

**ERIE COUNTY LEGISLATURE  
MEETING NO. 3  
FEBRUARY 5, 2009**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Ms. Konst, who requested a moment of silence.

The Pledge of Allegiance was led by Ms. Whyte.

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 2 from 2009. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. KONST presented a resolution Congratulating Niall James Olson on Achieving the Rank of Eagle Scout.

Item 6 – MS. KONST presented a resolution Congratulating Daniel J. Ulrich on Achieving the Rank of Eagle Scout.

Item 7 – MR. MILLS presented a resolution Commending Matthew Wryk on Achieving the Rank of Eagle Scout.

Item 8 – MR. MILLS presented a resolution Commending Paul Jacob Foster on Achieving the Rank of Eagle Scout.

Item 9 – MR. REYNOLDS presented a resolution Honoring Town of Hamburg Captain A. Shea for Exemplary Standard of Service and Wishing Him a Long and Happy Retirement.

MS. WHYTE moved for consideration of the above five items. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above five items by adding two for MS. IANNELLO, and by including Et Al Sponsorship. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 10 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 11 – CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2008 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 13 – CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 14 – MS. KONST presented the following report and moved for immediate consideration and approval. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 33

FEBRUARY 2, 2009	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 22E-3 (2008)

COMPTROLLER: Review of the County Executive's Proposed 2009 Budget and 4-Year Financial Plan  
(6-0)

- b. COMM. 2E-2 (2009)  
COMPTROLLER: Letter to Budget Director - RE: Closing-Out Capital Projects  
(6-0)
- c. COMM. 2E-3 (2009)  
COMPTROLLER: Letter to ECFSA Chair - RE: EC Borrowing Request - Failure to Act - Violation of Statute  
(6-0)
- d. COMM. 2D-5 (2009)  
COUNTY ATTORNEY: Letter to County Executive Concerning Amendments to the 2009 Adopted Budget  
(6-0)
- e. COMM. 2M-5 (2009)  
LIPSITZ GREEN SCIME CAMBRIA: Copy of Judicial Order with Notice of Entry - RE: Marinelli v. Collins, et al  
(6-0)
- f. COMM. 2M-6 (2009)  
TOWN OF TONAWANDA: Copy of Town Board Resolution - RE: Request the County of Erie to Make Direct Payment to the Town of the Town's Portion of the Sales Tax Revenue  
(6-0)
- g. COMM. 2M-10 (2009)  
NYS DEPARTMENT OF HEALTH: Acknowledgement of Receipt of, and Comments Offered Concerning EC Legislature Resolution Concerning Medicaid Payments to ECMCC  
(6-0)

2. RESOLVED, the following items are hereby received, filed and printed:

- a. COMM. 2E-13 (2009)  
COUNTY EXECUTIVE  
TO: THE ERIE COUNTY LEGISLATURE 2008-2009

**STATEMENT, MATERIALS AND LABOR IN PRODUCING CITY  
OF TONAWANDA BILLS AND THE SPREADING OF ASSOCIATED COSTS:**

Tax Bills	\$ 275.00
Tax Rolls, Assessment Roll and Worksheets	240.00
Wages	1,017.00
Data Processing Time	1,644.00
Total Cost	\$ 3,176.00

(6-0)

b. COMM. 2E-14 (2009)  
COUNTY EXECUTIVE  
TO: ERIE COUNTY LEGISLATURE 2008-2009

STATEMENT, MATERIALS AND LABOR IN PRODUCING CITY OF LACKAWANNA BILLS AND THE SPREADING OF ASSOCIATED COSTS:

Tax Bills	\$ 300.00
Tax Rolls, Assessment Roll and Worksheets	450.00
Wages	2,745.48
Data Processing Time	1,658.39
Total Cost	\$ 5,153.87

(6-0)

c. COMM. 2E-15 (2009)  
COUNTY EXECUTIVE  
TO: THE ERIE COUNTY LEGISLATURE: 2008-2009

STATEMENT, MATERIALS AND LABOR IN PRODUCING SCHOOL DISTRICT TAX BILLS AND THE SPREADING OF ASSOCIATED COSTS:

School District Costs	
Tax Bills	\$ 11,750.00
Tax Roll Paper	1,500.00
Data Processing Charges	53,712.05
Wages	66,129.93
TOTAL	\$ 133,091.98

265,271.00 PARCELS 0.501720787 Cost per parcel

AKC1 OUT OF COUNTY	\$ 50.00
CITY OF TONAWANDA	50.00
ATT1 & SCC1 FLAT CHARGE @ \$ 100.00 EACH	200.00
CLARENCE 8 Cross References	80.00
Total to Spread: Cost per parcel and Flat Charges	\$ 133,471.98

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SCHOOL DISTRICT	PARCELS	RATE	AMOUNT DUE
Alden	4871	0.501720787	2,443.88
Akron	3724	0.501720787	1,918.41
Amherst	9134	0.501720787	4,582.72
Sweet Home	10906	0.501720787	5,471.77
Attica	0	0	100.00
East Aurora	5971	0.501720787	2,995.77
Cheektowaga	8229	0.501720787	4,128.66
Maryvale	7477	0.501720787	3,751.37
Cleveland Hill	4599	0.501720787	2,307.41
Sloan	5159	0.501720787	2,588.38

Clarence	11516	0.501720787	5,857.82
Springville	6618	0.501720787	3,320.39
Depew	6793	0.501720787	3,408.19
Eden	4795	0.501720787	2,405.75
Frontier	16703	0.501720787	8,380.24
Grand Island	8763	0.501720787	4,396.58
Gowanda	1435	0.501720787	719.97
Hamburg	10225	0.501720787	5,130.10
Holland	3478	0.501720787	1,744.98
Iroquois	8100	0.501720787	4,063.94
Lancaster	17291	0.501720787	8,675.25
Lakeshore	10350	0.501720787	5,192.81
North Collins	2539	0.501720787	1,273.87
Orchard Park	13640	0.501720787	6,843.47
Pioneer	939	0.501720787	471.12
Silver Creek	0	0	100.00
Ken-Ton	26557	0.501720787	13,324.20
Williamsville	27551	0.501720787	13,822.91
West Seneca	21454	0.501720787	10,763.92
City of Tonawanda	6454	0.501720787	3,288.11
<b>TOTAL</b>	<b>265,271</b>		<b>\$ 133,471.98</b>

(6-0)

- d. COMM. 2E-16 (2009)  
 COUNTY EXECUTIVE  
 TO: HONORABLE ERIE COUNTY LEGISLATURE 2008-2009

**STATEMENT, MATERIALS AND LABOR IN PRODUCING  
 VILLAGE BILLS AND THE SPREADING OF ASSOCIATED COSTS:**

Tax Bills	\$ 4,000.00
Tax Roll, Assessment Roll, and Worksheets	1,000.00
Wages	4,309.99
Data Processing Time	6,175.74
<b>TOTAL COST</b>	<b>\$ 15,485.73</b>

Cost per Parcel=> 0.434139

VILLAGE	PARCEL COUNT	RATE	COST
Akron	1,186	0.434139	\$ 514.89
Alden	878	0.434139	381.17
Angola	959	0.434139	416.34
Blasdell	1,163	0.434139	504.90
Depew	6,656	0.434139	2,889.63
East Aurora	2,603	0.434139	1,130.06
Farnham	208	0.434139	90.30
Gowanda	1,204	0.434139	522.70

Hamburg	3,735	0.434139	1,621.51
Kenmore	5,669	0.434139	2,461.13
Lancaster	4,333	0.434139	1,881.12
North Collins	543	0.434139	235.74
Orchard Park	1,173	0.434139	509.24
Sloan	1,596	0.434139	692.89
Springville	1,641	0.434139	712.42
Williamsville	2,123	0.434139	921.68
TOTAL	35,670		\$ 15,485.73

(6-0)

3. INTRO 2-4 (2009)

RATH, MILLS, WALTER, MARINELLI, WHYTE,  
KONST, GRANT & REYNOLDS

AS AMENDED

WHEREAS, Erie, Monroe, Westchester, Onondaga, and Wayne Counties share sales tax revenue with school districts; and

WHEREAS, the current STAR benefit system is calculated locally using property tax revenues as the sole local component; and

WHEREAS, the sales tax revenue these counties distribute to local school districts is not credited in the local share for calculation of the STAR benefit; and

WHEREAS, as these counties increase school district funding with sales tax revenues, the state STAR program benefit for residents does not increase; and

WHEREAS, if sales tax figures were included in the calculation of STAR benefits, county residents would receive an estimated increase of twenty five million dollars in their STAR benefit without experiencing an increase in their school district tax rates; and

WHEREAS, residents of counties that provide support for school districts, by sharing sales tax revenue, should not be adversely affected or penalized with lower STAR benefits because of the sharing of their counties; and

WHEREAS, changing the formula for calculating STAR benefit amounts would return an estimated additional \$25 million to Erie County taxpayers and have an economic impact benefit of \$100 million; and

WHEREAS, changing the formula for calculating STAR benefits has no impact on school district tax rates and has no adverse impact on Erie County taxpayers.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body does hereby request the New York State Legislature change the formula for determining STAR benefits to include sales tax revenues shared with school districts; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader Malcolm Smith, the local delegation to the New York State Legislature, County Executive Chris Collins, and the County Executives and Board Chairs of Monroe, Westchester, Onondaga, and Wayne Counties.  
(6-0)

**KATHY KONST  
CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 15 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 34

RE: Urging the Governor and NYS  
Legislature Not to Cut Reimbursement  
Funding for Community Optional  
Preventative (COPS) Services Program  
(INTRO 3-1)

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

WHEREAS, Governor Paterson's proposed 2009-10 Executive Budget recommends the elimination of funding for the Community Optional Preventative Services (COPS) program retroactively from October, 2008; and

WHEREAS, this funding is received by Erie County from the State to reimburse the county for expenses incurred in providing preventative service programming for youth and families as well as recreational services; and

WHEREAS, if this funding source is eliminated in the 2009-10 New York State Budget, Erie County will be unable to provide these valuable services and recreational opportunities to hundreds of at risk children and their families in Buffalo and Erie County; and

WHEREAS, the elimination of this funding source will force the County to cut certain related expenses associated with delivering these services including the elimination of forty-six (46) annual salaried positions which are supported in part by COPS funding; and

WHEREAS, the loss of these forty-six (46) positions could have the direct impact of forcing Erie County to close several community and recreation centers throughout the City of Buffalo and Erie County thereby eliminating places in our community where children and families can engage in productive after-school activities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does urge the Governor and the New York State Legislature **not** to eliminate funding for the Community Optional Preventative Services (COPS) program, thereby allowing Erie County youth and their families access to these vitally important services in our community; and be it further

RESOLVED, that the Clerk of the Erie County Legislature present certified copies of this resolution to Governor Paterson, the Majority Leader of the New York State Senate, the Speaker of the New York Assembly, the Members of the Western New York Legislative Delegation, the County Executive, the Commissioner of the Department of Social Services, the New York State Association of Counties and the Erie County Fiscal Stability Authority.

Item 16 – CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 3-2 from KENNEDY, WHYTE, MILLER-WILLIAMS & GRANT. Directing County Executive to Develop an Emergency Action Plan to Ensure that Vital Preventative Service Programming Will Be Available in the Event that Funding for the Community Optional Preventative Services (COPS) Program is Eliminated.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 17 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 1E-27 (2009). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 35

RE: EC Sewer Dist. No. 3, Lake St. Pump Station Improvements - Bid Opening (COMM. 1E-27, 2009)

WHEREAS, the Erie County Department of Environment and Planning has received the following low responsible bid for the Erie County Sewer District Number 2, Lake Street/Point Breeze Force Main Project, Contract No. 78 at 2:00 P.M. on January 6, 2009.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
78	Villager Construction, Inc. 425 Old Macedon Center Road Fairpoint, NY 14450	\$2,236,000.00

and

WHEREAS, the aforementioned lowest responsible bidder has successfully performed similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Lake Street/Point Breeze Force Mains, Contract No. 78 be awarded to Villager Construction, Inc. 425 Old Macedon Center Road, Fairpoint, NY 14450, in the not-to-exceed amount of \$2,236,000.00; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from General Fund by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$2,236,000.00 from Sewer Capital, Erie County Sewer District No. 2, Account C.00004 for Contract No. 78; and be it further

RESOLVED, that the Clerk of the Erie County Legislature be directed to send one certified copy each of this Resolution to the County Executive, Director of Budget, Comptroller's Office, Martin Polowy, 2<sup>nd</sup> Assistant County Attorney and two (2) certified copies to Michael Quinn, P.E., Department of Environment and Planning.

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

CARRIED UNANIMOUSLY.

### **SUSPENSION OF THE RULES**

Item 18 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-17 from LEGISLATOR IANNELLO Re: Letter to Chair Marinelli Concerning Absence from Legislative Committee Meetings Held on January 15, 2009

Received and Filed.

Item 19 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 3-3 from LEGISLATOR IANNELLO Re: Removal of the Tolls on the Grand Island Bridges for Defined Health Risks

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 20 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-18 from LEGISLATOR IANNELLO Re: Letter to Governor Paterson Concerning Health Concerns Involving High Benzene Levels in the Town/City of Tonawanda

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 21 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-19 from CHAIR MARINELLI Re: Letter Concerning Contingency Planning For Social Services Agency County Funding

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 22 – (COMM. 3E-1) Cash Impact on Erie County as a Result of Incorrect Property Tax Bills

Item 23 – (COMM. 3E-2) Potential Federal Financial Assistance to Erie County

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

**FROM LEGISLATOR WHYTE**

Item 24 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded. MS. WHYTE abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 36

RE: Lease for Legislative Office  
Space - 2009  
(COMM. 3E-3)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Concerned Ecumenical Ministries for Legislative office space for Maria R. Whyte, located at 286 Lafayette Ave., Buffalo, New York for a monthly rate of \$675.

FROM THE COUNTY EXECUTIVE

Item 25 – (COMM. 3E-4) EC Sewer Dist. No. 3 - Engineer Term Agreement - Liro Engineers, Inc.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 26 – (COMM. 3E-5) Family Assessment Response Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 27 – (COMM. 3E-6) Appointments to the Erie County Fire Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR IANNELLO

Item 28 – (COMM. 3E-7) Green Actions Community Committee - Sample Letter

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CHAIR MARINELLI

Item 29 – (COMM. 3E-8) 2009 Schedule of Legislative Sessions - Updated 2/2/09

Received, Filed & Printed.

To: Robert M. Graber, Clerk  
From: Lynn M. Marinelli, Chair  
Subject: 2009 SCHEDULE OF LEGISLATIVE SESSIONS  
*\*UPDATED FEBRUARY 2, 2009*

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JANUARY  
8  
29

JULY  
9  
16

FEBRUARY  
5  
19

AUGUST  
Recess

MARCH  
12  
26

SEPTEMBER  
10  
24

APRIL  
2  
23

OCTOBER  
8  
22

MAY  
14  
28

NOVEMBER  
5  
19

JUNE  
11  
25

DECEMBER  
1 *Budget*  
3  
8 *Budget Override*  
17

FROM CHAIR MARINELLI

Item 30 – (COMM. 3E-9) 2009 Schedule of Legislative Sessions Invocation & Pledge  
Schedule - Updated 2/2/09

Received, Filed & Printed.

To: Robert M. Graber, Clerk

From: Lynn M. Marinelli, Chair

Subject: 2009 SCHEDULE OF LEGISLATIVE SESSIONS  
INVOCATION & PLEDGE SCHEDULE – Updated 2-2-09

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ORDER OF LEGISLATORS: INVOCATION & PLEDGE

JANUARY  
8 – Kozub and Kennedy  
29 – Miller-Williams and Walter

JULY  
9 – Mills and Reynolds  
16 – Rath and Loughran

FEBRUARY  
5 – Konst and Whyte  
19 – Grant and Mazur

AUGUST  
Recess

MARCH  
12 – Wroblewski and Iannello  
26 – Reynolds and Mills

SEPTEMBER  
10 – Kozub and Kennedy  
24 – Miller-Williams and Walter

APRIL  
2 – Loughran and Rath  
23 – Kennedy and Kozub

OCTOBER  
8 – Konst and Whyte  
22 – Grant and Mazur

MAY  
14 - Walter and Miller-Williams  
28 – Whyte and Konst

NOVEMBER  
5 – Wroblewski and Iannello  
19 – Reynolds and Mills

JUNE  
11 – Mazur and Grant  
25 – Iannello and Wroblewski

DECEMBER  
1 – *Budget*  
3 – Loughran and Rath  
8 – *Budget Override*  
17 – Kennedy and Kozub

FROM LEGISLATOR WALTER

Item 31 – (COMM. 3E-10) Letter to Legislature Clerk Concerning Abstention on COMM. 23E-20 (2008) at Session No. 2, 1/29/09

Received, Filed & Printed.

February 3, 2009

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

RE: ABSTENTION ON COMM. 23E-20 (2008)

Dear Mr. Graber:

Pursuant to Rule 2.21 of the Rules of Order of the Erie County Legislature and in accordance with Section 5b of Erie County Local Law No. 10 - 1989, my abstention to the above referenced communication was due to my private sector employment and to avoid any possible conflict of interest.

Sincerely,

Raymond W. Walter  
Erie County Legislator – 4<sup>th</sup> District

FROM THE COUNTY EXECUTIVE

Item 32 – (COMM. 3E-11) Adjustments to the Protective Services for Older Adults and New York Connects Programs

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 33 – (COMM. 3E-12) State Aid for Snowmobile Development, 2008 - 2009

Item 34 – (COMM. 3E-13) Centennial Celebration of the Boundary Waters Treaty 2009 - "Year of Our Shared Waters"

Item 35 – (COMM. 3E-14) Erie County Sewer Dist. No. 4 - Engineer Term Agreement - URS, Corp. - Work Order URS - 2

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

Item 36 – (COMM. 3E-15) Right-of-Way and Highway Improvements Developer Project, Land Mitigation - Highways - William St., Lancaster

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 37 – (COMM. 3E-16) Revise AAATRAN Grant

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

Item 38 – (COMM. 3D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 39 – (COMM. 3D-2) Response Letter Regarding Incorrect Tax Bills

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE BUFFALO URBAN DEV. CORP. & NYS DEPT. OF ENVIRONMENTAL CONSERVATION**

Item 40 – (COMM. 3M-1) Fact Sheet and Public Meeting Notice on Cleanup Plan Proposed for Buffalo Lakeside Commerce Park

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 41 – (COMM. 3M-2) 17A Report & Capital Expenditure Reports for Third Quarter  
Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE UNIVERSITY AT BUFFALO

Item 42 – (COMM. 3M-3) Information Packet Concerning UB 2020 Plan  
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE TOWN OF PEMBROKE

Item 43 – (COMM. 3M-4) Notice of Public Hearing  
Received and Filed.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 44 – (COMM. 3M-5) Financial Statements for the Years Ended December 31, 2008  
and 2007

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ALTERNATIVE CARE SERVICES OF WNY, INC.

Item 45 – (COMM. 3M-6) Letter Concerning Legislature Budget Accountability Act 2008  
Close-Out Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE FEDERAL RESERVE BANK OF NEW YORK

Item 46 – (COMM. 3M-7) Current Issues in Economics and Finance: Second District  
Highlights

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 47 – CHAIR MARINELLI announced that several members of the Legislature will join her in Albany next week (week of February 9, 2009) for a conference of the New York State Association of Counties, and those attending will report back to the Legislature on the conference. Chair Marinelli further announced that the schedule of upcoming committee meetings has been distributed.

Item 48 – MS. WHYTE announced a friendly reminder of the upcoming deadline (February 13, 2009) for the “The Presidential Impact Essay Contest” for all students attending Buffalo public, private and parochial schools. Legislator Whyte further encouraged Legislators with City of Buffalo neighborhoods in their districts to promote the essay contest.

Item 49 – MR. KENNEDY announced that this evening (February 5, 2009) the Buffalo Police Benevolent Association will hold an event honoring police retirees at the Ironworkers’ Union Hall in West Seneca.

Item 50 – MS. GRANT announced that she, along with Ms. Miller-Williams and other elected officials, are encouraging participation in Family Fun Nite activities at the Frank E. Merriweather Library. The on-going events aim to promote literacy, encourage people to take out books, and include free movies, according to Legislator Grant.

### **MEMORIAL RESOLUTIONS**

Item 51 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of Donna Reese; and along with Legislator Konst, adjourns in memory of CSEA union leader Michael R. Bogulski.

Item 52 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of M. Joseph Schroeder, Michael R. Bogulski, and Gennaro Serravalle.

Item 53 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Michael R. Bogulski, who she said identified with the term solidarity.

Item 54 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Dorothy Williams and Clarence Jackson.

Item 55 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Victor D. Seabury and Leo A. Hopkins, Sr.

Item 56 – Legislator Konst requested that when the Legislature adjourns, it do so in memory of Sherman Geer, who was affectionately known as “Mr. Holland.”

### **ADJOURNMENT**

Item 57 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MS. KONST moved that the Legislature adjourn until Thursday, February 19, 2009 at 2:00 p.m. Eastern Standard Time. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, February 19, 2009 at 2:00 p.m. Eastern Standard Time.

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