

**ERIE COUNTY LEGISLATURE
MEETING NO. 6
MARCH 25, 2010**

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

All members present.

An Invocation was held, led by Mr. Kozub, who invited Father Robert McArtney to deliver the Invocation upon the 50th anniversary of his ordination.

The Pledge of Allegiance was led by Mr. Loughran.

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 5 from 2010. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – CHAIR MILLER-WILLIAMS presented a resolution Honoring the 8th Anniversary Harriet Tubman Holiday Awardees.

Item 6 – MR. KOZUB presented a resolution Congratulating Father Robert McArtney on the 50th Anniversary of His Ordination.

Item 7 – MS. DIXON presented a memorial resolution Honoring Sam's Lumber Company as the Eden-Brant Chamber of Commerce Small Business of the Year.

Item 8 – MS. DIXON presented a resolution Honoring New Era Cap Company as the Eden-Brant Chamber of Commerce Large Business of the Year.

Item 9 – MS. DIXON presented a resolution Honoring Frank C. Vail Jr. as the Eden-Brant Chamber of Commerce Citizen of the Year.

Item 10 – MS. DIXON presented a resolution Honoring Neil I. Ross on his Retirement from the United States Navy.

Item 11 – CHAIR MILLER-WILLIAMS presented a memorial resolution In Memory of the Life of Dorothy J. Collier.

Item 12 – MS. BOVE presented a resolution Congratulating Matthew D. Fabian Upon His Achievement of Earning the Rank of Eagle Scout, Boy Scout Troop #409.

Item 13 – MS. WHYTE presented a resolution Congratulating Lashauna Jones, 2010 Woman of the Year - March 2010 Women's History Month.

Item 14 – MR. HARDWICK presented a resolution Honoring Rossano Galante's Designation as Distinguished Alumni of Grand Island.

Item 15 – MR. HARDWICK presented a resolution Honoring Dale Brown's Designation as Distinguished Alumni of Grand Island.

Item 16 – MS. WHYTE presented a resolution Recognizing the Latin American Solidarity Committee & Dr. Christine Eber Upon 25 Years of Working with the Women's Cooperative in Chiapas, Mexico.

Item 17 – MS. WHYTE presented a resolution Recognizing the 50th Anniversary of American Legion Post #13.

Item 18 – MS. BOVE presented a resolution Thanking & Honoring Sharon Morreal, Erie Community College Student.

Item 19 – MS. DIXON presented a resolution Honoring Carol A. Meissner on Her Retirement as Town Clerk After 32 Years of Service to the Town of Evans.

Item 20 – CHAIR MILLER-WILLIAMS presented a memorial resolution In Memory of Hardie Lockwood.

Item 21 – MR. RATH presented a resolution Recognizing Williamsville North DECA & the Three 1st Place Winners in the NYS DECA Career Conference.

Item 22 – MR. RATH presented a resolution Recognizing Williamsville South DECA and the Eleven 1st Place Winners in the NYS DECA Career Conference.

Item 23 – MR. FUDOLI presented a resolution Congratulating Adam G. Page for Receiving a Gold Medal in Vancouver, Canada for USA Sled Hockey Team.

Item 24 – MR. FUDOLI presented a resolution Congratulating Past Chief of the Depew Fire Department Mike Hehir for Receiving the Lancaster Fire Council President's Award.

Item 25 – MR. FUDOLI presented a resolution Congratulating Mark J. Lawniczak of the Bowmansville Volunteer Fire Association for Receiving the Lancaster Fire Council Outstanding Leadership Award.

Item 26 – MR. FUDOLI presented a resolution Congratulating R.J. Surowick of the Bowmansville Volunteer Fire Association for Receiving the Lancaster Fire Council Junior Firefighter of the Year Award.

Item 27 – MR. FUDOLI presented a resolution Congratulating Christian Reed of the Twin District Fire Company for Receiving the Lancaster Fire Council Rookie of the Year Award.

Item 28 – MR. FUDOLI presented a resolution Congratulating Craig Sponholz of the Crittendon Volunteer Fire Department for Receiving the Lancaster Fire Council Responder of the Year Award.

Item 29 – MR. FUDOLI presented a resolution Congratulating Don Sutton of the Bowmansville Volunteer Fire Association for Receiving the Lancaster Fire Council Pump Operator/Driver of the Year Award.

Item 30 – MR. FUDOLI presented a resolution Congratulating Bernard Uebelhoer of the Lancaster Volunteer Fire Department for Receiving the Lancaster Fire Council Fire Police of the Year Award.

Item 31 – MR. FUDOLI presented a resolution Congratulating Larry Pohl of the Lancaster Volunteer Ambulance Corp., Inc. for Receiving the Lancaster Fire Council EMS Provider of the Year Award.

Item 32 – MR. FUDOLI presented a resolution Congratulating the Alden Ladies Auxiliary of the Alden Hook & Ladder Fire Company for Receiving the Lancaster Fire Council Auxiliary Supporter of the Year Award.

Item 33 – MR. FUDOLI presented a resolution Congratulating the Alden Fire Department for Receiving the Lancaster Fire Council Organization of the Year Award.

Item 34 – MR. FUDOLI presented a resolution Congratulating the Crittendon Fire Department for Receiving the Lancaster Fire Council Organization of the Year Award.

Item 35 – MR. FUDOLI presented a resolution Congratulating the Millgrove Fire Department for Receiving the Lancaster Fire Council Organization of the Year Award.

Item 36 – MR. FUDOLI presented a resolution Congratulating the Townline Fire Department for Receiving the Lancaster Fire Council Organization of the Year Award.

MS. WHYTE moved for consideration of the above thirty-two items. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above thirty-two items by adding two for MR. KENNEDY, adding two for MS. BOVE, and also adding Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above thirty-six items as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 37 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 38 – CHAIR MILLER-WILLIAMS directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 39 – CHAIR MILLER-WILLIAMS directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 40 – 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 41 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 42 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 43 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 55

March 15, 2010	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT, EXCEPT HARDWICK.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4M-1 (2010)
BUFFALO ARTS STUDIO: "2010 Budget Accountability Act Submission"
(5-0)
 - b. COMM. 4M-2 (2010)
EL MUSEO: "2010 Budget Accountability Act Submission"
(5-0)
 - c. COMM. 4M-4 (2010)
BUFFALO OLMSTED PARKS CONSERVANCY: "EC Legislature Budget Accountability Act - 2009 Close-Out Report"
(5-0)
 - d. COMM. 4M-5 (2010)
ROYCROFT CAMPUS CORP.: "2010 Budget Accountability Act Submission"
(5-0)
 - e. COMM. 4M-6 (2010)
MARTIN HOUSE RESTORATION CORP.: "2010 Budget Accountability Act Submission"
(5-0)
 - f. COMM. 4M-7 (2010)
KENMORE - TOWN OF TONAWANDA CHAMBER OF COMMERCE: "Letter Concerning 2010 Budget Accountability Act"
(5-0)
 - g. COMM. 4M-9 (2010)
THE WNY ARTISTS GROUP, INC.: "2010 Budget Accountability Act Submission"
(5-0)
 - h. COMM. 4M-10 (2010)
MUSICALFARE THEATRE: "2010 Budget Accountability Act Submission"
(5-0)
 - i. COMM. 4M-12 (2010)
SQUEAKY WHEEL / BUFFALO MEDIA RESOURCES: "EC Legislature Budget Accountability Act - 2009 Close-Out Report"
(5-0)
 - j. COMM. 4M-13 (2010)
YOUNG AUDIENCES OF WNY: "EC Legislature Budget Accountability Act - 2009 Close-Out Report"
(5-0)

- k. COMM. 4M-16 (2010)
JUST BUFFALO LITERARY CENTER: “2010 Budget Accountability Act Submission”
(5-0)
- l. COMM. 4M-18 (2010)
MUSIC IS ART: “2010 Budget Accountability Act Submission”
(5-0)
- m. COMM. 4M-19 (2010)
ARTS IN EDUCATION INSTITUTE: “Letter to the EC Legislature Inviting Members to the Annual Legislators' Breakfast Meeting”
(5-0)
- n. COMM. 4M-20 (2010)
HAUPTMAN - WOODWARD: “2010 Budget Accountability Act Submission”
(5-0)
- o. COMM. 4M-21 (2010)
BUFFALO NIAGARA CONVENTION & VISITORS BUREAU: “2010 Budget Accountability Act Submission”
(5-0)
- p. COMM. 4M-22 (2010)
BUFFALO NIAGARA CONVENTION CENTER: “2010 Budget Accountability Act Submission”
(5-0)
- q. COMM. 4M-23 (2010)
IRISH CLASSICAL THEATRE COMPANY: “2010 Budget Accountability Act Submission”
(5-0)
- r. COMM. 4M-24 (2010)
ALBRIGHT-KNOX ART GALLERY: “2010 Budget Accountability Act Submission”
(5-0)
- s. COMM. 4M-25 (2010)
BUFFALO CITY BALLET: “2010 Budget Accountability Act Submission”
(5-0)
- t. COMM. 4M-26 (2010)
LOCUST STREET NEIGHBORHOOD ART CLASSES: “EC Legislature Budget Accountability Act - 2009 Close-Out Report”
(5-0)
- u. COMM. 4M-27 (2010)

- NIAGARA ERIE REGIONAL COALITION: “2010 Budget Accountability Act Submission”
(5-0)
- v. COMM. 4M-28 (2010)
EXPLORE & MORE: “2010 Budget Accountability Act Submission”
(5-0)
- w. COMM. 4M-29 (2010)
YOUNG AUDIENCES WNY: “2010 Budget Accountability Act Submission”
(5-0)
- x. COMM. 4M-30 (2010)
LOCUST STREET NEIGHBORHOOD ART CLASSES: “2010 Budget Accountability Act Submission”
(5-0)
- y. COMM. 4M-31 (2010)
BUFFALO PHILHARMONIC ORCHESTRA: “2010 Budget Accountability Act Submission”
(5-0)
- z. COMM. 4M-32 (2010)
UJIMA COMPANY, INC.: “2010 Budget Accountability Act Submission”
(5-0)
- aa. COMM. 4M-33 (2010)
THEODORE ROOSEVELT INAUGURAL SITE FOUNDATION: “2010 Budget Accountability Act Submission”
(5-0)
- bb. COMM. 4M-34 (2010)
THE BUFFALO TRANSPORTATION / PIERCE-ARROW MUSEUM: “2010 Budget Accountability Act Submission”
(5-0)
- cc. COMM. 4M-35 (2010)
WNY SOUTHTOWNS SCENIC BYWAY: “2010 Budget Accountability Act Submission”
(5-0)
- dd. COMM. 4M-36 (2010)
GRAND ISLAND CHAMBER OF COMMERCE: “2010 Budget Accountability Act Submission”
(5-0)
- ee. COMM. 4M-37 (2010)
UJIMA COMPANY, INC.: “2010 Budget Accountability Act Submission”
(5-0)

- ff. COMM. 4M-38 (2010)
ALLEYWAY THEATRE, INC.: "2010 Budget Accountability Act Submission"
(5-0)
- gg. COMM. 4M-41 (2010)
COOPERATIVE EXTENSION: "2010 Budget Accountability Act Submission"
(5-0)
- hh. COMM. 4M-42 (2010)
COMMUNITY MUSIC SCHOOL OF BUFFALO: "EC Legislature Budget Accountability Act - 2009 Close-Out Report"
(5-0)
- ii. COMM. 4M-43 (2010)
FOLKLORIC PRODUCTIONS DANCE CO., INC.: "2010 Budget Accountability Act Submission"
(5-0)
- jj. COMM. 4M-44 (2010)
NIAGARA ERIE REGIONAL COALITION: "EC Legislature Budget Accountability Act - 2009 Close-Out Report"
(5-0)
- kk. COMM. 4M-45 (2010)
BUFFALO & EC PUBLIC LIBRARY BOARD OF TRUSTEES: "Minutes of Meeting Held on 2/18/2010"
(5-0)
- ll. COMM. 4M-48 (2010)
NFTA: "EC Legislature Budget Accountability Act - 2009 Close-Out Report"
(5-0)
- mm. COMM. 4M-49 (2010)
BUFFALO PHILHARMONIC CHORUS: "Letter in Relation to the BPC Not Receiving County Funding in 2010"
(5-0)
- nn. COMM. 4M-51 (2010)
AMERICAN LEGION BAND OF THE TONAWANDAS, POST 264: "2010 Budget Accountability Act Submission"
(5-0)
- oo. COMM. 4M-52 (2010)
GRAYCLIFF CONSERVANCY, INC.: "2010 Budget Accountability Act Submission"
(5-0)
- pp. COMM. 4M-53 (2010)

EC SOIL & WATER CONSERVATION DISTRICT: "EC Legislature Budget Accountability Act - 2009 Close-Out Report & 2010 Budget Accountability Act Submission"
(5-0)

qq. COMM. 4M-54 (2010)
BOTANICAL GARDENS: "2010 Budget Accountability Act Submission"
(5-0)

rr. COMM. 4M-57 (2010)
ARTS IN EDUCATION INSTITUTE: "2010 Budget Accountability Act Submission"
(5-0)

ss. COMM. 5M-1 (2010)
SHAKESPEARE IN DELAWARE PARK: "2010 Budget Accountability Act Submission"
(5-0)

tt. COMM. 5M-3 (2010)
POLISH ARTS CLUB OF BUFFALO, INC.: "2010 Budget Accountability Act Submission"
(5-0)

uu. COMM. 5M-4 (2010)
BUFFALO MUSEUM OF SCIENCE: "2010 Budget Accountability Act Submission"
(5-0)

vv. COMM. 5M-5 (2010)
SPRINGVILLE CENTER FOR THE ARTS: "2010 Budget Accountability Act Submission"
(5-0)

ww. COMM. 5M-6 (2010)
AFRICAN AMERICAN CULTURAL CENTER, INC.: "2010 Budget Accountability Act Submission"
(5-0)

2. COMM. 25E-12 (2009)
COUNTY EXECUTIVE
WHEREAS, Erie County is in possession of a 1992 Chevy 1500 pickup (VIN# IG CDC14Z1NE159613) that has been sent to surplus for disposition; and

WHEREAS, the Boy Scouts of Erie County have requested that the vehicle be donated to them for utilization at their two local camping facilities; and

WHEREAS, the Boy Scouts of Erie County is a legally registered 501(c)(3) corporation; and

WHEREAS, the Boy Scouts of America is one of the nation's largest and most prominent values-based youth development organization; and

WHEREAS, the BSA provides a program for young people that builds character, trains them in the responsibilities of participating in citizenship, and develops personal fitness; and

WHEREAS, the donation of this vehicle would assist the Boy Scouts of Erie County in achieving their goal of building a stronger future for Western New York by developing stronger youth.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body does hereby authorize the transfer of ownership of the 1992 Chevy 1500 pickup (VIN# IGCDC14Z1NE159613) to the Boy Scouts of Erie County; and be it further

RESOLVED, that certified copies of this resolution be sent to the Office of the County Executive, the Department of Personnel, the Department of Public Works, Division of Fleet Services, the Director of Purchasing and the Office of the Comptroller.
(5-0)

THOMAS A. LOUGHRAN
CHAIR

Item 44 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

March 16, 2010	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR WHYTE.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 12E-27 (2009)
COUNTY EXECUTIVE: “Prescription Drug Discount Program”
(4-0) Legislator Marinelli not present for vote.
 - b. COMM. 5D-2 (2010)
EC MEDICAL DIRECTOR: “Notice of Public Hearing to be Held on 3/18/10 - Agenda & Minutes of the Meeting Held 11/19/09”
(5-0)
2. COMM. 4E-23 (2010)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Community Services for the Elderly (CSE) grant for the period April 1, 2009 to March 31, 2010 and the Area Agency on Aging (III-B) grant for the period January 1, 2010 to December 31, 2010; and

WHEREAS, the Department regularly compares grant budgets with actual costs throughout the grant period; and

WHEREAS, the Department desires to allocate an additional \$4,600 of CSE funds to minor residential repairs which provides for seniors to remain independent and in the community; and

WHEREAS, the Department desires to transfer III-B funds to cover the PeerPlace Case Management System, which replaces the C.H. Mack Q: Continuum Software, as a result of a recent advertised bid; and

WHEREAS, the New York State Office for Aging (NYSOFA) issued a Technical Assistance Memorandum describing fiscal options available to local area agencies on aging to provide flexibility to deal with upcoming state fiscal cutbacks; and

WHEREAS, the Department identified III-B grant employees' salary, fringe benefits and local mileage costs that are allowable costs to transfer into the CSE grant for the last quarter of the grant period, January 1, 2010 to March 31, 2010; and

WHEREAS, the CSE and III-B grant budgets are in need of revision; and

WHEREAS, there is no impact on County funds appropriated for the grants.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to replace the Q:Continuum Software with PeerPlace Software for the benefit of the entire case management system; and be it further

RESOLVED, that a portion of various Title III-B employees' salaries, fringe benefits and mileage costs that are allowable in the CSE grant be charged to the CSE grant for the period January 1, 2010 to March 31, 2010 up to remaining CSE funds; and be it further

RESOLVED, that the budget for the CSE grant, 163CSE0910, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
516010	Contractual Services	\$999,089	-\$14,562	\$984,527
	Other Expenses- Minor Residential			
530000	Repairs	95,092	4,600	99,692
561410	Lab & Technical Equipment	0	31,112	31,112
916300	ID Senior Services	-16,774	-21,150	-37,924

TOTAL APPROPRIATIONS	\$0
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and be it further

RESOLVED, that the budget for the III-B grant, 163III-B2010, be revised as follows:

	CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS			\$0
516029 Software Support and Modifications	41,518	-41,518	0
516030 Maintenance Contracts	30,000	-30,000	0
561410 Lab & Technical Equipment	0	87,976	87,976
916390 ID Senior Services	-27,687	-16,458	-44,145
TOTAL APPROPRIATIONS		\$0	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive’s Office, the Division of Budget and Management, the Comptroller’s Office, the Department of Law and the Department of Senior Services.

(5-0)

3. COMM. 5E-6 (2010)
COUNTY EXECUTIVE

WHEREAS, obesity is a major underlying cause of sickness, death and disability for Western New Yorkers; and

WHEREAS, recent statistics indicate that 67% of residents are overweight or obese; and

WHEREAS, the Erie County Department of Health has been a leader in addressing public health concerns and building the capacity of our community-based partners; and

WHEREAS, the Erie County Department of Health has received a grant award from the New York State Department of Health, available only to local public health departments, in the amount of \$34,000 to work with the Western New York Chapter of the New York State Restaurant Association to provide healthy menu options and informed choices in restaurants through a food labeling system.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept a grant award from the New York State Department of Health to be budgeted as follows:

Capacity Building for Public Health Partners
8/11/09 – 3/31/10
SAP: 127CAPBLDG0910

SAP	REVENUE	BUDGET
409000	State Aid	<u>\$34,000</u>
	TOTAL	<u>\$34,000</u>

EXPENSES

510000	Local Travel	\$ 1,000
510100	Out of Area Travel	2,000
516020	Prof Serv Contracts & Fees	2,000
516200	Training and Education	1,000
530000	Other	3,391
561410	Lab & Technical	5,500
912790	ID – Health	<u>19,109</u>
TOTAL		<u>\$34,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner, in the Department of Health, 95 Franklin Street, 9th Floor.

(5-0)

4. COMM. 5E-7 (2010)
COUNTY EXECUTIVE

WHEREAS, the Department of Social Services is requesting authorization to accept funds for a special project entitled Disproportionate Minority Representation; and

WHEREAS, the activities of the project will include, training, technical assistance and focus groups, and will involve Family Court, Probation, Mental Health, Health and Social Services as well as community based partners; and

WHEREAS, the project will fund training, educational materials, public relations and multiple short term engagements of expert consultants in the field of child welfare services; and

WHEREAS, there is no local share to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to execute agreements for services needed for this award; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2010 Adopted Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/</u>
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510100	Out of Area Travel	\$5,000
530000	Other Expense	9,000
516020	Professional Services	<u>26,000</u>
	Total Expenditure	<u>\$40,000</u>
407540	State Aid – Social Services Admin	<u>\$40,000</u>
	Total Revenue	<u>\$40,000</u>

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.

(5-0)

THOMAS J. MAZUR
CHAIR

Item 45 – MR. KENNEDY presented the following report, moved to separate item Number 7, and moved to approve the balance of the report. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 57

March 16, 2010	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 27M-7 (2009)
HARRIS BEACH, PLLC: “Buffalo & EC Industrial Land Development Corp. - Copy of By-Laws Adopted 12/08/09”
(6-0)
 - b. COMM. 3E-2 (2010)
KOZUB: “Letter to Commissioner Sentz from the Department of Public Works in Regards to the East Concord Highway Vehicle Storage Facility”
(6-0)
 - c. COMM. 3M-22 (2010)
NFTA: “Copy of the Minutes from the NFTA Board Meeting Held on 12/17/09”

(6-0)

- d. COMM. 4D-6 (2010)
COMPTROLLER'S OFFICE: "Audit of the Payment in Lieu of Tax "Pilot" Process for the Period 1/1/2006 - 12/31/2008"
(6-0)
- e. COMM. 4M-17 (2010)
CITIZENS' REGIONAL TRANSIT CORPORATION: "Letter to Legislature Requesting Presentation to the Economic Development Committee Regarding Plans for the Extension of Metro Rail to the Airport"
(6-0)
- f. COMM. 5D-4 (2010)
ASSOCIATE DEPUTY COMPTROLLER: "Memorandum to County Comptroller Concerning 2010 Legislature Budget Adjustments"
(6-0)
- g. COMM. 5M-2 (2010)
ECIDA: "Requesting Confirmation of Attendance"
(6-0)
- h. COMM. 5M-9 (2010)
NFTA: "Minutes of the Meeting Held 1/25/10"
(6-0)
- 2. COMM. 3E-12 (2010)
COUNTY EXECUTIVE

WHEREAS, a Project for the Reconstruction of the CR 554, Youngs Road and CR 324, Aero Drive Intersection, in the Town of Cheektowaga, Erie County, PIN 5756.46 (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 demonstrated its desire to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design V & VI), Right of Way Incidentals and Right-of-Way Acquisition Phases of the Project, PIN 5756.46, via previously authorized County Resolution Comm. 9E-57 adopted May 22, 2003 from the 2002 Youngs/Aero Intersection Design Program B.00043, Comm. 14E-16 adopted July 17, 2008 from the 2008 Unanticipated Federal Aid Design & Right-of-Way Program B.00188, and Comm. 12E-16 adopted July 9, 2009 from the Youngs @ Aero Construction Program B.00175 and made available to cover the cost of participation in the above phases of the Project; and

WHEREAS, the Supplemental Agreement increases the cost of the Project by an additional \$24,000.00 for which the County of Erie is required to provide the non-federal share of the Supplemental increase in the amount of \$4,800.00.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature 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 costs of Preliminary Engineering (Scoping and Design V-VI), Right-of-Way Incidentals and Right-of-Way Acquisition and Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project increase of \$24,000.00 (\$4,800.00 Erie County's local share) be appropriated from B.00188 2008 Unanticipated Federal Aid Program; and be it further

RESOLVED, that the Project budget be equally increased in revenue and appropriation to represent this supplemental agreement increase in the amount of \$24,000.00; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Scoping & Design V & VII), Right-of-Way Incidentals and Right-of-Way Acquisition and Construction and Construction Inspection Phase exceeds the amount appropriated, and/or 100% of the Full and Non-Federal shares of the cost of the Project increase \$24,000.00, 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 reimbursements 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 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 also one copy each to the Office of the County Executive, the Office of Budget and Management, and the Office of the Comptroller.

(6-0)

3. INTRO 4-4 (2010)

MARINELLI, KENNEDY, BOVE, AS AMENDED
WALTER, FUDOLI, DIXON & RATH

WHEREAS, local Industrial Development Agencies (IDAs) serve as the primary vehicle for the implementation of economic development programs in counties and local communities across New York State; and

WHEREAS, the primary mission of local IDAs is the creation and retention of jobs for New York's residents, through innovative, locally-driven and developed programs to make counties and local communities better places in which to invest, grow productive business enterprises and create better business atmospheres to generate new economic activity, job creation and tax revenue producers; and

WHEREAS, the 2009-2010 State budget contained a maximum statewide "cost recovery" tax of \$5 million to "reimburse to New York State and allocable share of state governmental costs attributable to the provisions of services to industrial development agencies;" and

WHEREAS, the State Department of Taxation and Finance has sent Tax bills to every IDA in the state, for amounts corresponding to 4.7% of the gross revenue received by an IDA in the 2008 calendar year, payable by March 31, 2010; and

WHEREAS, the tax bills received by local IDAs were received long after local IDAs' budgets were developed and implemented, without the inclusion of this new unanticipated tax in their adopted budgets; and

WHEREAS, the revenue received by IDAs subject to this tax includes payments in lieu of taxes collected for local governments and school districts, state and federal grants and local taxpayer funded appropriations; and

WHEREAS, imposing a state gross receipts tax on revenues from 2008 that include tax generated resources from the state and federal government is redundant, punitive and will lead to these resources and those appropriated by counties for local job creation to be used instead to help bail out the State during its time of financial crisis.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature joins the New York State Association of Counties (NYSAC) in strongly opposing the imposition of the new tax on the gross revenues of local Industrial Development Agencies as a means to help eliminate the state budget deficit; and be it further

RESOLVED, that the Erie County Legislature, along with the New York State Association of Counties calls upon the Governor and the State Legislature to repeal this onerous tax on the primary economic development organizations of New York's counties and other local government; a tax which will take local resources that could better be used to create jobs in our communities in this time of economic crisis; and be it further

RESOLVED, that copies of this resolution be sent to the Governor, the Western New York delegation to the New York State Legislature and the members of the Erie County Industrial Development Agency.

(6-0)

4. COMM. 4E-12 (2010)
COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual program application materials, and submittal of same to the federal Department of Housing and Urban Development.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit a 2010 Annual Action Plan to the federal Department of Housing and Urban Development (HUD) having 2010 Action Plan estimated dollar amounts as indicated.

1. Erie County Consortium Community Development Program: \$ 3,317,838
2. Emergency Shelter Program: \$ 129,631
3. HOME Investment Partnership Program: \$ 1,195,159
4. Town of Hamburg Community Development Program: \$ 486,407

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to execute any and all agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the program from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Consortium and the Erie County Legislature; and be it further

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

(6-0)

5. COMM. 4E-14 (2010)
COUNTY EXECUTIVE

WHEREAS, Erie Community College previously identified a need for a capital project involving the renovation and upgrade of several academic labs at North Campus, at a cost not to exceed \$800,000 which was not included as part of the original capital project budget approved by Erie County; and

WHEREAS, the College has incurred additional expenditures of \$315,000 due to some unexpected complications; and

WHEREAS, there currently exists a balance of approximately \$530,000 in ECC's capital chargeback account; and

WHEREAS, the renovation and upgrade created state-of-the-art academic labs providing an enhanced teaching and learning environment, increasing student retention and enrollment while addressing some long-standing infrastructure needs; and

WHEREAS, all costs incurred up to \$1,115,000 for this project will be paid out of ECC's capital chargeback account without utilizing operating funds; and

WHEREAS, on November 19, 2008 the ECC Board of Trustees approved the \$800,000 capital project to be submitted for sponsor approval; and on January 27, 2010 the ECC Board of Trustees approved the \$315,000 additional project expenditures.

NOW, THEREFORE, BE IT

RESOLVED, that the ECC Board of Trustees approved a capital project involving the renovation and upgrade of several academic labs at North Campus at a cost estimated not to exceed \$1,115,000 to be funded by the Erie Community College Capital Chargeback Fund; and be it further

RESOLVED, that pending Erie County Legislative approval, such project will be submitted to New York State for 50% state aid reimbursement, with such reimbursement being placed back into the capital chargeback account; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, President of Erie Community College, the Chairman of the Board of Trustees, and SUNY.
(6-0)

6. COMM. 4E-18 (2010)
COUNTY EXECUTIVE

WHEREAS, Erie County formed a Consortium (Erie County HOME Consortium) with the Town of West Seneca and Town of Hamburg for funding under the HOME Investment Partnership Act (HOME); and

WHEREAS, the Erie County HOME Consortium was awarded a grant of \$1,144,739 for fiscal year 2006 by the U.S. Department of Housing and Urban Development under HOME; and

WHEREAS, the funds are to be used to meet the housing needs of low and very low income households in the consortium.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a mortgage agreement with Academy Place Housing Development Fund Company, Inc. for an amount not to exceed \$45,000 to secure the County investment in Academy Place Housing; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property

Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.
(6-0)

7. INTRO 5-3 (2010)

KENNEDY AS AMENDED

WHEREAS, the enactment by the United States Congress of the American Recovery and Reinvestment Act (ARRA) of 2009 created a new type of exempt facility bond entitled Recovery Zone Facility Bonds (RZFBs) which must be issued prior to January 1, 2011; and

WHEREAS, the ARRA also created a new type of interest rate subsidized taxable direct payment bond entitled Recovery Zone Economic Development Bonds, which also must be issued prior to January 1, 2011 (“RZEDBs”; and, together with the RZFBs, “ARRA Bonds”) in which the federal government requires the payment of Davis-Bacon prevailing wages in connection with the construction and equipping of any project financed with RZEDBs and provides a subsidy of forty-five percent (45%) of the interest payable on such RZEDBs; and

WHEREAS, the RZFBs are designed to assist counties and large municipalities with local job creation and economic development activities by providing access to tax-exempt financing for certain kinds of businesses (e.g., redevelopment projects, large manufacturing plants, distribution centers, hotels, research parks, etc.); and

WHEREAS, the RZEDBs are designed to be used to finance “qualified economic development purposes” (as defined in ARRA) and may only be issued for projects or purposes for which tax-exempt governmental bonds could be issued under current law; and

WHEREAS, ARRA Bonds can be issued for expenses incurred only within a designated Recovery Zone as defined by the ARRA; and

WHEREAS, the County of Erie (the “County”) meets the necessary criteria required by the ARRA to be so designated; and

WHEREAS, the County desires to designate all of Erie County as a Recovery Zone to maximize potential qualifying projects; and

WHEREAS, pursuant to the ARRA, the County received authority to cause to be issued, up to \$17,102,000 of RZFBs and \$11,401,000 of RZEDBs; the City of Buffalo (the “City”) received authority to cause to be issued, up to \$7,151,000 of RZFBs and \$4,767,000 of RZEDBs; and the Town of Amherst (the “Town”) received authority to cause to be issued up to \$3,699,000 of RZFBs and \$2,466,000 of RZEDBs; and

WHEREAS, as a means of maximizing the benefits of their respective allocations of ARRA Bonds, the County, the City, and the Town are contemplating, in the spirit of regionalism, to cooperate and collectively approve the use of the allocation of ARRA Bonds to further economic development activities with and within the County; and

WHEREAS, as part of the collective and collaborative effort, the County, the City, and the Town will establish a committee (“Committee”) to assist with the issuance of the ARRA Bonds; and

WHEREAS, the Committee will consist of the Erie County Legislature's Chairperson of the Economic Development Committee, the Erie County Commissioner of the Department of Environment and Planning, a representative from the City of Buffalo appointed by the Chair/Board of the Buffalo Economic Renaissance Corporation, and the Town Board's Amherst Industrial Development Agency's liaison or the Chair of the Amherst Industrial Development Agency; and

WHEREAS, the County desires to task the Committee to make recommendations to the County Executive for the use of the County's allocation of ARRA Bonds; and

WHEREAS, each of the County, the City, and the Town specifically lacks the authority under the Laws of New York State to issue RZFBs for the benefit of private entities; and

WHEREAS, Empire State Development ("ESD") is the duly authorized New York State government entity responsible for providing guidance related to ARRA Bonds and RZFBs in particular; and

WHEREAS, ESD has specifically requested the County, in the event the County does not intend to use its RZFB allocation, to immediately waive said allocation in full or in part, and assign such amounts to ESD for reallocation to other essential projects throughout New York State; and

WHEREAS, the County does intend to utilize its RZFB allocation within the County and does not desire to waive said allocation for reallocation through ESD for use in other areas of New York State; and

WHEREAS, to ensure that the County's RZFB allocation is utilized in the County and not otherwise reallocated by or to ESD for use outside of Erie County, the County may designate the Erie County Industrial Development Agency (the "ECIDA") to act on behalf of the County as the exclusive issuer of RZFBs for purposes of utilizing the financial benefit offered by these bonds; and

WHEREAS, in furtherance of its public purposes, the County has supported the provision of taxable and tax-exempt financing by the ECIDA and the Buffalo and Erie County Industrial Land Development Corporation (the "ILDC"), and of certain other financial incentives to for-profit entities and not-for-profit corporations to promote the creation and preservation of employment opportunities for residents of the County and development of economically sound commerce consistent with the County's burdens and responsibilities.

NOW, THEREFORE, BE IT

RESOLVED, that the County determines that all areas of Erie County have significant unemployment, rate of home foreclosures, or general distress, and, therefore, the County hereby designates that all of Erie County is a Recovery Zone pursuant to the criteria set forth by the ARRA; and be it further

RESOLVED, that the Erie County Legislature's Chairperson of the Economic Development Committee and the Commissioner of the Department of Environment and Planning are hereby appointed as the County's representatives on the Committee, said Committee to make

recommendations to the County Executive for the use of the County allocation of RZFBs and RZEDBs; and be it further

RESOLVED, that the County hereby designates the ECIDA as the exclusive issuer of the County for the purposes of issuing RZFBs and an eligible issuer of RZEDBs, and to exercise on the County's behalf all lawful powers as may be deemed necessary to accomplish the issuance of the ARRA Bonds; provided, however, that any obligations issued by the ECIDA shall never be a debt of the State of New York, the County or any political subdivision thereof (other than the ECIDA) and neither the State of New York, the County, or any political subdivision thereof (other than the ECIDA) shall be liable; and be it further

RESOLVED, that the County Executive or the County Executive's designated representative is hereby authorized and directed on behalf of the County to do all things required of the County or provided for by the provision of the ARRA with respect to the County in connection with the issuance of RZFBs, including, but not limited to, all approvals in connection with the use and or beneficiary of the County RZFB allocation, and to execute and deliver all such additional certificates, instruments and documents, pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the County Executive or the County Executive's designated representative, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the County with all of the terms, covenants and provisions of the ARRA with respect to the County in connection with the issuance of RZFBs; and be it further

RESOLVED, that to the extent that the County issues RZEDBs, such obligations will be issued following the procedures and policies in place that currently govern the issuance of the County's general obligation bonds and nothing in this resolution shall act to amend such policies and procedures for any debt issued by the County; and be it further

RESOLVED, that in the event the Committee recommends an allocation of RZEDBs in which such RZEDBs will be issued by a municipality other than the County, said recommendation shall be confirmed by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget and Management; Kathy Konst, Commissioner of Environment and Planning; Daniel D. Barry, Deputy Commissioner of Environment and Planning; the Legislative Chairperson of the Economic Development Committee; the Chairperson of the Buffalo Economic Renaissance Corporation; and Chairperson of the Town of Amherst Industrial Development Agency; the County Comptroller; and the County Attorney.

(6-0)

8. COMM. 5E-9 (2010)
COUNTY EXECUTIVE

WHEREAS, a Project for the Pavement Road (CR 139) Bridge Replacement over the CSX Railroad, BIN 3362540 and Bridge Removal over an Abandoned Railroad, BIN 3362530 Town of Lancaster, Erie County, PIN 5755.38 (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 advanced the above Project by making a commitment of 100% of the non-Federal share of the costs for the Preliminary Engineering (Scoping and Design I-VI) via Erie County Resolution Comm. 14E-20, adopted on July 6, 2000; and

WHEREAS, the County of Erie desires to advance the Project Preliminary Engineering and include Right of Way phases through a Supplemental Agreement that increases the previous Project Agreement PIN 5755.38 by \$100,000.00 in the new amount of \$455,000.00; and

WHEREAS, a contract was previously awarded for design and engineering services for the Project to the engineering firm of Urban Engineers of NY, P.C. on July 13, 2000, via Erie County Resolution Comm. 16E-9, and it has been determined that the contract must be increased to include additional design engineering and Right of Way services in accordance with the Project Supplemental Agreement.

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 share of the cost of the Preliminary Engineering (Scoping and Design I-VI), Right of Way Incidental, and Right of Way Acquisition Phases of the Project or portions thereof; and be it further

RESOLVED, that the total increased sum \$100,000.00 of which \$5,000.00 is the required local share is hereby appropriated from capital accounts in the amount of \$50,000.00 (\$2,500.00 local share) B.00181 2007 Pavement Road Bridge Design and \$50,000.00 (\$2,500.00 local share) B.00200 2007 Pavement Road Bridge Right Of Way; and be it further

RESOLVED, that Projects SAP B.00181 and B.00200 revenues and appropriations be adjusted to reflect the phase as well as their respective Supplemental Agreement increase; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds the amount appropriated and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds the current total project allowance of \$455,000.00, 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 Change Order in an amount not to exceed the project allowance between the County of Erie project engineers Urban Engineers of NY, P.C. for the expanded work scope; 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 the Clerk of the Legislature be instructed to forward three (3) 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 Office of Budget and Management, and the Office of the Comptroller.

(6-0)

9. COMM. 5E-10 (2010)
COUNTY EXECUTIVE

WHEREAS, a Project for the Pavement Reconstruction of Como Park Blvd. (CR 523), from NY Route 277 Union Road to Stiglmeier Park, in the Town of Cheektowaga, Erie County, P.I.N. 5755.83 (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 advanced the above Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI) via Comm. 16E-45, adopted on September 19, 2002, and construction and construction inspection phases via Comm. 5E-15, adopted on March 20, 2008; and

WHEREAS, the County of Erie desires to advance the Project, PIN 5755.83 through a Supplemental Agreement that increases the previous Project Agreement by \$224,000.00 in the new amount of \$3,619,000.00; and

WHEREAS, bids were taken for the reconstruction of the Federal Aid Project for Como Park Boulevard (CR 523), in the Town of Cheektowaga, on March 27, 2008, and awarded to the low bidder Concrete Applied Technologies Corporation (CATCO) of Alden, New York via Comm. 8E-18 adopted on May 8, 2008; and it has been determined that the contract must be increased due to unanticipated, on site work scope and quantity changes; and

WHEREAS, a contract was previously awarded for design and engineering services for the above noted project to the engineering firm of Clough Harbour & Associates, LLP on July 12, 2001, via Comm. 15E-7, and amended on May 8, 2008, via Comm. 8E-18, and it has been determined that

the Contract must be increased to include additional construction engineering services and construction inspection services due to unanticipated, on site work scope and quantity changes.

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 share of the cost of the Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the total increased sum \$224,000.00 of which the non-federal share required is \$44,050.00 is hereby appropriated from capital account B.00168 2007 Unanticipated Federal Aid Road and Bridge Costs; and be it further

RESOLVED, that Project SAP B.00168 revenues and appropriations be adjusted to reflect the Supplemental Agreement increase; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds the amount appropriated and/or 100% of the full Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping and Design I-VI) and Construction & Construction Inspection Phases exceeds the total project allowance of \$3,619,000.00, 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 negotiated Change Orders in an amount not to exceed the allowable project increase between the County of Erie and project contractor CATCO of Alden, New York as well as project engineers Clough Harbour & Associates, LLP for unanticipated, on site work scope and quantity changes; 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 the Clerk of the Legislature be instructed to forward three (3) 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 Office of Budget and Management of the Office of the Comptroller.

(6-0)

TIMOTHY M. KENNEDY
CHAIR

MR. KENNEDY moved to amend item Number 7. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Delete item Number 7 in its Entirety and Insert the Following:

A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR KENNEDY

WHEREAS, the enactment by the United States Congress of the American Recovery and Reinvestment Act (ARRA) of 2009 created a new type of exempt facility bond entitled Recovery Zone Facility Bonds (RZFBs) which must be issued prior to January 1, 2011; and

WHEREAS, the ARRA also created a new type of interest rate subsidized taxable direct payment bond entitled Recovery Zone Economic Development Bonds, which also must be issued prior to January 1, 2011 (“RZEDBs”; and, together with the RZFBs, “ARRA Bonds”) in which the federal government requires the payment of Davis-Bacon prevailing wages in connection with the construction and equipping of any project financed with RZEDBs and provides a subsidy of forty-five percent (45%) of the interest payable on such RZEDBs; and

WHEREAS, the RZFBs are designed to assist counties and large municipalities with local job creation and economic development activities by providing access to tax-exempt financing for certain kinds of businesses (e.g., redevelopment projects, large manufacturing plants, distribution centers, hotels, research parks, etc.); and

WHEREAS, the RZEDBs are designed to be used to finance “qualified economic development purposes” (as defined in ARRA) and may only be issued for projects or purposes for which tax-exempt governmental bonds could be issued under current law; and

WHEREAS, ARRA Bonds can be issued for expenses incurred only within a designated Recovery Zone as defined by the ARRA; and

WHEREAS, the County of Erie (the “County”) meets the necessary criteria required by the ARRA to be so designated; and

WHEREAS, the County desires to designate all of Erie County as a Recovery Zone to maximize potential qualifying projects; and

WHEREAS, pursuant to the ARRA, the County received authority to cause to be issued, up to \$17,102,000 of RZFBs and \$11,401,000 of RZEDBs; the City of Buffalo (the "City") received authority to cause to be issued, up to \$7,151,000 of RZFBs and \$4,767,000 of RZEDBs; and the Town of Amherst (the "Town") received authority to cause to be issued up to \$3,699,000 of RZFBs and \$2,466,000 of RZEDBs; and

WHEREAS, as a means of maximizing the benefits of their respective allocations of ARRA Bonds, the County, the City, and the Town are contemplating, in the spirit of regionalism, to cooperate and collectively approve the use of the allocation of ARRA Bonds to further economic development activities with and within the County; and

WHEREAS, as part of the collective and collaborative effort, the County, the City, and the Town will establish a committee ("Committee") to assist with the issuance of the ARRA Bonds; and

WHEREAS, the Committee will consist of the Erie County Legislature's Chairperson of the Economic Development Committee, the Erie County Commissioner of the Department of Environment and Planning, a representative from the City of Buffalo appointed by the Mayor of Buffalo, and the Town Board's Amherst Industrial Development Agency's liaison or the Chair of the Amherst Industrial Development Agency; and

WHEREAS, the County desires to task the Committee to make recommendations to the County Executive for the use of the County's allocation of ARRA Bonds; and

WHEREAS, each of the County, the City, and the Town specifically lacks the authority under the Laws of New York State to issue RZFBs for the benefit of private entities; and

WHEREAS, Empire State Development ("ESD") is the duly authorized New York State government entity responsible for providing guidance related to ARRA Bonds and RZFBs in particular; and

WHEREAS, ESD has specifically requested the County, in the event the County does not intend to use its RZFB allocation, to immediately waive said allocation in full or in part, and assign such amounts to ESD for reallocation to other essential projects throughout New York State; and

WHEREAS, the County does intend to utilize its RZFB allocation within the County and does not desire to waive said allocation for reallocation through ESD for use in other areas of New York State; and

WHEREAS, to ensure that the County's RZFB allocation is utilized in the County and not otherwise reallocated by or to ESD for use outside of Erie County, the County may designate the Erie County Industrial Development Agency (the "ECIDA") and the Buffalo and Erie County Industrial Land Development Corporation (the "ILDC") to act on behalf of the County as the exclusive issuer of RZFBs for purposes of utilizing the financial benefit offered by these bonds; and

WHEREAS, in furtherance of its public purposes, the County has supported the provision of taxable and tax-exempt financing by the ECIDA and the ILDC, and of certain other financial incentives to for-profit entities and not-for-profit corporations to promote the creation and preservation of employment opportunities for residents of the County and development of economically sound commerce consistent with the County's burdens and responsibilities.

NOW, THEREFORE, BE IT

RESOLVED, that the County determines that all areas of Erie County have significant unemployment, rate of home foreclosures, or general distress, and, therefore, the County hereby designates that all of Erie County is a Recovery Zone pursuant to the criteria set forth by the ARRA and projects to be designated as eligible for ARRA Bonds allocation shall also be compliant with the Erie Niagara Framework for Regional Growth; and be it further

RESOLVED, that the Erie County Legislature's Chairperson of the Economic Development Committee and the Commissioner of the Department of Environment and Planning are hereby appointed as the County's representatives on the Committee, said Committee to make recommendations to the County Executive for the use of the County allocation of RZFBs and RZEDBs; and be it further

RESOLVED, that the County hereby designates the ECIDA and the ILDC as the exclusive issuers of the County for the purposes of issuing RZFBs and each an eligible issuer of RZEDBs, and to exercise on the County's behalf all lawful powers as may be deemed necessary to accomplish the issuance of the ARRA Bonds; provided, however, that any obligations issued by the ECIDA or the ILDC shall never be a debt of the State of New York, the County or any political subdivision thereof (other than the ECIDA or the ILDC, as the case may be) and neither the State of New York, the County, or any political subdivision thereof (other than the ECIDA or the ILDC, as the case may be) shall be liable; and be it further

RESOLVED, that the County Executive or the County Executive's designated representative is hereby authorized and directed on behalf of the County to do all things required of the County or provided for by the provision of the ARRA with respect to the County in connection with the issuance of RZFBs, including, but not limited to, all approvals in connection with the use and or beneficiary of the County RZFB allocation, and to execute and deliver all such additional certificates, instruments and documents, pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the County Executive or the County Executive's designated representative, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the County with all of the terms, covenants and provisions of the ARRA with respect to the County in connection with the issuance of RZFBs; and be it further

RESOLVED, that in an effort to spur economic activity within the County, (i) the ILDC Board, solely in connection with the issuance of bonds created or modified pursuant to ARRA including qualified 501(c)(3) bonds and RZFBs, is hereby authorized, by majority vote, to waive the requirements imposed upon the ILDC by that certain resolution adopted by the County Legislature on July 24, 2009 (more particularly described as Resolution No. 218 of 2009), as amended by that certain resolution adopted by the County Legislature on November 19, 2009 (more particularly described as Resolution No. 295 of 2009), upon ten (10) days written notice to the chairperson of the Legislature explaining how such waiver will either generate economic or community development

activities, or assist with the development of the not-for-profit community within the County; (ii) such authorization shall apply to all such projects which have received an Inducement Resolution by the ILDC Board on or before December 31, 2010 notwithstanding the enactment of legislation by the New York State Legislature permitting Industrial Development Agencies to issue taxable and tax exempt bonds, notes or other obligations on behalf of not-for-profit corporations prior to such date; (iii) the ability for the ILDC Board to authorize the waiver of those certain requirements as specified in the aforementioned County resolutions shall expire on December 31, 2010; (iv) the requirements of Resolutions No. 218 of 2009 and No. 295 of 2009 shall, in all other respects, remain in full force and effect; (v) the obligations issued by the ILDC shall never be a debt of the State of New York, the County of Erie or any political subdivision thereof, and neither the State of New York, the County of Erie or any political subdivision thereof shall be liable thereon; and (vi) the chairperson of the Legislature, chairperson of the Legislature's Economic Development Committee, and the President of the local AFL-CIO must remain as members of the seven-member Board of Directors of the ILDC for the ILDC to issue any obligations on behalf of the County; and be it further

RESOLVED, that to the extent that the County issues RZEDBs, such obligations will be issued following the procedures and policies in place that currently govern the issuance of the County's general obligation bonds and nothing in this resolution shall act to amend such policies and procedures for any debt issued by the County; and be it further

RESOLVED, that in the event the Committee recommends an allocation of RZEDBs in which such RZEDBs will be issued by a municipality other than the County, said recommendation shall be confirmed by the Erie County Legislature; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget and Management; Kathy Konst, Commissioner of Environment and Planning; Daniel D. Barry, Deputy Commissioner of Environment and Planning; the Legislative Chairperson of the Economic Development Committee; the Chairperson of the Buffalo Economic Renaissance Corporation; and Chairperson of the Town of Amherst Industrial Development Agency; the County Comptroller; and the County Attorney.

MR. KENNEDY moved to approve item Number 7 as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 46 – MR. MILLS presented the following report, moved to separate item Numbers 4 & 6, and moved to approve the balance of the report. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 58

March 16, 2010	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 5-15 (2009)
MILLS, RATH & WALTER: "Requesting NYS Reimbursement Through SEMO"
(4-0) Legislators Whyte & Marinelli not present for vote.
 - b. COMM. 17M-15 (2009)
NEWSTEAD TOWN BOARD: "Copy of Resolution Adopted on 7/27/09 - Process of Updating the EC Tax Act from 1997"
(6-0)
 - c. COMM. 17M-20 (2009)
LANCASTER TOWN BOARD: "Copy of Resolution Adopted 8/3/09 Concerning EC Tax Act"
(6-0)
 - d. COMM. 17M-28 (2009)
CONCORD TOWN BOARD: "Copy of Resolution Adopted on 8/13/09 - Process of Updating the EC Tax Act from 1997"
(6-0)
 - e. COMM. 18E-1 (2009)
COMPTROLLER: "Erie County Financial Obligations To/With Erie County Medical Center Corporation"
(6-0)
 - f. COMM. 19E-5 (2009)
COMPTROLLER: "New Intergovernmental Transfer/Disproportionate Share Payment to NYS"
(6-0)
 - g. COMM. 22D-1 (2009)
BUDGET & MANAGEMENT DIRECTOR: "BMR for Period Ending August-September 30, 2009 and the 2009 Year-End Projection"
(6-0)
 - h. INTRO 27-1 (2009)
WHYTE: "Legislature Rules"
(4-2) Legislators Whyte & Marinelli voted in the negative.
 - i. INTRO 1-2 (2010)
MILLER-WILLIAMS, MILLS, KENNEDY, WALTER, WLEKLINSKI-BOVE, RATH, FUDOLI HARDWICK & DIXON: "The 2010 Rules of the Legislature"
(5-1) Legislator Whyte voted in the negative.
 - j. COMM. 1E-5 (2010)

COMPTROLLER: "Local 4.75% Sales & Compensating Use Tax for EC (September - November `09)"
(6-0)

- k. COMM. 1D-7 (2010)
DIRECTOR OF SIX SIGMA: "Quarterly Status Report"
(6-0)
- l. INTRO 2-1 (2010)
MARINELLI, WHYTE, GRANT, KOZUB & MAZUR: "Preparing a First Quarter Road Map to Ensure Erie County's Continued Fiscal Stability and Service Efficiencies"
(4-2) Legislators Whyte & Marinelli voted in the negative.
- m. COMM. 3E-21 (2010)
COUNTY COMPTROLLER: "Payment of Retirement Bill & Amortized Components - 2010 Budget Impact"
(6-0)
- n. COMM. 3M-37 (2010)
ASSEMBLYMAN HOYT: "Copy of Letter to ECFSA Concerning EC Four-Year Plan"
(6-0)
- o. COMM. 4E-2 (2010)
COUNTY EXECUTIVE: "Revised 2010 - 2013 EC Four Year Plan"
(6-0)
- p. COMM. 4E-28 (2010)
COUNTY EXECUTIVE: "Copy of Letter to ECFSA Including Revised 2010-2013 Erie County Four Year Plan"
(6-0)

2. COMM. 1E-25 (2010)
COUNTY EXECUTIVE 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 210093 through 210122, 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	2010	Petition No.	210,093.00
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ASSESSOR Cancel \$478.81

S-B-L 243.03-1-3.1 143400 COLDEN

Acct. No. 112 \$346.37 County
Acct. No. 132 \$132.44 Town/SpecialDist/School

Charge To: 143400 COLDEN \$132.44

RPTL 550(2): ERROR IN THE CALCULATION OF AN AGED EXEMPTION
NEW TAX BILL TO BE ISSUED TO: GERTRUDE W & CARL RAUCH
FISCAL YEAR 2010 Petition No. 210,094.00

ASSESSOR Cancel \$410.59

S-B-L 321.00-2-19 143889 CONCORD

Acct. No. 112 \$253.90 County
Acct. No. 132 \$156.69 Town/SpecialDist/School

Charge To: 143889 CONCORD \$156.69

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: DANIEL SHAVER

FISCAL YEAR 2010 Petition No. 210,095.00

ASSESSOR Refund \$165.00

S-B-L 104.70-2-16 145203 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$165.00 Town/SpecialDist/School

52800 EC#4 SS DEPEW LANC \$165.00
Charge To: 145203 LANCASTER \$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED TO THE TAX ROLL
REFUND TO BE ISSUED TO: ST JOHN EVG LUTH CH REC

FISCAL YEAR 2010 Petition No. 210,096.00

ASSESSOR Refund \$576.24

S-B-L 198.00-2-28.2 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$576.24 Town/SpecialDist/School

Charge To: 146089 ORCHARD PARK \$576.24

RPTL 550(2): PARAPLEGIC VETERANS EXEMPTION NOT CODED CORRECTLY

Acct. No. 112	\$95.56	County
Acct. No. 132	\$155.53	Town/SpecialDist/School
40050 ERIE CO SEW DST 2	\$66.59	
<u>Charge To :</u>	144000 EDEN	\$88.94

RPTL 550(2): FAILED TO APPLY AN EDUCATIONAL EXEMPTION
NEW TAX BILL TO BE ISSUED TO: EDEN COMMUNITY CENTER

FISCAL YEAR 2010 Petition No. 210,101.00

ASSESSOR Cancel \$210.86

S-B-L 223.18-1-46.12 144000 EDEN

Acct. No. 112	\$74.06	County
Acct. No. 132	\$136.80	Town/SpecialDist/School
40050 ERIE CO SEW DST 2	\$67.88	
<u>Charge To :</u>	144000 EDEN	\$68.92

RPTL 550(2): PROPERTY IS TOWN OWNED AND SHOULD BE \$0
NEW TAX BILL TO BE ISSUED TO: TOWN OF EDEN

FISCAL YEAR 2008 Petition No. 210,102.00

ASSESSOR Refund \$281.06

S-B-L 57.17-1-15 143200 CLARENCE

Acct. No. 112	\$0.00	County
Acct. No. 132	\$281.06	Town/SpecialDist/School
32500 RPTL 520	\$281.06	
<u>Charge To :</u>	143200 CLARENCE	\$0.00

RPTL 550(2): RPTL 520 BILLED TWICE IN ERROR
REFUND TO BE ISSUED TO: RANDELL & ANGELA ROZELLE

FISCAL YEAR 2010 Petition No. 210,103.00

ASSESSOR Cancel \$274.10

S-B-L 167.00-1-8.211 146600 WALES

Acct. No. 112	\$0.00	County
Acct. No. 132	\$274.10	Town/SpecialDist/School
<u>Charge To :</u>	146600 WALES	\$274.10
Relevy School	\$274.10	144201 IROQUOIS CENTRAL

RPTL 550(2): SCHOOL RELEVIED IN ERROR

NEW TAX BILL TO BE ISSUED TO: 12990 OLD BIG TREE ASSOCIATION

FISCAL YEAR 2009 Petition No. 210,104.00

 ASSESSOR Refund \$1,478.83

S-B-L 272.00-2-36.1 145889 NORTH COLLINS

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$1,478.83 Town/SpecialDist/School
Charge To : 145889 NORTH COLLINS \$1,478.83
 Relevy School \$1,478.83 145801 NORTH COLLINS CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: LINDA MARIE CORSARO

FISCAL YEAR 2010 Petition No. 210,105.00

 ASSESSOR Cancel \$1,409.11

S-B-L 272.00-2-36.1 145889 NORTH COLLINS

 Acct. No. 112 \$475.51 County
 Acct. No. 132 \$933.60 Town/SpecialDist/School
 58055 EC#2 SEWER OUT OF DST \$201.63
Charge To : 145889 NORTH COLLINS \$731.97

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: LINDA MARIE CORSARO

FISCAL YEAR 2010 Petition No. 210,106.00

 ASSESSOR Cancel \$1,176.21

S-B-L 171.19-3-6 144889 HAMBURG

 Acct. No. 112 \$337.00 County
 Acct. No. 132 \$839.21 Town/SpecialDist/School
 48117 ERIE CO#3 ARM MCKNY \$267.47
 48118 EC ARM MCKNY \$47.50
 48302 TOWN WIDE WATER \$4.14
 52002 2009 COMM COLLEGE \$2.16
Charge To : 144889 HAMBURG \$517.94

RPTL 550(2): PROPERTY IS OWNED BY THE PEOPLE OF THE STATE OF NEW YORK
NEW TAX BILL TO BE ISSUED TO: STATE OF NEW YORK
JOSEPH DURKIN OFFICE OF MR & DD

FISCAL YEAR 2010 Petition No. 210,107.00

ASSESSOR Cancel \$209.31

S-B-L 171.19-3-7 144889 HAMBURG

Acct. No. 112 \$64.26 County
Acct. No. 132 \$145.05 Town/SpecialDist/School

48117 ERIE CO#3 ARM MCKNY \$7.56

48118 EC ARM MCKNY \$47.50

48302 TOWN WIDE WATER \$0.54

52002 2009 COMM COLLEGE \$0.41

Charge To: 144889 HAMBURG \$89.04

RPTL 550(2): PROPERTY IS OWNED BY THE PEOPLE OF THE STATE OF NEW YORK
NEW TAX BILL TO BE ISSUED TO: THE STATE OF NEW YORK
JOSEPH DURKIN OFFICE OF MR & DD

FISCAL YEAR 2009 Petition No. 210,108.00

ASSESSOR Refund \$255.97

S-B-L 269.19-5-14 145889 NORTH COLLINS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$255.97 Town/SpecialDist/School

Charge To: 145889 NORTH COLLINS \$255.97
Relevy School \$255.97 145801 NORTH COLLINS CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: GARY & KAREN BALONE

FISCAL YEAR 2010 Petition No. 210,109.00

ASSESSOR Cancel \$141.81

S-B-L 269.19-5-14 145889 NORTH COLLINS

Acct. No. 112 \$71.20 County
Acct. No. 132 \$70.61 Town/SpecialDist/School

58050 ERIE CO SEW DST 2 \$16.41

Charge To: 145889 NORTH COLLINS \$54.20

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: GARY & KAREN BALONE

FISCAL YEAR 2010 Petition No. 210,110.00

ASSESSOR Cancel \$270.00

S-B-L 342.09-2-3 143689 COLLINS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$270.00 Town/SpecialDist/School
36064 PROPERTY CLEAN-UP \$270.00
Charge To : 143689 COLLINS \$0.00

RPTL 550(2): CLEAN - UP DEBRIS CHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: RAYMOND & BARBARA COLPOYS

FISCAL YEAR 2010 Petition No. 210,111.00

ASSESSOR Refund \$1,462.19

S-B-L 185.05-1-29.1 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,462.19 Town/SpecialDist/School
2001 GENERAL FUND \$21.61
60141 ERIE CO SEW DST 3 \$560.46
60179 WATER DIST 17-1 \$185.32
Charge To : 146089 ORCHARD PARK \$694.80

RPTL 550(2): PARAPLEGIC VET EXEMPTION NOT CALCULATED CORRECTLY
REFUND TO BE ISSUED TO: MARK J DUNFORD

FISCAL YEAR 2008 Petition No. 210,112.00

ASSESSOR Refund \$263.63

S-B-L 130.00-10-6.1 145400 MARILLA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$263.63 Town/SpecialDist/School
Charge To : 145400 MARILLA \$263.63
Relevy School \$263.63 142001 ALDEN CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR
REFUND TO BE ISSUED TO: BUSH GARDENS MHC, LLC

FISCAL YEAR 2009 Petition No. 210,113.00

ASSESSOR Refund \$269.17

S-B-L 130.00-10-6.1 145400 MARILLA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$269.17	Town/SpecialDist/School
<u>Charge To :</u>	145400 MARILLA	\$269.17	
	Relevy School	\$269.17	142001 ALDEN CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: BUSH GARDENS MHC, LLC

FISCAL YEAR 2008 Petition No. 210,114.00

ASSESSOR Refund \$11.27

S-B-L 151.10-2-1.11 144889 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$11.27	Town/SpecialDist/School
<u>Charge To :</u>	144889 HAMBURG	\$11.27	

RPTL 550(2): SPECIAL DISTRICTS CHARGED IN ERROR
REFUND TO BE ISSUED TO: ALBERTA DYLIK

FISCAL YEAR 2009 Petition No. 210,115.00

ASSESSOR Refund \$19.70

S-B-L 151.10-2-1.11 144889 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$19.70	Town/SpecialDist/School
	48302 TOWN WIDE WATER	\$7.96	
<u>Charge To :</u>	144889 HAMBURG	\$11.74	

RPTL 550(2): SPECIAL DISTRICTS CHARGED IN ERROR
REFUND TO BE ISSUED TO: ALBERTA DYLIK

FISCAL YEAR 2010 Petition No. 210,116.00

ASSESSOR Refund \$16.68

S-B-L 151.10-2-1.11 144889 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$16.68	Town/SpecialDist/School
	48302 TOWN WIDE WATER	\$7.84	
<u>Charge To :</u>	144889 HAMBURG	\$8.84	

RPTL 550(2): SPECIAL DISTRICTS CHARGED IN ERROR
REFUND TO BE ISSUED TO: ALBERTA DYLIK

	Acct. No. 112	\$132.36	County
	Acct. No. 132	\$34.30	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD		\$34.30

RPTL 550(2): PROPERTY SHOULD HAVE BEEN WHOLLY EXEMPT
NEW TAX BILL TO BE ISSUED TO: ECIDA- ATTN MODERN HEAT TREATMENT

FISCAL YEAR 2009 Petition No. 210,121.00

ASSESSOR Refund \$8,104.36

S-B-L 47.07-1-6.11 145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$8,104.36	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD		\$8,104.36
	Relevy School	\$8,104.36	145601 AKRON CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: ICP REALTY

FISCAL YEAR 2010 Petition No. 210,122.00

ASSESSOR Cancel \$3,698.34

S-B-L 47.07-1-6.11 145689 NEWSTEAD

	Acct. No. 112	\$2,896.03	County
	Acct. No. 132	\$802.31	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD		\$802.31

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: ICP REALTY

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.

(6-0)

3. COMM. 2M-6 (2010)

TOWN OF TONAWANDA TOWN BOARD

RESOLVED, the Erie County Legislature goes on the record in support of the following:

WHEREAS, Chapter 278 of the Laws of 1947, as amended, authorizes the County of Erie to impose sales and uses taxes within said county, and authorizes any town within said county to adopt a resolution requesting direct payment of the amount allocated for distribution to such town.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Tonawanda requests that its share of the amount of money collected from the sales/use tax by the County of Erie be paid directly to the Town of Tonawanda, New York in lieu of applying said share to reduce general town and county taxes levied upon real property in the town; and be it further

RESOLVED, that the Clerk of the Board forward certified copies of this resolution to the County Executive, the Commissioner of Finance, and the Clerk of the Erie County Legislature.
(6-0)

4. INTRO 4-2 (2010)
MARINELLI

WHEREAS, the 2010 Erie County Budget, as submitted, explicitly contemplates that Erie County, during 2010-11, will receive approximately \$122 million in net sales tax collections revenue on account of Erie County's continued imposition of additional 1% sales tax rate; and

WHEREAS, the 2010 Erie County Budget further explicitly contemplates that the first \$12.5 million of said net sales tax collections will be shared among Erie County's cities, towns and villages; and

WHEREAS, Erie County derives all of its tax imposing authority directly from State law; and

WHEREAS, Erie County's authority to impose its additional 1% sales tax rate will expire at midnight on November 30, 2010 absent enactment of new State authorizing legislation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby memorializes the NYS Assembly and Senate, particularly those lawmakers who serve as Western New York's delegation in Albany, that immediate introduction of new State authorizing legislation is needed so that Erie County can continue to impose its additional 1% sales tax rate during the period from November 30, 2010 to December 1, 2012; and be it further

RESOLVED, that the County Attorney is hereby directed to prepare the necessary State authorizing legislation and to immediately transmit same to the Honorable Robin Schimminger of the NYS Assembly and the Honorable William Stachowski of the NYS Senate for introduction in Albany; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Honorable Robin Schimminger of the NYS Assembly and the Honorable William Stachowski of the NYS Senate, together with the Division of Budget, Management and Finance, the County Attorney and the County Comptroller.

(6-0)

5. INTRO 4-3 (2010)
KOZUB

WHEREAS, New York State is facing a budget deficit for the year 2010; and

WHEREAS, the State Legislature is currently holding hearings regarding the New York State Budget for 2010 and debating proposed cuts to close the budget gap; and

WHEREAS, the Governor has proposed delaying the payment of state tax refunds to individuals in order to close the deficit in the 2009 budget; and

WHEREAS, many individual taxpayers rely on their tax refund each year to make significant purchases or to pay bills; and

WHEREAS, in this challenging economic climate Erie County is reliant on the upsurge in sales tax from the sale of goods purchased with the proceeds of tax refunds to pay for vital County programs and services; and

WHEREAS, some individuals may calculate their exemptions in such a way as to assume a refund at the end of the year thereby allowing New York State to have access to that revenue throughout the year; and

WHEREAS, those same individuals may now choose to withhold less money by claiming fewer exemptions; and

WHEREAS, the State will no longer have access to those interest earning monies which they hold without New York State paying additional interest to the taxpayer thereby benefitting the State; and

WHEREAS, it is believed by this Honorable Body that the State Legislature and the Governor should work together to close the budget gap through sound fiscal policy in lieu of denying individuals their right to a timely New York State tax refund.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record as opposing the Governor's consideration of using a delay in paying refunds to New York taxpayers as a way to close the budget deficit of the State of New York for the year 2010; and be it further

RESOLVED, that the Erie County Legislature forward certified copies of this resolution to Governor David Paterson, the Western New York State Legislative Delegation, Senate Majority Leader Pedro Espada, Jr., Assembly Speaker Sheldon Silver, and County Executive Chris Collins.
(6-0)

6. INTRO 5-4 (2010)
KENNEDY AS AMENDED

WHEREAS, Woodlawn Beach State Park in the Village of Blasdell just south of the City of Buffalo is a major attraction for both residents of Erie County and those who visit our area; and

WHEREAS, Woodlawn Beach offers a unique one-mile long natural sand beach along the shoreline of Lake Erie with views of downtown Buffalo; and

WHEREAS, Woodlawn Beach also supports a diversity of wildlife habitats including one of the finest freshwater sand dune areas remaining on Lake Erie; and

WHEREAS, the Nature Center at the Woodlawn Beach offers exhibits that highlight the park's natural history, and is used as a special events space for parties and gatherings for Western New York residents; and

WHEREAS, Knox Farm State Park in East Aurora is a new treasure in the State Parks system that offers both historical and environmental attractions for visitors; and

WHEREAS, the acquisition of Ess Kay Farm by New York State, which then became Knox Farm State Park, represented an opportunity to preserve threatened grasslands, an important habitat that is disappearing throughout the Northeast; and

WHEREAS, Woodlawn Beach and Knox Farm State Parks are two important park and recreation areas in Erie County that add to the allure for out of town visitors coming to Erie County and offer recreational opportunities to visitors and residents alike thereby increasing tourism dollars for our local economy; and

WHEREAS, New York State, in facing a significant fiscal crisis, is threatening to close Woodlawn Beach State Park, Knox Farm State Park and Niagara Falls State Park in Western New York; and

WHEREAS, the proposed cuts to the State Parks Budget in New York would only save \$6.5 million, which equals less than half a percent of the projected \$8.2 billion State deficit, but would cost the County of Erie in lost resources for residents and tourism dollars for the area; and

WHEREAS, neglecting Woodlawn Beach and Knox Farm and other State Parks during the closure will necessitate great cost and effort in order to reopen the Parks following the budget crisis.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body stands opposed to the proposed cuts by New York to State Parks, particularly to the closure of Woodlawn Beach State Park and Knox Farm State Park in Erie County, and Niagara Falls State Park in Niagara County and urges the New York State Legislature to rescind this cut and keep State Parks throughout the State open; and be it further resolved

RESOLVED, that a copy of this Certified Resolution be sent to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader John Sampson, State Parks Commissioner Carol Ash and the members of the WNY State Delegation.

(5-0) Legislator Mills not present for vote.

**BARBARA MILLER-WILLIAMS
AS CHAIR OF THE ERIE COUNTY LEGISLATURE**

MR. MILLS moved to return item Number 4 to the FINANCE & MANAGEMENT COMMITTEE for further consideration. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

MR. MILLS moved to amend item Number 6. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Delete the Eighth Whereas in its Entirety, and Replace with the Following:

WHEREAS, New York State, in facing a significant fiscal crisis, is threatening to close Woodlawn Beach State Park and Knox Farm State Park along with other State Parks in Western New York; and

Delete the First Resolved in its Entirety, and Replace with the Following:

RESOLVED, that this Honorable Body stands opposed to the proposed cuts by New York to State Parks, particularly to the closure of Woodlawn Beach State Park and Knox Farm State Park in Erie County, and urges the New York State Legislature to rescind this cut and keep State Parks throughout the State open; and be it further

MR. MILLS moved to approve item Number 6 as amended. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

Item 47 – MR. WALTER presented the following report and moved for immediate consideration and approval. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 59

March 16, 2010	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 17M-5 (2009)

- AFSCME - LOCAL 1095: "Copy of Letter to Chair Marinelli Concerning Intro. 15-6 (2008)"
(5-0) Legislator Fudoli not present for vote.
- b. COMM. 20E-1 (2009)
LOUGHRAN: "Letter Requesting Public Hearing for LL INTRO 9-1 (2009)"
(5-0) Legislator Fudoli not present for vote.
- c. COMM. 20M-2 (2009)
ECFSA: "Copy of Resolutions - Approving Efficiency Grants for the EC Thin Client Technology and EC Real Property Tax Map Conversion"
(5-0) Legislator Fudoli not present for vote.
- d. COMM. 22D-2 (2009)
PERSONNEL COMMISSIONER: "Response to the Finding of the Department of Personnel Audit of Payroll Transactions for 1/1/07 - 12/31/08"
(6-0)
- e. COMM. 22D-4 (2009)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(6-0)
- f. COMM. 22D-7 (2009)
DIRECTOR OF INTERGOVERNMENTAL AFFAIRS: "Real Estate/Space Utilization Quarterly Update"
(6-0)
- g. COMM. 27D-1 (2009)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(6-0)
- h. COMM. 27D-2 (2009)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(6-0)
- i. COMM. 27M-8 (2009)
ECFSA: "Copy of Resolutions - Approving Efficiency Grants for AFSCME Retroactive Bonus Payments and Efficiency Grants for EC Vehicle Replacement"
(6-0)
- j. COMM. 1E-3 (2010)
COUNTY EXECUTIVE: "Appointment of the Commissioner of DISS/CIO"
(6-0)
- k. COMM. 1E-4 (2010)
MARINELLI: "2009 Budget Accountability Act Close-Out Report - Filing Requirements"
(6-0)

- l. COMM. 1D-1 (2010)
COUNTY ATTORNEY: "Transmittal of New Claim Against Erie County"
(6-0)
- m. COMM. 1D-2 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(6-0)
- n. COMM. 1D-5 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(6-0)
- o. COMM. 2D-1 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(6-0)
- p. COMM. 2M-2 (2010)
NIAGARA ERIE REGIONAL COALITION: "EC Legislature Budget Accountability Act -
2009 Close-Out Report"
(6-0)
- q. COMM. 3D-1 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(6-0)
- r. COMM. 3D-2 (2010)
COUNTY ATTORNEY: "Transmittal of New Claim Against Erie County"
(6-0)
- s. COMM. 3D-3 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(6-0)
- t. COMM. 3D-5 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(6-0)
- u. COMM. 3M-15 (2010)
EC BAR ASSOC. - ASSIGNED COUNSEL PROGRAM: "Financial Report for the Period
7/1/09 - 12/31/09, Along With List of Attorneys Who Are Currently on the Panel"
(6-0)
- v. COMM. 3M-16 (2010)
EC BAR ASSOC. - ASSIGNED COUNSEL PROGRAM: "Quarterly Report of the
Assigned Counsel Program for the 4th Quarter of 2009"
(6-0)
- w. COMM. 3M-36 (2010)

NYS LIQUOR STORE ASSOC.: "Letter to Legislature Concerning Opposition to the Sale of Wine in Grocery or Convenience Stores"
(6-0)

- x. COMM. 4D-1 (2010)
COMPTROLLER'S OFFICE: "Letter to Legislature Concerning Appointments to the EC Audit Committee"
(6-0)
- y. COMM. 4D-3 (2010)
COMPTROLLER'S OFFICE: "Letter to Board of Ethics Chair Concerning EC Comptroller Review - Annual Financial Statements, EC Code of Ethics & EC Board of Ethics"
(6-0)
- z. COMM. 4D-4 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(6-0)
- aa. COMM. 4D-7 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(6-0)
- bb. COMM. 4D-8 (2010)
COMPTROLLER'S OFFICE: "Letter to Board of Ethics Chair & Department of Personnel Commissioner Concerning EC Comptroller Review - Annual Financial Statements, EC Code of Ethics & EC Board of Ethics"
(6-0)
- cc. COMM. 4M-46 (2010)
RICHARD L. TACZKOWSKI: "Proposals to Downsize the Legislature"
(6-0)
- dd. COMM. 5D-1 (2010)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(6-0)

**BARBARA MILLER-WILLIAMS
AS CHAIR OF THE ERIE COUNTY LEGISLATURE**

LEGISLATOR RESOLUTIONS

Item 48 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 60

RE: Appointments to the EC Audit
Committee

(INTRO 6-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLER-WILLIAMS, MILLS, BOVE & KENNEDY**

WHEREAS, the Office of the Comptroller has advised that Erie County Legislature that certain appointments are necessary to fill vacancies on the Erie County Audit Committee; and

WHEREAS, Article 26, Section 2617 of the Erie County Charter defines the Audit Committee's membership and specifies that manner of selection for each member.

NOW, THEREFORE, BE IT

RESOLVED, that Legislator Christina W. Bove is hereby appointed as a member of the Erie County Audit Committee for a term ending December 31, 2010; and be it further

RESOLVED, that Legislator John Mills is hereby reappointed as a member of the Erie County Audit Committee for a term ending December 31, 2010; and be it further

RESOLVED, that Courtland LaVallee is hereby reappointed as a member of the Erie County Audit Committee for a term ending December 31, 2012; and be it further

RESOLVED, that Gary Quenneville is reappointed as a member of the Erie County Audit Committee for a term ending December 12, 2012; and be it further

RESOLVED, that Daniel Tirone is hereby appointed as a member of the Erie County Audit Committee for a term ending December 31, 2012; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Audit Committee and Mr. Michael Szukala, Deputy Comptroller for Audit.

Item 49 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 61

RE: Supporting Continued Air Monitoring in
Tonawanda
(INTRO 6-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS HARDWICK & WHYTE**

WHEREAS, the Tonawanda Community Air Quality Study was initiated in July 2007 to evaluate air pollutant concentrations in the industrial area of Tonawanda; and

WHEREAS, the study allowed the New York State Department of Environmental Conservation to calculate the annual average ambient air concentrations of pollutants and characterize the risks posed to the community from specific air pollutants; and

WHEREAS, the monitoring found five hazardous air pollutants over New York State's annual concentration guidelines, including the human carcinogens benzene and formaldehyde; and

WHEREAS, the human carcinogen benzene is known to cause drowsiness, dizziness, headaches, as well as eye, skin, and respiratory tract irritation, and, at high levels, unconsciousness, and various blood disorders; and

WHEREAS, the human carcinogen formaldehyde is known to trigger eye, nose, and throat irritation, wheezing, coughing, fatigue, skin rash, severe allergic reactions, and asthma attacks; and

WHEREAS, the air monitoring in Tonawanda has been essential to identifying polluters in Tonawanda and ensuring regulatory action is taken to protect human health in Tonawanda; and

WHEREAS, the results of the study led the US Attorney General along with the Environmental Protection Agency (EPA), DEC, and US Coast Guard to take action against Tonawanda Coke Corporation for violation of pollution protocols; and

WHEREAS, funding for the Tonawanda Community Air Quality Study will expire in April of 2010; and

WHEREAS, representatives of the DEC have indicated their interest in continuing the monitoring past the expiration of funding.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby support the extension of funding for the air monitoring in Tonawanda; and be it further

RESOLVED, that the Erie County Legislature does hereby urge that the DEC make a long-term commitment to the continued monitoring of the air quality of Tonawanda; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader John Sampson, and the local delegation to the New York State Legislature.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 50 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 62

RE: A Resolution to Support Linta Design
& Manufacturing in its Application for
an Upstate Regional Blueprint Fund
Grant
(INTRO 6-3)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR KOZUB**

WHEREAS, Linta Design and Manufacturing has been in operation as a Canadian business for over 37 years and has recently moved its manufacturing production to the City of Lackawanna; and

WHEREAS, Linta manufactures custom steel fabrications specializing in hydro control products for the hydro power industry; and

WHEREAS, Linta opened their 80,000 square foot facility and began the work to start manufacturing, currently employing 5 people, in January 2010 on the Hamburg Turnpike in Lackawanna; and

WHEREAS, Linta seeks to increase production at the Lackawanna facility to eventually employ between 50 and 100 individuals with good wage jobs producing custom steel fabrications; and

WHEREAS, Linta Design and Manufacturing is seeking a grant from the Empire State Development Corporation's Upstate Regional Blueprint Fund to assist them in continuing to order materials and hire workers to begin full scale manufacturing at their Lackawanna facility; and

WHEREAS, The Upstate Regional Blueprint Fund was designed to finance business investment and infrastructure upgrades and support projects that help provide a framework for future growth in regions with stymied development in the upstate regions of New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports the grant application of Linta Design and Manufacturing for an Upstate Regional Blueprint Fund Grant from the Empire State Development Corporation for expansion of their Lackawanna facility; and be it further

RESOLVED, that the Erie County Legislature forward a certified copy of this resolution to the Empire State Development Corporation.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 51 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 63

RE: Legislature Appointments to the EC Soil
& Water Conservation District Board of
Directors
(INTRO 6-4)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLER-WILLIAMS**

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for Erie County Legislature appointments to the Erie County Soil and Water Conservation District Board of Directors; and

WHEREAS, the proper functioning of the Soil and Water Conservation District on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and

WHEREAS, pursuant to New York State Conservation District Law, of the seven-member District Board, two members are representatives of the County Legislature, one member represents the Grange, one member represents the Farm Bureau and three serve as At-Large Members.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reappoint Minority Leader John J. Mills, and appoint Legislator Christina W. Bove, to the Board of Directors for the Erie County Soil and Water Conservation District as the Legislature's representatives to the board; and be it further

RESOLVED, that the aforementioned appointments shall be effective immediately and expire on December 31, 2010; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Soil and Water Conservation District (50 Commerce Way, East Aurora, NY 14052), and the Erie County Executive's office.

Item 52 – MR. MILLS presented the following resolution and moved for immediate consideration. MR. FUDOLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 64

RE: Opposing Increases in Passport Fees &
Supporting the Passport Relief Act of
2009
(INTRO 6-5)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS, RATH, WALTER, FUDOLI & DIXON**

WHEREAS, the United States State Department has developed a plan which would increase passport fees by as much as \$110 for a family of four; and

WHEREAS, Erie County shares a border crossing with Canada and promotes cross-border tourism and commerce; and

WHEREAS, recent regulations require increased proof of identity and citizenship, which may include a passport, to cross the border; and

WHEREAS, as such, residents of Erie County are disproportionately burdened by an increase in passport fees; and

WHEREAS, increasing fees during difficult economic times is unfair and imprudent; and

WHEREAS, H.R. 1733, the Passport Fee Relief Act of 2009, would allow individual taxpayers a credit for the cost of obtaining travel documents necessary to comply with the terrorist travel and effective screening plan developed under the Intelligence Reform and Terrorism Prevention Act of 2004; and

WHEREAS, the tax credit would include the cost of obtaining documents necessary to cross the border into Canada; and

WHEREAS, the act would reduce the burden on local taxpayers who travel to Canada.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby oppose an increase in passport fees; and be it further

RESOLVED, that the Erie County Legislature supports the passage and enactment of H.R. 1733, the Passport Fee Relief Act of 2009; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to the local delegation to the United States Congress.

MR. MILLS moved to amend the resolution by adding Et Al Sponsorship. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 53 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 6-6 from FUDOLI, DIXON, MILLS, RATH & WALTER. Opposing NYS Assembly Bills A. 1093A, A. 2884, S. 1715A & S. 1712, Which Infringe Upon NYS Residents' Right to Bear Arms.

Item 54 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 6-7 from WHYTE & GRANT. Jail Commissary Funds.

Item 55 – MR. MILLS presented the following resolution and moved for immediate consideration. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 65

RE: Urging the NYS Legislature to Support
the State's Farmland Protection Program
& Environment Protection Program
(INTRO 6-8)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR MILLS**

WHEREAS, agriculture is a significant contributor to New York's economy; and

WHEREAS, farms provide jobs, support local businesses and are part of the industry sectors that have a \$23 billion economic impact annually in New York; and

WHEREAS, farms comprise 7 million acres of land in New York, roughly 25% of the state's land base; and

WHEREAS, farmers have a strong track record of pro-active environmental stewardship in New York; and

WHEREAS, rapidly changing economic conditions threaten the future viability of New York's agricultural industry; and

WHEREAS, 26,000 acres of farmland are developed each year in New York; and

WHEREAS, the State of New York established a Farmland Protection Program in 1992 to assist town and counties in developing and implementing local agricultural farmland protection plans; and

WHEREAS, over \$3 million has been awarded by the Farmland Protection Program to 50 counties and 52 towns to assist in the development of local agricultural and farmland protection plans; and

WHEREAS, the Farmland Protection Program has awarded more than \$173 million to help farmers, local governments and land trusts permanently protect 74,000 acres on 303 farms; and

WHEREAS, demand for Farmland Protection Program has been strong due to the program's popularity, with a record 181 farms seeking \$156 million in state funding to protect 49,500 acres in 2008; and

WHEREAS, funding for the Farmland Protection Program is allocated from the state's Environmental Protection Fund (EPF), a dedicated fund whose principle funding source is a state Real Estate Transfer Tax (RETT); and

WHEREAS, the Governor and State Legislature must take steps this year to protect New York's valuable farmland and strengthen the future for farms across New York.

NOW, THEREFORE, BE IT

RESOLVED, That Erie County does hereby urge state lawmakers to support New York's farmers, the state's agricultural economy and protection of valuable farmland by supporting funding for the Farmland Protection Program and Environmental Protection Fund; and be it further

RESOLVED, that Erie County does hereby oppose drastic cuts to the Farmland Protection Program and the Environmental Protection Fund, as outlined in the Governor's FY 2010-11 Budget Proposal; and be it further

RESOLVED, That the Clerk of Erie County is hereby directed to forward copies of this resolution to Governor David Paterson, Senate Republican Leader Skelos, Senate Democratic Leader Malcolm Smith, Assembly Speaker Sheldon Silver and the local delegation of the New York State legislature, and the American Farmland Trust.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 56 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 5E-5 (2010). MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 66

RE: Buffalo Niagara Convention Center –
2010 - Exhibition Hall Wall, Ceiling &
Floor Renovations; Kitchen & Exhibit
Hall Concession Renovations; Franklin
Street Marquee and Soffit Renovation
(COMM. 5E-5, 2010)

MS. WHYTE moved to amend the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

WHEREAS, in order for the Buffalo Niagara Convention Center (BNCC) to remain competitive in attracting conventions and venues to the BNCC and Erie County, the thirty-five year old facility needs to be retrofitted to meet today's standards and requirements; and

WHEREAS, The Erie County Division of Real Estate and Asset Management has received bids on March 18, 2010 for upgrading and renovating the BNCC Exhibition Hall Walls, Ceiling and Floor; Kitchen and Exhibit Hall Concessions; and Franklin Street Marquee and Soffit Renovations; and

WHEREAS, the Erie County Division of Real Estate and Asset Management, along with the project consultant, BHNT Architects, is recommending award of contracts to the lowest responsible bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts for the projects with the lowest responsible bidders as follows:

BUFFALO NIAGARA CONVENTION CENTER – 2010 – EXHIBITION HALL WALL,
CEILING AND FLOOR RENOVATIONS

GENERAL CONSTRUCTION WORK

LP Ciminelli Construction Corporation

Base Bid

\$1,915,000.00

ELECTRICAL CONSTRUCTION WORK

Ferguson Electric Construction Company, Inc.	Base Bid	<u>\$672,000.00</u>
TOTAL AWARD FOR EXHIBITION HALL WALL, CEILING AND FLOOR RENOVATIONS		\$2,587,000.00

BUFFALO NIAGARA CONVENTION CENTER – 2010 – KITCHEN AND EXHIBIT
HALL CONCESSION RENOVATIONS

GENERAL CONSTRUCTION WORK

BRD, Inc.	Base Bid	\$435,000.00
Add Alternate #1 for Exhibit Hall Concessions	Add	<u>\$12,000.00</u>
TOTAL GENERAL CONSTRUCTION CONTRACT		\$447,000.00

ELECTRICAL CONSTRUCTION WORK

CIR Electrical Construction Corp.	Base Bid	\$154,800.00
Add Alternate #1 for Exhibit Hall Concessions	Add	<u>\$7,200.00</u>
TOTAL ELECTRICAL CONSTRUCTION CONTRACT		\$162,000.00

MECHANICAL CONSTRUCTION WORK

John W. Danforth Company	Base Bid	\$314,000.00
Add Alternate #1 for Exhibit Hall Concessions	Add	<u>\$63,669.00</u>
TOTAL MECHANICAL CONSTRUCTION CONTRACT		\$377,669.00

PLUMBING CONSTRUCTION WORK

L & D Johnson Plumbing & Heating, Inc.	Base Bid	\$321,139.00
Add Alternate #1 for Exhibit Hall Concessions	Add	<u>\$59,284.00</u>
TOTAL PLUMBING CONSTRUCTION CONTRACT		\$380,423.00

FOOD SERVICE EQUIPMENT

Buffalo Hotel Supply Company, Inc.	Base Bid	\$648,558.00
Add Alternate #1 for Exhibit Hall Concessions	Add	<u>\$279,000.00</u>
TOTAL FOOD SERVICE EQUIPMENT CONSTRUCTION CONTRACT		<u>\$927,558.00</u>

TOTAL AWARD FOR KITCHEN AND		\$2,294,650.00
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EXHIBIT HALL CONCESSION
RENOVATIONS

BUFFALO NIAGARA CONVENTION CENTER – 2010 – FRANKLIN STREET
MARQUEE AND SOFFIT RENOVATIONS

GENERAL CONSTRUCTION WORK

Peyton Barlow Company, Inc. Base Bid \$1,215,000.00

ELECTRICAL CONSTRUCTION WORK

Ferguson Electric Construction Company, Inc. Base Bid \$148,500.00

MECHANICAL CONSTRUCTION WORK

Parise Mechanical, Inc. Base Bid \$82,000.00

TOTAL AWARD FOR FRANKLIN STREET
MARQUEE AND SOFFIT RENOVATIONS \$1,445,500.00

TOTAL AWARD OF ALL CONTRACTS NOT
TO EXCEED \$6,327,150.00

and be it further

RESOLVED, that the sum of \$565,947.90 be allocated to a construction contingency fund for all projects 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 accounts as follows:

A.00320	2008 – Convention Center Renovations and Improvements	\$4,893,097.90
	2009 – Convention Center Renovations and Improvements	\$1,000,000.00
	2010 – Convention Center Renovations and Improvements	<u>\$1,000,000.00</u>

TOTAL PAYMENTS NOT TO EXCEED \$6,893,097.90

and be it further

RESOLVED, that two certified copies of this resolution be sent to the 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.

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

CARRIED UNANIMOUSLY.

Item 57 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 4E-8 (2010). MS. MARINELLI 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. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS & MS. WHYTE. NOES: None. (AYES: 15; NOES: 0)

CARRIED.

RESOLUTION NO. 67

RE: Bond Resolution - Demolition of
Properties at EC Medical Center
Corporation Campus
(COMM. 4E-8, 2010)

RESOLUTION NO. 67-2010

BOND RESOLUTION DATED MARCH 25, 2010

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING THE DEMOLITION OF VARIOUS COUNTY-OWNED BUILDINGS AT THE ECMCC GRIDER CAMPUS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$2,500,000, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING \$1,250,000 TO BE PAID BY THE ERIE COUNTY MEDICAL CENTER CORPORATION, AND AUTHORIZING THE ISSUANCE OF \$1,250,000 BONDS OF THE COUNTY TO PAY THE COST THEREOF.

(Introduced) MARCH 25, 2010

(Adopted) MARCH 25, 2010

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 demolish various County-owned buildings at the Erie County Medical Center Corporation Grider Campus, including the costs of a demolition contractor and any sub contractors hired to deconstruct the buildings, remediate any necessary environmental hazards in said various buildings, relocate utilities, hauling and site remediation expenses; all pursuant to an agreement dated December 30, 2009 between the County and the Erie County Medical Center Corporation (the “ECMCC”). To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2010 Capital Budget of the County, such Budget shall be deemed and is hereby amended. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,500,000 and said amount is hereby appropriated therefor, including the expenditure of \$1,250,000 in funds expected to be paid by the ECMCC (the “ECMCC Funds”). The plan of financing for such specific object or purpose includes the expenditure of the \$1,250,000 ECMCC Funds and the issuance of \$1,250,000 bonds of the County to finance the balance of said appropriation and 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.

Section 2. Bonds of the County in the amount of \$1,250,000 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 a portion of said appropriation.

Section 3. The period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 12-a of the Law, is ten (10) years.

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 specific object or purpose 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, or a summary thereof, 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.

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

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

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

CARRIED.

Item 58 – MR. MILLS moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 4E-4 (2010). MR. RATH seconded.

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

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI & CHAIR MILLER-WILLIAMS. NOES: MR.

WALTER, MS. BOVE, MS. GRANT, MR. KENNEDY, MR. MAZUR & MS. WHYTE. (AYES: 9; NOES: 6)

CARRIED.

RESOLUTION NO. 68

RE: Declaration of Need - County Capital
Borrowing
(COMM. 4E-4, 2010)

FORM OF COUNTY OF ERIE
DECLARATION OF NEED

I, Chris Collins, County Executive of the County of Erie (the "County"), a municipal corporation of the State of New York, acting pursuant to Title 3 of Article 10-D of the New York Public Authorities Law (the "Act"), and further pursuant to the Financing Agreement dated as of May 1, 2010 between the Erie County Fiscal Stability Authority, a public benefit corporation of the State of New York (the "Authority") and the County (the "Agreement") HEREBY DETERMINE AND CERTIFY as follows:

1. A need for financing assistance, as described in Section 3961(1) of the Act, is hereby determined and declared to exist. The amounts of the Financeable Costs hereby requested to be undertaken are set forth on Appendix I hereto, which Appendix I is incorporated herein as an integral part of this Declaration of Need.

2. The County represents and affirms that the foregoing financing of Financeable Costs by the Authority is authorized by the Act and is consistent with the current adopted County budget and that such Financeable Costs could be financed by the County by the issuance of its bonds or notes as of the date of this Declaration of Need, there being in effect with respect to each capital project constituting such a Financeable Cost (i) findings or other proceedings meeting the requirements of the State Environmental Quality Review Act and (ii) all proceedings necessary under the County Charter and all other applicable State law necessary to authorize the appropriation and expenditure of County funds for such purposes.

3. The County reaffirms the provisions of the Agreement, including but not limited to each of the covenants, agreements and indemnities therein and agrees herein to provide prompt notice of any fact or circumstances which would with the passage of time or otherwise give rise to any violation or contravention of the terms of this Declaration of Need, the Agreement or any financial plan submitted to or approved by the Authority.

4. Pursuant to the Act, the financing plan reflected in this Declaration of Need and the Agreement, the Authority is hereby requested to finance, in whole or in part, the Financeable Costs set forth in Appendix I hereto, including the County capital projects identified therein or as may be designated in the County's capital budget, if any, as in effect from time to time. In no event shall the amount of such financing in any fiscal year exceed the amount of the Declaration of Need for such year, as it may be amended from time to time by an amended Declaration of Need.

5. The County understands and agrees to provide the Authority with any supporting data, descriptions or materials which the Authority requests in connection with any Financeable Costs referred to in this Declaration of Need.

All terms in this Declaration of Need not otherwise defined herein shall have the meanings set forth in the Agreement.

Appendix I to County of Erie Declaration
of Need Submitted to the Erie County Fiscal
Stability Authority on _____, 20__

2010A Bonds

Rehabilitation of Ralph Wilson Stadium	\$11,450,000
Botanical Gardens Master Plan Reconstruction (Buffalo)	5,000,000
Convention Center Renovations and Improvements (Buffalo)	8,000,000
Waterproofing and Rehabilitation of Old County Hall (Buffalo)	1,000,000
Court Facility Exterior Envelope, Waterproofing and Repairs (Buffalo)	2,450,000
Rath Building Low Rise Elevator Modernization	500,000
Code Compliance and Reconstruction of County Buildings (Countywide)	2,133,000
Countywide Code and Environmental Compliance	1,000,000
Roof Replacement and Waterproofing of Building Enclosures (Countywide)	2,600,000
Space Consolidation and Relocation (Countywide)	1,400,000
Countywide IT and Communication Room Fire Suppression Systems (Countywide)	1,100,000
Countywide Fire Alarm and Security Improvements	1,000,000
Capital Overlay and Road Reconstruction Program-County Road Fund (Countywide)	13,200,000
Road Reconstruction Projects Federal Aid Program DPW Como Park Blvd.	125,000
Road Reconstruction Projects Federal Aid Program DPW Wehrle Drive	1,000,000
Road Reconstruction Projects Federal Aid Program DPW Maple Road	627,100
Road Design Projects Federal Aid Program DPW (Countywide)	7,500
Unanticipated Road and Bridge Costs-Design and Construction (Countywide)	100,000
Unanticipated Road and Bridge Construction Federal Aid Projects	75,000

Unanticipated Road and Bridge Design and ROW Federal Aid Program (Design Only)	8,200
Unanticipated Road and Bridge Design and ROW Federal Aid Program (Right of Way Acquisition)	1,800
Intersection Improvements (Construction Only) Maple Road at Flint	160,000
Intersection Improvements (Construction Only) Youngs/Aero	56,000
Intersection Improvements (Construction Only) Harris Hill at Wehrle and Pleasantview	115,950
Intersection Improvements (Right of Way Acquisition) Harris Hill at Wehrle and Pleasantview	2,550
Intersection Improvements – Federal Aid Program (Maple Road at Flint; and North Forest and Hopkins)	181,150
Tonawanda Creek Road (Construction Only)	525,000
Tonawanda Creek Road (Right of Way Acquisition)	50,000
Bridge Reconstruction Projects Federal Aid Program Freeman Road Bridge Construction	125,000
Bridge Reconstruction Projects Federal Aid Program Seneca Street Bridge Reconstruction	160,000
Bridge Reconstruction Projects Federal Aid Program Cemetery Road Bridge Reconstruction	144,500
Bridge Reconstruction Projects Federal Aid Program Pavement Road Bridge Reconstruction	189,900
Bridge Reconstruction Projects Federal Aid Program Unanticipated Bridge Reconstruction	172,500
Bridge Reconstruction Projects Federal Aid Program (Right of Way Acquisition) Cemetery Road Bridge Reconstruction	80,500
Bridge Reconstruction Projects Federal Aid Program (Right of Way Acquisition) Pavement Road Bridge Reconstruction	10,100
Bridge Reconstruction Projects Federal Aid Program Parkview Road Bridge Reconstruction	380,000
Bridge Reconstruction Projects Federal Aid Program Reconstruction Shortfalls (Freeman Road Bridge, Seneca Street Bridge, Cemetery Road Bridge and Pavement Road Bridge)	346,750
Bridge Design Projects Federal Aid Program Freeman Road Bridge Supplemental	5,000
Bridge Design Projects Federal Aid Program Pavement Road Bridge Supplemental	7,500
Bridge Design and Right of Way Projects Federal Aid Program (Design Only) (Freeman Road Bridge)	10,800
Bridge Design and Right of Way Projects Federal Aid Program (Design Only) (Seneca Street Bridge)	3,750
Bridge Design and Right of Way Projects Federal Aid Program (Design Only) (Pavement Road Bridge)	8,500
Bridge Design and Right of Way Projects Federal Aid Program (Design Only)	30,000

(Cedar Street Bridge)

Bridge Design and Right of Way Projects Federal Aid Program (Design Only) (Clarence Center Road Bridge)	16,840
Bridge Design and Right of Way Projects Federal Aid Program (Design Only) (Swift Mills Road Bridge)	17,500
Bridge Design and Right of Way Projects Federal Aid Program (Design Only) (Rapids Road Bridge)	15,000
Bridge Design and Right of Way Projects Federal Aid Program (Design Only) (Lake Avenue Bridge)	10,000
Bridge Design and Right of Way Projects Federal Aid Program (Design Only) (Abbott Road Bridge)	8,000
Bridge Design and Right of Way Projects Federal Aid Program (Right of Way Acquisition and Construction) (Freeman Road Bridge)	950
Bridge Design and Right of Way Projects Federal Aid Program (Right of Way Acquisition and Construction) (Seneca Street Bridge)	2,500
Road Design and Right of Way Projects Federal Aid Program DPW (Design Only) (East Robinson/North French Road)	6,127
Road Design and Right of Way Projects Federal Aid Program DPW (Design Only) (North Forest Road)	16,000
Road Design and Right of Way Projects Federal Aid Program DPW (Right of Way Acquisition) (East Robinson/North French Road)	78,900
Road Design and Right of Way Projects Federal Aid Program DPW (Right of Way Acquisition) (North French Road)	15,000
Road Reconstruction FEMA Projects (Groth, Vermont Street, Blakeley Corner and Zoar Valley)	485,000
Road Design and Right of Way – FEMA Projects (Design Only) (Tonawanda Creek, Groth, Vermont Street, Blakeley Corner and Zoar Valley)	85,000
Road Design and Right of Way – FEMA Projects (Right of Way Acquisitions) (Tonawanda Creek, Groth, Vermont Street, Blakeley Corner and Zoar Valley)	10,000
FEMA Projects Road Reconstruction (Groth Road and Vermont Street)	451,765
Hopkins Road Slide - Design	225,000
Preservation of Roads	15,400,000
Preservation of Bridges, Culverts and Dams	4,500,000
2009 Bridge and Road Reconstruction Projects Federal Aid Program (Cemetery Road Bridge, Elmwood Avenue Signals, Greiner/Shimerville Intersection, Harris Hill/Wehrle Intersection, Harris Hill/Pleasantview Intersection, Maple Road, North Forest Road, Parkview Road Bridge, Pavement Road Bridge, Seneca Street Bridge and Youngs/Aero Intersection)	5,013,260
2009 Federal Aid Projects – Design (Abbott Road Bridge, Bridge Painting, Clarence Center Road Bridge, Colvin/Brighton Intersection, East Robinson/North French, Elmwood Avenue, Freeman Road Bridge, Kenmore Avenue, Lake Avenue Bridge, Mill Street Bridge, Pavement Road Bridge,	1,017,334

Rapids Road Bridge, Seneca Street Bridge, and Swift Mills Road Bridge)

2009 Federal Aid Projects Right-of-Way (Cemetery Road Bridge, Colvin/Brighton Intersection, East Robinson/North French, Freeman Road Bridge, North Forest Road Bridge, and Pavement Road Bridge)	884,600
Dingens Street Drainage Construction	300,000
Hopkins Road/Ransom Creek Reconstruction	1,180,000
Preservation of Bridges and Culverts - Design	3,000,000
Roof Replacement Correctional Facility (Alden)	5,000,000
Security Improvements Correctional Facility (Alden)	200,000
Video Surveillance Upgrade Correctional Facility	175,000
Renovations to Yankee Compound Correctional Facility	800,000
Renovations to Medical Facility Holding Center	150,000
Roof Replacement Holding Center	2,500,000
Upgrade to Health Records Module	700,000
Various Improvements to Holding Center	875,000
Inmate Showers	350,000
Computer and Data Management Upgrades (Jail Management)	800,000
Public Safety Communications System (800 MGHZ) (Countywide)	1,565,000
Emergency Services Project Public Safety Communications System (400 MGHZ)	5,300,000
Renovations to Training Center Complex (Cheektowaga)	2,975,000
Renovations to Fire Training Center Complex (Amherst and Chestnut Ridge Park)	2,000,000
Social Services Project Renovations to Office Space	800,000
Computer Network Replacement and Upgrades	2,700,000
Data Center Information Storage	300,000
SAP Functionality Expansion/Business Intelligence	160,000
Business Continuity/Disaster Planning	250,000

Regional Fiber Optic Network Build-Out	290,000
Managed Availability Services - Business Continuity/Disaster Planning	1,500,000
Purchase of Miscellaneous Equipment (Countywide) ECC	7,200,000
Exterior Building Renovations (Buffalo) ECC	1,800,000
Exterior Building Restorations (Buffalo) ECC	1,300,000
Campus Security and Safety - ECC	700,000
Replacement of Flickinger Center Roof and HVAC Equipment	1,750,000
ECC Electrical Upgrades (Amherst)	750,000
ECC Energy Performance Contract (City Campus)	3,000,000
Replacement of Highway Vehicles	700,000
Improvements to Chestnut Ridge Park Casino	750,000
Improvements to Wendt Beach Mansion Building	150,000
Medical/Health Information System	900,000
Security Improvements at Various Clinics	200,000
Library – Replace Fuel Tank and Parking Lot Storage Space	150,000
Buffalo Zoological Children’s Exhibit	1,000,000
Bicycle/Pedestrian Trail Construction	300,000
Improvements to Times Beach	100,000
Board of Elections – Purchase of Voting Machines	500,000
Central Library Rehabilitation	200,000
Bethlehem Steel Redevelopment	500,000
Countywide Parks Improvements	3,014,000
New DMNA Building (Frank Lloyd Wright Boathouse)	850,000
2001 Urban Brownfield Redevelopment	995,714
ECC North and South Campus Various Improvements	3,000,000
Buffalo Zoological Gardens Recreational Improvements	4,000,000

2010 Bridge and Road Reconstruction Projects Federal Aid Program (Colvin Blvd. Signals, Como Park Blvd., Wehrle Drive, Cemetery Road Bridges, Cedar Street Bridge, North Forest Road, Maple Road Intersections, Pavement Road Bridges, Seneca Street Bridge and Bridge Painting)	3,962,330
2010 Federal Aid Projects – Design (Elmwood Avenue Signals, Cedar Street Bridge, Pavement Road Bridges, North Forest Road, and Bridge Painting)	184,040
2010 Federal Aid Projects Right-of-Way (Greiner/Shimerville Intersection, Seneca Street Railroad Bridge, and North Forest Road)	85,800
2010 Road Reconstruction FEMA Projects (Vermont Street Site 9)	176,000
2010 Road Reconstruction FEMA Projects (Zoar Valley Site 2)	106,000
2010 Road Right of Way FEMA Projects (Blakeley Corners Road Site 2, Blakeley Corners Road Site 3, Zoar Valley Site 2 and Vermont Street Site 9)	60,000
2010 Preservation of Bridges and Culverts Construction	2,000,000
2010 Preservation of Bridges and Culverts Right of Way	500,000
2010 Dam Safety and Preservation – Inspection and Design	500,000
2010 USACE Design (Burdick Road)	225,000
2010 USACE Right of Way (Hopkins Road)	100,000
2010 USACE Construction (Hopkins Road)	920,000
Environmental Compliance SPDES	300,000
Replacement of Fleet Vehicles	3,947,090
Replacement of Fleet Vehicles	200,000
Jail Management Security and Control Systems Upgrade	800,000
Sheriff Civil Process Computer System	244,000
Jail Management Food Service and Equipment	300,000
Park Amenities	115,000
Park Bridges and Culverts – Design	325,000
Park Roads, Pathways and Parking Lot Repairs	300,000
Library – Replace Central Library Escalators with Elevators	2,335,000
Sherwood Greenway Trail (Tonawanda)	217,740
	\$169,384,540

2010B Bonds

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ECSD # 1 NR Generator	50,000
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ECSD # 4 Old School House	400,000
ECSD # 5 Transit Road Rehab Partial	150,000
ECSD # 5 Chlorine Building Structural Rehab	150,000
ECSD # 6 Michelle Drive Sanitary	100,000
	\$4,630,000

MR. MILLS moved to amend the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Delete the Resolution in its Entirety and Replace with the Following:

**FORM OF COUNTY OF ERIE
DECLARATION OF NEED**

I, Chris Collins, County Executive of the County of Erie (the "County"), a municipal corporation of the State of New York, acting pursuant to Title 3 of Article 10-D of the New York Public Authorities Law (the "Act"), and further pursuant to the Financing Agreement dated as of May 1, 2009 between the Erie County Fiscal Stability Authority, a public benefit corporation of the State of New York (the "Authority") and the County (the "Agreement") HEREBY DETERMINE AND CERTIFY as follows:

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3. The County reaffirms the provisions of the Agreement, including but not limited to each of the covenants, agreements and indemnities therein and agrees herein to provide prompt notice of any fact or circumstances which would with the passage of time or otherwise give rise to any violation or contravention of the terms of this Declaration of Need, the Agreement or any financial plan submitted to or approved by the Authority.

4. Pursuant to the Act, the financing plan reflected in this Declaration of Need and the Agreement, the Authority is hereby requested to finance, in whole or in part, the Financeable Costs set forth in Appendix I hereto, including the County capital projects identified therein or as may be designated in the County's capital budget, if any, as in effect from time to time. In no event shall the amount of such financing in any fiscal year exceed the amount of the Declaration of Need for such year, as it may be amended from time to time by an amended Declaration of Need.

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Space Consolidation and Relocation (Countywide)	1,400,000
Countywide IT and Communication Room Fire Suppression Systems (Countywide)	1,100,000
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Capital Overlay and Road Reconstruction Program-County Road Fund (Countywide)	13,200,000
Road Reconstruction Projects Federal Aid Program DPW Como Park Blvd.	125,000
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Road Reconstruction Projects Federal Aid Program DPW Maple Road	627,100
Road Design Projects Federal Aid Program DPW (Countywide)	7,500
Unanticipated Road and Bridge Costs-Design and Construction (Countywide)	100,000
Unanticipated Road and Bridge Construction Federal Aid Projects	75,000
Unanticipated Road and Bridge Design and ROW Federal Aid Program (Design Only)	8,200
Unanticipated Road and Bridge Design and ROW Federal Aid Program (Right of Way Acquisition)	1,800
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Bridge Reconstruction Projects Federal Aid Program Seneca Street Bridge Reconstruction	160,000

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Security Improvements Correctional Facility (Alden)	200,000
Video Surveillance Upgrade Correctional Facility	175,000
Renovations to Yankee Compound Correctional Facility	800,000
Renovations to Medical Facility Holding Center	150,000
Roof Replacement Holding Center	2,500,000
Upgrade to Health Records Module	700,000

Various Improvements to Holding Center	875,000
Inmate Showers	350,000
Computer and Data Management Upgrades (Jail Management)	800,000
Public Safety Communications System (800 MGHZ) (Countywide)	1,565,000
Emergency Services Project Public Safety Communications System (400 MGHZ)	5,300,000
Renovations to Training Center Complex (Cheektowaga)	2,975,000
Renovations to Fire Training Center Complex (Amherst and Chestnut Ridge Park)	2,000,000
Social Services Project Renovations to Office Space	800,000
Computer Network Replacement and Upgrades	2,700,000
Data Center Information Storage	300,000
SAP Functionality Expansion/Business Intelligence	160,000
Business Continuity/Disaster Planning	250,000
Regional Fiber Optic Network Build-Out	290,000
Managed Availability Services - Business Continuity/Disaster Planning	1,500,000
Purchase of Miscellaneous Equipment (Countywide) ECC	7,200,000
Exterior Building Renovations (Buffalo) ECC	1,800,000
Exterior Building Restorations (Buffalo) ECC	1,300,000
Campus Security and Safety - ECC	700,000
Replacement of Flickinger Center Roof and HVAC Equipment	1,750,000
ECC Electrical Upgrades (Amherst)	750,000
ECC Energy Performance Contract (City Campus)	3,000,000
Replacement of Highway Vehicles	700,000
Improvements to Chestnut Ridge Park Casino	750,000
Improvements to Wendt Beach Mansion Building	150,000
Medical/Health Information System	900,000
Security Improvements at Various Clinics	200,000

Library – Replace Fuel Tank and Parking Lot Storage Space	150,000
Buffalo Zoological Children’s Exhibit	1,000,000
Bicycle/Pedestrian Trail Construction	300,000
Improvements to Times Beach	100,000
Board of Elections – Purchase of Voting Machines	500,000
Central Library Rehabilitation	200,000
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2010 Preservation of Bridges and Culverts Right of Way	500,000
2010 Dam Safety and Preservation – Inspection and Design	500,000
2010 USACE Design (Burdick Road)	225,000
2010 USACE Right of Way (Hopkins Road)	100,000
2010 USACE Construction (Hopkins Road)	920,000

Environmental Compliance SPDES	300,000
Replacement of Fleet Vehicles	3,947,090
Replacement of Fleet Vehicles	200,000
Jail Management Security and Control Systems Upgrade	800,000
Sheriff Civil Process Computer System	244,000
Jail Management Food Service and Equipment	300,000
Park Amenities	115,000
Park Bridges and Culverts – Design	325,000
Park Roads, Pathways and Parking Lot Repairs	300,000
Library – Replace Central Library Escalators with Elevators	2,335,000
Sherwood Greenway Trail (Tonawanda)	217,740
Demolition of Buildings at ECMCC Grider Campus (Buffalo)	1,250,000
	\$170,634,540

2010B Bonds

ECSD # 1 Cayuga HVAC	\$150,000
ECSD # 1 Broadway PS Elim	100,000
ECSD # 1 NR Generator	50,000
ECSD # 2 Conner’s Sewer Relocation	120,000
ECSD # 3 Greenmeadow Sewer	550,000
ECSD # 3 Boilers Stowns	725,000
ECSD # 3 Roof Repairs	120,000
ECSD # 3 Incinerator Realign	100,000
ECSD # 3 Stowns Plant Upgrade Phase II	915,000
ECSD # 3 Boston State Sanitary	400,000
ECSD # 4 Glendale	600,000
ECSD # 4 Old School House	400,000

ECSD # 5 Transit Road Rehab Partial	150,000
ECSD # 5 Chlorine Building Structural Rehab	150,000
ECSD # 6 Michelle Drive Sanitary	100,000
	\$4,630,000

MR. MILLS moved to approve the item as amended. MR. RATH seconded.

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

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI & MS. WHYTE. NOES: MR. WALTER, MS. BOVE, MS. GRANT, MR. MAZUR & CHAIR MILLER-WILLIAMS. (AYES: 10; NOES: 5)

CARRIED.

Item 59 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 4E-27 (2010). MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 69

RE: State Authorization for the Private Sale
of Bonds by Negotiated Agreement
(COMM. 4E-27, 2010)

HOME RULE REQUEST – ASSEMBLY

WHEREAS, the County’s authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2010; and

WHEREAS, Assembly Bill A.9941 and Senate Bill S.6833, now pending before the New York State Legislature, would authorize extension of the County’s authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2011;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A.9941, entitled “AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie”.

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

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

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Assembly and two copies to the New York State Senate.

HOME RULE REQUEST – SENATE

WHEREAS, the County's authority to arrange for the underwriting of bonds or notes at private sale through negotiated agreement expires on June 30, 2010; and

WHEREAS, Senate Bill S.6833 and Assembly Bill A.9941, now pending before the New York State Legislature, would authorize extension of the County's authority to arrange for underwriting of bonds or notes at private sale through negotiated agreement through June 30, 2011;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S.6833, entitled "AN ACT to amend the local finance law, in relation to the sale of municipal obligations by the county of Erie".

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

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

Such request is made by the chief executive officer of such municipality, concurred with by a majority of the total membership of the local legislative body.

AND BE IT FURTHER RESOLVED, that the Clerk of the Legislature be directed to forward copies of this home rule request, certified by the Erie County Executive and the Clerk of the Erie County Legislature, two copies to the New York State Senate and two copies to the New York State Assembly.

MS. MARINELLI moved to approve the item. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 60 – (COMM. 6E-1) 2009 Preliminary Unaudited General Fund Operating Results

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR WHYTE

Item 61 – (COMM. 6E-2) Letter to Legislator Mazur in Relation to WNY Women's Fund Research Initiative, "Pathways to Progress"

Item 62 – (COMM. 6E-3) Letter to Legislator Mazur in Relation to the John R. Oishei Foundation's Mobile Safety-Net Team

The above two items were received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CHAIR MILLER-WILLIAMS

Item 63 – (COMM. 6E-4) Memo to Legislature Clerk Including Constituent Complaint Involving EC Sheriff Deputy

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 64 – (COMM. 6E-5) Memo to Legislature Clerk Including Constituent Letter Involving Health Insurance Enrollment/Change Form

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR KOZUB

Item 65 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MR. KOZUB abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 70

RE: Lease Agreement for Legislative Office
Space
(COMM. 6E-6)

RESOLVED, the Erie County Executive is hereby authorized to sign a Two (2) Year Lease Agreement with Peter A. Vinolus for Legislative office space for Daniel M. Kozub, located at 609 Ridge Rd., Lackawanna, New York for a monthly rate of \$650.

FROM LEGISLATOR RATH

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

CARRIED. (14-0-1)

RESOLUTION NO. 71

RE: Lease Agreement for Legislative Office
Space
(COMM. 6E-7)

RESOLVED, the Erie County Executive is hereby authorized to sign a Two (2) Month Lease Agreement with Center Associates for Legislative office space for Edward A. Rath, III, located at 5500 Main St., Williamsville, New York for a monthly rate of \$690.00.

FROM THE COUNTY EXECUTIVE

Item 67 – (COMM. 6E-8) Award of Construction Contract, Engineering & Construction Inspection Services - Rehabilitation of Cayuga Creek Road Bridge - At William Street - Town of Cheektowaga

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 68 – (COMM. 6E-9) EC Sewer District No. 3 - Contract 36 - Change Order No. 1

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 69 – (COMM. 6E-10) 929 South Park Avenue - NYS DMNA Depot

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 70 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 72

RE: Memorialization of Additional 1% Sales
Tax Rate
(COMM. 6E-11)

WHEREAS, Erie County is requesting authorization to continue to impose an additional one percent sales and compensating use tax pursuant to New York State Tax Law 1210 (i)(4); and

WHEREAS, the revenue anticipated from this additional tax will allow the County of Erie to continue to provide services deemed vital to the community, while maintaining a balanced budget; and

WHEREAS, the Office of the Erie County Attorney has prepared the necessary State authorizing legislation to effectuate the continued imposition of sales and compensation use tax; and

WHEREAS, Erie County derives all of its tax imposing authority directly from State law; and

WHEREAS, Erie County's authority to impose its additional 1% sales tax rate will expire at midnight on November 30, 2010 absent enactment of new State authorizing legislation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby memorializes to the NYS Assembly and Senate, particularly those lawmakers who serve as Western New York's delegation in Albany, that immediate introduction of new State authorizing legislation is needed so that Erie County can continue to impose its additional 1% sales tax rate; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Honorable Robin Schimminger of the NYS Assembly and the Honorable Bill Stachowski of the NYS Senate, together with the Department of Budget, the County Attorney, the County Executive and the County Comptroller.

MS. WHYTE moved to amend the item. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Insert the Following Immediately After the First Whereas Clause:

WHEREAS, the 2010 Erie County Budget, as submitted, explicitly contemplates that Erie County, during 2010-2011, will receive approximately \$122 million in net sales tax collections revenue on account of Erie County's continued imposition of additional 1% sales tax rate; and

WHEREAS, the 2010 Erie County Budget further explicitly contemplates that the first \$12.5 million of said net sales tax collections will be shared among Erie County's cities, towns and villages; and

MS. WHYTE moved to approve the item as amended. MS. MARINELLI 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. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS & MS. WHYTE. NOES: None.
(AYES: 15; NOES: 0)

CARRIED.

Item 71 – (COMM. 6E-12) Adoption of a Supplemental Action List to the NYS Environmental Quality Review - Type II Action List

Item 72 – (COMM. 6E-13) EC Sewer District No. 4 - Contract 36 - Change Order No. 1

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

Item 73 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 73

RE: Approval of Settlement Agreement
Between EC & ECMCC
(COMM. 6E-14)

MS. WHYTE moved to amend the item. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

WHEREAS, the County has provided financial support to the Erie County Medical Center Corporation (ECMCC) since its creation as a public benefit corporation in 2004, and provided financial support to the Erie County Medical Center Healthcare Network before 2004, all of which has been essential to the mission of providing health services to the residents of Erie County regardless of their ability to pay; and

WHEREAS, the Parties entered into a Sale, Purchase and Operation Agreement effective January 1, 2004, as amended August 1, 2004 (the “SPOA”), providing for the ECMCC’s purchase of certain buildings and improvements owned by the County and for the financial independence, increased flexibility, additional and alternate revenue streams and independent decision-making of ECMCC while intending that ECMCC continue as a general, municipal hospital serving the health care needs of the residents of Western New York, including those of the underinsured and uninsured; and

WHEREAS, in conjunction with the SPOA, the Parties executed a fifty-year ground lease on January 28, 2004 (the “Ground Lease”) whereby ECMCC leased from the County certain real property located on Grider Street, Buffalo, New York (the “Grider Street Property”) and certain real property located on Walden Avenue, Alden, New York (the “Walden Avenue Property”) (collectively referred to as the “Demised Premises”); and

WHEREAS, to resolve certain issues between the County and ECMCC that had given rise to litigation between the two, while leaving certain other issues to be resolved in the future, the Parties

entered into a Consent Decree on February 24, 2006 as ordered by the Supreme Court of the State of New York, County of Erie (Makowski, J.) (the "Consent Decree"); and

WHEREAS, over time, the County and ECMCC have developed a complex fiscal relationship requiring, among other things, that the County provide various supplemental Medicaid payments to ECMCC, which are matched dollar for dollar by the federal government; and

WHEREAS, the Consent Decree acknowledged, among other things, (a) that certain issues relating to the Parties' fiscal relationship after January 1, 2010 that arose in the underlying litigation were left unresolved; (b) that the Parties were obligated by the Consent Decree to negotiate those issues in good faith with the intent of reaching an agreement; and (c) that the Parties were free to seek further judicial intervention to reach an agreement; and

WHEREAS, the County and ECMCC have conducted extended negotiations and have met with the New York State Supreme Court, County of Erie, as a part of the negotiation process and now desire to resolve and settle such remaining issues between them in accordance with law.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to execute and deliver the negotiated settlement Agreement, subject to any necessary approvals; and be it further

RESOLVED, that the County Executive is hereby authorized to execute such related and ancillary documents and agreements that the Erie County Attorney deems necessary or appropriate to effectuate the terms of the negotiated settlement Agreement, subject to any necessary approvals; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Attorney, Director of Budget, Management and Finance, the Comptroller and the Chief Executive Officer of the Erie County Medical Center Corporation.

MS. WHYTE moved to approve the item as amended. MR. KENNEDY 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. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS & MS. WHYTE. NOES: None.
(AYES: 15; NOES: 0)

CARRIED.

Item 74 – (COMM. 6E-15) Department of Central Police Services - Jr. Programmer Analyst
- Two Positions

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 75 – (COMM. 6E-16) Award of Construction Contract, Construction Inspection Services - Seneca Creek Road Culvert Replacement - Town of West Seneca

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 76 – (COMM. 6E-17) Department of Emergency Services - Partnership with ECC to Provide College Credit for Firefighter Training

Item 77 – (COMM. 6E-18) Central Police Services Fiscal Year 2008 Aid to Lab Grant

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

Item 78 – (COMM. 6E-19) CPTAP County Assessing Initiative Award

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 79 – (COMM. 6E-20) Transfer of Homeland Security Vehicle to City of Buffalo

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 80 – (COMM. 6E-21) EC Sewer District No. 3 - Contract No. 1ST-G, General Contract Close Out

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 81 – (COMM. 6E-22) Award of Construction Contract, Design Construction Services & Construction Inspection Services - Replacement of Rapids Road Bridge Over Beeman Creek - Town of Clarence

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE SHERIFF

Item 82 – (COMM. 6E-23) EC Sheriff's Office - Unified Court System Contract

Item 83 – (COMM. 6E-24) EC Sheriff's Office - Local Government Records Management Grant

Item 84 – (COMM. 6E-25) EC Sheriff's Office - Personnel Adjustments

Item 85 – (COMM. 6E-26) EC Sheriff's Office - K-9 Trust Account Transfer

Thw above four items were received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 86 – (COMM. 6D-1) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF REAL PROPERTY TAX SERVICES

Item 87 – (COMM. 6D-2) Letter in Response to the "Audit of the Payment In Lieu of Tax "Pilot" Process for the Period 1/1/06 - 12/31/08"

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 88 – (COMM. 6D-3) DPW - Demolition of Buildings at the ECMCC Grider Campus

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 89 – (COMM. 6D-4) Letter to EC Legislature in Relation to the First Budget Monitoring Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE EC BOARD OF ELECTIONS

Item 90 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 74

RE: Letter & Resolution - Acceptance of
Elections Grant Contracts
(COMM. 6D-5)

WHEREAS, the New York State Board of Elections has forwarded certain grant extensions and contracts to the Erie County Board of Elections for approval and execution; and

WHEREAS, the acceptance and execution by the Commissioners of the Erie County Board of Elections would provide for the receipt of grant money in the aggregate amount of \$1,097,825.00 for the specific purposes of establishing, expanding and improving access to and participation by individuals with a full range of disabilities in the election process, as well as the education of voters on the proper use of new voting systems including ballot marking devices; and

WHEREAS, the Commissioners of the Erie County Board of Elections believe the funds to be obtained under these contracts to be beneficial to the residents of the County and are desirous of entering into said contracts and extensions; and

WHEREAS, the approval of this legislative body is a pre-requisite for the acceptance of these agreements by the Erie County Board of Elections.

NOW, THEREFORE, BE IT

RESOLVED that the Erie County Legislature does hereby approve and accept the following contracts and does hereby authorize the Commissioners of the Erie County Board of Elections to execute the same entitled and designated as:

- 1) NYS Voter Education/Poll Training Grant - \$583,803.00 (time extension)
- 2) HHS Voting Access for Individuals with Disabilities Polling Place Improvement Grant - \$140,234.00 (time extension)
- 3) HHS 2007-2008 Voting Access for Individuals with Disabilities Polling Place Access Improvement Gant - \$35,713.00 (time extension)
- 4) NYS Voting Access for Individuals with Disabilities Polling Place Access Improvement Grant - \$291,901.00 (time extension)
- 5) HHS- 2009 Voting Access for Individuals with Disabilities Polling Place Access Improvement Grant - \$46,174.00 (new)

and be it further

RESOLVED that certified copies of this resolution be forwarded to the Erie County Board of Elections for the purpose of accompanying the transmittal of the aforesaid executed agreements, and also to the County Comptroller and Director of Budget & Management.

FROM THE COUNTY ATTORNEY

Item 91 – (COMM. 6D-6) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO & EC NAVAL & MILITARY PARK

Item 92 – (COMM. 6M-1) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM SHAKESPEARE IN DELAWARE PARK

Item 93 – (COMM. 6M-2) 2010 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 94 – (COMM. 6M-3) Notice of Certification - Brownfield Cleanup Program - Cleanup Activities to Begin at Union Ship Canal

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO ARTS STUDIO

Item 95 – (COMM. 6M-4) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY
BOARD OF TRUSTEES

Item 96 – (COMM. 6M-5) Minutes of Meeting Held 2/18/10

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NATION

Item 97 – (COMM. 6M-6) Article Entitled, "The Power of Transparency"

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM AMERICA'S EDGE

Item 98 – (COMM. 6M-7) Article Entitled, "Strengthening New York Businesses Through Investments in Early Care and Education"

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE PROFESSOR OF
SOCIAL & PREVENTIVE MEDICINE, UB

Item 99 – (COMM. 6M-8) Letter to Legislator Whyte Concerning Obesity

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE PRESIDENT & CEO OF
GATEWAY-LONGVIEW FOUNDATION

Item 100 – (COMM. 6M-9) Letter to Legislator Whyte Concerning Gateway-Longview's Residential Treatment Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE DIRECTOR, R.N., M.S.N.,
BUFFALO PUBLIC SCHOOLS

Item 101 – (COMM. 6M-10) Letter to Legislator Whyte Concerning Calorie Posting

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMMUNITY COLLABORATION FOR
QUALITY CHILD CARE IN DOWNTOWN BUFFALO, NY

Item 102 – (COMM. 6M-11) Article Entitled, "Buffalo Child Care Means Business"

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE UNIVERSITY AT
BUFFALO REGIONAL INSTITUTE

Item 103 – (COMM. 6M-12) Article Entitled, "Playing an Insecure Hand"

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THOMAS MARKS

Item 104 – (COMM. 6M-13) Letter to Legislator Rath Concerning Wind Turbine Projects

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 105 – CHAIR MILLER-WILLIAMS announced that the committee schedule for upcoming meetings has been distributed.

Item 106 – MR. KOZUB announced best wishes to everyone for Easter and Passover.

Item 107 – MR. LOUGHRAN announced appreciation for all those who attended the tour of ECC City Campus, and extended an invitation to a scheduled tour of ECC North Campus to be held on Tuesday, April 20, 2010 at 1:30 p.m.

Item 108 – MS. GRANT announced that she will be conducting a State of the County Community Meeting, to be held on Tuesday, March 30, 2010 from 5:30 to 7:30 p.m. at the Frank E. Merriweather Library (1324 Jefferson Ave., Buffalo, NY 14208).

MEMORIAL RESOLUTIONS

Item 109 – Chair Miller-Williams requested that when the Legislature adjourns, it do so in memory of Mr. Hardie Lockwood.

Item 110 – Legislator Bove requested that when the Legislature adjourns, it do so in memory of Martin Breen Hourhan.

Item 111 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Marilyn Coyne and Mary Ann (Schroeder) Shaloiko.

Item 112 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Dorothy Collier.

Item 113 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Douglas Cobb, her brother-in-law.

ADJOURNMENT

Item 114 - 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, April 22, 2010 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, April 22, 2010 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE