

**ERIE COUNTY LEGISLATURE
MEETING NO. 10
MAY 12, 2011**

The Legislature was called to order by Chair Miller-Williams.

All members present.

An Invocation was held, led by Mr. Whalen.

The Pledge of Allegiance was led by Mr. Kozub.

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 9 from 2011. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. WHYTE presented a resolution Honoring the 35th Anniversary of Concerned Ecumenical Ministry's Senior Center.

Item 6 – MS. WHYTE presented a resolution Honoring the 50th Anniversary of Communications Workers of America AFL-CIO Locals 1122 & 1117.

Item 7 – CHAIR MILLER-WILLIAMS presented a resolution Proclaiming the Month of May 2011 as Law Enforcement Appreciation Month.

Item 8 – MS. BOVE presented a resolution Declaring the Week of May 15-21, 2011 as Emergency Medical Services Week.

Item 9 – MR. MILLS presented a resolution Congratulating Gowanda Police Officer Jen Alessi on Receiving the General Douglas MacArthur Youth Award.

Item 10 – MR. MILLS presented a resolution Congratulating Aurora Adult Day Services on Its 20th Year of Operation.

Item 11 – MR. MAZUR presented a Memorial Resolution Honoring the Memory of James M. Kurdzdorder.

Item 12 – MS. DIXON presented a resolution Honoring & Recognizing the Eden Police Department, During National Police Week, for Their Constant Commitment to Public Safety & Community Service.

Item 13 – MS. DIXON presented a resolution Honoring & Recognizing the Evans Police Department, During National Police Week, for Their Constant Commitment to Public Safety & Community Service.

Item 14 – MS. DIXON presented a resolution Honoring & Recognizing the Brant Police Department, During National Police Week, for Their Constant Commitment to Public Safety & Community Service.

Item 15 – MS. DIXON presented a resolution Honoring & Recognizing the Town of Hamburg Police Department, During National Police Week, for Their Constant Commitment to Public Safety & Community Service.

Item 16 – MS. DIXON presented a resolution Honoring & Recognizing the Village of Hamburg Police Department, During National Police Week, for Their Constant Commitment to Public Safety & Community Service.

Item 17 – MS. DIXON presented a resolution Honoring & Recognizing the Village of North Collins Police Department, During National Police Week, for Their Constant Commitment to Public Safety & Community Service.

Item 18 – MR. FUDOLI presented a resolution Honoring & Recognizing the Lancaster Police Department, During National Police Week, for Their Constant Commitment to Public Safety & Community Service.

Item 19 – MS. DIXON presented a resolution Congratulating Mr. Ray Vanni on the Occasion of His 85th Birthday.

Item 20 – MS. DIXON presented a resolution Congratulating the Eden Library on Their 100 Year Centennial Celebration.

Item 21 – MR. MILLS presented a resolution Honoring & Recognizing the Village of Springville Police Department, During National Police Week, for Their Constant Commitment to Public Safety & Community Service.

Item 22 – MR. MILLS presented a resolution Honoring & Recognizing the Village of Gowanda Police Department, During National Police Week, for Their Constant Commitment to Public Safety & Community Service.

Item 23 – MR. MILLS presented a resolution Honoring & Recognizing the Village of East Aurora/Town of Aurora Police Department, During National Police Week, for Their Constant Commitment to Public Safety & Community Service.

Item 24 – MR. MILLS presented a resolution Honoring & Recognizing the Orchard Park Police Department, During National Police Week, for Their Constant Commitment to Public Safety & Community Service.

Item 25 – MR. RATH & MR. WALTER presented a resolution Congratulating Janine Tramont for the Small Business Advocate of the Year Award from the Amherst Chamber of Commerce.

Item 26 – MR. RATH & MR. WALTER presented a resolution Congratulating Business First for the President's Award from the Amherst Chamber of Commerce.

Item 27 – MR. RATH & MR. WALTER presented a resolution Congratulating e3 Communications for the Small Business of the Year Award from the Amherst Chamber of Commerce.

Item 28 – MR. WALTER presented a resolution Congratulating Virginia "Ginny" Close for 25 Years of Volunteer Service at the Clarence Public Library.

Item 29 – MR. RATH & MR. WALTER presented a resolution Congratulating the Irishman Pub & Eatery for the Revitalizing Award from the Amherst Chamber of Commerce.

Item 30 – MR. RATH & MR. WALTER presented a resolution Congratulating Russell Salvatore for the Award for Excellence from the Amherst Chamber of Commerce.

Item 31 – MR. RATH & MR. WALTER presented a resolution Congratulating Tactus Technologies for the Innovation Award from the Amherst Chamber of Commerce.

Item 32 – MR. RATH & MR. WALTER presented a resolution Congratulating Bocce Pizzeria for the Sponsor's Award from the Amherst Chamber of Commerce.

Item 33 – MR. RATH & MR. WALTER presented a resolution Honoring the Town of Amherst Police Department, During National Police Week to Remember & Recognize All Those Who Continue to Serve Our Community.

Item 34 – MR. MILLS, MR. WALTER, MR. FUDOLI, MR. HARDWICK, MS. DIXON & MR. RATH presented a resolution Honoring the EC Sheriff's Office During National Police Week for Its Public Service & Commitment to Our Community.

Item 35 – MR. MILLS, MR. WALTER, MR. FUDOLI, MR. HARDWICK, MS. DIXON & MR. RATH presented a resolution Honoring the NYS Police During National Police Week for Their Public Service & Commitment to Our Community.

Item 36 – MR. MILLS, MR. WALTER, MR. FUDOLI, MR. HARDWICK, MS. DIXON & MR. RATH presented a resolution Thanking Maxine Radosevich for Her Commitment to Our Community.

Item 37 – MR. RATH presented a resolution Congratulating CCS Oncology for the Grand Opening of Their State of the Art Clinic in Williamsville, NY.

Item 38 – MR. RATH presented a resolution Congratulations to Mr. & Mrs. Milton on Celebrating Their 60th Wedding Anniversary.

Item 39 – MR. RATH presented a resolution Congratulations to Mr. & Mrs. Arthur Hufnagel on Celebrating Their 50th Wedding Anniversary.

Item 40 – MR. RATH presented a resolution Congratulations to Mr. & Mrs. Gerald S. Kehoe on Celebrating Their 60th Wedding Anniversary.

Item 41 – MR. RATH presented a resolution Congratulations to Mr. & Mrs. Leroy on Celebrating Their 65th Wedding Anniversary.

Item 42 – MR. RATH presented a resolution Congratulations to Mr. & Mrs. Patrick Cunningham on Celebrating Their 50th Wedding Anniversary.

Item 43 – MR. HARDWICK presented a resolution Honoring the Town of Grand Island Police Department During National Police Week.

Item 44 – MR. HARDWICK presented a resolution Honoring the City of Tonawanda Police Department During National Police Week.

Item 45 – MR. HARDWICK presented a resolution Honoring the Town of Tonawanda Police Department During National Police Week.

Item 46 – MR. HARDWICK presented a resolution Honoring the Village of Kenmore Police Department During National Police Week.

Item 47 – MR. HARDWICK presented a resolution Honoring the Historical Society of the Tonawandas on Its 25th Anniversary.

Item 48 – MR. HARDWICK presented a resolution Honoring Matthew Bagilo on Attaining the Coveted Rank of Eagle Scout.

Item 49 – MR. HARDWICK presented a resolution Honoring Alexander Fumerelle on Attaining the Coveted Rank of Eagle Scout.

Item 50 – MR. HARDWICK presented a resolution Honoring Thomas Knab on Attaining the Coveted Rank of Eagle Scout.

Item 51 – MR. WALTER presented a resolution Honoring the Village of Akron Police Department During National Police Week.

MS. WHYTE moved for consideration of the above forty-seven items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above forty-seven items by adding one for MS. WHYTE and one for MR. RATH, and also by including Et Al Sponsorship. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above forty-nine items as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 52 – CHAIR MILLER-WILLIAMS directed that Local Law No. 1 (Print #1) 2010 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 53 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 54 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 55 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 56 – MS. BOVE presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 81

May 3, 2011	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 9D-2 (2011)
AUDIT COMMITTEE FOR EC: "Copy of 2009 Annual Report"
(5-0)
2. COMM. 9E-11 (2011)
COUNTY EXECUTIVE AS AMENDED

EXTENSION OF ADDITIONAL 1% AND .75% SALES TAX

ASSEMBLY

WHEREAS, the additional 1% and .75% Erie County sales and compensating use tax, will expire on November 30, 2011 unless further extended and imposed, and

WHEREAS, failure to extend the imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of more than \$250 million in the Erie County budget, and

WHEREAS, Assembly Bill No. A. 07254-A and Senate Bill No. 04791, now pending before the New York State Legislature, would authorize an extension of the additional 1% and .75% sales and compensating use tax, from December 1, 2011 to November 30, 2013;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. 07254-A entitled "AN ACT to amend the tax law, in relation to the imposition of additional rates of sales and compensating use taxes by Erie County and to repeal section 1210-D of the tax law in relation thereto"

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the extended imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of more than \$250 million in the Erie County budget, the cessation of services essential to the people of Erie County and jeopardize any sharing of net collections therefrom with Erie County's cities, towns and villages.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the Erie County Legislature, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

EXTENSION OF ADDITIONAL 1% AND .75% SALES TAX

SENATE

WHEREAS, the additional 1% and .75% Erie County sales and compensating use tax, will expire on November 30, 2011 unless further extended and imposed, and

WHEREAS, failure to extend the imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of more than \$250 million in the Erie County budget, and

WHEREAS, Senate Bill No. 04791 and Assembly Bill No. 07254-A, now pending before the New York State Legislature, would authorize an extension of the additional 1% and .75% sales and compensating use tax, from December 1, 2011 to November 30, 2013;

NOW, THEREFORE, BE IT RESOLVED, THAT A HOME RULE REQUEST IS MADE TO THE NEW YORK STATE LEGISLATURE AS FOLLOWS:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. 04791, entitled "AN ACT to amend the tax law, in relation to the imposition of additional rates of sales and compensating use taxes by Erie County and to repeal section 1210-D of the tax law in relation thereto"

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows:

The local government does not have power to enact such legislation by local law.

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the extended imposition of the additional 1% and .75% sales and compensating use tax will result in an estimated annual shortfall of more than \$250 million in the Erie County budget, the cessation of services essential to the people of Erie County and jeopardize any sharing of net collections therefrom with Erie County's cities, towns and villages.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

(5-0)

3. COMM. 9E-13 (2011)
COUNTY EXECUTIVE

WHEREAS, the Department of Real Property Tax Services requires additional funding to meet anticipated expense for the remainder of the year in order to provide uninterrupted property tax services to the cities, towns and villages, and

WHEREAS, unanticipated revenue is available for this request and is recorded in Fund Center 140 Countywide Accounts Monitored by Budget, Account 400060 - Omitted Taxes.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to make the following adjustments in the 2011 budget:

Countywide Accounts Monitored by Budget

<u>Revenue</u>	<u>Increase</u>
Account 400060 - Omitted Taxes	\$17,500

Department of Real Property Tax Services

<u>Expense</u>	
Account 505000 - Office Supplies	\$10,000
Account 530000 - Other Expenses	<u>7,500</u>
Total Expense	\$17,500
Revenue less Expense	0

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Director of Budget and Management, Office of the Comptroller, and the Department of Real Property Tax Services.

(5-0)

BARBARA MILLER-WILLIAMS
CHAIR

MS. BOVE moved to approve item Number 2. MR. MILLS seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS, MR. WHALEN and MS. WHYTE. NOES: None.
(AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

Item 57 – MS. BOVE presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82

May 3, 2011	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 9D-4 (2011)
COUNTY ATTORNEY: “Transmittal of New Claim Against EC”
(5-0)
 - b. COMM. 9M-1 (2011)
ASSIGNED COUNSEL PROGRAM: “Copy of Quarterly Report for the 1st Quarter of 2011”
(5-0)
 - c. COMM. 9M-11 (2011)
OSWEGO COUNTY LEGISLATURE: “Copy of Resolution Opposing the Proposed Consolidation of Off Track Betting by NYS”
(5-0)

CHRISTINA W. BOVE
CHAIR

Item 58 – MS. BOVE presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 83

May 3, 2011	PUBLIC SAFETY COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATORS MILLS & KOZUB.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 16-4 (2010)
WHYTE, GRANT, LOUGHRAN,
MARINELLI, MAZUR & KOZUB: “Re-Establish an EC Community Corrections Advisory Board”
(4-0)
 - b. COMM. 8D-2 (2011)
COMPTROLLER'S OFFICE: “Copy of Letter Concerning Waste, Fraud & Abuse Tip Line Communication”
(4-0)
 - c. COMM. 8M-14 (2011)
BLACK LEADERSHIP FORUM: “Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board”
(4-0)
 - d. COMM. 9D-3 (2011)
SHERIFF'S DEPARTMENT: “Copy of Letter to Deputy Comptroller Regarding Electronic Communications Being Made Available to the Inmates & Their Families at the EC Holding Center”
(4-0)
2. COMM. 9E-6 (2011)
SHERIFF
WHEREAS, Deputy Burdzy’s K-9 partner Drago was purchased in the year 2000 with seized asset funds and was trained in drug detection with Deputy Burdzy as his only handler exclusively since that date; and

WHEREAS, Drago is now eleven (11) years old and is no longer able to carry out the duties of a police agency K-9 and in fact has not been able to perform the function for an extended period of time; and

WHEREAS, Deputy O’Connor’s partner Nina was purchased in the year 2003 with seized asset funds and was trained in drug detection with Deputy O’Connor as her handler exclusively since that date; and

WHEREAS, she is now eight (8) years old and given the extended length of time that Nina has been assigned to one handler it would not be possible to reassign her to another handler, therefore ending her ability to function as a drug detection K-9; and

WHEREAS, Correction Officer Priester's partner Tina was purchased in the year 2003 with seized asset funds and was trained in drug detection with Officer Priester as her handler exclusively since that date; and

WHEREAS, she is now eight (8) years old and given the extended length of time that Tina has been assigned to one handler it would not be possible to reassign her to another handler, therefore ending her ability to function as a drug detection K-9; and

WHEREAS, Deputies Burdzy and O'Connor and Correction Officer Scott Priester have agreed to sign agreements to assume full responsibility for said dogs and to hold the County of Erie/Erie County Sheriff's Office harmless against any and all liability; and

WHEREAS, the Sheriff's Office conferred with the Comptroller's Office and the County Attorney to determine that by Legislative Resolution the transfer of ownership could occur.

NOW, THEREFORE, BE IT

RESOLVED, that at the time of the K-9's retirement, their long time handlers will be allowed to retain possession of their K-9 partners, Drago, Nina and Tina; and be it further

RESOLVED, that the Office of the Sheriff is hereby authorized to enter into purchase agreements with Deputy Burdzy, Deputy O'Connor and Correction Officer Priester for the consideration of one (1) dollar for the transfer of ownership of Drago, Nina, and Tina respectively. Deputy Burdzy, Deputy O'Connor and Correction Officer Priester shall assume full responsibility for the dogs under any such agreement and shall further hold the County of Erie and Erie County Sheriff's Office harmless against any and all liability; and be it further

RESOLVED, that certified copies be forwarded to the Erie County Comptroller, the County Attorney and the Office of the Sheriff for implementation.

(4-0)

3. COMM. 9E-7 (2011)
SHERIFF

WHEREAS, the State of New York Governor's Traffic Safety Committee has awarded \$28,200 to the Erie County Sheriff's Office to participate in the statewide "Selective Traffic Enforcement" Program; and

WHEREAS, the State of New York Governor's Traffic Safety Committee has awarded \$4,400 to the Erie County Sheriff's Office to participate in the statewide "Buckle Up New York" campaign; and

WHEREAS, these funds will be used to fund overtime and purchase equipment dedicated to increasing safety on the roadways of Erie County by reducing unsafe driving behavior.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to accept funding in the amount of \$32,200 from the State of New York Governor's Traffic Safety Committee; and be it further

RESOLVED, that authorization is hereby provided to budget those funds as follows:

Erie County Sheriff's Office – Fund Center 11510

<u>REVENUE</u>		<u>Increase</u>
409020	Miscellaneous State Aid	<u>32,200</u>
TOTAL REVENUE		<u>32,200</u>
<u>APPROPRIATIONS</u>		<u>Increase</u>
501000	Overtime	30,400
561410	Lab & Technical Equipment	<u>1,800</u>
TOTAL APPROPRIATIONS		<u>32,200</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the Erie County Comptroller's Office and the Office of Sheriff.
(4-0)

CHRISTINA W. BOVE
CHAIR

LEGISLATOR RESOLUTIONS

Item 59 – MR. WALTER presented the following resolution and moved for immediate consideration. MR. FUDOLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84

RE: Opposing H.R. 1555 Which Would
Threaten Security in WNY
(INTRO 10-1)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR WALTER

WHEREAS, H.R. 1555, "An Act to Amend the Homeland Security Act of 2002 to Limit the Number of Urban Area Security Initiative Grants Awarded and to Clarify the Risk Assessment

Formula Used When Making Such Grants" is designed to increase the share of federal homeland security funds received by New York City and the New York City Metropolitan Statistical Area to the detriment of approximately 30 other metropolitan areas around the nation; and

WHEREAS, the Buffalo-Niagara Metropolitan Statistical Areas is among those that H.R. 1555 proposes depriving of funding for vital homeland security functions; and

WHEREAS, the population of the Buffalo-Niagara Metropolitan Statistical Area exceeds 1.1 million residents, all of whom are potentially vulnerable to a homeland security incident and its aftermath; and

WHEREAS, the federal government currently spends a mere \$5,544,750 on the Buffalo-Niagara Urban Area Security Initiative, or \$4.88 for every man, woman and child residing within that vulnerable area, despite those residents of the Buffalo-Niagara Falls Metropolitan Statistical Area enduring a total federal tax burden of \$13,334 (as of 2004) per household, according to statistical data compiled by The Tax Foundation; and

WHEREAS, the average annual Urban Area Security Initiative funding for New York City has been \$135 million per year, or \$16.51 for every man, woman, and child, and other non-UASI homeland security funds have also been provided to New York City, including \$12 million in funding from the federal Environmental Protection Agency to "protect drinking water from terrorists;" and

WHEREAS, according to the New York City Office of Management and Budget's November 18, 2010 Financial Plan Revenue Budget, New York City's allocated \$24.3 million of Federal Fiscal Year 2010 Urban Area Security Initiative funds was used to pay for police overtime, rather than homeland security initiatives or equipment; and

WHEREAS, in September 2007, the New York City Department of Health and Mental Hygiene purchased 12 new computer servers "to enhance tracking of infectious diseases and bioterrorism risks" using homeland security funds, however a June 9, 2009 audit by the New York State Office of Homeland Security Fiscal Monitoring Unit revealed that nearly two years later, "these servers were not operational and no project completion plan was offered;" and

WHEREAS, a separate audit by the New York State Office of Homeland Security found that gamma monitors and toxic vapor analyzers purchased by the New York City Department of Environmental Protection went "unutilized" more than a year after being acquired; and

WHEREAS, the New York Harbor Waterfront Commission spent \$619,000 on port security grants to purchase laptop computers, but an August 2009 audit discovered those computers had not been used for their intended purpose due to a "lack of proper training," and an additional \$170,000 was spent by the same Commission to purchase a boat "for patrolling the harbor" that was used, instead, primarily to escort guests and VIPs during New York FleetWeek; and

WHEREAS, the Buffalo-Niagara Urban Area Security Initiative includes such vulnerable infrastructure critical to national security as the Niagara Power Project, the Niagara Falls Air Reserve Station and those aviation and personnel assets based there, and four international border

crossing points, including the Peace Bridge, the Rainbow Bridge, the Lewiston-Queenston Bridge and the Whirlpool Bridge; and

WHEREAS, a Government Accountability Office study released February 1, 2011, found that the federal Department of Homeland Security has "acceptable control" of less than 1% of the total international border between the United States and Canada; and

WHEREAS, the same Government Accountability Office report did conclude that there is a greater threat of terrorism emanating from Canada than Mexico, with Senate Homeland Security Committee Chairman Joseph I. Lieberman noting that Islamic extremism in Canada is a significant threat to the United States; and

WHEREAS, under H.R. 1555's plan to redistribute homeland security funds away from vulnerable targets outside New York City, the entirety of Upstate New York would lose \$9,880,967 in critical funding for homeland security, leaving additional entry points along the international border weaker and additional critical infrastructure, such as the St. Lawrence-Franklin D. Roosevelt Power Project, vulnerable to a homeland security incident.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby declare its opposition to H.R. 1555; and be it further

RESOLVED, that the Erie County Legislature urges the United States Congress and the federal Department of Homeland Security to be mindful of the critical infrastructure present in Western New York, as well as the significant concentration of people in close proximity to said infrastructure and the international border; and be it further

RESOLVED, that copies of this resolution be forwarded to President Barack Obama, Secretary of Homeland Security Janet Napolitano, Speaker of the House John Boehner, Senate Majority Leader Harry Reid, the local delegation of the United States Congress and Erie County Emergency Services Commissioner Greg Skibitsky.

MR. WALTER moved to amend the resolution by including Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. WALTER moved to approve the resolution as amended. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 60 – MR. MILLS moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 9M-14 (2011). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RE: Letter of Interest in Serving as a Commissioner
for the EC Water Authority
(COMM. 9M-14, 2011)

MR. MILLS presented a petition with the required number of signatures representing a majority of the Republican members of the Erie County Legislature, nominating Mr. Earl L. Jann as a Commissioner for the EC Water Authority.

We, the undersigned, representing a majority of the Republican members of the Erie County Legislature, do hereby nominate EARL L. JANN, 2220 Grover Road, West Falls, New York 14170, for appointment as Commissioner of the Erie County Water Authority, to fill a three year term commencing April 28, 2011 and expiring April 27, 2014:

John J. Mills – 13th District

Edward A. Rath III – 15th District

Raymond W. Walter – 4th District

Dino J. Fudoli – 5th District

Kevin R. Hardwick – 10th District

CHAIR MILLER-WILLIAMS appointed Mr. Jann as a Commissioner for the Erie County Water Authority, to fill a three year term commencing April 28, 2011 and expiring April 27, 2014.

May 12, 2011

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

RE: Appointment of Commissioner to the Erie County Water Authority

Dear Mr. Graber:

On April 28, 2011, I informed you that a term for a Commissioner of the Erie County Water Authority will expire on April 27, 2011 and requested that you send all notices required by Section 5.01 of the 2011 Rules of Order of the Erie County Legislature. You informed me that all required notices were distributed to the general public and each legislator in a timely manner and that interviews were conducted on May 11, 2011.

As all of the Rules of Order were followed, I am prepared to make an appointment of a Commissioner as required by Section 1053 of the Public Authorities Law. Therefore, I hereby appoint EARL L. JANN JR., 2220 Grover Rd., West Falls, NY 14170, to fill a three year term commencing immediately and expiring April 27, 2014.

Thank you for your cooperation in this matter.

Sincerely Yours,

Barbara Miller-Williams, Chair
Erie County Legislature

RESOLUTION NO. 85

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of EARL L. JANN JR., 2220 Grover Rd., West Falls, NY 14170, to the Erie County Water Authority for a three (3) year term commencing May 12, 2011 and expiring on April 27, 2014.

MR. MILLS moved for approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

*****CHAIR MILLER-WILLIAMS directed that the agenda be taken out of order and the next item to be considered would be SUSPENSION OF THE RULES.

GRANTED.

SUSPENSION OF THE RULES

Item 61 - MR. WALTER moved for a Suspension of the Rules to include an item not on the agenda.

MS. GRANT objected. MS. WHYTE seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. GRANT and MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MR. WHALEN. (AYES: 2; NOES: 13)

FAILED.

COMM. 10D-9 from the CHAIR, ADVISORY COMMITTEE ON REAPPORTIONMENT
Re: Letter to Chair of Legislature Concerning Approved Plan for Reapportionment of EC
Legislature

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 62 – (COMM. 10E-1) Copy of EC Interim Financial Report for the Three-Month Period Ended 3/31/2011

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF

Item 63 – (COMM. 10E-2) Aviation Reserve Fund Transfer

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 64 – (COMM. 10E-3) EC Holding Center Medical Reception Housing

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 65 – (COMM. 10E-4) Appointment to ECSD No. 1 for Term Expiring on 12/31/2011

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 66 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 86

RE: Beeman Creek Park Transfer
(COMM. 10E-5)

WHEREAS, the Legislature of the County of Erie adopted a resolution on May 29, 2008 which, inter alia, authorized the County of Erie to transfer the control, operation and maintenance of Beeman Creek Park to the Town of Clarence pending enabling legislation by the New York State Legislature; and

WHEREAS, said resolution recites that all transfer documents shall include language reverting ownership of Beeman Creek Park to the County should the Town of Clarence cease operating the Park as a public park or in the event the Town fails to make the Park accessible to all County of Erie residents on the same terms and conditions as apply to Town of Clarence residents; and

WHEREAS, the Legislature of the County of Erie adopted a resolution on May 20, 2010 which, inter alia, requested the New York State Senate and Assembly, respectively, to approve an Act authorizing the County of Erie to transfer Beeman Creek Park to the Town of Clarence for the sum of one dollar (\$1.00); and

WHEREAS, this honorable body on June 10, 2010 approved a Home Rule request to the NYS Legislature requesting approval to convey title of Beeman Creek Park to the Town of Clarence; and

WHEREAS, the Home Rule request was approved by the Senate and Assembly, respectively, and was signed by the Governor on August 30, 2010; and

WHEREAS, the execution of the Sales Agreement and Quit Claim Deed, and recording thereof, are all that remains to effectuate the transfer of Beeman Creek Park to the Town of Clarence.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute the Sales Agreement with the Town of Clarence for the transfer of Beeman Creek Park for the sum of one dollar (\$1.00); and be it further

RESOLVED, that the County Executive is authorized to execute the Quit Claim Deed and all other transfer documents conveying Beeman Creek Park to the Town of Clarence; and be it further

RESOLVED, that the proceeds from the sale of the Beeman Creek Park are to be appropriated as follows:

Business Area 16410 – Parks, Recreation and Forestry – Fund 110

REVENUE

Account 480300 – Fixed Asset Sales \$1

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make the necessary adjustments to the Erie County Parks, Recreation and Forestry budget; and be it further

RESOLVED, that the clerk of the legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Erie County Executive, the Office of the Comptroller, the Division of Budget and Management and the Erie County Department of Law.

Item 67 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 87

RE: WNY Southtowns Scenic Byway
Funding Agreement
(COMM. 10E-6)

WHEREAS, WNY Southtowns Scenic Byway, Inc. is a 501(c)(3) not for profit organization whose mission is to promote the scenic beauty, history and cultural heritage of southern Erie County; and

WHEREAS, through these efforts, it assists in the promotion of cultural tourism in Western New York; and

WHEREAS, the promotion of tourism is an important economic engine to the Western New York economy; and

WHEREAS, after a competitive process, WNY Southtowns Scenic Byway, Inc. has been awarded a \$66,000 federal grant to install signage to identify the Byway and its many attractions; and

WHEREAS, this grant requires the Byway to provide \$16,600 in matching funds to release the federal funds to complete the signage project; and

WHEREAS, WNY Southtowns Scenic Byway, Inc. has raised \$11,600 of the money necessary to release the funds necessary for the signage project; and

WHEREAS, without the full \$16,600, the federal grant will be lost, and along with it an opportunity to promote cultural, historic and scenic tourism in Western New York.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to act on behalf of the County and enter into a contract with WNY Southtowns Scenic Byway, Inc., in an amount not to exceed \$5,000, to provide matching funds necessary to release the full amount of the \$66,000 federal grant for a signage project; and be it further

RESOLVED, that the funding source for said agreement is from the 2011 Budget, as follows:

Fund Center 16200, Environment and Planning

<u>Appropriations</u>	<u>Increase/Decrease</u>
516020 Professional Services, Contracts & Fees	\$5,000
516030 Maintenance Contracts	(\$5,000)

RESOLVED, that this Authorization take effect immediately; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, the Director of the Division of Budget and Management, the Comptroller, the Department of Environment and Planning and the County Attorney.

Item 68 – (COMM. 10E-7) ECSDs/WNY Council on Occupational Safety & Health Proposed Agreement

Item 69 – (COMM. 10E-8) United States Dept. of Energy - Energy Efficiency & Conservation Block Grant

Item 70 – (COMM. 10E-9) ECSD Nos. 1&3 - Mineral Springs Road Old Meter Station Demolition & Magnetic Meter Building Replacement - Bid Opening

Item 71 – (COMM. 10E-10) ECSD No. 6 - Phase 3 Sanitary Sewer Rehabilitation Project - Bid Opening

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

Item 72 – (COMM. 10E-11) Closing of Highway Capital Projects & Transfer of Cash to Existing Highway Capital Project

Item 73 – (COMM. 10E-12) Cemetery Road Highway Facility - Building Addition & Utility Relocation Project

Item 74 – (COMM. 10E-13) Seneca Street Bridge Reconstruction - Town of West Seneca

Item 75 – (COMM. 10E-14) Maple Road Intersection Reconstruction - Town of Amherst

Item 76 – (COMM. 10E-15) Greiner at Shimerville Intersection Improvements - Town of Clarence

Item 77 – (COMM. 10E-16) Supplemental Agreement with NYSDOT - Seneca Street Bridge Reconstruction - Town of West Seneca

Item 78 – (COMM. 10E-17) Supplemental Agreement with NYSDOT - Maple Road Intersection Reconstruction - Town of Amherst

Item 79 – (COMM. 10E-18) ECC City Campus - HVAC Equipment, Controls, Lighting & Plumbing Renovations Project

Item 80 – (COMM. 10E-19) EC Department of Public Works - Division of Highways Response to NYSDOT Bridge Inspections with Yellow & Red Flagged Conditions of County Bridges & Culverts

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

Item 81 – (COMM. 10E-20) Acceptance of Lackawanna Treatment Court Award

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 82 – (COMM. 10E-21) Phase 1 Engineering Services - Black Rock Canal Park

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 83 – (COMM. 10E-22) Amend Senior Employment Program Grant Budget

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMPTROLLER'S OFFICE

Item 84 – (COMM. 10D-1) Medicaid Fraud Project

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 85 – (COMM. 10D-2) Transmittal of New Claim Against EC

Item 86 – (COMM. 10D-3) Transmittal of New Claim Against EC

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

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 87 – (COMM. 10D-4) Copy of Budget Monitoring Report for the Period Ending 3/31/2011

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 88 – (COMM. 10D-5) Designation in the Event of Vacancy, Absence or Inability

Received and Filed.

Item 89 – (COMM. 10D-6) Notice of Public Hearing - Local Law Intro. No. 2-2011

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPARTMENT OF SOCIAL SERVICES

Item 90 – (COMM. 10D-7) Response to the Audit Conducted by the Comptroller's Office Concerning Social Services Special Investigations Division for the Period 1/1/2008 - 12/31/2009

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 91 – (COMM. 10D-8) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO COMMON COUNCIL

Item 92 – (COMM. 10M-1) Copy of Resolution Entitled "Build Community College's Health Sciences Center for Excellence at ECC City Campus in Downtown Buffalo"

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE HAMBURG TOWN BOARD

Item 93 – (COMM. 10M-2) Copy of Resolution Concerning Reapportionment of EC Legislative Districts

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE EGGERTSVILLE COMMUNITY ORGANIZATION, INC.

Item 94 – (COMM. 10M-3) Letter to Legislator Loughran Concerning Reapportionment of EC Legislative Districts

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NFTA

Item 95 – (COMM. 10M-4) Minutes of Meeting Held 3/28/2011

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE HOLLAND TOWN BOARD

Item 96 – (COMM. 10M-5) Copy of Resolution Concerning Natural Gas Drilling

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 97 – (COMM. 10M-6) Copy of NFTA Notice of Proposed Rulemaking - Text of Proposed Revisions

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COLDEN TOWN BOARD

Item 98 – (COMM. 10M-7) Copy of Resolution Concerning Spay/Neuter Surcharges for Altered Dogs

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYSDEC

Item 99 – (COMM. 10M-8) Fact Sheet - Brownfield Cleanup Program - Cleanup Activities Completed at 111 Hydraulic Street Site

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM JEFFREY S. EBERHARD, PH.D.

Item 100 – (COMM. 10M-9) Letter of Interest in Serving as a Commissioner for the EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CHEEKTOWAGA TOWN BOARD

Item 101 – (COMM. 10M-10) Copy of Resolution Concerning Reapportionment of EC Legislative Districts

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM KURT FELGEMACHER

Item 102 – (COMM. 10M-11) Letter of Interest in Serving as a Commissioner for the EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BLACK LEADERSHIP FORUM

Item 103 – (COMM. 10M-12) Letter of Interest in Serving as a Member of the EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE ECIDA

Item 104 – (COMM. 10M-13) Copy of 2010 Annual Audited Financial Statement Including Supplemental Schedules Listing Indebtedness, Lease Transactions & Notes

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM DAVID L. TRUMPFHELLER

Item 105 – (COMM. 10M-14) Letter of Interest in Serving as a Commissioner for the EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CHRISTOPHER T. WEINERT

Item 106 – (COMM. 10M-15) Letter of Interest in Serving as a Commissioner for the EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LAURA V. LEWIS

Item 107 – (COMM. 10M-16) Letter of Interest in Serving as a Commissioner for the EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE GRAND ISLAND TOWN BOARD

Item 108 – (COMM. 10M-17) Copy of Resolution Concerning Reapportionment of EC Legislative Districts

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE LACKAWANNA CITY COUNCIL

Item 109 – (COMM. 10M-18) Copy of Resolution Concerning Reapportionment of EC Legislative Districts

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ECC PRESIDENT

Item 110 – (COMM. 10M-19) 2011 - 2012 ECC Budget

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

ANNOUNCEMENTS

Item 111 – CHAIR MILLER-WILLIAMS announced that the committee schedule has been distributed.

WHEREAS, reducing future debt service will aid in keeping the Four-Year Plan in balance;
and

WHEREAS, after these designations the unreserved fund balance will still be in excess of the five percent Charter requirement; and

WHEREAS, the administration has identified the following capital projects to be funded on a pay-as-you-go basis rather than borrowing:

ECMCC Nursing Home	\$11,500,000
ECC North Campus New Building	7,500,000
2011 CHIPS Highway Program	800,000
2011 Countywide Highway Buildings	750,000
2011 EC Holding Ctr Improvements	700,000
2011 Fuel Tank Replacements	500,000
2011 Fuel Dispensing Fire Ext System	650,000

and

WHEREAS, none of these were in the 2011 adopted budget as pay-as-you go projects; and

WHEREAS, the County has announced a one-time allocation of \$500,000 to the Martin House Restoration Corporation, if the Corporation is able to raise another million dollars in private sector donations; and

WHEREAS, it is necessary for a designation of 2010 fund balance to pay for these expenses.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Comptroller is authorized to establish designation of 2010 fund balance in the amount of \$22,400,000 to be used to fund the following capital projects:

ECMCC Nursing Home	\$11,500,000
ECC North Campus New Building	7,500,000
2011 CHIPS Highway Program	800,000
2011 Countywide Highway Buildings	750,000
2011 EC Holding Ctr Improvements	700,000
2011 Fuel Tank Replacements	500,000
2011 Fuel Dispensing Fire Ext System	650,000

and be it further

RESOLVED, that the Erie County Comptroller is authorized to establish designation of 2010 fund balance in the amount of \$500,000 to be used to fund the challenge grant for the Darwin Martin House and the County Executive is hereby authorized to sign a contract with the Martin House Restoration Corporation; and be it further

RESOLVED, that the Director of Budget and Management in conjunction with the Office of Comptroller is authorized to make all the appropriate 2010 and 2011 budget and accounting adjustments and entries to effectuate this change; 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, the Department of Environment and Planning, and two copies to the Department of Public Works (Highways and REAM).

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

CARRIED UNANIMOUSLY.

Delete the Entire Text and Replace with the Following:

WHEREAS, the preliminary 2010 financial results were announced by the County Comptroller indicating a year-end surplus of approximately \$23.8 million; and

WHEREAS, the preliminary 2010 financial results will result in an undesignated fund balance in excess of the five percent requirement in the County Charter, section 2605(b); and

WHEREAS, the 2011 capital budget contained \$40,000,000 in capital projects to be bonded; and

WHEREAS, in addition to the 2011 capital budget the County has committed \$7,500,000 to Erie Community College to fund its share of the planned North Campus Building project; and

WHEREAS, it is in the best interest of the County's taxpayers to reduce the County's dependence on borrowed funds and pay cash whenever possible, thus reducing the amount of outstanding debt; and

WHEREAS, the Erie County Fiscal Stability Authority has recommended numerous times to reduce planned County borrowing; and

WHEREAS, it is the policy of this administration to pay for non recurring expenditures with non recurring revenue; and

WHEREAS, the Four-Year Plan of the County anticipates minimal, if any, surpluses in the future; and

WHEREAS, reducing future debt service will aid in keeping the Four-Year Plan in balance; and

WHEREAS, after these designations the unreserved fund balance will still be in excess of the five percent Charter requirement; and

WHEREAS, the administration has identified the following capital projects to be funded on a pay-as-you-go basis rather than borrowing:

ECMCC Nursing Home	\$11,500,000
ECC North Campus New Building	7,500,000
2011 CHIPS Highway Program	800,000
2011 Countywide Highway Buildings	750,000
2011 EC Holding Ctr Improvements	700,000
2011 Fuel Tank Replacements	500,000
2011 Fuel Dispensing Fire Ext System	650,000

and

WHEREAS, none of these were in the 2011 adopted budget as pay-as-you go projects; and

WHEREAS, the opportunity to reconfigure and retrofit Central library space is being explored based on feedback already received through the Library's Re-Imagine initiative and from area non-profits and foundations; and

WHEREAS, funding to recondition and reconfigure soon to be vacated space on the Central Library's second floor in the amount of \$250,000 would allow this space to be reused for community collaborations; and

WHEREAS, the County has announced a one-time allocation of \$500,000 to the Martin House Restoration Corporation, if the Corporation is able to raise another million dollars in private sector donations; and

WHEREAS, it is necessary for a designation of 2010 fund balance to pay for these expenses.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Comptroller is authorized to establish designation of 2010 fund balance in the amount of \$22,650,000 to be used to fund the following capital projects:

ECMCC Nursing Home	\$11,500,000
ECC North Campus New Building	7,500,000
2011 CHIPS Highway Program	800,000
2011 Countywide Highway Buildings	750,000
2011 EC Holding Ctr Improvements	700,000
2011 Fuel Tank Replacements	500,000
2011 Fuel Dispensing Fire Ext System	650,000
2011 Central Library Space Reconfiguration (2 nd Floor)	250,000

and be it further

RESOLVED, that the Erie County Comptroller is authorized to establish designation of 2010 fund balance in the amount of \$500,000 to be used to fund the challenge grant for the Darwin Martin House and the County Executive is hereby authorized to sign a contract with the Martin House Restoration Corporation; and be it further

RESOLVED, that the Erie County Comptroller is authorized to establish designation of 2010 fund balance in the amount of \$300,000 to be used to fund capital projects for not-for-profit organizations and the County Executive is hereby authorized to sign contracts with these organizations, upon prior legislative approval; and be it further

RESOLVED, that the Director of Budget and Management in conjunction with the Office of Comptroller is authorized to make all the appropriate 2010 and 2011 budget and accounting adjustments and entries to effectuate this change; 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, the Department of Environment and Planning, the Buffalo and Erie County Public Library, and two copies to the Department of Public Works (Highways and REAM).

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

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS, MR. WHALEN and MS. WHYTE. NOES: None.
(AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

MEMORIAL RESOLUTIONS

Item 113 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Joanne Cole.

Item 114 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Charles Crouch, Richard Miller, Richard Wheaton Jr., Maureen E. Bellia, Florence S. Chesebro and Georgena E. Shores.

Item 115 – Legislator Marinelli requested that when the Legislature adjourns, it also do so in memory of Shirley E. Zemsky.

Item 116 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Joseph Antonio Carnevale.

Item 117 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of James M. Kurdzdorder.

Item 118 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of former City of Buffalo Councilmember Brian C. Davis' grandmother.

ADJOURNMENT

Item 119 – At this time, there being no further business to transact, CHAIR MILLER-WILLIAMS announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, May 26, 2011 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, May 26, 2011 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE