

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 22**  
**NOVEMBER 6, 2008**

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 21 from 2008. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. MILLER-WILLIAMS presented a resolution Honoring "Uncle" Sonny Means.

Item 6 – MS. IANNELLO presented a Memorial Resolution Honoring the Memory of Diane M. Wilcox.

Item 7 – MS. IANNELLO presented a resolution Congratulating Donna Bartolone for Receiving the Nurse Practitioner of the Year Award from the Nurse Practitioner Association New York State, Western New York.

Item 8 – MS. IANNELLO presented a resolution Congratulating Kate Weeks for Receiving the Tonawanda News 2008 Women of Distinction Award.

Item 9 – MS. IANNELLO presented a resolution Recognizing H. David Myers as the Father of Vikings Athletics in the Grand Island Central School District.

Item 10 – MS. IANNELLO presented a resolution Congratulating Christopher Gallant for Receiving the Young Alumnus Award from Buffalo State College.

Item 11 – MR. REYNOLDS presented a resolution Recognizing November 10, 2008 as Cornell Cooperative Extension Day in Erie County.

Item 12 – CHAIR MARINELLI presented a resolution Congratulating Rick Swenson on His Retirement from WKBW-TV.

MS. WHYTE moved for consideration of the above eight items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eight items to include Et Al Sponsorship. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 13 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

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

GRANTED.

Item 18 – CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2008 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 - CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 20 – MS. WHYTE moved to remove Local Law No. 6 (Print #1) 2008 from the table. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW INTRO NO. 6 - 2008

LOCAL LAW NO. \_\_\_\_\_ - 2008

A LOCAL LAW in relation to enacting an exemption from real property taxes for Cold War veterans as authorized by Section 458-b of the Real Property Tax Law.

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ERIE AS FOLLOWS:

Section 1. Purpose

The purpose of this local law is to make provision for a Cold War veterans exemption from Erie County real property taxes and to make such exemption first available and applicable to Erie County real property taxes levied for the 2010 tax year.

Section 2. Definitions

A. "Cold War veteran" means a person, male or female, who served on active duty in the United States armed forces, during the time period from 9-2-1945 to 12-26-1991, and was discharged or released therefrom under honorable conditions.

B. "Armed forces" means the United States Army, Navy, Marine Corps, Air Force and Coast Guard.

C. "Active duty" means full-time duty in the United States armed forces, other than active duty for training.

D. "Service connected" means, with respect to a disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.

E. "Qualified owner" means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

F. "Qualified residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential

purposes shall be subject to the exemption provided by this local law. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.

G. "Latest state equalization rate" means the latest final equalization rate established by the State Board of Real Property Services pursuant to Article 12 of the Real Property Tax Law.

### Section 3. Amount of Exemption

A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate of the assessing unit, whichever is less.

B. In addition to the exemption provided by subdivision A of this section, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or the United States Department of Defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$40,000, or the product of \$40,000 multiplied by the latest state equalization rate for the assessing unit, whichever is less.

### Section 4. Limitations

A. The exemption from taxation provided by this local law shall not be applicable to real property taxes levied or relieved for school purposes.

B. If the Cold War veteran receives the eligible funds veterans exemption pursuant to Section 458 of the Real Property Tax Law or the alternative veterans exemption pursuant to Section 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive the exemption provided by this local law.

C. The exemption provided by subdivision A of section 3 of this local law shall be granted for a period of 10 years, the commencement of such 10 year period being governed pursuant to this subdivision. Where a qualified owner owns qualifying residential real property on the effective date of this local law, such 10 year period shall commence with Erie County's 2010 tax year. Where a qualified owner does not own qualifying residential real property on the effective date of this local law, such 10 year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within 60 days after the date of purchase of residential property, such 10 year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of the such 10 year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to subdivision A of section 3 of this local law for the unexpired portion of the 10 year exemption period.

D. Application for the exemption shall be made by the owners, or all of the owners, of the property on a form prescribed by the State Board of Real Property Services. The owner or owners shall file the completed form in the assessor's office on or before the first appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the appropriate taxable status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to penalties prescribed in the Penal Law.

**Section 5. Severability**

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 6.**

This Local Law shall take effect on December 1, 2008.

**DANIEL M. KOZUB**  
**LYNN M. MARINELLI**  
**MARIA R. WHYTE**  
**JOHN J. MILLS**  
**TIMOTHY M. KENNEDY**  
**BARBARA MILLER-WILLIAMS**  
**MICHAEL H. RANZENHOFER**  
**KATHY KONST**  
**BETTY JEAN GRANT**  
**THOMAS J. MAZUR**  
**TIMOTHY M. WROBLEWSKI**  
**MICHELE M. IANNELLO**  
**ROBERT B. REYNOLDS JR.**  
**THOMAS A. LOUGHRAN**  
**EDWARD A. RATH**

MS. WHYTE moved to approve Local Law No. 6 (Print #1) 2008. MS. MILLER-WILLIAMS seconded.

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

AYES: MR. MILLS, MR. RANZENHOFER, MR. RATH, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR.

MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI.  
NOES: None. (AYES: 15, NOES: 0)

CARRIED UNANIMOUSLY.

**COMMITTEE REPORTS**

Item 21 - MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 346

OCTOBER 31, 2008	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 11
------------------	--

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLER-WILLIAMS.  
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, ALL ITEMS ARE HEREBY TABLED.

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

**LEGISLATOR RESOLUTIONS**

Item 22 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 347

RE: Citizens' Budget Review Commission,  
Erie County Legislature Appointment  
(INTRO 22-1)

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

WHEREAS, upon the adoption of Local Law No. 3-2006, the Citizens' Budget Review Commission was created by Erie County "to assist and advise this Honorable Body in the oversight of the County's budget and to monitor County finances, ensure the long-term fiscal stability of Erie

County, prevent the concealment of County deficits, and to help provide this Legislature with enough time and information to respond to budgetary problems,” as stated in the Erie County Charter; and

WHEREAS, pursuant to the makeup of the membership of the Citizens’ Budget Review Commission outlined in the Erie County Charter, Article 26, Financial Procedures, Section 2618(c) (10), to wit: Two (2) members shall be appointed by the Erie County Legislature based upon recommendations from the public and shall be construed to represent a cross-section of the County’s diverse population and a depth of appropriate experience and expertise; and

WHEREAS, in accordance with Section 2618(c) (10), an individual has been recommended who has a unique perspective in that her extensive background as a real estate industry leader – in sales and marketing, consulting, residential and commercial development, and as a speaker and trainer – will bring a valued and appropriate knowledge base to this important Erie County commission; and

WHEREAS, Ms. Joyce A. Stewart is a long-time community activist and City of Buffalo resident, and she has been recognized for her work on behalf of community organizations and for strengthening the fabric of the Western New York region.

NOW, THEREFORE, BE IT

RESOLVED, that after careful consideration, the Erie County Legislature hereby appoints Ms. Joyce A. Stewart (409 Pratt St., Buffalo, NY 14204) as one of the two Erie County Legislature appointments to the Citizens’ Budget Review Commission.

Item 23 - CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 22-2 from KENNEDY, WHYTE, REYNOLDS, IANNELLO, KOZUB, MILLER-WILLIAMS & GRANT. Strengthening Lowest Responsible Bidder Requirements for Erie County Contracts.

Item 24 - MS. WHYTE presented the following resolution and moved for immediate consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 348

RE: Resolution Urging the Governor and State Legislature to Reduce State Spending Without Shifting Costs to County Government  
(INTRO 22-3)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MARINELLI, KONST, REYNOLDS, WHYTE,**

**MILLS, KOZUB, KENNEDY, MILLER-WILLIAMS,  
RANZENHOFER, WROBLEWSKI, IANNELLO & RATH**

WHEREAS, Counties in New York State have long served as the principal partner in administering the state's most critical programs in areas such as health, human services and public protection; and

WHEREAS, as part of administering these programs, New York State mandates that counties fund a significant portion of these programs through their county budgets; and

WHEREAS, these State mandates are the root cause of high property taxes at the county level; and

WHEREAS, the enacted budget for State Fiscal Year 2008-09 included an across the board 2% reduction that affected over 100 county programs; and

WHEREAS, the majority of the programs affected by this reduction are state mandated, thus significantly limiting a county's ability to mitigate the fiscal burden on local taxpayers; and

WHEREAS, as state policymakers continue to address looming state budget deficits, it is critical that they draw a clear distinction between "cuts" in state funding and "cost shifts" that require counties to fund a larger share of State-mandated services; and

WHEREAS, as experienced managers who must balance our own budgets, county legislators understand and support the need for spending restraint, especially in difficult times, and we further understand that the State Legislature needs to take additional steps to reduce state expenditures at its anticipated special session on November 18, 2008; and

WHEREAS, counties believe that it is preferable to restructure and eliminate unnecessary and wasteful spending than to implement across the board reductions without examining the merits of each program and service; and

WHEREAS, this Honorable Body shares the belief of the New York State Association of Counties (NYSAC) that by working together, the state and its counties can fashion program efficiencies and changes that provide real, timely and mutual fiscal benefit, while minimizing the impact on taxpayers.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature support the efforts of the New York State Association of Counties (NYSAC) in calling on the Governor and State Legislature to reduce State spending without shifting costs for state programs to county government; and be it further

**RESOLVED**, that certified copies of this resolution be conveyed to Governor Paterson, the Western New York Delegation to the New York State Legislature and all others deemed necessary and proper.



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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 25 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 17E-23 (2008). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 349

RE: Framework for Regional Growth –  
Procedures Manual - Contract with  
Wendel Duchscherer  
(COMM. 17E-23)

WHEREAS, Erie and Niagara Counties completed the Framework for Regional Growth to provide a tool for county departments, regional agencies, and others making decisions that affect physical development; and

WHEREAS, said Framework for Regional Growth includes general policies that will assist users make decisions within certain geographic planning areas; and

WHEREAS, a Procedures Manual is essential for the functionality of the Framework for Regional Growth as an important land use decision-making tool; and

WHEREAS, funding for the Procedures Manual has been secured through a New York State Quality Communities Grant; and

WHEREAS, the request for proposal provision of Section 19.08 of the Erie County Administrative Code was complied with and a summary of the process is attached to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to execute any and all agreements with Wendel Duchscherer Architects & Engineers in an amount not to exceed \$42,000 for the purpose of completing a Procedures Manual; and be it further

RESOLVED, that the source of funding will be as follows:

Quality Communities Grant Program 2006-07; Fund 281  
Grant #162QUALCOMGRNT0708

Cost Center 1620060  
Account #516020, Professional Services, Contracts & Fees

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; the Director of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning.

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

CARRIED UNANIMOUSLY.

Item 26 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of COMM. 21M-1 (2008). MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 350

RE: Citizens' Budget Review  
Commission Candidates  
(COMM. 21M-1)

MS. WHYTE moved to amend the item by adding two additional recommendations per Charter requirement. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLVED, that the Erie County Legislature hereby confirms the appointment of Michael F. Drennen to the Citizens' Budget Review Commission, upon the recommendation of the Buffalo Central Labor Council.

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

CARRIED UNANIMOUSLY.

Item 27 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of COMM. 21M-12 (2008). MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 351

RE: Citizens' Budget Review  
Commission Candidates  
(COMM. 21M-12)

MS. WHYTE moved to amend the item by adding one additional recommendation per Charter requirement. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLVED, that the Erie County Legislature hereby confirms the appointment of Anthony J. Rizzo to the Citizens' Budget Review Commission, upon the recommendation of the Buffalo Niagara Partnership.

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

CARRIED UNANIMOUSLY.

Item 28 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of COMM. 19E-12 (2008) AS AMENDED. MS. MILLER-WILLIAMS seconded. MR. MAZUR and MR. REYNOLDS voted in the negative.

CARRIED. (13-2)

RESOLUTION NO. 352

RE: Request Authorization to Accept  
Efficiency Grant Funds - Six  
Sigma Implementation –  
AS AMENDED  
(COMM. 19E-12)

WHEREAS, County Executive Collins has called for changes to the proposed operational effectiveness and adopted budgets within the departments and agencies within the County, requiring the operational processes be transparent, quantitatively explicit in terms of outcome measures and detailed in accounting for all costs and revenue sources for each area of service delivery; and

WHEREAS, in connection with this initiative the County requires a Director of Six Sigma to facilitate projects, reporting and cost-savings initiatives; and

WHEREAS, the Director position was vacant for a short time and the ECFSA via Resolution 08-61, September 15, 2008, approved a request to amend the original grant that funded the Director position to allow for \$52,276 to be used for contract staff or continuation of paid in-house staffing; and

WHEREAS, the ECFSA in Resolution 08-62, September 15, 2008, approved additional funding for the Director of Six Sigma for fiscal year 2009 in an amount not to exceed \$163,334; and

WHEREAS, to ensure the implementation of Six Sigma, the Director of Six Sigma issued a RFP to solicit proposals for “Professional Training, Consultation and Assistance in Implementation of Lean/Six Sigma Methodologies”; and

WHEREAS, the ECFSA funded a pilot program via ECFSA Resolution 08-43 on April 11, 2008; and

WHEREAS, based upon the success of the pilot the ECFSA approved additional funding via Resolution 08-63, September 15, 2008, for future waves of Six Sigma training; and

WHEREAS, the University at Buffalo Center for Industrial Effectiveness was selected to conduct the Lean/Six Sigma Training and Canisius College to conduct the Change Management portion of the training.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to accept Efficiency Grant funds from the ECFSA to fund the Six Sigma Director position for 2009 in an amount not to exceed \$163,334; and be it further

RESOLVED, that Erie County an amendment is authorized to the original Six Sigma grant application to allow for funding of contract staff or continuation of paid in-house staffing in an amount not to exceed \$52,276; and be it further

RESOLVED, that the County is hereby authorized to accept Efficiency Grant funds for Six Sigma training from the ECFSA in an amount not to exceed \$333,661; and be it further

RESOLVED, that the Director of Six Sigma will be required to file quarterly updates with the ECFSA and the Erie County Legislature that forecast and prove discernable savings to the county, its residents and taxpayers as a result of the efforts of this position and initiative as a condition to receiving quarterly reimbursements for the listed position salary and benefits; and be it further

RESOLVED, that the County Executive is authorized to enter into agreement with the University at Buffalo Center for Industrial Effectiveness and Canisius College for Six Sigma training in an amount not to exceed \$333,661 and that copies of the agreement be filed with the Erie County Legislature; and be it further

RESOLVED, that the Director of Budget and Management and Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept efficiency grant funds as outlined above; 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, Director of Six Sigma and the County Attorney.

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

MS. GRANT moved to return the item to the GOVERNMENT AFFAIRS COMMITTEE for further consideration. MR. LOUGHRAN seconded.

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

AYES: MS. GRANT, MS. IANNELLO, MR. LOUGHRAN, MR. MAZUR, MR. REYNOLDS and MR. WROBLEWSKI. NOES: MR. MILLS, MR. RANZENHOFER, MR. RATH, MR. KENNEDY, MS. KONST, MR. KOZUB, CHAIR MARINELLI, MS. MILLER-WILLIAMS and MS. WHYTE. (AYES: 6; NOES: 9)

FAILED.

CHAIR MARINELLI directed that a roll-call vote be taken on the motion to approve the item.

AYES: MR. MILLS, MR. RANZENHOFER, MR. RATH, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MS. MILLER-WILLIAMS, MS. WHYTE and MR. WROBLEWSKI. NOES: MS. GRANT, MS. IANNELLO, MR. MAZUR and MR. REYNOLDS. (AYES: 11; NOES: 4)

CARRIED.

**SUSPENSION OF THE RULES**

Item 29 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

RESOLUTION NO. 353

RE: Citizens' Budget Review Commission  
(COMM. 22E-11)

RESOLVED, that the Erie County Legislature hereby confirms the appointment of Tamar Rothaus (24 St. James Place, Buffalo, NY 14222) to the Citizens' Budget Review Commission, upon the recommendation of the Majority Leader of the Erie County Legislature, per Section 2618 (c) of the Erie County Charter.

MS. WHYTE moved to approve the resolution. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

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

GRANTED.

COMM. 22E-12 from CHAIR MARINELLI Re: Letter to ECFSA Chair Glaser

Received, Filed & Printed.

November 6, 2008

Mr. Robert Glaser, Chair  
Erie County Fiscal Stability Authority  
295 Main Street, Suite 946  
Buffalo, New York 14203

Dear Chairman Glaser:

Public Authorities Law, Section 3957 (b) and Section 3959 (2)(b) states that the Erie County Fiscal Stability Authority “*shall formulate and adopt its own modifications to the financial plan* (emphasis added).”

Accordingly, I am formally requesting that the ECFSA discharge its obligation under its enabling legislation and provide an alternative recommendation for the County Executive’s 2009-2012 Financial Plan.

My request for assistance is made with assurance that members of the County Legislature have the will to consider and act upon all items submitted by the Authority.

Your willingness to comply with my request for recommendations will assist the legislature in the preparation of a legally balanced 2009 budget.

Sincerely,

Lynn M. Marinelli, Chair  
Erie County Legislature

Cc: County Executive Chris Collins  
Comptroller Mark Poloncarz  
Erie County Legislature

Item 31 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

COMM. 22E-13 from LEGISLATOR MILLS Re: Letter Informing Legislature of Unavailability for Sessions 11/10 - 11/18

Received, Filed & Printed.

November 6, 2008

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

Dear Chairwoman Marinelli,

As I will unavoidably be out of town from November 10 through November 18, 2008, I am unable to attend any sessions or meeting scheduled during that time period.

Thank you.

Yours Truly,

John J. Mills  
Erie County Legislator – 13th District

cc: Robert M. Graber, Clerk  
Erie County Legislature

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 32 – (COMM. 22E-1) Public Nursing Home Supplemental Medicaid Upper Payment Limit \$16 Million Payment to NYS

Item 33 – (COMM. 22E-2) 2008 Third Quarter Financial Report

Item 34 – (COMM. 22E-3) Review of the County Executive's Proposed 2009 Budget and 4-Year Financial Plan

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

**FROM THE COUNTY EXECUTIVE**

Item 35 – (COMM. 22E-4) CPS - 2008-2010 DNA Lab Backlog Reduction Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 36 – (COMM. 22E-5) Roof Repair - Emergency Response Services - All County-owned Buildings - Contract Allowance Increase

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 37 – (COMM. 22E-6) Acceptance of a Donated Security X-Ray Machine

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 38 – (COMM. 22E-7) Request Authorization to Accept Efficiency Grant Funds - GPS Systems

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 39 – (COMM. 22E-8) Rath Building - 2008 - 1st & 16th Floor Renovations

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 40– (COMM. 22E-9) Community Development Block Grant - 2008 Accounting Services

Item 41– (COMM. 22E-10) EC Sewer Dist No. 3 - Proposed Modifications of Plans - EC Sewer Agency Report

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

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DEPUTY COMPTROLLER - AUDIT & CONTROL**

Item 42 – (COMM. 22D-1) Audit of the Department of Probation

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY**

Item 43 – (COMM. 22D-2) Agenda Items for Board of Trustees Meeting Held 10/23/08

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 44 – (COMM. 22D-3) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 45 – (COMM. 22D-4) Public Nursing Home Supplemental Medicaid Upper Payment Limit

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 46 – (COMM. 22D-5) Transmittal of New Claims Against Erie County

Item 47 – (COMM. 22D-6) Transmittal of New Claims Against Erie County

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

**FROM THE OFFICE OF VETERANS SERVICES**



Item 48 – (COMM. 22D-7) Letter to Legislator Konst Concerning Tentative 2009 EC Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NIAGARA ERIE REGIONAL COALITION**

Item 49 – (COMM. 22M-1) Agenda Items for Meeting Held 10/24/08

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE EC BAR ASSOCIATION**

Item 50 – (COMM. 22M-2) Quarterly Report - Assigned Counsel Program - 3rd Quarter

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE LEGAL AID BUREAU OF BUFFALO, INC.**

Item 51 – (COMM. 22M-3) Monthly Report/Monthly Activity Report for September 2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE CHAUTAUQUA COUNTY PLANNING BOARD**

Item 52 – (COMM. 22M-4) Letter to Legislator Whyte Supporting Establishment of an EC Regional Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE SOUTHERN TIER WEST - REGIONAL PLANNING & DEVELOPMENT BOARD**

Item 53– (COMM. 22M-5) Letter to Legislator Whyte Supporting Establishment of an EC Regional Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE WYOMING COUNTY PLANNING & DEVELOPMENT**

Item 54 – (COMM. 22M-6) Letter to Legislator Whyte Supporting Establishment of an EC Regional Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM GOVERNOR PATERSON**

Item 55 – (COMM. 22M-7) Acknowledgement of Receipt of Certified Resolution

Received and Filed.

FROM THE NFTA

Item 56 – (COMM. 22M-8) Copies of 17A Report and Capital Expenditure Reports for Second Quarter Ending 3/31/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE TOWN OF EDEN

Item 57 – (COMM. 22M-9) Copy of Resolution Opposing Changes Consolidating Local Registrars of Vital Statistics

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE FEDERAL ENERGY REGULATORY COMMISSION

Item 58 – (COMM. 22M-10) Response to EC Legislature Resolution Concerning Electricity Consumers' Being Overcharged in NYS

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM COLUCCI & GALLAHER, P.C.

Item 59 – (COMM. 22M-11) ECMCC Agenda Items for Board of Directors' Meeting Held 10/23/08

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE ECIDA

Item 60 – (COMM. 22M-12) Board of Directors' Meeting Notice for 11/10/08

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ASSOCIATION OF ERIE COUNTY GOVERNMENTS

Item 61 – (COMM. 22M-13) Copy of Certified Resolution Concerning Restoration of Funding for Cooperative Extension 4H and EC Soil & Water Conservation District

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NIAGARA ERIE REGIONAL COALITION

Item 62 – (COMM. 22M-14) 10 Year Anniversary Celebration - 1998 - 2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE TOWN OF NEWSTEAD

Item 63 – (COMM. 22M-15) Copy of Resolution Supporting Restoration of Funding for EC Soil & Water Conservation District & Cooperative Extension

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYS DEPT. OF ENVIRONMENTAL CONSERVATION

Item 64 – (COMM. 22M-16) Fact Sheet Concerning Cleanup Activities - Business Park Site in Lackawanna

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CITY OF NIAGARA FALLS

Item 65 – (COMM. 22M-17) Copy of Certified Resolution in Opposition to Adding Any Hazardous Waste Land Disposal Capacity in NYS

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS DEPT. OF ENVIRONMENTAL CONSERVATION

Item 66 – (COMM. 22M-18) NYS Fish, Wildlife & Marine Resource Goals for 2010 - Ecosystem Protection

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ERIE COUNTY FARM BUREAU INC.

Item 67 – (COMM. 22M-19) Letter to Legislator Reynolds Concerning Resolutions Passed at Annual Farm Bureau Membership Meeting

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 68 – MS. KONST announced that a Public Hearing to hear public comment on the County Executive's tentative 2009 Erie County budget will be held next Wednesday, November 12, 2008 at 5:00 P.M. in the Chambers of the Legislature. Copies of the proposed budget are available for public inspection in the Office of the Clerk of the Legislature, 92 Franklin St., 4<sup>th</sup> Floor, Buffalo, NY 14202.

Item 69 – MR. KOZUB announced “Happy Veterans’ Day” next Tuesday, November 11, 2008.

Item 70 – CHAIR MARINELLI announced that the schedule of Legislative Committees has been distributed for next week.

### **MEMORIAL RESOLUTIONS**

Item 71 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Marjorie Aileen Williams, mother of United Auto Workers’ union leader Sam Williams.

Item 72 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Diane M. Wilcox, and Lillian G. (nee Mollnow) Brenon, of the City of Tonawanda, who served as Democratic Elections Inspector.

Item 73 – Legislator Wroblewski requested that when the Legislature adjourns, it do so in memory of Mary D. (nee Sikorski) Franger, of West Seneca, and Eugene V. Colello, of Orchard Park.

Item 74 – Legislator Ranzenhofer requested that when the Legislature adjourns, it do so in memory of matrimonial attorney Mark G. Hirschorn.

Item 75 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Matthew W. “Mattie” Rudolph.

### **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.

MR. MAZUR moved that the Legislature adjourn until Thursday, November 20, 2008 at 2:00 p.m. Eastern Standard Time. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, November 20, 2008 at 2:00 p.m. Eastern Standard Time.

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