Laboratories have developed molecular diagnostic capacity for the detection of agents responsible for novel influenza virus (including swine flu) infection, anthrax, plague, tularemia, brucellosis; and

WHEREAS, state-of-the-art laboratory diagnosis includes the utilization of molecular diagnostic microbiology methods; and

WHEREAS, the Erie County Public Health Laboratories have developed a variety of molecular diagnostic microbiology methods and plans to develop additional important methods to identify other emerging infections and biodefense threats; and

WHEREAS, a molecular microbiology laboratory requires the expertise of a trained molecular scientist to lead and supervise the development, implementation and associated testing; and

WHEREAS, a technical supervisory position is required to manage a molecular microbiology laboratory, including development, implementation and supervision of molecular microbiology testing for emerging infections and biodefense threats and other supervisory responsibilities for laboratory operations; and

WHEREAS, in order to efficiently meet program mandates it is necessary to implement staffing adjustments within the Division of public Health Laboratories, Epidemiology and Environmental Health by creating one (1) full time position of Chief Molecular Scientist (Public Health) JG 12, Step 0 as indicated on B100#4800 and deleting one (1) full time position of Chief Laboratory Technician (Microbiology) position #1214, JG 10, Step 3; and

WHEREAS, available balances within the grant will be utilized to fully fund this request.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the creation of one (1) full time position of Chief Molecular Scientist (Public Health) JG 12, Step 0 as indicated on B100 #4800 and the deletion of one (1) full time position of Chief Laboratory Technologist (Microbiology) (position #1214) JG 10, Step 3 within the Health Department, Public Health Laboratory, Fund Center 1273010, as outlined below;

Delete:

Chief Laboratory Technologist (Microbiology) FT, position # 1214, JG 10, Step 3 (B100 #4800)

Add:

Chief Molecular Scientist (Public Health) FT, JG 12, Step 0 (Bi00 #4800)

and be it further

RESOLVED, that available balances within the grant budget will be utilized to fully fund this request; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Personnel, the Office of the Comptroller, the Office 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.

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

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

MS. MILLER-WILLIAMS moved to approve item Number 2. MR. MAZUR seconded. MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (12-3)

**LEGISLATOR RESOLUTIONS**

Item 18 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 278

RE: Opposing the Re-Issuance of License  
Plates Scheduled to Begin April 1, 2010  
(INTRO 21-1)

A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR REYNOLDS

WHEREAS, as of September 1, 2009, Erie County residents already paying 25% fee increases for motor vehicle registrations and driver's licenses, and additional sums to acquire requisite documentation for border crossings, will be required to pay \$25 to receive new license plates beginning April, 2010; and

WHEREAS, there is an additional expense of \$20 for motorists who wish to keep the same license plate number; and

WHEREAS, the fees already paid by Erie County residents added to the above-mentioned fees will cost New York State drivers more than they can afford and will directly impact the citizens of Erie County during already difficult economic times; and

WHEREAS, the 2001 New York State plate exchange was responsible for replacing plates that were in circulation for more than 15 years with the current Empire plates, the majority of which are currently in almost perfect shape and color to this day. The cost of plate exchange in 2001 was \$15.00 per set of plates and served the purpose of eliminating archaic and deteriorating plates from the roadways. The new exchange program does nothing but charge \$25 plus an additional \$20 to keep current plate numbers.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is concerned with the high number of motor vehicle fees being imposed during a recession and urges Governor Paterson to delay or cancel implementation of the license plate exchange fee scheduled to go into effect April, 2010; and be it further

RESOLVED, that the Erie County Legislature does hereby declare opposition to the new license plate re-issuance, noting concerns about the effectiveness and need of the program and the additional burden to New York State drivers already trying to keep their heads above water during trying economic times, and be it further

RESOLVED, that the Erie County Legislature urges implementation of the plate re-issuance program be cancelled or delayed; and be it further

RESOLVED, that the Clerk of this Legislative Body is hereby directed to transmit copies of this resolution to Governor David Paterson and members of the Western New York Delegation.

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. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 19 – CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 21-2 from LEGISLATORS IANNELLO & REYNOLDS Allowing for a County Tax Exemption on Capital Improvements up to \$80,000 in Single or Two Family Homes

Item 20 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 279

RE: Seneca Hose Co. Requesting to Lease a Portion of Real Property to Upstate Cellular Network (INTRO 21-3)

A RESOLUTION SUBMITTED BY  
LEGISLATOR WROBLEWSKI

WHEREAS, in accordance with Item 28 of the January 24, 1950, meeting of the County Board of Supervisors and by deed dated January 31, 1950 and recorded in Liber 4680 of Deeds at Page 581 in the Office of the Erie County Clerk, the County of Erie conveyed certain real property to the Seneca Hose Company for use solely for fire protection purposes; and

WHEREAS, Seneca Hose Company continues to use said real property for fire protection purposes, but desires to lease a portion of said real property to Upstate Cellular Network, a New York Partnership, d/b/a/ Verizon Wireless for telecommunications purposes, wherein Seneca Hose Company will receive revenue for the lease of said real property in an annual amount of \$18,000.00 for five years and subject to escalation in subsequent lease periods; and

WHEREAS, the Erie County Legislature desires to waive the above-referenced use restriction so as to allow Seneca Hose Company to enter said lease.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature consents to the specific limited ancillary use portions of said real property by Verizon Wireless for telecommunications purposes pursuant to a lease which shall not exceed forty-nine (49) years; and be it further

RESOLVED, that this consent does not constitute a waiver of the deed restriction for other uses or purposes not herein provided or heretofore approved by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive, the County Attorney, the County Clerk, West Seneca Hose Company and any other party deemed necessary.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 280

RE: Supporting the Grant Application of the Buffalo & EC Workforce Investment Board for a Workforce Training Grant in the Health Sector (INTRO 21-4)

A RESOLUTION TO BE SUBMITTED BY  
CHAIR MARINELLI, LEGISLATORS WHYTE, MILLER-WILLIAMS, TERRANOVA,  
WROBLEWSKI, IANNELLO, REYNOLDS, WALTER & RATH

WHEREAS, the Buffalo and Erie County Workforce Investment Board (WIB) has submitted a grant application to the US Department of Labor for workforce training funds that were made available by Congress under the American Recovery and Reinvestment Act of 2009; and

WHEREAS, there are hundreds of workers in Erie County who have been impacted by automotive-related restructuring; and

WHEREAS, the health care worker training grant involves a collaboration among six major hospitals, seven educational institutions, a major healthcare union and both the Buffalo & Erie County and Niagara County Workforce Investment Boards; and

WHEREAS, the Erie-Niagara Health Careers Collaborative would help address the persistent shortages in health care occupations that have had a negative impact on the delivery of timely, quality health care services; and

WHEREAS, the requested \$5,000,000 in project funding would leverage millions more from partner organizations, ultimately resulting in the long-term maintenance and improvement of health care in both Erie and Niagara Counties.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record in support of the grant application submitted by the Buffalo and Erie County Workforce Investment Board and its partner organizations in the Erie-Niagara Health Career Collaborative for a \$5,000,000 grant to train displaced workers for careers in the health care professions; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Ms. Hilda L. Solis, Secretary; US Department of Labor (200 Constitution Avenue, NW, Washington, DC 20210) and to James Finamore, Executive Director of the Buffalo and Erie County Workforce Investment Board.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

#### **COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

#### **SUSPENSION OF THE RULES**

Item 22 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 21D-6 from ECC Re: Copy of Letter Concerning Financial Impact to ECC from 2010 Tentative Erie County Budget

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 23 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 21-5 from CHAIR MARINELLI & LEGISLATOR MILLER-WILLIAMS Re: Legislature Personnel Reorganization, District Office Staff, 3rd District

RESOLUTION NO. 281



A RESOLUTION TO BE SUBMITTED BY  
CHAIR MARINELLI & LEGISLATOR MILLER-WILLIAMS

WHEREAS, the District Office of the 3<sup>rd</sup> District Erie County Legislator currently has two staff positions, one RPT and one PT, which together equal one FTE position; and

WHEREAS, one employee currently works as an RPT staffer (Position Number 51007706), while the other position, which is currently vacant, is PT (Position Number 51007707); and

WHEREAS, to effectuate enhanced and more consistent district office constituent services, it has been determined that it would be prudent to combine these two positions into one full-time 40-hour-per-week District Office staff position, while keeping within the Legislature's 2009 adopted budget for 3<sup>rd</sup> District Office staff.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget amendments to the Legislature's 2009 adopted department budget, all of which can be effectuated while keeping within the Legislature's adopted appropriation for 2009:

Fund Center 100, Cost Center 1005017 - District Office Staff

DELETE One (1) Administrative Clerk – Legislature RPT (Position Number 51007706, JG 7 Step 4), and One (1) Administrative Clerk – Legislature PT (Position Number 51007707, JG 7 Step 4), effective November 7, 2009; and

REPLACE with One (1) Administrative Clerk – Legislature Full-Time (JG 7 Step 4), effective November 7, 2009;

and be it further

RESOLVED, that the Clerk of the Legislature is directed to complete all necessary paperwork to effectuate this reorganization, and forward certified copies of this resolution to the Erie County Department of Personnel, and Erie County Budget Director.

MS. WHYTE moved to approve the resolution. MR. MAZUR seconded. MS. MILLER-WILLIAMS abstained.

CARRIED. (14-0-1)

Item 24 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 21E-21 from the COUNTY EXECUTIVE Re: Authorization to Enter into Contract with Olmsted Parks Conservancy

RESOLUTION NO. 282

WHEREAS, for the 2009 operating Erie County budget, the Erie County Legislature approved a budget amendment creating a reserve fund of \$360,000 to match donations to the Olmsted Parks Conservancy (Olmsted); and

WHEREAS, Olmsted has raised in excess of \$360,000 and has approached the County for payment; and

WHEREAS, according to the Legislature's enabling resolution, further approval from the Legislature is necessary to enter into contract with Olmsted in order to expend funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a contract with the Olmsted Parks Conservancy, in order to provide the \$360,000 in funding set forth in the County's 2009 operating budget; and be it further

RESOLVED, that certified copies of this resolution be delivered to the County Executive, the Erie County Comptroller, and the Executive Director of the Olmsted Parks Conservancy.

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

CARRIED UNANIMOUSLY.

Item 25 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 21E-22 from LEGISLATOR GRANT Re: Letter to Commissioner of Environment & Planning Requesting Attendance at Next Community Enrichment Committee Meeting

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

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

GRANTED.

COMM. 21E-23 from LEGISLATOR WALTER Re: Letter to Commissioner of Public Works Regarding a Traffic Study at the Intersection of County and Strickler Roads, Clarence

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

FROM THE COMPTROLLER

Item 27 – (COMM. 21E-1) Certificate of Determination - Authorization, Sale, Issuance, Form and Contents of Revenue Anticipation Note - 009A

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR REYNOLDS

Item 28 – (COMM. 21E-2) Letter Requesting Commissioner Konst to Appear before the Finance, Management & Budget Committee

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 29 – (COMM. 21E-3) Letter in Support of Resolution Opposing License Plate Re-Issuance

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 30 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 283

RE: American Federation of State, County and Municipal Employees, Local 1095 – 2009 - 2015 Successors Collective Bargaining Agreement (COMM. 21E-4)

WHEREAS, Erie County and the Erie County Medical Center Corporation are a municipal corporation and a public benefit corporation, respectively, and are bound by the New York State Taylor Law to negotiate terms and conditions of employment with duly-elected employee union organizations; and

WHEREAS, the American Federation of State, County and Municipal Employees, Local 1095 (“AFSCME”) is an employee union organization and represents employees within Erie County and the Erie County Medical Center; and

WHEREAS, the existing collective bargaining agreement between Erie County, the Erie County Medical Center and AFSCME expired December 31, 2004, but has remained binding pursuant to the Taylor Law; and

WHEREAS, the Erie County Legislature previously enacted a legislative resolution to administer wages for AFSCME for the period of January 1, 2005 through December 31, 2005; and

WHEREAS, Erie County, the Erie County Medical Center and AFSCME have negotiated a successor collective bargaining agreement, covering the period between January 1, 2006 and December 31, 2015; and

WHEREAS, the AFSCME membership ratified the successor agreement on or about October 23, 2009; and

WHEREAS, the terms of the successor collective bargaining agreement require approval, by the Erie County Fiscal Stability Authority, of a grant application, by Erie County, to cover all Erie County costs associated with 2006-2009 annual lump sum bonus payments, which are provided for in the successor collective bargaining agreement; and

WHEREAS, absent the Erie County Fiscal Stability Authority's approval of Erie County's grant and provision of said funding, the successor collective bargaining agreement shall be deemed null and void.

NOW, THEREFORE, BE IT

RESOLVED, the successor agreement between Erie County, the Erie County Medical Center and AFSCME is hereby approved; and be it further

RESOLVED, Erie County payroll is directed to process across-the-board wage increases of 3% each on January 1, 2010, January 1, 2011, January 1, 2012, January 1, 2013, January 1, 2014 and January 1, 2015 to all AFSCME members employed by Erie County; and be it further

RESOLVED, all additional terms and conditions of the successor agreement shall be implemented in full.

Item 31 – (COMM. 21E-5) Community Development Block Grant - 2010 Accounting Services

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 32 – (COMM. 21E-6) Amendatory Resolution for NYS Multi-Model Funding Rail Relocation Work and New Infrastructure at the Former Bethlehem Steel Site

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 33 – MS. WHYTE presented the following item and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 284

RE: Resolution Authorizing the County Clerk to Increase the Amount of Petty

Cash at the Local Auto Bureaus  
(COMM. 21E-7)

WHEREAS, the Erie County Clerk's Office, as part of its duties and responsibilities, is charged with operation of local Auto Bureaus; and

WHEREAS, the local Auto Bureaus are required to have on hand sufficient cash to make change for payment by customers for services provided to them; and

WHEREAS, the volume of business conducted at the local Auto Bureaus has increased over the past year; and

WHEREAS, the current Reserve held by the County Clerk in the amount of \$10,000 for the purpose of making change is insufficient to meet the increased demands of the local Auto Bureaus; and

WHEREAS, the consequences of insufficient cash has required employees to leave the offices to exchange cash taken in larger denominations of currency for smaller denominations of currency from nearby banks.

NOW, THEREFORE, BE IT

RESOLVED, that the County Clerk be authorized to increase the Reserve balance by \$1600 from \$10,000 to \$12,500 to allow sufficient cash on hand to meet the demands of the local Auto Bureaus to make change; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, the County Attorney and the Director of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

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

WHEREAS, the Erie County Clerk's Office, as part of its duties and responsibilities, is charged with operation of local Auto Bureaus; and

WHEREAS, the local Auto Bureaus are required to have on hand sufficient cash to make change for payment by customers for services provided to them; and

WHEREAS, the volume of business conducted at the local Auto Bureaus has increased over the past year; and

WHEREAS, the current Reserve held by the County Clerk in the amount of \$10,000 for the purpose of making change is insufficient to meet the increased demands of the local Auto Bureaus; and

WHEREAS, the consequences of insufficient cash has required employees to leave the offices to exchange cash taken in larger denominations of currency for smaller denominations of currency from nearby banks.

NOW, THEREFORE, BE IT

RESOLVED, that the County Clerk be authorized to increase the Reserve balance by \$2,500 from \$10,000 to \$12,500 to allow sufficient cash on hand to meet the demands of the local Auto Bureaus to make change; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the County Comptroller, the County Attorney and the Director of Budget, Management and Finance.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 285

RE: Extension of Authorization for Empire  
Zone Sales Tax Exemptions  
(COMM. 21E-8)

WHEREAS, the State of New York has established an Empire Zone Program to revitalize economic development by providing financial inducements for businesses and industry to locate within Empire Zones; and

WHEREAS, the proposed amendment to section six of the County Sales and Use Tax Resolution will provide for exemptions from local sales and compensatory use taxes applicable to qualified empire zone enterprises (QEZES); and

WHEREAS, by Legislative Resolution on November 20, 2008, (Comm. 23E-15), this amendment was approved to accept the Empire Zone Program benefits; and

WHEREAS, due to the sunset provisions of this State legislation, an approved resolution must be submitted to New York State prior to December 1, 2009; and

WHEREAS, this exemption has been provided by Erie County on an annual basis since the inception of the QEZES benefit; and

WHEREAS, Erie County wishes to continue to participate in the Empire Zone Program established by New York State.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of Erie County provide exemptions or refund eligibility from sales and compensating use taxes for receipts from sales of, and consideration given or contracted to be given for, or for the use of, property and services exempt from State sales and compensating use taxes pursuant to subdivision (z) of Section 1115 of the New York Tax Law, pursuant to the authority of Article 29 of the Tax Law of the State of New York; and be it further

RESOLVED, Subdivision (h) of section six of the Erie County Sales and Use Tax Resolution being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, Page 666, as amended, is amended to read as follows:

(h) For the period beginning March 1, 2001, and ending June 30, 2010, receipts from sales of and consideration given or contracted to be given for, or for the use of, property and services exempt from State sales and compensating use taxes pursuant to subdivision (z) of section 1115 of the New York Tax Law shall also be exempt from sales and compensating use taxes imposed in this jurisdiction.

and be it further

RESOLVED, that this Resolution shall take effect March 1, 2010, and shall apply to sales made, services rendered, and uses occurring during the period commencing March 1, 2010, and ending June 30, 2010, in accordance with the applicable transitional provisions in section 1106, 1216, and 1217 of the New York Tax Law; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget and Management; Kathy Konst, Commissioner of Environment and Planning; Daniel D. Barry, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

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

CARRIED UNANIMOUSLY.

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

WHEREAS, the State of New York has established an Empire Zone Program to revitalize economic development by providing financial inducements for businesses and industry to locate within Empire Zones; and

WHEREAS, the proposed amendment to section six of the County Sales and Use Tax Resolution will provide for exemptions from local sales and compensatory use taxes applicable to qualified empire zone enterprises (QEZES); and

WHEREAS, by Legislative Resolution on November 20, 2008, (Comm. 23E-15), this amendment was approved to accept the Empire Zone Program benefits; and

WHEREAS, due to the sunset provisions of this State legislation, an approved resolution must be submitted to New York State prior to December 1, 2009; and

WHEREAS, this exemption has been provided by Erie County on an annual basis since the inception of the QEZES benefit; and

WHEREAS, Erie County wishes to continue to participate in the Empire Zone Program established by New York State.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of Erie County provide exemptions or refund eligibility from sales and compensating use taxes for receipts from sales of, and consideration given or contracted to be given for, or for the use of, property and services exempt from State sales and compensating use taxes pursuant to subdivision (d) of Section 1119 of the New York Tax Law, pursuant to the authority of Article 29 of the Tax Law of the State of New York; and be it further

RESOLVED, Subdivision (h) of section six of the Erie County Sales and Use Tax Resolution being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, Page 666, as amended, is amended to read as follows:

(h) For the period beginning March 1, 2001, and ending June 30, 2010, receipts from sales of and consideration given or contracted to be given for, or for the use of, property and services exempt from State sales and compensating use taxes pursuant to subdivision (d) of section 1119 of the New York Tax Law shall also be exempt from sales and compensating use taxes imposed in this jurisdiction.

and be it further

RESOLVED, that this Resolution shall take effect March 1, 2010, and shall apply to sales made, services rendered, and uses occurring during the period commencing March 1, 2010, and ending June 30, 2010, in accordance with the applicable transitional provisions in section 1106, 1216, and 1217 of the New York Tax Law; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget and Management; Kathy Konst, Commissioner of Environment and Planning; Daniel D. Barry, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

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

CARRIED UNANIMOUSLY.



Item 35 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 286

RE: Payment in Lieu of Taxes (Pilot)  
Agreement for AD Price - Phase II  
Apartments  
(COMM. 21E-9)

WHEREAS, AD Price II LLC is developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Project, located at the intersection of 390 Jefferson Avenue and Peckham Street in the City of Buffalo, New York, will contain 95 apartments for low and very low income persons; and

WHEREAS, in order to make the Project economically feasible for AD Price II LLC to operate the apartment complex it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with AD Price LLC relating to AD Price – Phase II and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto. Payment under the Agreement will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

Item 36 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 287

RE: Payment in Lieu of Taxes (Pilot)  
Agreement for AD Price - The Gardens  
Apartments  
(COMM. 21E-10)

WHEREAS, Buffalo Gardens Housing Development Fund Corp. and AHF Buffalo Gardens LLC is developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Project, located at the intersection of Eggert Road and Cleveland Drive in the City of Buffalo, New York, will contain 276 apartments for low and very low income persons; and

WHEREAS, in order to make the Project economically feasible for Buffalo Gardens Housing Development Fund Corp. and AHF Buffalo Gardens LLC to operate the apartment complex it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with Buffalo Gardens Housing Development Fund Corp. and AHF Buffalo Garden LLC relating to The Gardens Apartments and all other agreements necessary to conclude this Project; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto. Payment under the Agreement will be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

FROM THE COMPTROLLER

Item 37 – (COMM. 21E-11) Third Quarter 2009 Financial Report - 10/30/09

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 38 – (COMM. 21E-12) Purchase of 2009 Tax Lien Certificates

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 39 – (COMM. 21E-13) Dept. of Emergency Services - Reimbursement for the Use of Emergency Services Equipment and Personnel

Item 40 – (COMM. 21E-14) Overtime Authorization for Vigilant Guard Emergency Personnel

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

Item 41 – (COMM. 21E-15) Coca-Cola Field - Buffalo Bisons - Capital Reimbursement

Item 42 – (COMM. 21E-16) Acquisition of Property for Right-of-Way - Concrete Culvert Replacement - Pontiac Rd. - Evans

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

Item 43 – (COMM. 21E-17) ECSD No. 4 - Village of Depew - Proposed Intermunicipal Agreement

Item 44 – (COMM. 21E-18) Open Item - Sewer District Bond Authorization

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

Item 45 – (COMM. 21E-19) Commercial Center Improvement Program - First Amendatory Agreement - Clinton Brown Company Architecture, P.C.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 46 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 288

RE: Utilization of Bond Reserve for Scope of Work Increases to the Construction Contract and for Construction Inspection Services for the Maple Rd. Rehabilitation Project - Amherst (COMM. 21E-20)

WHEREAS, bids were taken for the Maple Road Rehabilitation Project, in the Town of Amherst, on June 18, 2009. The low responsible bidder was Concrete Applied Technologies Corporation (CATCO) of Alden, New York, at a low bid amount of \$6,944,936.15; and

WHEREAS, the Project was allowed to be awarded to the lowest responsible bidder by prior Legislative approval at the 7<sup>th</sup> Session, dated April 2, 2009, Communication 6E-16 (2009), along with approval of a Change Order for Construction Inspection Services to DiDonato Associates of Buffalo, New York; and

WHEREAS, this is a Federal Aid Project with the majority of the funding (\$7,000,000.00) coming from the 2009 American Recovery and Reinvestment Act (ARRA) Stimulus Program, which is 100% reimbursable; and

WHEREAS, the Project was bonded prior to the ARRA Program and required \$1,527,000.00 County matching funds that, with infusion of the Stimulus money, was reduced to approximately \$40,000.00 and allows the expansion of the current work scope; and

WHEREAS, the adjacent portion of Maple Road, going east from the current easterly Project limit is in dire need of repairs and not eligible under the Federal Aid Program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to approve an increase in the Scope of Work to the existing Maple Road Rehabilitation Project, in an amount not to exceed \$1,280,000.00 for the Overlay portion of Maple Road, from Flint Road to North Forest Road; and be it further

RESOLVED, that the Bond Fund Reserve in the amount of \$1,280,000.00 be utilized as follows:

B.00183 – 2008 Federal Aid Maple Road Reconstruction \$480,000.00

B.20902 – 2009 Federal Aid Maple Road Reconstruction \$800,000.00

for a Scope of Work increase to the Construction Contract with CATCO for an amount not to exceed \$1,240,000.00 along with a Scope of Work increase to DiDonato Associates for Construction Inspection Services for an amount not to exceed \$40,000.00; and be it further

RESOLVED, these Bond Reserves are to be used for expanding the limits of the Project that were not obligated for Federal funding; and be it further

RESOLVED, that three certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE ENVIRONMENT & PLANNING COMMISSIONER**

Item 47 – (COMM. 21D-1) Response to Letter Regarding Funding for Cultural Organizations in the Proposed 2010 EC Budget

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE MEDICAL DIRECTOR**

Item 48 – (COMM. 21D-2) Notification & Agenda Items for Next Board of Health Meeting, Minutes from Meeting Held 8/13/09

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE DEPUTY COUNTY EXECUTIVE**

Item 49 – (COMM. 21D-3) Letter Regarding the Discontinuation of Health Clinics

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 50 – (COMM. 21D-4) Transmittal of New Claims Against Erie County

Item 51 – (COMM. 21D-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 NYSDEC

Item 52 – (COMM. 21M-1) Fact Sheet - Cleanup Activities Continuing at the Spaulding Composites Site

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM BUFFALO COMMON COUNCIL PRESIDENT FRANCIZYK

Item 53 – (COMM. 21M-2) Keep County Health Clinics Open

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NYSDOT

Item 54 – (COMM. 21M-3) Response Concerning High-Speed Rail Across NYS

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYSDEC

Item 55 – (COMM. 21M-4) Fish and Wildlife Monthly Highlights - 8/16/09 - 9/15/09

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM KATHLEEN KOWAL

Item 56 – (COMM. 21M-5) Keep County Health Clinics Open

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM ASSEMBLYMAN HOYT

Item 57 – (COMM. 21M-6) Requesting Relocation of the Riverwalk Pathway

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ECIDA

Item 58 – (COMM. 21M-7) Requesting Confirmation of Attendance

Received and Filed.

FROM THE NYSDEC

Item 59 – (COMM. 21M-8) Report on Environmental Investigation and Cleanup Activities at Niagara St. and Pennsylvania Ave. Site

Item 60 – (COMM. 21M-9) Report on Environmental Investigation and Cleanup Activities at NOCO #S41 Site

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

FROM THE BUFFALO COMMON COUNCIL

Item 61 – (COMM. 21M-10) Keep County Health Clinics Open

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM GOVERNOR PATERSON

Item 62 – (COMM. 21M-11) Acknowledgement of Receipt of Certified Resolutions 19-2 and 19-4 (2009)

Received and Filed.

FROM BUFFALO PLACE INC.

Item 63 – (COMM. 21M-12) Buffalo Place Inc. 2010 Budget

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NFTA

Item 64 – (COMM. 21M-13) Agenda Items & Minutes from NFTA Board Meeting Held 9/28/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 65 – CHAIR MARINELLI announced that the Legislature will conduct a public hearing concerning the 2010 tentative Erie County budget. The public hearing will be held on Wednesday, November 11, 2009, at 5:00 P.M. in the chambers of the Legislature.

Item 66 – LEGISLATOR IANNELLO welcomed to the Legislature Jane Baumgarten, from Oregon, who is the aunt of Legislator Iannello’s assistant Jean Harmon.

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

Item 68 – LEGISLATOR GRANT announced that there will be a veterans’ parade in Buffalo, scheduled for Saturday, November 7, 2009 at 10:00 A.M., which will begin at 786 Delaware Ave. and proceed to the Ellicott Square Building.

**MEMORIAL RESOLUTIONS**

Item 69 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of former Town of Tonawanda Council Member Raymond E. Sinclair, who Chair Marinelli described as “devoted to service to the Town of Tonawanda.”

Item 70 – Legislator Walter requested that when the Legislature adjourns, it do so in memory of Amanda Slisz, Viktor Shapiro, Megan Schnorr, and Mark Brown.

Item 71 – Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Henry B. Thomas and Thurman Bernard Mitchell Jr.

Item 72 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Wayne Beck.

Item 73 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Doris Whalen and John Claroni.

Item 74 – Legislator Terranova requested that when the Legislature adjourns, it do so in memory of Ida Major.

Item 75 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Lois Flakes.

**ADJOURNMENT**

Item 76 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MS. IANNELLO moved that the Legislature adjourn until Thursday, November 19, 2009 at 2:00 P.M. Eastern Standard Time. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, November 19, 2009 at 2:00 P.M. Eastern Standard Time.

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