

APRIL 12, 2007

GOVERNMENT AFFAIRS COMMITTEE  
REPORT NO. 6

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WEINSTEIN. LEGISLATOR MARINELLI  
PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are referred to the HEALTH COMMITTEE:
  - a. COMM. 7D-1 (2007)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County (4-0)
  - b. COMM. 7D-3 (2007)  
**COUNTY ATTORNEY:** Transmittal of New Claims Against Erie County (4-0)
2. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 17E-26 (2007)  
**DISTRICT ATTORNEY:** Confidential Criminal Investigator-12 (3-1) Legislator Kennedy in the negative.
  - b. COMM. 3M-7 (2007)  
**BUFFALO-NIAGARA FRAMEWORK FOR REGIONAL GROWTH:** Final Report - 2006 (4-0)
  - c. COMM. 4E-3 (2007)  
**COMPTROLLER:** Reply to INTRO 3-10 - Unclaimed Funds by the NYS Comptroller (4-0)
  - d. COMM. 4M-5 (2007)  
**ECWA:** Reply to INTRO 3-10 - Unclaimed Funds by the NYS Comptroller (4-0)
  - e. COMM. 6M-5 (2007)  
**ASSOCIATE JUDGE EUGENE F. PIGOTT:** Copy of Letter to County Attorney Re: Court of Appeals Lease (4-0)
  - f. COMM. 6M-19 (2007)

**ASSOCIATE JUDGE EUGENE F. PIGOTT** Lease of Space for Court of Appeals Chambers (4-0)

- g. COMM. 7M-1 (2007)  
**JUDGE EUGENE F. PIGOTT, JR.:** Comm. 5E-21 (2007) - Lease of Space for Court of Appeals Chambers (4-0)
3. INTRO 3-12 (2007) **AS AMENDED**  
**WHYTE, MARINELLI, KONST, KENNEDY, MILLS and LOCKLEAR**  
WHEREAS, Erie and Niagara Counties have experienced flat or decreasing population levels for several decades; and  
  
WHEREAS, during this time of stagnant or shrinking population levels Erie and Niagara Counties has shifted its populations outside of traditional City and Town Centers to areas traditionally used for agriculture; and  
  
WHEREAS, Erie and Niagara Counties have experienced scattered development that has resulted in residential and commercial development activity taking place on farm land which resulted in a 28% decrease in the percentage of land used for farming; and  
  
WHEREAS, this scattered development has lead to a disinvestment in urban areas, older suburban areas and town and village centers; and  
  
WHEREAS, these development patterns have added costs to all residents and led to significantly higher operating costs for towns and villages throughout Erie and Niagara Counties with no corresponding increase in services; and  
  
WHEREAS, one way to normalize the development patterns in Erie and Niagara Counties is to develop regional growth and development plans; and  
  
WHEREAS, the elected leadership of Erie and Niagara Counties have been working together since 2002 to develop a regional growth plan; and  
  
WHEREAS, a bi-County Steering Committee, comprised of 16 members began meeting in 2002 to discuss and develop a regional growth plan; and  
  
WHEREAS, the Steering Committee developed a regional development plan entitled *A Framework for Regional Growth*; and

WHEREAS, the *Framework for Regional Growth* will serve as an important tool to inform County officials, local governments, private developers and the citizenry when making development decisions within the region; and

WHEREAS, several local organizations including the Local Initiative Support Corporation, the League of Women Voters, Campaign for Livable WNY and the Buffalo Niagara Partnership have endorsed the *Framework for Regional Growth*; and

WHEREAS, the *Framework for Regional Growth* must be approved by the Erie County Legislature prior to its enactment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the importance of regional development strategies and will expeditiously consider the *Framework for Regional Growth*; and be it further

RESOLVED, that the Erie County Legislature invites participants in the bi-County Steering Committee to the next meeting of the Government Affairs Committee of the Erie County Legislature to discuss the *Framework for Regional Growth*; and be it further

RESOLVED, that the Erie County Legislature invites representatives from Local Initiative Support Corporation, the League of Women Voters, Campaign for Livable WNY and the Buffalo Niagara Partnership to the next meeting of the Government Affairs Committee of the Erie County Legislature to discuss the *Framework for Regional Growth*; and be it further

RESOLVED, that a certified copy of this Resolution be sent to the Erie County Executive and the bi-County Steering Committee.  
(4-0)

4. **COMM. 3E-35 (2007)**  
**COUNTY EXECUTIVE**

WHEREAS, the Erie and Niagara County region is experiencing numerous challenges affecting the area's physical development including

1. Disconnect between declining population and expansion of urbanized area
2. Disinvestment in older urban areas
3. Loss of farmland and open space
4. Sixty-four local government plans

and

WHEREAS, the Erie and Niagara County region last prepared a comprehensive planning document in 1974; and

WHEREAS, Erie County Executive Joel A. Giambra and Niagara County Legislative Chairman Bradley E. Erck signed a joint Mission Statement on April 23, 2002, committing both Counties to embark on a Framework for Regional Growth; and

WHEREAS, said Framework was completed in October 2006 under the guidance of a sixteen-member bi-County Steering Committee and financed by Erie County, Niagara County, Buffalo-Niagara Partnership, and the Erie County Industrial Development Agency; and

WHEREAS, the Framework report will serve as an important tool for County officials when making decisions affecting physical development within the region; and

WHEREAS, The Framework report will serve to inform local governments, private developers, and the general public regarding the Counties' policies concerning physical development within the region.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby adopts the Framework for Regional Growth dated October, 2006 as the primary County planning document within Erie County; and be it further

RESOLVED, that the Erie County Legislature shall undertake actions affecting physical development in the region in a manner that is consistent with the principles, policies, and action strategies described in the Framework; and be it further

RESOLVED, that certified copies of this resolution should be forwarded to the County Executive; the Chairman of the Niagara County Legislature; the Director of the Division of Budget, Management, and Finance; the County Comptroller; the County Attorney; and the Commissioner of the Department of Environment and Planning.  
(4-0)

5. **COMM. 5E-21 (2007)**  
**COUNTY EXECUTIVE**

WHEREAS, in the Fall of 2006, Eugene F. Pigott, Jr., a Justice elected to the New York State Supreme Court in the Eighth Judicial District and resident in Erie County, was elevated from the Appellate Division, Fourth Department, to the Court of Appeals of the State of New York; and

WHEREAS, the New York State Judiciary Law requires the County in which an Associate Judge of the Court of Appeals is resident to provide local chambers for that Judge; and

WHEREAS, Judge Pigott has presented the County with a two year lease, with options for extension, for local chambers that meet his requirements and those of his staff and satisfy the many specifications of the New York State Office of Court Administration; and

WHEREAS, it is necessary to approve the County's entry into the lease with Main Court LLC, the landlord, and to allow certain budget transfers that are necessary in order to make funds available in the budget of the Department of Public Works for the payment of the monthly rent.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the County's entering into a lease agreement with the landlord proposed by Judge Pigott and the Office of Court Administration, Main Court LLC, a lease for two (2) years that may be extended for three (3) additional periods of six (6) months; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the following budget transfer to facilitate the payment of the monthly rent for Judge Pigott's chambers:

Division of Buildings and Grounds – Fund Center 12210		
Expense		Increase
545000 Rental		\$ 72,530
County Wide Budget Accounts – Fund Center 14010		
		Decrease
511000 Control Board Expense		\$ 72,530
	Net Change	0

and be it further

RESOLVED, that certified copies if this Resolution be forwarded to the Division of Budget, Management and Finance, the Office of the County Executive, the Office of the Comptroller, the Department of Public Works and the Department of Law.  
(4-0)

6. INTRO 6-10 (2007)  
**WHYTE, MARINELLI, MILLS and LOCKLEAR**

WHEREAS, in the Fall of 2006, Eugene F. Pigott, Jr., a Justice elected to the New York State Supreme Court in the Eighth Judicial District and resident in Erie County, was elevated from the Appellate Division, Fourth Department, to the Court of Appeals of the State of New York; and

WHEREAS, it is an honor to have a Supreme Court Judge from the Eighth Judicial District to be selected to serve as one of seven members on the highest court in New York State; and

WHEREAS, the New York State Judiciary Law, Section 55, requires the County in which an Associate Judge of the Court of Appeals is resident to provide the Justice "suitable and commodious offices;" and

WHEREAS, Judge Pigott has presented the County with a two year lease, with options for extension, for local chambers that meet his requirements and those of his staff and satisfy the many specifications of the New York State Office of Court Administration; and

WHEREAS, as the Court of Appeals serves every citizen of New York State, there is no sound policy reason to push the cost associated with maintaining a Court of Appeals office solely upon the taxpayers of Erie County; and

WHEREAS, after extensive review of the current law, the Erie County Legislature recognized that it has a statutory obligation to pay for the local office of a Court of Appeals Justice.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature objects to Section 55 of the Judiciary Law which forces County Government to bear the cost of maintaining a local office for a Court of Appeals Justice; and be it further

RESOLVED, that the Erie County Legislature believes that the cost of maintaining a local office for a New York Court of Appeals Judge should be solely born by the Office of Court Administration, or another State body; and be it further

RESOLVED, that the Erie County Legislature does call on the Governor and the New York Senate and Assembly to immediately introduce and approve legislation amending Section 55, New York State Judiciary Law, and freeing County Governments of the cost of maintaining offices for Court of Appeals Judges; and be if further

RESOLVED, that certified copies of this Resolution be forwarded to the Office of the Governor, the members of the Western New York legislative delegation of the New York State Legislature, the New

York State Office of Court Administration, Office of the County Executive, the Erie County Fiscal Stability Authority and the County Attorney.

(4-0)

7. COMM. 6E-22 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Division of Information and Support Services needs to retain a Consultant to provide services for Project Preparation and Business Blueprint Development Services SAP Plant Maintenance Implementation; and

WHEREAS, proposals were advertised for, and received, and a professional services selection process completed in accordance with Section 19.08 of the Erie County Administrative Code; and

WHEREAS, the Divisions of Information and Support Services and Sewerage Management have recommended the firm of New Dimension Solutions, 734 Franklin Avenue, #514, New York, Garden City, New York 11530.

NOW, THEREFORE BE IT

RESOLVED, that the consulting firm of New Dimension Solutions be retained at a cost not to exceed \$290,000.00; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of New Dimension Solutions, 734 Franklin Avenue, #514, New York, Garden City, New York 11530, to provide the needed consulting services subject to approval as to form by the County Attorney's Office and approval as to content by the Director of the Division of Information and Support Services and Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the resolution to Joseph Gervase, Director, Division of Information and Support Services, two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to the County Executive, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; and to the Director of Budget, Management and Finance.  
(3-1) Legislator Marinelli voted in the negative.

**MARIA R. WHYTE  
CHAIRPERSON**