

**ERIE COUNTY LEGISLATURE
MEETING NO. 9
APRIL 28, 2011**

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

All members present, except Ms. Marinelli and Mr. Loughran.

An Invocation was held, led by Mr. Rath, who read a short quote by James Monroe, on the occasion of the fifth President of the United States' birthday. President Monroe was born on April 28, 1758.

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 8 from 2011. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MAZUR presented a Memorial Resolution Honoring the Memory of Eugene F. Fahey.

Item 6 – MR. MAZUR presented a Memorial Resolution In Remembrance of Robert R. Pietrzak.

Item 7 – MR. MILLS presented a resolution Congratulating Tree Board of East Aurora for Celebrating Arbor Day at East Aurora High School on Friday, 4/29/2011.

Item 8 – CHAIR MILLER-WILLIAMS presented a resolution Proclaiming the Month of May 2011 as Motorcycle Awareness Month.

Item 9 – MR. MAZUR presented a Memorial Resolution Honoring the Life of William A. Wutz III.

Item 10 – MR. MAZUR presented a Memorial Resolution Remembering Patricia L. Wojcik & Her Important Work on Behalf of Senior Citizens & Honoring Her Legacy as Director of the Cheektowaga Senior Citizens' Center.

Item 11 – MR. RATH & MR. WALTER presented a resolution Congratulating New President at the University of Buffalo, Satish K. Tripathi.

Item 12 – MR. MILLS presented a resolution Congratulating the Orchard Park Bee Community Newspaper in Celebrating 25 Years of Publication.

Item 13 – MR. MILLS presented a resolution Congratulating Mortons Corners Volunteer Fire Company for 65 Years of Dedicated Service to Their Community.

Item 14 – MR. HARDWICK presented a resolution Honoring Pat Shaw for Being Recognized as the Community Service Person of the Year by the Grand Island Chamber of Commerce.

Item 15 – MR. HARDWICK presented a resolution Honoring Lynn Ortiz for Being Recognized as the Educator of the Year by the Grand Island Chamber of Commerce.

Item 16 – MR. HARDWICK presented a resolution Honoring Tom Kanaley for Being Recognized as the Business Person of the Year by the Grand Island Chamber of Commerce.

Item 17 – MR. HARDWICK presented a resolution Honoring Sherry Bradford for Being Recognized as the Civic Person of the Year by the Grand Island Chamber of Commerce.

Item 18 – MR. HARDWICK presented a resolution Honoring Cheryl Lepsch During National Volunteer Month for Her Dedication to "Jammies for GI's."

Item 19 – MR. HARDWICK presented a resolution Honoring Todd & Danielle St. Onge, Owners of Island Deli & Meat Market, for Being Recognized as the Business of the Year by the Grand Island Chamber of Commerce.

Item 20 – MR. HARDWICK presented a resolution Honoring St. Stephen's Parish Plays, Community Theatre Group, for Being Recognized as the Organization of the Year by the Grand Island Chamber of Commerce.

Item 21 – MR. FUDOLI presented a resolution Congratulating Kenneth J. Fierle, Troop No. 251, for Achieving the Rank of Eagle Scout.

Item 22 – MR. FUDOLI presented a resolution Congratulating Nathaniel T. Damon, Troop No. 251, for Achieving the Rank of Eagle Scout.

Item 23 – MR. FUDOLI presented a resolution Congratulating Nicholas J. Pollutro, Troop No. 251, for Achieving the Rank of Eagle Scout.

Item 24 – MR. FUDOLI presented a resolution Congratulating the Lancaster Model United Nations Club for Winning the St. Bonaventure Model United Nations Competition.

Item 25 – MR. FUDOLI presented a resolution Congratulating Thomas Edward Clouse, Troop No. 972, for Achieving the Rank of Eagle Scout.

Item 26 – MR. FUDOLI presented a resolution Congratulating Nathan Nasternak, Troop No. 352, for Achieving the Rank of Eagle Scout.

Item 27 – MR. FUDOLI presented a resolution Congratulating Jason Zhou, Troop No. 352, for Achieving the Rank of Eagle Scout.

Item 28 – MS. DIXON presented a resolution Congratulating Trevor Sebastian Schmidt, Troop No. 578, for Achieving the Rank of Eagle Scout.

MS. WHYTE moved for consideration of the above twenty-four items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twenty-four items by including Et Al Sponsorship. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

***MR. LOUGHRAN entered the Legislature Chambers at 2:10 P.M.

LOCAL LAWS

Item 29 – 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 30 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 31 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 32 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 33 – MR. MILLS moved to take Local Law No. 2 (Print #1) 2011 off the table. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 2 - 2011

LOCAL LAW NO. ___-2011

A Local Law in relation to conservation easement agreement exemptions in the Town of Orchard Park

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

SECTION 1. LEGISLATIVE INTENT. The Town of Orchard Park is authorized to adopt a Local Law to create and implement conservation easement agreement exemptions, pursuant to Real Property Tax Law §491, in an effort to promote open space in the town. Because the exemption results in a respread of property tax, it has no fiscal impact to the revenue of the County of Erie. Concurrent adoption of a resolution clarifying an “add back” will be necessary to fully implement the legislative intent of this Local Law.

SECTION 2. DEFINITIONS. For the purpose of this section, the following terms shall have the following meanings: "open space" or "open area" means any space or area characterized by natural scenic beauty or whose existing openness, natural condition or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development or would maintain or enhance the conservation of natural or scenic resources. "Natural Resources" shall include, but not be limited to, agricultural lands defined as open lands actually used in bona fide agricultural production.

SECTION 3. PROCEDURES FOR OBTAINING A CONSERVATION EASEMENT AGREEMENT.

(a) Any owner or owners of land may submit a proposal to the town board of the Town of Orchard Park for the granting of interest or rights in real property for the preservation of open space or areas. Such proposal shall be submitted in such a manner and form as may be prescribed by the Conservation Board of the Town of Orchard Park.

(b) Upon receipt of such proposal, the town board shall convey the proposal to the Conservation Board of the Town of Orchard Park. The Conservation Board shall investigate the area to determine if the proposal would be of benefit to the people of the Town and may negotiate the terms and conditions of the offer. If the Conservation Board determines that it is in the public interest to accept such proposal, it shall recommend to the town board that it hold a public hearing for the purpose of determining whether or not the town should accept such proposal.

(c) The Town Board shall, within thirty days of receipt of such advisory opinion, hold a public hearing concerning such proposal at a place within the Town. At least ten days notice of the time and place of such hearing shall be published in a paper of general circulation in such town, and a written notice of such proposal shall be given to all adjacent property owners and to any municipality whose

boundaries are within five hundred feet of the boundaries of said proposed area, and to the school district in which it is located.

(d) The Town Board, after receiving the reports of the Conservation Board the Town of Orchard Park and after such public hearing, may adopt the proposal or any modification thereof it deems appropriate or may reject it in its entirety.

(e) If such proposal is adopted by the Town Board, it shall be executed by the owner or owners in written form and in a form suitable for recording in the Erie County Clerk's office.

(f) Such agreement may not be canceled by either party. However, the owner or owners thereof may petition the Town Board for cancellation upon good cause shown, and such cancellation may be granted only upon payment of the penalties provided in this law.

(g) Conservation Easements have been granted by the Town Board of the Town of Orchard Park under a prior Local Law adopted by the Town Board of the Town of Orchard Park. Those Conservation Easements shall remain in effect. The owners of property which are encumbered by such easements shall be entitled to exemptions upon compliance of Section 4 of this Local Law.

SECTION 4. COMPUTATION.

(a) An exemption granted pursuant to this section shall commence as of the effective date of the conservation easement agreement, and shall terminate upon the expiration or termination of such conservation easement agreement.

(b) The following table shall illustrate the computation of the exemption:

Commitment	Percentage of Exemption
15 to 29 years	50%
30 to 49 years	75%
50 to 75 years	85%
Perpetual	90%

Such exemption shall be granted only upon application by the owner or owners of such real property on a form prescribed by the State Board. Such application shall be filed with the assessor of the Town on or before the taxable status date of the Town of Orchard Park.

(c) If satisfied that the applicant is entitled to an exemption pursuant to this section, the assessor shall approve the application and such real property shall thereafter be exempt from taxation and special ad valorem levies as provided in this section commencing with the assessment roll prepared on the basis of the taxable status date. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

(d) Whenever a conservation easement encumbers only a portion of a parcel, the assessor shall henceforth enter that portion of the parcel encumbered by such easement as a separate parcel on all subsequent assessment rolls.

SECTION 5. PENALTIES FOR OFFENSES. If there is a violation of the terms and conditions of the conservation easement agreement or if such conservation easement agreement is canceled by the Town Board upon petition, then the owner or owners of such property must pay to the town, the following amounts:

(a) All taxes abated pursuant to the conservation easement agreement, as limited by the remainder of this section, including, if applicable, those taxes imposed by the county, town, school districts and all special improvement districts and other taxing units to which the property is subject. Repayment of the aforementioned abated taxes shall be equal to five times the taxes saved in the last year in

which the land benefited from a conservation easement agreement exemption, plus interest of six percent per year compounded annually for each year in which an exemption was granted, not exceeding five years.

(b) Payments shall be added by or on behalf of each taxing jurisdiction to the taxes levied on the assessment roll prepared on the basis of the first taxable status date after there is a violation of the terms and conditions of the conservation easement or such conservation easement agreement is canceled.

SECTION 6. EFFECTIVE DATE. This Local Law shall take effect immediately.

SECTION 7. 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 of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SPONSORED BY

LEGISLATOR JOHN J. MILLS

MR. MILLS moved to approve Local Law No. 2 (Print #1) 2011. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

COMMITTEE REPORTS

Item 34 – MS. BOVE presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 70

April 19, 2011	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR WHYTE.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 6E-5 (2011)
COUNTY EXECUTIVE: “Veto Message of Local Law Intro 1-2011”
(5-0)

b. COMM. 8E-2 (2011)
COMPTROLLER: "Copy of Apportionment & Distribution of Net Collection from the 4.75% Sales & Compensating Use Tax for EC for the Months of 12/2010, 1/2011 & 2/2011, as Received from the State of NY"
(5-0)

c. COMM. 8D-4 (2011)
DIRECTOR OF BUDGET & MANAGEMENT: "Copy of February Budget Monitoring Report"
(5-0)

2. COMM. 8D-3 (2010)
EC REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 211115 through 211156, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR	2011	Petition No.	211,115.00
	ASSESSOR	Refund	\$602.89
S-B-L	175.06-2-1/14	142289 AURORA	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$602.89	Town/SpecialDist/School
<u>Charge To :</u>	142289 AURORA	\$602.89	

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED TO THE TAX ROLL
REFUND TO BE ISSUED TO: JOSEPH R GERBASI

FISCAL YEAR	2009	Petition No.	211,116.00
	ASSESSOR	Refund	\$250.00
S-B-L	235.11-2-22.1	144489 EVANS	
	Acct. No. 112	\$0.00	County

Acct. No. 132	\$250.00	Town/SpecialDist/School
44077 ERIE CO SEWER DIST	\$250.00	
<u>Charge To :</u> 144489 EVANS		\$0.00

INCORRECT SPECIAL DISTRICTS APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: JAMES P TEMPSKI

FISCAL YEAR 2010 Petition No. 211,117.00

ASSESSOR Refund \$250.00

S-B-L 235.11-2-22.1 144489 EVANS

Acct. No. 112	\$0.00	County
Acct. No. 132	\$250.00	Town/SpecialDist/School
44077 ERIE CO SEWER DIST	\$250.00	
<u>Charge To :</u> 144489 EVANS		\$0.00

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED TO THE TAX ROLL
REFUND TO BE ISSUED TO: JAMES P TEMPSKI

FISCAL YEAR 2011 Petition No. 211,118.00

ASSESSOR Refund \$260.00

S-B-L 235.11-2-22.1 144489 EVANS

Acct. No. 112	\$0.00	County
Acct. No. 132	\$260.00	Town/SpecialDist/School
44077 ERIE CO SEWER DIST	\$260.00	
<u>Charge To :</u> 144489 EVANS		\$0.00

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED TO THE TAX ROLL
REFUND TO BE ISSUED TO: JAMES P TEMPSKI

FISCAL YEAR 2009 Petition No. 211,119.00

ASSESSOR Refund \$247.17

S-B-L 81.09-7-30 142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132	\$247.17	Town/SpecialDist/School
<u>Charge To :</u> 142289 AMHERST		\$247.17
Relevy School	\$247.17	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: ROBERT M & JUDITH A COFFEY

FISCAL YEAR	2010	Petition No.	211,120.00
ASSESSOR		Refund	\$140.14

S-B-L 81.09-7-30 142289 AMHERST

Acct. No. 112	\$74.52	County
Acct. No. 132	\$65.62	Town/SpecialDist/School
22024 AMHERST # 3 FIRE PROTECTION	\$13.57	
52002 2009 COMM COLLEGE	\$1.29	
<u>Charge To :</u>	142289 AMHERST	\$50.76

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: ROBERT M & JUDITH A COFFEY

FISCAL YEAR	2010	Petition No.	211,121.00
ASSESSOR		Refund	\$252.56

S-B-L 81.09-7-30 142289 AMHERST

Acct. No. 112	\$0.00	County
Acct. No. 132	\$252.56	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$252.56
Relevy School	\$252.56	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: ROBERT M & JUDITH A COFFEY

FISCAL YEAR	2011	Petition No.	211,122.00
ASSESSOR		Refund	\$136.55

S-B-L 81.09-7-30 142289 AMHERST

Acct. No. 112	\$74.57	County
Acct. No. 132	\$61.98	Town/SpecialDist/School
22024 AMHERST # 3 FIRE PROTECTION	\$10.06	
<u>Charge To :</u>	142289 AMHERST	\$51.92

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: ROBERT M & JUDITH A COFFEY

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$436.68	Town/SpecialDist/School
<u>Charge To :</u>	146089 ORCHARD PARK	\$436.68	
	Relevy School	\$436.68	146801 WEST SENECA CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: MARCIA A NICKERSON

FISCAL YEAR 2009 Petition No. 211,127.00

ASSESSOR Refund \$298.71

S-B-L 152.09-2-18 146089 ORCHARD PARK

	Acct. No. 112	\$131.33	County
	Acct. No. 132	\$167.38	Town/SpecialDist/School
	60019 ORCHARD PARK FIRE PR	\$16.85	
	60086 EC SEWER 3 BURMON	\$60.40	
<u>Charge To :</u>	146089 ORCHARD PARK	\$90.13	

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUN TO BE ISSUED TO: MARCIA A NICKERSON

FISCAL YEAR 2009 Petition No. 211,128.00

ASSESSOR Refund \$428.45

S-B-L 152.09-2-18 146089 ORCHARD PARK

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$428.45	Town/SpecialDist/School
<u>Charge To :</u>	146089 ORCHARD PARK	\$428.45	
	Relevy School	\$428.45	146801 WEST SENECA CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: MARCIA A NICKERSON

FISCAL YEAR 2010 Petition No. 211,129.00

ASSESSOR Refund \$309.15

S-B-L 152.09-2-18 146089 ORCHARD PARK

	Acct. No. 112	\$136.91	County
	Acct. No. 132	\$172.24	Town/SpecialDist/School
52002 2009 COMM COLLEGE		\$0.31	

60019 ORCHARD PARK FIRE PR	\$16.77
60086 EC SEWER 3 BURMON	\$63.48
60131 HYDRANT 2 BURMON	\$5.23
<u>Charge To :</u> 146089 ORCHARD PARK	\$86.45

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: MARCIA A NICKERSON

FISCAL YEAR 2010	Petition No.	211,130.00
ASSESSOR	Refund	\$431.13

S-B-L 152.09-2-18 146089 ORCHARD PARK

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$431.13	Town/SpecialDist/School
<u>Charge To :</u>	146089 ORCHARD PARK	\$431.13	
	Relevy School	\$431.13	146801 WEST SENECA CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: MARCIA A NICKERSON

FISCAL YEAR 2011	Petition No.	211,131.00
ASSESSOR	Refund	\$312.89

S-B-L 152.09-2-18 146089 ORCHARD PARK

	Acct. No. 112	\$136.54	County
	Acct. No. 132	\$176.35	Town/SpecialDist/School
60019 ORCHARD PARK FIRE PR		\$16.70	
60086 EC SEWER 3 BURMON		\$65.84	
60131 HYDRANT 2 BURMON		\$5.23	
<u>Charge To :</u>	146089 ORCHARD PARK	\$88.58	

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: MARCIA A NICKERSON

FISCAL YEAR 2010	Petition No.	211,132.00
ASSESSOR	Refund	\$526.18

S-B-L 55.16-2-16./1407 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$526.18	Town/SpecialDist/School

Charge To : 142289 AMHERST \$526.18
Relevy School \$526.18 142203 WILLIAMSVILLE CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: KARI A MCFAYDEN

FISCAL YEAR 2011 Petition No. 211,133.00
ASSESSOR Refund \$136.55

S-B-L 254.00-1-40 144000 EDEN

Acct. No. 112 \$80.31 County
Acct. No. 132 \$56.24 Town/SpecialDist/School

Charge To : 144000 EDEN \$56.24

RPTL 550(2): FAILED TO APPLY A DISABLED VETERANS EXEMPTION
REFUND TO BE ISSUED TO: GUSAKOV ZINOVAY

FISCAL YEAR 2010 Petition No. 211,134.00
ASSESSOR Refund \$293.71

S-B-L 104.19-3-12 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$293.71 Town/SpecialDist/School

Charge To : 145289 LANCASTER \$293.71

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED TO THE TAX ROLL
REFUND TO BE ISSUED TO: JOHN R & MARTIN P LOECHER

FISCAL YEAR 2011 Petition No. 211,135.00
ASSESSOR Refund \$298.95

S-B-L 104.19-3-12 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$298.95 Town/SpecialDist/School

Charge To : 145289 LANCASTER \$298.95

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED
REFUND TO BE ISSUED TO: JOHN R & MARTIN P LOECHER

	Acct. No. 112	\$225.67	County
	Acct. No. 132	\$0.00	Town/SpecialDist/School
<u>Charge To :</u>	146200 SARDINIA		\$0.00

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL NUMBER
NEW TAX BILL TO BE ISSUED TO: LEROY & ROBIN L MOORE
DELETE ENTIRE PARCEL FROM THE TAX ROLL

FISCAL YEAR	2011	Petition No.	211,140.00
	ASSESSOR	Cancel	\$300.93

S-B-L 130.00-7-18 145400 MARILLA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$300.93	Town/SpecialDist/School
<u>Charge To :</u>	145400 MARILLA		\$300.93

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: CLYDE DERSAM

FISCAL YEAR	2011	Petition No.	211,141.00
	ASSESSOR	Cancel	\$261.50

S-B-L 149.05-1-12 145400 MARILLA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$261.50	Town/SpecialDist/School
<u>Charge To :</u>	145400 MARILLA		\$261.50

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: WALTER & PAMELA BREIDENSTEIN

FISCAL YEAR	2011	Petition No.	211,142.00
	ASSESSOR	Cancel	\$135.99

S-B-L 80.08-6-51.1 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$135.99	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$135.99

RPTL 550(2): IDA PARCEL EXEMPT FROM CENTRAL ALARM
NEW TAX BILL TO BE ISSUED TO: TOWN OF AMHERST IDA

FISCAL YEAR 2011 Petition No. 211,143.00

 ASSESSOR Cancel \$117.00

S-B-L 46.00-4-29.111 145689 NEWSTEAD

Charge To : Acct. No. 112 \$0.00 County
 Acct. No. 132 \$117.00 Town/SpecialDist/School
 145689 NEWSTEAD \$117.00

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: MICHAEL MONACHINO

FISCAL YEAR 2011 Petition No. 211,144.00

 ASSESSOR Refund \$157.34

S-B-L 82.19-3-13 145289 LANCASTER

Charge To : Acct. No. 112 \$0.00 County
 Acct. No. 132 \$157.34 Town/SpecialDist/School
 145289 LANCASTER \$157.34

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED TO THE TAX ROLL
REFUND TO BE ISSUED TO: JOHN & DOLORES ARMBRUST

FISCAL YEAR 2011 Petition No. 211,145.00

 ASSESSOR Refund \$157.34

S-B-L 83.10-5-2.3 145289 LANCASTER

Charge To : Acct. No. 112 \$0.00 County
 Acct. No. 132 \$157.34 Town/SpecialDist/School
 145289 LANCASTER \$157.34

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED TO THE TAX ROLL
REFUND TO BE ISSUED TO: 149 GUNNVILLE ROAD LLC

FISCAL YEAR 2011 Petition No. 211,146.00

ASSESSOR Refund \$157.34

S-B-L 95.00-4-18 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$157.34 Town/SpecialDist/School

Charge To : 145289 LANCASTER \$157.34

RPTL 550(2): REFUSE CHARGED IN ERROR
REFUND TO BE ISSUED TO: MICHAEL & MARIA SEBASTIANO

FISCAL YEAR 2011 Petition No. 211,147.00

ASSESSOR Refund \$602.89

S-B-L 175.06-2-1./6 142289 AURORA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$602.89 Town/SpecialDist/School

Charge To : 142289 AURORA \$602.89

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED IN ERROR
REFUND TO BE ISSUED TO: LEGACY POLO GROUNDS, LLC

FISCAL YEAR 2009 Petition No. 211,148.00

ASSESSOR Refund \$284.97

S-B-L 4.00-2-59.11 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$284.97 Town/SpecialDist/School

Charge To : 142289 AMHERST \$284.97

RPTL 550(2): SAN SEWER CHARGED IN ERROR
REFUND TO BE ISSUED TO: DAVID R KRAUS

FISCAL YEAR 2010 Petition No. 211,149.00

ASSESSOR Refund \$353.03

S-B-L 4.00-2-59.11 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$353.03 Town/SpecialDist/School

Charge To : 142289 AMHERST \$353.03

RPTL 550(2): SAN SEWER CHARGED IN ERROR
REFUND TO BE ISSUED TO: DAVID R KRAUS

FISCAL YEAR 2011 Petition No. 211,150.00
ASSESSOR Refund \$264.52

S-B-L 4.00-2-59.11 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$264.52 Town/SpecialDist/School

Charge To : 142289 AMHERST \$264.52

RPTL 550(2): SAN SEWER CHARGED IN ERROR
REFUND TO BE ISSUED TO: DAVID R KRAUS

FISCAL YEAR 2010 Petition No. 211,151.00
ASSESSOR Cancel \$147.91

S-B-L 269.20-1-32.1 145889 NORTH COLLINS

Acct. No. 112 \$26.56 County
Acct. No. 132 \$121.35 Town/SpecialDist/School

58050 ERIE CO SEW DST 2 \$31.12

Charge To : 145889 NORTH COLLINS \$90.23

Relevy Village \$70.01 Village of NORTH COLLINS

RPTL 550(2): DUPLICAR PARCEL UNDER DIFFERENT SBL NUMBER
NEW TAX BILL TO BE ISSUED TO: MICHAEL TISDALE/NICHOLAS RINALDI
DELETE ENTIRE PARCEL FROM THE TAX ROLL

FISCAL YEAR 2011 Petition No. 211,152.00
ASSESSOR Cancel \$257.90

S-B-L 269.20-1-32.1 145889 NORTH COLLINS

Acct. No. 112 \$26.66 County
Acct. No. 132 \$231.24 Town/SpecialDist/School

58050 ERIE CO SEW DST 2 \$31.23

Charge To : 145889 NORTH COLLINS \$200.01

Relevy School \$107.34 145801 NORTH COLLINS CENT
Relevy Village \$73.87 Village of NORTH COLLINS

S-B-L 104.08-7-4.2

145289 LANCASTER

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$93,969.19	Town/SpecialDist/School
	52760 PREMIUM ASSESSMENT	\$93,969.19	
<u>Charge To :</u>	145289 LANCASTER		\$0.00

RPTL 550(2): SPECIAL DISTRICT ERROR
NEW TAX BILL TO BE ISSUED TO: HENRY & HENRY INC LANCASTER IDA

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(5-0)

3. COMM. 8E-17 (2011)
COUNTY EXECUTIVE

WHEREAS, the following grant programs are included in Book B of the 2011 Adopted Budget; and

WHEREAS, the 2011 Adopted Budget resolutions require legislative approval for the County Executive to enter into contracts with grantor agencies for the purpose of receiving grants awarded or budgeted for fiscal 2011.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contracts with grantor agencies for the purpose of receiving grants, following review and approval by the Director of Budget and Management with respect to the availability of State and/or Federal funds, for the following grant programs:

<u>Grant Title</u>	<u>Date</u>	<u>Appropriation</u>
Law		
Aid To Localities- Indigent Defense Program	04/01/11	201,400
Total Department		201,400
Central Police Services		
Aid to Crime Labs Program	07/01/11	748,246
Child Passenger Safety (Car Seat)	10/01/11	7,500
DNA Backlog Crime Laboratory Equipment	04/01/11	285,120
DNA Capacity Enhancement Program	07/01/11	594,610
Firearms Lab Capacity Enhancement	07/01/11	93,760
High School Traffic & Passenger Safety Education	10/01/11	59,617

National Forensic Sciences Improvement	10/01/11	69,991
Project Impact	07/01/11	167,143
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Total Department		2,025,987

District Attorney

Aid to Prosecution	04/01/11	1,580,728
Be-Safe Program	10/01/11	409,716
Crimes Against Revenue Program	10/01/11	200,840
Drug Reform	01/01/11	110,817
Erie Crime Analysis Grant (DCJS)	07/01/11	270,147
Federal Family Violence Prevention Svcs Act	03/31/11	55,627
Motor Vehicle Theft & Ins Fraud Prev	01/01/11	116,882
Operation Impact	07/01/11	693,615
Stop Violence Against Women Program	10/01/11	146,930
Victim/Witness Assistance Program	10/01/11	446,169
<hr/>		
Total Department		4,031,471

Probation

ATI Community Service Sentencing	01/01/11	74,327
ATI Pre-Trial Project	01/01/11	180,604
Be-Safe Probation	10/01/11	104,922
Crime Victims Board	10/01/11	60,840
Intensive Supervision Program	04/01/11	264,084
Operation Impact - Probation	07/01/11	183,407
<hr/>		
Total Department		868,184

Sheriff

Human Trafficking	01/01/11	125,000
Impact Enhancement	07/01/11	178,028
<hr/>		
Total Department		303,028

Social Services

Energy Services Packaging	10/01/11	67,906
Long Term Care Point of Entry	10/01/11	252,000
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Total Department		319,906

Mental Health

Single Point of Accountability	01/01/11	2,990,891
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Total Department		2,990,891

Senior Services

Areawide Agency on Aging	01/01/11	1,719,517
Community Services for the Elderly	04/01/11	1,508,457
Congregate Dining Nutrition Program	01/01/11	2,331,770
Congregate Services Initiative Program	04/01/11	65,182
Disease Prevention & Health Promotion Services	01/01/11	119,747

Elder Caregiver Support Program	01/01/11	804,892
Expanded In-Home Services for the Elderly	04/01/11	3,865,243
Hlth Insurance Info, Counseling & Assistance	04/01/11	53,328
Home Delivered Nutrition Program	01/01/11	1,307,389
NYS Areawide Agency on Aging Transportation	04/01/11	52,137
NYS Retired Senior Volunteer Program	04/01/11	11,395
Nutrition Services Incentive	10/01/11	755,746
Retired Senior Volunteer Program (RSVP)	07/01/11	184,803
Senior Aides Program (Title V)	07/01/11	1,113,841
Senior Community Services Employment	07/01/11	310,445
Supplemental Nutrition Assistance Program	04/01/11	1,697,543
Weatherization Referral and Packaging	04/01/11	316,414
Total Department		16,217,849

Health

Beach Water Quality Monitoring	10/01/11	10,414
Breast & Cervical Cancer Early Detection	06/30/11	119,023
Childhood Lead Poisoning Prevention	10/01/11	582,128
Children with Special Health Care Needs	10/01/11	77,113
Enhanced Drinking Water Protection	04/01/11	230,300
Expanded Syringe Access Demonstration Program	07/01/11	56,812
Forensic Science Improvement	10/01/11	175,000
HIV Partner Notification Program	10/01/11	195,098
Healthy Mom-Baby Prenatal Postpart Home Visit Program	10/01/11	725,092
Healthy Neighborhoods	10/01/11	287,763
Immunization Action Plan	04/01/11	300,000
Komen for the Cure of Breast Cancer	04/01/11	40,000
Lead Poisoning Primary Prevention	10/01/11	1,018,133
Medical Examiner Toxicology Lab Aid	07/01/11	141,484
National Forensic Science Improvement	10/01/11	60,000
PH Preparedness/Response to Bioterrorism	08/09/11	668,917
Partners for Prevention Clinical Services	04/01/11	237,627
Partners for Prevention Program	04/01/11	268,791
Public Health Campaign STD	04/01/11	142,000
Public Health Campaign TB	03/31/11	300,049
Public Health Laboratory Response Network	08/10/11	150,000
STD Outreach Intervention	01/01/11	101,314
Youth Tobacco Enforcement & Prevention	10/01/11	271,616
Total Department		6,158,674

County Executive

Office of Workforce Development	01/01/11	208,956
Total Department		208,956

Library

Central Library Book Aid	01/01/11	59,943
Central Library Development Aid	01/01/11	259,845
Continuity of Service	01/01/11	41,918
Coordinated Outreach Program	01/01/11	141,612
Library Svcs to County Correctional Facilities	04/01/11	7,351
Library Svcs to State Correctional Facilities	01/01/11	38,332
NYS Library System Automation	01/01/11	64,134
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Total Department		613,135
<hr/>		
Grand Total		33,939,481
<hr/>		

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into subcontracts with community agencies funded under the above grants as indicated in Book B of the 2011 Adopted Budget; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to grantor awards, provided there are no changes to authorized personnel levels and county share amounts; and be it further

RESOLVED, that authorization is hereby provided to transfer currently budgeted positions within the Department of Emergency Services Homeland Security grants as required to maintain public safety services to Erie County residents; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the following departments: District Attorney, the Office of the Sheriff, Probation, Social Services, Senior Services, Central Police Services, the Mental Health Department, the Library, the Health Department, the Office of the Comptroller, the Office of the County Attorney, the Department of Emergency Services and the Division of Budget and Management.

(5-0)

BARBARA MILLER-WILLIAMS
CHAIR

Item 35 – MS. BOVE presented the following report and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 71

April 19, 2011	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 5
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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. 8D-1 (2011)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(4-0) Legislator Marinelli not present for vote.
 - b. COMM. 8D-3 (2011)
COMPTROLLER'S OFFICE: "Review of EC Six Sigma Program"
(4-0) Legislator Marinelli not present for vote.
 - c. COMM. 8D-5 (2011)
COUNTY ATTORNEY: "Transmittal of New Claim Against EC"
(4-0) Legislator Marinelli not present for vote.
 - d. COMM. 8D-6 (2011)
BOARD OF ELECTIONS: "Letter to Legislature Concerning Reapportionment"
(4-0) Legislator Marinelli not present for vote.
 - e. COMM. 8M-2 (2011)
CONCORD TOWN BOARD: "Copy of Resolution Concerning Opposing Dog License
Surcharge of \$1.00 for Spayed/Neutered Dogs"
(4-0) Legislator Marinelli not present for vote.
 - f. COMM. 8M-4 (2011)
FULTON COUNTY LEGISLATURE: "Copy of Resolution Urging Governor Cuomo to
Reject the 2011 NYS Mandate Relief Redesign Team Report"
(4-0) Legislator Marinelli not present for vote.
 - g. COMM. 8M-15 (2011)
SENATOR GALLIVAN: "Letter to Legislature Concerning the Receipt of Resolution Dated
3/17/2011 Opposing State Consolidation of Regional Off Track Betting Corporations"
(4-0) Legislator Marinelli not present for vote.

2. INTRO 8-3 (2011)
BOVE, MILLER-WILLIAMS,
MILLS, KOZUB, WHALEN, FUDOLI,
HARDWICK, DIXON & RATH AS AMENDED
WHEREAS, the County of Erie has an individual employed by the County of Erie and the
Erie County Sheriff as a Deputy Sheriff in the Criminal Division; and

WHEREAS, this employee where precluded from electing membership in the twenty-year
retirement plan pursuant to Article 14-b of the New York State Retirement and Social Security Law
("RSSL"), sections 552 and 553 because he failed to receive notification of his eligibility to elect the
twenty-year retirement plan until after his enrollment period had closed; and

WHEREAS, the State Retirement System has advised that in order to re-open the enrollment period to allow this adversely impacted employee to elect the twenty-year plan, a bill would need to be introduced in the Erie County Legislature, New York Assembly and New York Senate to allow for the re-opening of the enrollment period to allow Deputy Thomas Van Wie to elect the twenty-year retirement plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, with the support of the bargaining unit representing Deputy Thomas Van Wie as well as the management of the Erie County Sheriff's Department requests that the members of the New York State Senate and the New York Assembly who comprise the Western New York Delegation sponsor and introduce a bill to the collective membership of the Assembly and the Senate which would allow for the re-opening of the enrollment period to allow Deputy Thomas Van Wie to elect the twenty-year retirement plan; and be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation; the County Executive; the Sheriff; the Commissioner of Personnel and the Erie County Sheriff's Police Benevolent Association, Inc.
(5-0)

3. COMM. 8E-11 (2011)
COUNTY EXECUTIVE

WHEREAS, Erie County selected and installed the enterprise resource planning system from SAP America, Inc. for all its financial, budgeting, purchasing, human resources and payroll requirements; and

WHEREAS, the SAP HR/Payroll for Erie County requires three payroll areas, over 700 work schedule rules, 8 bargaining units, an enterprise integrated time and attendance swipe system, and employee-managed self-service for time recording and benefit management; and

WHEREAS, the County is also deploying a Learning Management System utilizing SAP/Employee Self-Service, which is fully integrated with each employee's electronic personnel file; and

WHEREAS, due to this complexity an SAP experienced HR/payroll configurator with extensive government functional background is required; and

WHEREAS, your Honorable Body has previously authorized consultant services through Globalquest Solutions, Inc. and the terms of that agreement are in effect until July 2013; and

WHEREAS, this relationship has been beneficial to the County and Erie County desires to continue this relationship; and

WHEREAS, it is necessary to identify funding for these services.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County desires to continue a consulting relationship with Globalquest Solutions Inc. for SAP HR and FICO modules; and be it further

RESOLVED, that authorization is hereby granted to the Director of Budget and Management to make the following adjustments to the 2011 Budget in order to establish an appropriate funding source for said services:

Fund 110, Fund Center 105
Division of Information and Support Services

<u>Appropriations</u>	<u>Increase/(Decrease)</u>
500000 Full Time Salaries	(\$120,000)
502000 Fringe Benefits	<u>(\$ 65,560)</u>
	(\$185,560)
516020 Prof Services Contracts and Fees	\$185,560

and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the elimination of one vacant ERP Systems Administrator (Position #3396 –B-100 #6302) in Fund Center 105, and deleted from Cost Center 1051010; and be it further

RESOLVED, that the Erie County Legislature does hereby authorize the elimination of one vacant Coordinator of Support Services (Position #1902 – B-100 #6302) in Fund Center 105, and deleted from Cost Center 1053030; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make DISS interdepartmental billing adjustments as required to implement this request; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Information and Support Services, the Commissioner of Personnel, the County Comptroller, the County Attorney, the Director of Budget & Management and the County Executive's Office.
(5-0)

CHRISTINA W. BOVE
CHAIR

Item 36 – MR. WHALEN presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

April 19, 2011

ECONOMIC DEVELOPMENT
COMMITTEE

REPORT NO. 6

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. 8E-3 (2011)
WHYTE: "Copy of Buffalo Central Terminal Master Plan 2011"
(5-0)
 - b. COMM. 8E-22 (2011)
RATH: "Letter to NYS Assembly Member Peoples-Stokes Concerning ECC North Campus Center for Excellence Project"
(5-0)
 - c. COMM. 8M-6 (2011)
NFTA: "Minutes of Meeting Held 2/28/2011"
(5-0)
 - d. COMM. 8M-8 (2011)
RICHARDSON CENTER CORPORATION: "Copy of Final Generic Environmental Impact Statement for Richardson Olmsted Complex Civic & Land Use Improvement Project"
(5-0)
 - e. COMM. 8M-12 (2011)
NFTA: "Copy of Five Year Capital Plan & Annual Operating Budget for Fiscal Year Ending 2012"
(5-0)
 - f. COMM. 8M-17 (2011)
ECIDA: "Copy of 2010 Annual Audited Financial Statements & Management Letter & 2010 Public Authorities Report"
(5-0)
2. COMM. 7E-3 (2011)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Federal Aid Project for Bridge Cleaning and Washing of Various County Bridges (the "Project"), in various towns, villages, and cities in Erie County on February 24, 2011, and the low bidder was Amstar of Western New York, Inc. of Cheektowaga, New York at a low bid amount of \$189,375.68 and an additional amount of \$25,000.00 needs to be established for a construction contingency fund; and

WHEREAS, it has been determined that a contract between the County of Erie and Urban Engineers of New York, P.C. of Buffalo, New York in the amount of \$75,000.00 is necessary for engineering and construction inspection services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a contract for Erie County Project No. FA-Washing-11, NYDOT PIN 5758.10 between the County of Erie and the low bidder, Amstar of Western New York, Inc. of Cheektowaga, New York at a low bid amount of \$189,375.68; and be it further

RESOLVED, that the low bid amount of \$189,375.68 be allocated from the 2008 Bridge Maintenance and Cleaning Program (SAP Account B.00192.321), and an additional amount of \$25,000.00 be allocated for a Department of Public Works, Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed \$25,000.00, also to be allocated from 2008 Bridge Maintenance and Cleaning Program (SAP Account B.00192.321); and be it further

RESOLVED, that that the County Executive be authorized and is hereby directed to execute a contract between the County of Erie and Urban Engineers of New York, P.C. of Buffalo, New York in the amount of \$75,000.00 for engineering and construction inspection services; and be it further

RESOLVED, that an amount of \$75,000.00 be allocated from the 2008 Bridge Maintenance and Cleaning Program (SAP Account B.00192.321) for a contract for engineering and construction inspection services with Urban Engineers of New York, P.C. of Buffalo, New York; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

3. COMM. 7E-6 (2011)
COUNTY EXECUTIVE

WHEREAS, a project for reconstruction of the intersection of Greiner Road (CR037) and Shimerville Road (CR279) in the Town of Clarence, Erie County, PIN 5756.85 (the "Project") was authorized by this honorable body on June 11, 2009 via Communication 10E-9; and

WHEREAS, in order to facilitate the reconstruction of the intersections, it will be necessary for the County to acquire the parcel by fee, portions of real property in the vicinity of the intersections:

PORTIONS OF TAX MAP SBL NUMBERS

TOWNSHIP

SBL 57.19-2-2.1

Clarence

such property to be acquired by the County is herein referred to as the "Subject Property"; and

WHEREAS, in order to acquire the fee parcel for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property

interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portion of the Subject Property is de minimis in nature so that the public interest will not be prejudiced by the reconstructed road and other general improvements to the subject section of Greiner Road (CR 037); and

WHEREAS, should one or more owners of the Subject Property refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Property by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject actions; and be it further

RESOLVED, that the sum of \$9,000.00, previously appropriated from the 2004 Greiner Shimerville Intersection Improvement Program, SAP B.00125.1.1, via County Resolution 10E-9 adopted June 11, 2009, is made available to cover the cost of Right-of-Way acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire easement title to the fore mentioned Subject Property for the purpose of reconstructing and improving the aforementioned Greiner Road at Shimerville Intersection Improvement Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real property to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Property for the purpose of acquiring interests in portions of their respective parcel of real property by permanent easement or temporary easement, which acquisitions are necessary for the Greiner Road at Shimerville Intersection Improvement Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Property; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Property are de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Property; and be it further

RESOLVED, should one or more owners of the Subject Property refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(5-0)

4. COMM. 8E-9 (2011)
COUNTY EXECUTIVE

WHEREAS, a Project for the Black Rock Canal Park Roadway and Bikeway Improvements, P.I.N. 5MA161.30A (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, and New York State's Multi-Modal Program administered by the NYS Department of Transportation ("NYSDOT"); and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above-subject project; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive of Erie County to pay in the first instance 100% of the federal and non-federal share of the cost of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$400,000 is hereby appropriated from and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that authorization is hereby provided to complete the following budget adjustment to SAP Project #A.21016, 2010 Ontario St. Boat Launch/Black Rock Canal, within the Erie County Budget:

	<u>Increase</u>
<u>Revenue</u>	
Commitment Item #409010 (Other State Source Revenue)	\$400,000
 <u>Appropriation</u>	
Commitment Item #516020 (Professional Services – Contractual and Fees)	\$400,000

and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Legislature of Erie County shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Erie County Executive thereof; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Multi-Modal Program funding on behalf of the County of Erie with New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of Project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with federal and state funding requirements; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that a certified copy of this Resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the project between the County of Erie and the State of New York; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.
(5-0)

5. COMM. 8E-10 (2011)
COUNTY EXECUTIVE

WHEREAS, a Project for the Reconstruction of BR 225-1, Savage Road Bridge over Dry Creek, in the Town of Sardinia, Erie County, P.I.N. 5757.30, BIN 3328500 (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the Project, PIN 5757.30; and

WHEREAS, a contract for engineering design services for the above noted Project between the County of Erie and the engineering firm of Wendel Duchscherer Architects & Engineers, PC of Amherst, New York is necessary for the design of the reconstruction of the bridge.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature of the County of Erie hereby approves the above subject project; and be it further

RESOLVED, that the County Legislature of the County of Erie, hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) Phase of the Project or portions thereof; and be it further

RESOLVED, that the sum of \$150,000.00 of which the local share required is \$7,500.00 is hereby appropriated from B.00151 Unanticipated Federal Aid Road & Bridge Program and made available to cover the cost of participation in the Preliminary Engineering (Design I-VI) Phase of the Project. Funds will be transferred from WBS element B.00151.97 to WBS Element B.00151.2 upon approval of this resolution; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) Phase exceeds the amount appropriated above, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the County Executive be authorized to execute a negotiated Contract in an amount not to exceed the allowable Project design amount between the County of Erie and project engineers Wendel Duchscherer Architects & Engineers, PC of Amherst, New York for the design of the reconstruction of Savage Road Bridge over Dry Creek; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

RESOLVED, that two (2) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(5-0)

6. COMM. 8E-15 (2011)
COUNTY EXECUTIVE

WHEREAS, a project for reconstruction of the intersections of Harris Hill Road (CR276) at Wehrle Drive (CR275) and Pleasant View Drive (CR161) in the Towns of Clarence and Lancaster, Erie County, PIN 5756.47 (the "Project") was authorized by this honorable body on July 9, 2009 via Communication 12E-19; and

WHEREAS, in order to facilitate the reconstruction of the intersections, it will be necessary for the County to acquire parcels by fee, portions of real property in the vicinity of the intersections;

PORTIONS OF TAX MAP SBL
NUMBERS

TOWNSHIP

SBL 93.11-1-29.1
SBL 93.11-1-30

Lancaster
Lancaster

such properties to be acquired by the County is herein referred to as the "Subject Properties"; and

WHEREAS, in order to acquire the fee parcels for the Project, it will be necessary for the County to establish an amount which it believes to represent just compensation for the real property interest to be acquired and to thereafter make a written offer to purchase the real property interest for the respective just compensation amount; and

WHEREAS, the acquisition of the portion of the Subject Properties are de minimis in nature so that the public interest will not be prejudiced by the reconstructed road and other general improvements to the subject section of Pleasant View Drive (CR161); and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject actions; and be it further

RESOLVED, that the sum of \$8,437.00, previously appropriated from the 2007 Harris Hill at Wehrle Drive and Pleasant View Drive Intersection Improvement Program, SAP B.00197.1, via County Resolution 12E-19 adopted July 9, 2009, is made available to cover the cost of Right-of-Way acquisition; and be it further

RESOLVED, that the County of Erie is authorized to acquire easement title to the aforementioned Subject Properties for the purpose of reconstructing and improving the aforementioned Harris Hill Road Intersections at Wehrle Drive and Pleasant View Drive Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to establish the amounts which he believes to represent just compensation for the real property to be acquired; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are hereby authorized to negotiate and offer just compensation amounts to the owners of the Subject Property for the purpose of acquiring interests in portions of their respective parcel of real property by permanent easement or temporary easement, which acquisitions are necessary for the Harris Hill Road Intersections at Wehrle Drive and Pleasant View Drive Improvement Project; and be it further

RESOLVED, that the Commissioner of Public Works, or his authorized representatives, are authorized to act on behalf of the County of Erie in connection with the acquisition of the portions of the aforementioned Subject Property; and be it further

RESOLVED, that based upon the factors previously set forth herein, it is the determination of this County Legislature that such acquisitions of portions of the aforementioned Subject Properties are de minimis in nature; and be it further

RESOLVED, that the County Attorney shall prepare and the County Executive shall execute all appropriate documents relating to acquiring fee and/or easement interests in the Subject Properties; and be it further

RESOLVED, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not to exceed the just compensation determined by the Commissioner of Public Works, or his authorized representatives, the County is authorized to commence eminent domain procedures; and be it further

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation and also one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(5-0)

**TIMOTHY J. WHALEN
CHAIR**

Item 37 – MS. BOVE presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73

April 19, 2011	PUBLIC SAFETY COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR DIXON.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

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

- a. COMM. 8E-5 (2011)
WHYTE: "Letter to Community Corrections Advisory Board Concerning Toolkit for Jail Reentry"
(5-0)
2. COMM. 7E-2 (2011)
COUNTY EXECUTIVE
WHEREAS, the Erie County Central Police Services Forensic Lab has been awarded a Federal National Institute of Justice DNA Laboratory Backlog Reduction Grant to be administered by the Office of Justice Programs; and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to analyze and generate DNA profiles from up to 526 additional, unsolved forensic DNA cases.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$526,201 with the Federal National Institute of Justice; and be it further

RESOLVED, that authorization is hereby provided to adjust the Department of Central Police Services grant originally established in the 2011 Budget Book B, to equal the following amounts:

Grant Fund SAP 165DNABACKLOG1112
01/01/2011 to 03/31/2012

<u>Revenue</u>	<u>Increase</u>
Acct. 414000 Federal Aid	\$526,201
<u>Appropriation</u>	
Account 500000 Salaries-Full Time	\$ 68,796
Account 500020 Regular Part Time	54,692
Account 501000 Overtime	253,593
Account 502000 Fringe Benefits	94,124
Account 505800 Medical Supplies	30,205
Account 516030 Maintenance Contracts	21,162
Account 561410 Lab & Tech Equipment	<u>3,629</u>
Total Appropriation	\$526,201

and be it further

RESOLVED, that authorization is provided to create the position of one (1) Forensic Biologist II (Grade 12) in the Department of Central Police Services DNA Backlog Grant, (B-100 #6203); and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Central Police Services.
(5-0)

CHRISTINA W. BOVE
CHAIR

Item 38 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74

April 21, 2011	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MARINELLI.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 1-1 (2010)
RATH: “Calling Upon the Local US Congressional Delegation to Ensure that Medicaid Cost Increases are Not Shifted to County Taxpayers”
(4-0)
 - b. COMM. 9E-8 (2010)
MILLER-WILLIAMS, WHYTE,
KOZUB, KENNEDY, GRANT, MAZUR,
BOVE, MARINELLI & LOUGHRAN: “Letter to NYS Representatives Concerning TANF Funding”
(4-0)
 - c. COMM. 11D-5 (2010)
COMPTROLLER'S OFFICE: “Protective Services for Adults Transfer to Social Services”
(4-0)
 - d. COMM. 14E-23 (2010)
MAZUR: “Letter to EC Health Commissioner in Relation to the Application for the EC Sodium Reduction Initiative”
(4-0)
 - e. COMM. 14M-8 (2010)
COMMUNICATIONS WORKERS OF AMERICA LOCAL 1168: “Letter to Legislator Mazur Concerning the Closure of Kaleida Clinics”

(4-0)

- f. INTRO 19-5 (2010)
RATH: "Supporting the Adoption Simplification Act"
(4-0)
- g. INTRO 3-5 (2011)
KOZUB: "Support for Department of Social Services Grant Award to CAO Julian B. Dargan Homeless Shelter for Women"
(4-0)
- h. INTRO 6-6 (2011)
MARINELLI, LOUGHRAN, WHYTE,
MILLER-WILLIAMS, KOZUB, WHALEN,
GRANT, MAZUR & BOVE: "Restoration of Rodent Control & Baiting Services Offered by the EC Health Department"
(4-0)
- i. COMM. 8D-7 (2011)
EC MEDICAL DIRECTOR: "Minutes of Meeting Held 1/13/2011 & Agenda for a Meeting to be Held 4/28/2011"
(4-0)
- j. COMM. 8M-5 (2011)
ECMCC: "Copy of Annual Report (2010)"
(4-0)

2. COMM. 8E-12 (2011)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the Division of the Medical Examiner of the Erie County Health Department is mandated to provide a system of death investigations to determine cause of death; and

WHEREAS, the Division of the Medical Examiner conducts autopsies as a key component in these death investigations; and

WHEREAS, a qualified and experienced forensic pathologist is essential to perform these duties; and

WHEREAS, it is necessary to recruit in Job Group 24, Step 5, for the position of Deputy Medical Examiner, Full Time, in order to secure and retain a qualified and experienced candidate; and

WHEREAS, funds are available in the personal services appropriations of the Department of Health's Adopted 2011 Budget to achieve the foregoing.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the establishment of a variable minimum in Job Group 24, Step 5 position number 51006353 for the position of Deputy Medical Examiner, Full Time, at an annual salary of \$166,993 effective April 14, 2011; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, Department of Personnel, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner in the Erie County Department of Health, 9th Floor, Rath Building.

(4-0)

3. COMM. 8E-14 (2011)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following individuals to the Erie County Council on the Disabled:

<u>Name & Address</u>	<u>Term Expiration</u>
Sheila M. O'Brien 163 Shosone Street Buffalo, NY 14214	December 31, 2012
Tami Burns-DiCioccio 23 Forest Drive West Seneca, NY 14224	December 31, 2012

(4-0)

THOMAS J. MAZUR
CHAIR

Item 39 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

April 21, 2011	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 5
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR DIXON.

1. RESOLVED, the following items are hereby received and filed:
- a. INTRO 15-5 (2010)
KOZUB: “Supporting Renewable Energy Sources but Opposing Offshore Wind Farms in Lake Erie”

(4-0)

- b. COMM. 6M-6 (2011)
ALAN ISSELHARD: "Letter to Legislature Concerning Renewable Energy"
(4-0)
 - c. COMM. 6M-9 (2011)
THOMAS MARKS: "Letter to Legislature Concerning Renewable Energy"
(4-0)
 - d. COMM. 8E-20 (2011)
COUNTY EXECUTIVE: "ECSD No. 1, 4 & 5 - Engineering Term Agreement - LiRo Engineers, Inc."
(4-0)
 - e. COMM. 8M-19 (2011)
ORLEANS COUNTY LEGISLATURE: "Copy of Letter to Senator Schumer Asking for Support on House Bill H.R. 104 & Senate Bill S. 412, thus Providing Continuing Maintenance of Our Small Federal Harbors Throughout the Great Lakes"
(4-0)
2. COMM. 7E-4 (2011)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the New York State Department of Agriculture and Markets and Erie County have entered into an agreement dated March 30, 2010; and

WHEREAS, said agreement authorized the New York State Department of Agriculture and Markets to provide \$50,000 to the County for use in preparing a Farmland Protection Plan; and

WHEREAS, said agreement has a termination date of September 30, 2011; and

WHEREAS, due to delays in project initiation it is now necessary to extend the termination date to September 29, 2012; and

WHEREAS, your honorable body approved the original contract and acceptance of grant funding in Comm. 12E-22(2010) establishing SAP Grant #162ECAAFPP1011.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute any and all agreements with the New York State Department of Agriculture and Markets which may be necessary to extend the existing March 30, 2010 contract (#T800770) with Erie County an additional twelve months to September 29, 2012; and be it further

RESOLVED, that the Erie County Executive is hereby authorized to execute any and all additional No Cost Budget Modification/Time Extension agreements to the original March 30, 2010 Contract as may be necessary to fully utilize New York State Department of Agriculture and Markets funds; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.

(4-0)

3. COMM. 8E-13 (2011)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointments of the following individuals to the Erie County Fisheries Advisory Board for the term ending 12/31/2011:

<u>Name & Address</u>	<u>Term Expiration</u>
Herbert J. Schultz, Sr. 55 North Shore Drive Blasdell, NY 14219	12/31/2011

(4-0)

4. COMM. 8E-16 (2011)
COUNTY EXECUTIVE

WHEREAS, the Erie County Division of Real Estate received bids for the Chestnut Ridge Park Casino Building – Heating System Renovation project on March 3, 2011; and

WHEREAS, the Erie County Division of Real Estate and Asset Management is recommending award of contract to the lowest responsible bidder, along with the engineer; and

WHEREAS, your honorable body has previously approved a General Architectural/Engineering Agreement with the Engineering firm of Ram Tech Engineers for providing professional services on County projects; and

WHEREAS, The County Executive is seeking authorization from your honorable body to enter into a construction contract with Greater Niagara Mechanical, Inc. for the Chestnut Ridge Park Casino Building – Heating System Renovation project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the lowest responsible bidder for the Chestnut Ridge Park Casino Building – Heating System Renovation project as follows:

Mechanical Construction Work

Greater Niagara Mechanical, Inc. for a base bid and total contract amount of \$183,200.00

and be it further

RESOLVED, that the sum of \$17,000.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project account A.21010 – Countywide Parks Improvements in the amount of \$200,200.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(4-0)

5. COMM. 8E-19 (2011)
COUNTY EXECUTIVE

WHEREAS, Bethlehem Steel Corporation filed suit to have their property assessments for the year 2001 through 2007 reduced; and

WHEREAS, the sewer charges levied upon all Erie County Sewer District No. 6 ratepayers include a portion based upon property assessed valuation; and

WHEREAS, the assessed valuation component of the sewer charges levied upon all Sewer District ratepayers is based upon property assessed valuation as established by the City of Lackawanna; and

WHEREAS, in accordance to a stipulation of settlement between the City of Lackawanna and the City of Lackawanna School District and the Bethlehem Steel Corporation, the property assessments of the Bethlehem Steel property for the years 2001 through 2007 were reduced to zero dollars; and

WHEREAS, as a result of this settlement, Erie County was required to return a portion of the taxes collected for the years 2001 through 2007 in a total amount of \$2,400,000, with Erie County Sewer District No. 6 share being \$703,162.98; and

WHEREAS, paying this amount in a lump sum would have a detrimental impact on the sewer rates of Erie County Sewer District No. 6, and represent an unreasonable burden on the Erie County Sewer District No. 6 ratepayers; and

WHEREAS, the Erie County Division of Sewerage Management requests Erie County's assistance in this matter by paying the entire settlement on the District's behalf and allowing Erie County Sewer District No. 6 to repay these monies to the County over a period of ten years.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County will pay the entire settlement of \$703,162.98 on Erie County Sewer District No. 6's behalf and establish a mutually agreed upon ten year repayment schedule consisting of equal payments of \$70,316.30 to be made no later than May 1st of each year; and be it further

RESOLVED, that the Director of Budget and Management and the Office of the Comptroller are hereby authorized to make all necessary budgetary and accounting entries to effectuate this agreement; and be it further

RESOLVED, that the clerk of the Legislature send two (2) certified copies of this Resolution to Joseph Fiegl, P.E. in the Division of Sewerage Management, two (2) copies to the Director of Budget and Management, and one (1) certified copy each to the County Executive, the Erie County Comptroller, and Eric Ziobro Assistant County Attorney.

(4-0)

6. COMM. 8E-21 (2011)
COUNTY EXECUTIVE

WHEREAS, the transportation infrastructure of Southern Erie County was significantly damaged by the storms of early August 2009; and

WHEREAS, Federal Disaster DR-1857-NY was declared for parts of Erie County as a result of the August storms making available assistance from the New York State Office of Emergency Management (NYSOEM) and the Federal Emergency Management Agency (FEMA) under FEMA's Public Assistance program; and

WHEREAS, under the Public Assistance program, with the participation of NYSOEM, approved costs are eligible for reimbursement from FEMA – 75%, and NYSOEM – 12.5% with Erie County providing the remaining 12.5%; and

WHEREAS, among the projects identified by FEMA and eligible for reimbursement was PW 868 (Project) on Zoar Valley Road in the Town of Concord; and

WHEREAS, your honorable body has previously authorized Empire Geo Services, Inc. as a qualified Term Agreement General Architectural/Engineering firm via Comm.14E-19 of July 17, 2008; and

WHEREAS, it is desired to construct the Project during the 2011 construction season.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized and directed to negotiate and execute all necessary contracts for the Project with geotechnical engineering firm Empire Geo Services, Inc. for an aggregate amount not to exceed \$30,000.00; and be it further

RESOLVED, that funds in the amount of \$30,000.00 be allocated from SAP Account B.20921.1 - 2009 FEMA 1857 - NY Projects; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(4-0)

THOMAS J. MAZUR
CHAIR

LEGISLATOR RESOLUTIONS

Item 40 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

RE: Appointments to the EC Agricultural &
Farmland Protection Board
(INTRO 9-1)

A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLER-WILLIAMS & FUDOLI

WHEREAS, the Erie County Legislature established the Erie County Agricultural and Farmland Protection (AFPB) on March 18, 1993 in accordance with New York State Agriculture and Markets Law, Article 25-AA, Section 302 (a); and

WHEREAS, New York State Agriculture and Markets Law, Article 25-AA, Section 302 (b) states that the term of each member of the AFPB shall be four years; and

WHEREAS, the four year term for two members of the AFPB, Walter J. Henry and Brett J. Kreher, will expire in March, 2011; and

WHEREAS, Walter Henry has recommended that his grandson, Daniel (Dan) Henry, be appointed to the AFPB; and

WHEREAS, Brett J. Kreher has requested that he be appointed for another four year term; and

WHEREAS, in accordance with New York State Agriculture and Markets Law, Article 25-AA, Section 302, members to the Board may be appointed to vacant positions or reappointed for a succeeding term on the Board by the Chairman of the County legislative body; and

WHEREAS, the Agricultural and Farmland Protection Board recommends that the Chair of the Erie County Legislature appoint Daniel (Dan) Henry and reappoint Brett J. Kreher to the AFPB.

NOW, THEREFORE, BE IT

RESOLVED, that Walter J. Henry of 7185 Sisson Highway, Hamburg, New York 14075 be recognized for his many years of active service on the AFPB during which he has led agricultural economic development and preserved farmland in Erie County; and be it further

RESOLVED, that Daniel (Dan) Henry of 7369 Gowanda State Road, Eden, New York 14057 shall be appointed to fill a vacancy on AFPB representing farmers for a term of 4 years commencing in March 2011; and be it further

RESOLVED, that Brett J. Kreher, Kreher's Poultry Farm, 5411 Davison Road Clarence, New York 14031 be reappointed for another four commencing in March, 2011 representing farmers on the AFPB; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Walter J. Henry at 7185 Sisson Highway, Hamburg, New York 14057, Daniel (Dan) Henry at 7369 Gowanda State Road, Eden, New York 15057, Brett J. Kreher at 5411 Davison Road, Clarence, New York 14031, to Chair of the Erie County Agricultural and Farmland Protection Board and to Kathy Konst, Commissioner of Environment and Planning.

Item 41 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

RE: Asking Verizon to Move
Forward with the Installation of
FiOS Service in the City of
Buffalo
(INTRO 9-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MAZUR, MILLER-WILLIAMS, WHYTE,
WHALEN, GRANT, BOVE & MARINELLI**

WHEREAS, Verizon's FiOS service is a cutting-edge technology that brings ultra-fast internet and superior video programming over fiber optic cables that run directly into the customers' homes. FiOS can deliver the "triple-play" of television, video ("cable TV"), and internet; and

WHEREAS, Verizon is deploying FiOS throughout many of the suburbs of Buffalo, but not the City of Buffalo, Verizon is, in effect, bypassing Buffalo; and

WHEREAS, Verizon's FiOS is crucial for jobs and economic development; Without access to the highest-speed networks, businesses – particularly small businesses – will not be able to offer the services that today's consumers expect; and

WHEREAS, the deployment of broadband technologies is a key to economic redevelopment in the City, especially since health care and higher education, both very dependent on cutting edge technologies, are leading employers in our area; and

(Introduced) April 28, 2011

(Adopted) April 28, 2011

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column G of the attached schedule and the duly adopted 2011 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2011 Capital Budget of the County, such Budget shall be deemed and is hereby amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column A-1 of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2011 Capital Budget for the County. The plan of financing includes the expenditure of \$39,696,900 in State and Federal aid expected to be received, and the issuance of \$23,955,000 aggregate principal amount of bonds of the County to finance the balance of said appropriations, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost of the applicable specific objects or purposes, classes of objects or purposes or combinations of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which said \$23,955,000 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column F of the attached schedule.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the respective specific objects or purposes, classes of objects or purposes and combinations of objects or purposes described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

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

Section 1. The Clerk of the Erie County Legislature is hereby directed to publish the foregoing bond resolution, in full, in the "The Front Page Newspaper" and the "The Amherst Bee," the official newspapers of the County for such publication, together with a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

*****SEE ATTACHMENT**, Entitled “2011 Consolidated Bond - Chart of Components.”

MS. WHYTE moved to approve the item. MS. GRANT 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, MR. MAZUR, CHAIR MILLER-WILLIAMS, MR. WHALEN and MS. WHYTE. NOES: None. (AYES: 14; NOES: 0)

CARRIED UNANIMOUSLY.

Item 43 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 6E-24 (2011). MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79

RE: Event Fees & Sponsorships
(COMM. 6E-24, 2011)

WHEREAS, the Department of Parks, Recreation and Forestry has revitalized several recreational events and activities in various Parks across the County; and

WHEREAS, the Parks Department would like to continue to improve these events and create more recreational opportunities for the public; and

WHEREAS, the Parks Department has identified members of the business community willing to sponsor certain recreational events; and

WHEREAS, the charter governing the Parks Department dictates that the operation of the parks be at low or no cost to the public; and

WHEREAS, these sponsorships will help the Parks Department offer activities that the public can enjoy without increasing taxpayer commitment; and

WHEREAS, this honorable body has graciously authorized acceptance of these types of sponsorships and fees in the past.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Parks, Recreation and Forestry is hereby authorized to advertise for and solicit sponsors for various seasonal events held within County Parks; and be it further

RESOLVED, that the County Executive is hereby authorized to execute any necessary agreements with each sponsor to accept sponsorship money in an amount not to exceed \$5,000.00 per each recreational event and activity; and be it further

RESOLVED, that this honorable body hereby authorizes the Commissioner of the Erie County Department of Parks, Recreation and Forestry to set table/booth fees for a crafter/organization at \$100.00 and a food or product vendor at \$250.00; and be it further

RESOLVED, that funds from said sponsorships and fees shall be recorded in Business Area 164, Parks Recreation and Forestry, Fund Center 16410, GL Account # 418610 – Parks Sponsorships/Fees; and be it further

RESOLVED, that upon receipt of actual revenue the Director of Budget and Management is hereby authorized to appropriate said funds within the revenue and expense accounts in Business Area 164, Department of Parks, Recreation and Forestry, Fund Center 16410, to cover operational costs associated with said events; and be it further

RESOLVED, that certified copies of this resolution be delivered to the County Executive, the County Attorney, the Director of Budget and Management, the Office of the Comptroller and the Commissioner of the Department of Parks, Recreation and Forestry.

MS. WHYTE moved to approve the item. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 44 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 9E-15 from CHAIR MILLER-WILLIAMS Re: Letter to Legislator Mazur Concerning Appointment to Commissioner of EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 45 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 9E-16 from LEGISLATOR MARINELLI Re: Letter to Clerk of Legislature Concerning Absence from Session Held 4/28/2011

Received, Filed and Printed.

April 28, 2011

Robert M. Graber, Clerk

Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, NY 14202

Dear Mr. Graber:

Please be advised that I will not be able to attend today's session of the Erie County Legislature due to a previously planned engagement out of the area.

My absence from today's meeting is unavoidable in that a long-scheduled visit with family will prevent me from attending.

Should you need to contact me, I certainly will be available via cellular telephone, so please don't hesitate to call me if needed.

Thank you.

Sincerely,

Lynn M. Marinelli
11th District Legislator

Item 46 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 9D-6 from CLERK OF LEGISLATURE Re: Letter to Majority/Minority Leaders Concerning Appointment of Commissioner of EC Water Authority

Received, Filed and Printed.

April 28, 2011

To: Hon. Maria R. Whyte, Majority Leader
Hon. John J. Mills, Minority Leader

From: Robert M. Graber, Clerk

Subject: Appointment to Erie County Water Authority

I have been informed that a term for a Commissioner of the Erie County Water Authority will expire on April 27, 2011.

Pursuant to Section 1053 of the Public Authorities Law, the appointment to the Erie County Water Authority shall be made for a term of three (3) years and shall be made by the Chair of the Legislature of the County of Erie, pursuant to nominations in writing by the majority, respectively, of the legislators of each political party represented on such legislature, subject to confirmation by a

majority of such legislators. All members shall continue to hold office until their successors are appointed and qualified.

In litigation regarding the procedure, the Court determined that each political party would have the opportunity if it chose to submit a nomination in writing.

Therefore, you are hereby given notice of a expiration of a term of a Commissioner of the Erie County Water Authority, and you have an opportunity to submit a written nomination if you choose. Please do not hesitate to contact me with any questions concerning this matter.

Thank you.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM CHAIR MILLER-WILLIAMS

Item 47 – (COMM. 9E-1) Copy of Letter from Social Services Commissioner Concerning 2011 EC Youth Bureau Funding

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 48 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. CHAIR MILLER-WILLIAMS abstained.

CARRIED. (13-0-1)

RESOLUTION NO. 80

RE: Lease Agreement for
Legislative Office Space
(COMM. 9E-2)

RESOLVED, the Erie County Executive is hereby authorized to sign a Six-Month Lease Agreement with Towne Gardens, LLC for Legislative office space for Barbara Miller-Williams, located at 427 William St., Buffalo, New York for a monthly rate of \$745.

FROM THE COUNTY EXECUTIVE

Item 49 – (COMM. 9E-3) Appointment of Chair to the EC Deferred Compensation Committee

Received and Filed.

Item 50 – (COMM. 9E-4) Support for Library - RFID Initiative

Item 51 – (COMM. 9E-5) Copies of Audited Financial Statements & Management Letter for ECC for the Fiscal Year Ended 8/31/2010

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE SHERIFF

Item 52 – (COMM. 9E-6) K-9 Retirement

Item 53 – (COMM. 9E-7) Traffic Safety Programs

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

FROM THE COUNTY EXECUTIVE

Item 54 – (COMM. 9E-8) EC Public Safety Campus - Additional Professional Design Services for Parking Lot Modifications

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 55 – (COMM. 9E-9) ECSD Nos. 2,3,6 & 8 - Engineer Term Agreement - DiDonato Associates

Item 56 – (COMM. 9E-10) ECSD No. 3 - Crescent Avenue Pump Station Project

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

Item 57 – (COMM. 9E-11) Home Rule Request - Additional Sales Tax Extension

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 58 – (COMM. 9E-12) Fire Training Facilities - 2011 - New Storage Building

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 59 – (COMM. 9E-13) Appropriations for the Department of Real Property Tax Services

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 60 – (COMM. 9E-14) ECSD No. 3 - Contract 36 - Change Order No. 2

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMPTROLLER'S OFFICE

Item 61 – (COMM. 9D-1) Review of Medicaid Costs & Activity

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE AUDIT COMMITTEE FOR EC

Item 62 – (COMM. 9D-2) Copy of 2009 Annual Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE SHERIFF'S DEPARTMENT

Item 63 – (COMM. 9D-3) Copy of Letter to Deputy Comptroller Regarding Electronic Communications Being Made Available to the Inmates & Their Families at the EC Holding Center

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 64 – (COMM. 9D-4) Transmittal of New Claim Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE DEPARTMENT
OF ENVIRONMENT & PLANNING**

Item 65 – (COMM. 9D-5) Lake Erie Beach Neighborhood Revitalization - Town of Evans - SEQR Notification

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ASSIGNED COUNSEL PROGRAM

Item 66 – (COMM. 9M-1) Copy of Quarterly Report for the 1st Quarter of 2011

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM JOHN J. FLYNN

Item 67 – (COMM. 9M-2) 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 BUFFALO URBAN DEVELOPMENT CORPORATION

Item 68 – (COMM. 9M-3) Notice of Public Meeting to be Held 4/27/2011

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ORLANDO PEREZ

Item 69 – (COMM. 9M-4) 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 EDEN TOWN BOARD

Item 70 – (COMM. 9M-5) Copy of Resolution Concerning Reapportionment of the EC Legislature

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM JOHNNY CABRERA

Item 71 – (COMM. 9M-6) 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 NEWSTEAD TOWN BOARD

Item 72 – (COMM. 9M-7) Copy of Resolution Concerning Reapportionment of the EC Legislature

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 73 – (COMM. 9M-8) Proposed Agenda for Meeting to be Held 4/21/2011

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 74 – (COMM. 9M-9) Notice of Meeting to be Held 5/9/2011 & Availability of an Ecological Restoration Master Plan for the Buffalo River

Item 75 – (COMM. 9M-10) Copy of Submitted Application to Brownfield Cleanup Program from Delta Sonic Car Wash Systems, Inc., Concerning Cleanup at the Langner Road Site - Town of West Seneca

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

FROM THE OSWEGO COUNTY LEGISLATURE

Item 76 – (COMM. 9M-11) Copy of Resolution Opposing the Proposed Consolidation of Off Track Betting by NYS

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE WASHINGTON COUNTY
BOARD OF SUPERVISORS

Item 77 – (COMM. 9M-12) Copy of Resolution Calling for Immediate Payment of Intergovernmental Transfer (IGT) Payments

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE LANCASTER TOWN BOARD

Item 78 – (COMM. 9M-13) Copy of Resolution Concerning Reapportionment of the EC Legislature

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM EARL JANN

Item 79 – (COMM. 9M-14) Letter of Interest in Serving as a Commissioner for the EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 80 – CHAIR MILLER-WILLIAMS announced that the committee schedule has been distributed.

Item 81 – MR. KOZUB announced Happy Mother's Day.

Item 82 – MR. MAZUR announced his wife and his 30th wedding anniversary is on Mother's Day.

Item 83 – MR. WALTER announced that on May 1st at the Marcy Casino in Delaware Park, the March of Dimes for Babies will be held.

Item 84 – MS. DIXON announced that "Shopping Days" for prom dresses will be held tomorrow and Saturday at Eden High School. She also announced that this evening at the Town of

Hamburg Town Hall, there will be a chicken barbeque in support of the town's bicentennial, and this Saturday, the 3rd Annual Music Fest will be held in Hamburg Village.

Item 85 – MS. GRANT announced that May 11th is her and her husband's 41st wedding anniversary.

Item 86 – CHAIR MILLER-WILLIAMS announced 3rd District Reapportionment public meetings, to be held on Tuesday, May 3, 2011 at the Delavan Grider Community Center from 6:00 to 8:00 P.M.; and Tuesday, May 10, 2011 at the C.R.U.C.I.A.L. Human Services Center also from 6:00 to 8:00 P.M.

MEMORIAL RESOLUTIONS

Item 87 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Bill Wutz and Charles F. Reid Jr.

Item 88 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of George Stipanovich and Dolores M. "Punkin" Downing.

Item 89 – Legislator Mazur requested that when the Legislature adjourns, it also do so in memory of Pat Wojcik.

Item 90 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Janice Lemke, Leonard I. Kammerdeiner, Adam P. Hans, Doris H. Graf, Richard C. Auerbach and Joyce Caruana.

Item 91 – Legislator Mills requested that when the Legislature adjourns, it do so in memory of Henry J. Hager.

ADJOURNMENT

Item 92 – 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 12, 2011 at 2:00 p.m. Eastern Standard Time. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, May 12, 2011 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE