

ERIE COUNTY LEGISLATURE
MEETING NO. 8
APRIL 23, 2009

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Mr. Reynolds, who requested a moment of silence, and recognized April 28, 2009 as Workers Memorial Day in the County of Erie.

The Pledge of Allegiance was led by Mr. Mills.

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 7 from 2009. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MAZUR presented a Memorial Resolution Honoring the Memory of Ralph C. Jones.

Item 6 – MR. KENNEDY presented a Memorial Resolution for Antoinette J. (Cucinotta) Sciandra.

Item 7 – MS. IANNELLO presented a resolution Congratulating Elderwood Health Care at Riverwood for Being Named Business of the Year by the Grand Island Chamber of Commerce.

Item 8 – MS. IANNELLO presented a resolution Congratulating John's Pizza and Subs for Being Named Small Business of the Year by the Grand Island Chamber of Commerce.

Item 9 – MS. IANNELLO presented a resolution Congratulating Calvin R. VanderMey on Being Named Civic Person of the Year by the Grand Island Chamber of Commerce.

Item 10 – MS. IANNELLO presented a resolution Congratulating Grand Island American Legion Post for Being Named Organization of the Year by the Grand Island Chamber of Commerce.

Item 11 – MS. IANNELLO presented a resolution Congratulating Angela Maria Diebold for Being Named Community Service Person of the Year by the Grand Island Chamber of Commerce.

Item 12 – MS. IANNELLO presented a resolution Congratulating Kathleen M. Fik for Being Named Educator of the Year by the Grand Island Chamber of Commerce.

Item 13 – MS. IANNELLO presented a resolution Congratulating Anthony J. Gorney on His Election as Chief of the Kenmore Volunteer Fire Company for 2009-2010.

Item 14 – MS. IANNELLO presented a resolution Congratulating Brendan J. Kiefer on His Election as First Assistant Chief for the Kenmore Volunteer Fire Company for 2009-2010.

Item 15 – MS. IANNELLO presented a resolution Congratulating Chief Todd S. Bieron on His Election as Second Assistant Chief for the Kenmore Volunteer Fire Company for 2009-2010.

Item 16 – MS. IANNELLO presented a resolution Congratulating Jeffrey C. Tamsen on His Election as Firemanic Captain for the Kenmore Volunteer Fire Company for 2009-2010.

Item 17 – MS. IANNELLO presented a resolution Congratulating Shannon Whitney for Being Elected Firemanic Captain for the Kenmore Volunteer Fire Company for 2009-2010.

Item 18 – MS. IANNELLO presented a Memorial Resolution for Richard R. Quider.

Item 19 – MR. KENNEDY presented a Memorial Resolution Honoring the Memory of Dennis J. O'Connor.

Item 20 – MS. IANNELLO presented a resolution Celebrating Earth Day - April 22, 2009 - with the Launch of the Green Generation Campaign.

Item 21 – CHAIR MARINELLI presented a resolution Congratulating Mehrl F. King, Erie County Commissioner of Jurors, on His Retirement.

Item 22 – CHAIR MARINELLI presented a resolution Congratulating James Tuppen on His Retirement from the Erie County Department of Law.

Item 23 – MS. IANNELLO presented A Proclamation Declaring April as Child Abuse Prevention Month in Erie County.

Item 24 – MR. MAZUR & MR. KENNEDY presented a resolution Remembering the Life and Contributions to the Community of Rev. S. Theodore Berg, Pastor Emeritus of St. Teresas Church.

Item 25 – MR. KOZUB presented a resolution Honoring Rev. Dr. David Gordon Persons for the Exemplary Standard of Service that He has Exhibited in His Personal, Professional and Spiritual Life, and Wishing Him a Long & Happy Retirement.

Item 26 – MR. REYNOLDS presented a resolution Proclaiming April 28, 2009 as Workers Memorial Day in the County of Erie and Ask All New York to Remember Those Workers Who Have been Killed, Injured or Disabled on the Job.

Item 27 – MR. REYNOLDS presented a resolution Recognizing May 3 - May 9, 2009 as Municipal Clerks Week in Erie County and Further Extend Appreciation to All Municipal Clerks for the Vital Services They Perform.

Item 28 – MR. WALTER presented a resolution Recognizing Wendell B. Butler for His Hard Work, Dedication and Service to the Boy Scouts of America in Achieving the Rank of Eagle Scout.

Item 29 – MR. WALTER presented a resolution Recognizing Michael Joseph Hanley for His Hard Work, Dedication and Service to the Boy Scouts of America in Achieving the Rank of Eagle Scout.

Item 30 – MR. MILLS presented a resolution Recognizing Grace Gentner for Her Years of Dedication, Commitment and Service to the Concord Historical Society.

Item 31 – MR. MILLS presented a resolution Recognizing John Zabawa's 30 Years of Service to the EC Dept. of Public Works.

Item 32 – MR. REYNOLDS presented a resolution Honoring the 2008 "The Boners" Softball Team as the Defending Champions of the Over 40 Buffalo Softball League.

Item 33 – CHAIR MARINELLI, MR. MILLS, MR. KOZUB, MR. KENNEDY, MS. MILLER-WILLIAMS, MS. KONST, MS. GRANT, MR. MAZUR, MR. WROBLEWSKI, MS. IANNELLO, MR. REYNOLDS & MR. LOUGHRAN presented a resolution Congratulating Marcia E. Olszewski on Her Retirement from EC Social Services.

Item 34 – MR. MILLS presented a resolution Congratulating Dennis J. Mill on Being Named Orchard Park Republican Committee 2009 Republican of the Year.

Item 35 – MS. KONST presented a resolution Honoring Our Lady of Pompeii on Their Centennial.

MS. WHYTE moved for consideration of the above thirty-one items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above thirty-one items by adding one for MS. KONST and one for MR. REYNOLDS, and further amended the items by including Et Al Sponsorship. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above thirty-three items as amended. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

Item 36 – MS. WHYTE moved to take COMM. 8E-9 out of order. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded. MS. KONST voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 105

RE: Reappointment/Appointment of
Commissioner of the EC Water
Authority
(COMM. 8E-9)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of FRANCIS G. WARTHLING, 346 Willett Rd., Blasdell, NY 14219, to the Erie County Water Authority for a three (3) year term commencing April 28, 2009 and expiring on April 27, 2012.

***CHAIR MARINELLI directed that the Legislature enter into recess at 3:00 P.M.

***CHAIR MARINELLI reconvened the Legislature at 7:16 P.M.

All members present.

LOCAL LAWS

Item 37 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 38 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2008 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 39 – MS. WHYTE moved to remove Local Law Int. No. 1 (Print #1) 2009 from the table. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW INTRO NO. 1 - 2009

LOCAL LAW NO. - 2009

A LOCAL LAW Entitled, "THE STRATEGIC DEVELOPMENT ACT" for the creation of an Erie County Planning Board.

LEGISLATIVE INTENT

On April 19, 2007 the Erie County Legislature ("Legislature") adopted the Erie Niagara Framework for Regional Growth ("Framework") as the guiding policy document concerning land use decisions throughout Erie County ("County"). The Framework identifies the establishment of an Erie County Planning Board ("Planning Board") as an important first step in implementing the policies set forth in the Framework.

New York General Municipal Law provides for the counties of New York State ("State") to form county planning boards to focus on opportunities and issues best addressed on a county-wide scale, help establish productive linkages between communities as well as with State and federal agencies, foster cooperation among governmental agencies in the planning and implementation of capital projects, and promote inter-municipal cooperation in the provision of public services.

The Legislature hereby finds and determines that:

- Policy and action recommendations regarding land use in the County of Erie, the effects of which can impact future generations from the standpoint of environmental protection, transportation, population density, resource allocation, clean air, clean water, public health, economic growth, groundwater protection, and sustainable and balanced development, should be made by independent, informed and qualified members of a County Planning Board;
- 58 of the 62 counties in New York State and almost all other metropolitan areas of the United States have some form of regional planning body;
- Long-term decision-making and policy recommendations should be made by people with a diversity of opinions and interests and who are not controlled or dominated by outside forces;
- A County Planning Board can assist the Erie County Executive, the Erie County Legislature and the many municipalities of the County by providing balanced, thoughtful and informed guidance on matters of land planning, land use and capital planning; and
- The voting members of the County Planning Board are required to be people who have demonstrated by experience or advocacy a knowledge of matters related to land use, planning or the environment and shall include representatives of "developing," "developed" and "rural" areas of the County as categorized by the Framework.

The purpose of this law is to establish an Erie County Planning Board consistent with the foregoing intent and New York General Municipal Law Article 12-B.

Therefore, BE IT ENACTED BY THE LEGISLATURE AS FOLLOWS:

OPERATIVE SECTIONS

Section 1. Creation and Membership of the Planning Board

- a. An Erie County Planning Board shall be created consisting of nineteen (19) members.

- b. The members of the Planning Board shall, subject to the further qualifications in Section 2 below, be as follows:

Thirteen (13) Voting Members. The Planning Board shall have thirteen (13) voting members appointed as follows:

- Eight (8) members based on their residency (“Resident Members”), four (4) of which to be appointed by majority vote of the Erie County Legislature and four (4) of which to be appointed by the Erie County Executive, in conformity with the municipality categories identified in Section 2-c below;
- Two (2) members (“Certified Planner Members”) who shall be planners certified by the American Institute of Certified Planners (“AICP”) of the American Planning Association, one of which to be (1) appointed by majority vote of the Erie County Legislature and one of which to be (1) appointed by the Erie County Executive;
- One (1) member (“Municipal Planning Member”) who shall be a municipal planner or a member of a municipal planning board and who shall be appointed by majority vote by the Erie County Legislature from up to three (3) persons recommended by the Association of Erie County Governments;
- One (1) member (“For-Profit Member”), appointed by the Erie County Executive, who shall be affiliated with a for-profit entity involved in real estate sales, development or construction; and
- One (1) member (“Not-For-Profit Member”), appointed by majority vote of the Erie County Legislature, who shall be affiliated with a not-for-profit organization with a mission that includes the improvement of: land use, transportation, equitable public investment or preservation of the built or natural environment.

Six (6) Non-Voting Members. The Planning Board shall have six (6) ex-officio, non-voting members who shall be:

- i. The director or commissioner of the Erie County Department of Environment and Planning or such person’s designee;
- ii. The director or commissioner of the Erie County Department of Public Works or such person’s designee;
- iii. The executive director of the Greater Buffalo Niagara Regional Transportation Council or such person’s designee;
- iv. The executive director of the Erie County Industrial Development Agency or such person’s designee;
- v. The chair of the Erie County Soil and Water Conservation District or such person’s designee; and

- vi. The director of the Erie County Agricultural and Farmland Protection Board or such person's designee.

Section 2. Qualifications for Members of the Planning Board

- a. Each Planning Board voting member shall be a resident of Erie County at the time of appointment and shall remain a resident of Erie County while holding a position as a member of the Planning Board.
- b. Prior to appointment each Planning Board voting member shall have demonstrated to the appointing authority a verifiable involvement in or advocacy for the improvement of: land use, real estate development, equitable public investment, growth management, transportation, the environment or regional, urban or rural planning, for a period of not less than three (3) years.
- c. In order to assure a geographical and population balance of Resident Members and to have voting member representation from "developed," "developing" and "rural" areas of the County as categorized in the Erie Niagara Framework for Regional Growth:
 - (i) one (1) of the Resident Members appointed by the Erie County Legislature and one (1) of the Resident Members appointed by the Erie County Executive shall be a resident of the City of Buffalo ("City of Buffalo Resident Members");
 - (ii) one (1) of the Resident Members appointed by the Erie County Legislature and one (1) of the Resident Members appointed by the Erie County Executive, shall be a resident of one of the six (6) most populous cities and towns (or of any village within such towns) in the County, excluding the City of Buffalo (the "Large Municipality Resident Members");
 - (iii) one (1) of the Resident Members appointed by the County Legislature and one (1) of the Resident Members appointed by the County Executive shall be a resident of one of the nine (9) most populous cities and towns (or of any village within such towns) in the County, excluding the City of Buffalo and the six (6) cities and towns referenced in subsection 2-c-(ii) above (the "Mid-Size Municipality Resident Members"); and
 - (iv) one (1) of the Resident Members appointed by the County Legislature and one (1) of the Resident Members appointed by the County Executive shall be a resident of a city or town (or of any village within any such town) other than the City of Buffalo and the 16 cities or towns referenced in subsections 2-c-(ii) and 2-c-(iii) above (the "Small Municipality Resident Members").

The cities and towns that shall be the basis for the selection of Large Municipality, Mid-Size Municipality and Small Municipality Resident Members shall be determined by the municipality population statistics available from the United States Census Bureau's most recent actual census as of a date 90 days prior to the first day of the term of the Resident Member position being filled by the appointment.

Not less than 30 days prior to the making of the appointments based on municipal residence, the County of Erie shall seek solicitations of interest for these positions. Such solicitations shall be made in the customary form of public notice advertisements utilized by the County for positions of employment and such other forms of notification the appointing authority shall deem appropriate.

- d. Prior to making the appointment of a Certified Planner Member the appointing authority shall seek solicitations of interest and recommendations for such position from individuals and organizations such as the chapter of the American Planning Association that encompasses Erie County.
- e. No person shall be reappointed as a voting member unless such person has, for each year as a voting member, fulfilled the current training and continuing education requirements for Planning Board members as established by the State of New York and the County Legislature.
- f. Vacancies occurring among the appointed voting members shall be filled within 75 days by the respective appointing body or officer and be subject to the same qualifications, procedures and other requirements as provided herein.

Section 3. Term of Planning Board Members

Voting members shall be appointed to serve for a term of three (3) years except that the terms of the initial voting members shall be as follows:

One (1) Year -

- The City of Buffalo Resident Member appointed by the Erie County Legislature;
- The Large Municipality Resident Member appointed by the Erie County Executive;
- The Mid-Size Municipality Resident Member appointed by the Erie County Legislature;
- The Small Municipality Resident Member appointed by the Erie County Executive.

Two (2) Years -

- The City of Buffalo Resident Member appointed by the Erie County Executive;
- The Certified Planner Member appointed by the Erie County Legislature;
- The Large Municipality Resident Member appointed by the Erie County Legislature;
- The Mid-Size Municipality Resident Member appointed by the Erie County Executive;
- The Municipal Planning Member appointed by the Erie County Legislature.

Three (3) Years -

- The For-Profit Member appointed by the Erie County Executive;

- The Not-for-Profit Member appointed by the Erie County
Legislature;
- The Small Municipality Resident Member appointed by the Erie County
Legislature;
- The Certified Planner Member appointed by the Erie County
Executive.

No person shall serve more than two (2) consecutive three-year terms as a voting member on the Board, including the completion of a term of another voting member. Any previous member who has served such two (2) consecutive three-year terms shall not be eligible to serve again until two (2) years following the last date of the most recent of such consecutive terms served.

Section 4. Meetings

- a. At the first meeting of the Planning Board in each calendar year, the Board shall elect a voting member as chairperson and another voting member as vice-chairperson. The chairperson and vice-chairperson shall serve in such positions for that year. The vice-chairperson shall serve in the absence of the chairperson and in such other capacity as the chairperson shall delegate.
- b. The Planning Board shall annually establish a schedule of regular meetings for the year.
- c. Unless otherwise provided by law, a majority of the currently appointed voting members shall constitute a quorum at any duly held meeting of the Planning Board.
- d. The affirmative vote of a majority of all voting members shall be required for Planning Board action on any matter.

Section 5. Procedures

- a. The director or commissioner of the Erie County Department of the Environment and Planning or such person's designee shall serve as secretary of the Planning Board.
- b. The Planning Board shall adopt standards of conduct and disclosure of interests intended to ensure that the actions of the Planning Board are carried out in an ethical manner which standards shall be consistent with the standards, if any, recommended for planning boards by the State of New York or by any national organization of municipal planners.
- c. The Planning Board may adopt such rules and procedures for the efficient and orderly conduct of its business as it deems necessary or appropriate. Such rules and procedures shall provide reasonable opportunity for public comment and engagement.

- d. The Planning Board may adopt requirements for attendance by Planning Board members at educational programs that exceed the requirements of the State of New York.

Section 6. Powers and Functions

a. Powers. The Planning Board shall have all powers and perform all the duties now or hereafter conferred or imposed on it by law, including those powers conferred by New York State General Municipal Law Sections 239-c, 239-l and 239-m, but not the review of subdivision plats as provided for in Section 239-n.

b. Functions. Consistent with its powers the Planning Board may undertake functions and activities intended to improve land use in the County such as:

- assisting municipalities in local land use decisions;
- educating elected and appointed officials on matters relating to planning and land use;
- assisting developers in planning and facilitating new developments consistent with the recommendations of the Erie Niagara Framework for Regional Growth or otherwise deemed to be beneficial to the County;
- providing a collective location for information relating to land use, land availability, applicable land use controls and demographics;
- coordinating land use decisions between and among municipalities and governmental agencies; and
- serving as a forum for public input and discussion on significant land use projects and issues.

The Planning Board shall report annually to the County Legislature as required by New York General Municipal Law and to the County Executive, the County Legislature and each municipality of the County. Such reports, to be delivered within 60 days after the end of each calendar year, shall include the current state of land use planning in the County and the relationship of such planning with the guidelines of the Erie Niagara Framework for Regional Growth and any other comprehensive plans, guidelines and policies established by the County.

Section 7. Staffing

The Planning Board shall be staffed by:

- (1) an Executive Director who shall be selected by and serve at the will of the Planning Board and who shall have the following qualifications:
 - (a) A minimum of three (3) years of administrative experience in a private, public or not-for-profit organization involved in issues of land use, development or the improvement or preservation of the built or natural environment;
 - (b) experience interacting with a variety of constituencies such as board members, staff members, volunteers, land owners, developers and other

- real estate professionals, government officials, media, not-for-profit groups;
- (c) familiarity with state and local requirements relating to land use and development; and
 - (d) a demonstrated understanding of urban and regional planning; and
- (2) an Administrative Assistant who shall be selected by and serve at the will of the Executive Director. All personnel and other Board expenditures shall be subject to appropriation of funding by the Erie County Legislature.

Section 8. Severability

Should any provision of this local law be deemed void or invalid or become unenforceable, the validity, enforceability or effect of the balance of this local law shall not be deemed impaired or affected in any manner.

Section 9. Effective Date

The Planning Board established by this local law shall commence operations as of January 1, 2010 but this law shall become effective immediately to allow the process of selection and appointment of Planning Board voting members to commence and to enable the hiring of an Executive Director and staff person(s) prior to the commencement of Planning Board operations.

Co-Sponsors:

Maria R. Whyte
Lynn M. Marinelli
Betty Jean Grant
Thomas J. Mazur
Barbara Miller-Williams
Timothy M. Kennedy

MS. WHYTE moved to approve Local Law Int. No. 1 (Print #1) 2009. MS. GRANT seconded.

CHAIR MARINELLI directed that a roll-call be taken.

AYES: MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS and MS. WHYTE.
NOES: MR. MILLS, MR. RATH, MR. WALTER, MR. KOZUB, MR. REYNOLDS and MR. WROBLEWSKI. (AYES: 9; NOES: 6)

CARRIED.

COMMITTEE REPORTS

Item 40 – MS. GRANT presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 106

APRIL 7, 2009	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 5
---------------	---

ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4M-6 (2009)
BUFFALO NIAGARA CONVENTION & VISITORS BUREAU: "Legislature Budget
Accountability Act - 2008 Close-Out Report"
(7-0)
 - b. COMM. 4M-7 (2009)
BUFFALO NIAGARA CONVENTION CENTER: "Legislature Budget Accountability Act -
2008 Close-Out Report"
(7-0)
 - c. COMM. 6M-5 (2009)
BUFFALO NIAGARA CONVENTION & VISITORS BUREAU, INC.: "2009 Operating
Budget"
(7-0)
 - d. COMM. 6M-6 (2009)
BUFFALO NIAGARA CONVENTION CENTER MANAGEMENT CORPORATION:
"2009 Operating Budget"
(7-0)

BETTY JEAN GRANT
CHAIR

Item 41 – MR. KOZUB presented the following report and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 107

APRIL 7, 2009	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 5
---------------	---

ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 3-2 (2009)
KENNEDY, WHYTE, MILLER-WILLIAMS & GRANT: “Directing County Executive to Develop an Emergency Action Plan to Ensure that Vital Preventative Service Programming Will Be Available in the Event that Funding for the Community Optional Preventative Services (COPS) Program is Eliminated”
(7-0)
 - b. COMM. 6D-7 (2009)
COMMISSIONER OF ENVIRONMENT & PLANNING: “Negative Declaration - Proposed Rules & Regulations for Sanitary Sewers for ECSD Nos. 1, 2, 3, 4, 5, 6 & 8”
(7-0)
 - c. COMM. 6M-1 (2009)
NYS DEC: “Fact Sheet Concerning Leica Site in Town of Cheektowaga”
(7-0)
 - d. COMM. 6M-4 (2009)
NYS DEC: “Fact Sheet - Environmental Investigation & Cleanup Plan - 1132 & 1146 Seneca St. Site, Bflo. - Available for Public Comment”
(7-0)
 - e. COMM. 6M-8 (2009)
NYS FISH & WILDLIFE MANAGEMENT BOARD: “Agenda Items for Region 9 Board Meeting Held 3/12/09”
(7-0)
 - f. COMM. 6M-11 (2009)
TOWN OF BOSTON TOWN BOARD: “Copy of Certified Resolution Opposing Establishment of an Erie County Planning Board”
(7-0)
 - g. COMM. 6M-12 (2009)
EC SOIL & WATER CONSERVATION DISTRICT: “2009 Budget Plan”
(7-0)
 - h. COMM. 6M-13 (2009)
WNY AREA LABOR FEDERATION: “Copy of Article, Entitled "Conclusions And Policy Options" Concerning Green Initiatives”
(7-0)
 - i. COMM. 6M-16 (2009)

BUFFALO NIAGARA PARTNERSHIP: "Copy of Letter to Majority Leader Maria R. Whyte Concerning Proposed Erie County Planning Board"
(7-0)

2. COMM. 6E-4 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 61PSB to DV Brown & Associates for HVAC improvements at 3 existing pumping stations in Erie County Sewer District No. 2; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 61PSB, Herr Road, Buffalo Beach and Shore Cliff Pumping Stations Modifications, in the final contract amount of \$131,617.00 which includes Change Order No. 1 (final), a decrease of \$11,183.00 and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 61PSB, Herr Road, Buffalo Beach and Shore Cliff Pumping Station Modifications between the County of Erie and DV Brown & Associates, 567 Vickers Street, Tonawanda NY 14150 is accepted in the amount of \$131,617.00 which includes (final), Change Order No. 1, a decrease of \$11,183.00 and is allocated in Erie County Sewer District No. 2, Bond Account C.00002; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Martin A. Polowy, Second Assistant, Erie County Attorney.
(7-0)

3. COMM. 6E-10 (2009)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature confirms the appointment/reappointment of the following individuals to the Erie County Fisheries Advisory Board for the terms stated:

Appointment

<u>Name</u>	<u>Term Expires</u>
Mr. Richard Davenport 208 Walter Ave. Tonawanda, NY 14150	December 31, 2009
Mr. Joseph Jemiolo 4898 Lanford Rd. North Collins, NY 14111	December 31, 2010

Mr. Paul Stoos
1845 Clinton St.
Buffalo, NY 14206

December 31, 2011

Reappointment

Name

Term Expires

Mr. Anthony Scime
242 Southwood Dr.
Buffalo, NY 14223

December 31, 2011

Mr. Gerald May, Sr.
5858 Lakecrest Dr.
Lakeview, NY 14085

December 31, 2011

(7-0)

DANIEL M. KOZUB
CHAIR

Item 42 – MS. KONST presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 108

April 7, 2009	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 6
---------------	---

ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 1E-3 (2009)
COMPTROLLER: “Comptroller's Preliminary Review of Proposed 2009-2010 New York State Executive Budget”
(6-0)
 - b. COMM. 5E-29 (2009)
COMPTROLLER: “Letter from Comptroller to County Executive - RE: Status of Capital Projects - 2009”
(6-0)
 - c. COMM. 6E-2 (2009)

COMPTROLLER: "Erie County Payments - Bonded Capital Projects"
(6-0)

d. COMM. 6E-12 (2009)
MILLS, RATH & WALTER: "Copy of Letter to County Comptroller Concerning State
Emergency Management Office (SEMO) Reimbursement"
(6-0)

e. INTRO 7-5 (2009)
WALTER, MILLS & RATH: "Requesting the New York State Legislature to Vote Against
the Proposed 2009 New York State Budget"
(6-0)

f. COMM. 7M-2 (2009)
SENATOR STACHOWSKI: "Copy of NYS Senate Bill Concerning Real Property Tax Law
in Relation to Sales Tax Factor Applicable to STAR Exemptions"
(6-0)

2. COMM. 19D-2 (2008)
REAL PROPERTY TAX SERVICES AS AMENDED
WHEREAS, the Erie County Director of Real Property Tax Services has received
applications for corrected tax billings and / or refunds for taxes previously paid in accordance with
New York State Real Property Tax Law sections 554 and 556; and

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

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 209109 through 209158, 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	2008	Petition No. 209,109.00
OWNER	Cancel	\$655.44
S-B-L 111.440-3-13	140200 BUFFALO	
	Acct. No. 112	\$0.00 County
	Acct. No. 132	\$655.44 Town/SpecialDist/School
52850 RPTL520	\$655.44	
<u>Charge To:</u>	140200 BUFFALO	\$0.00

RPTL 550(2): INCORRECT RPTL520 APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: CARL H CAMPBELL

FISCAL YEAR 2009 Petition No. 209,110.00

ASSESSOR Cancel \$311.16

S-B-L 249.20-3-17 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$311.16 Town/SpecialDist/School
Charge To : 144489 EVANS \$311.16

RPTL 550(2): DELIQUENT WATER CHARGED TO THE WRONG PARCEL
NEW TAX BILL TO BE ISSUED TO: FREDERICK GARRASI JR

FISCAL YEAR 2009 Petition No. 209,111.00

ASSESSOR Cancel \$99,789.35

S-B-L MULTIPLE PAR 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$99,789.35 Town/SpecialDist/School
22034 INCORRECT ASSESSED VALUE \$99,789.35
Charge To : 142289 AMHERST \$0.00

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILLS TO BE ISSUED TO: MULTIPLE PEOPLE

FISCAL YEAR 2009 Petition No. 209,112.00

ASSESSOR Cancel \$1,055.27

S-B-L 134.54-2-37.1 146800 WEST SENECA

Acct. No. 112 \$318.50 County
Acct. No. 132 \$736.77 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$736.77

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: JOHN & MARGARET O'NEIL

FISCAL YEAR 2009 Petition No. 209,113.00

ASSESSOR Cancel \$95.00

S-B-L 143.20-2-2 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$95.00 Town/SpecialDist/School
68003 GRASS CUTTING \$95.00

Charge To : 146800 WEST SENECA \$0.00

RPTL 550(2): GRASS CUTTING FEE CHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: JOHN A & CARLA M ZAROWSKI

FISCAL YEAR 2009 Petition No. 209,114.00

ASSESSOR Cancel \$14,110.33

S-B-L 134.14-2-8.22 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$14,110.33 Town/SpecialDist/School

Charge To : 146800 WEST SENECA \$14,110.33

RPTL 550(2): INCORRECT WATER GALLONAGE CHARGED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: IVYBROOKE EQUITY ENTERPRISE, LLC

FISCAL YEAR 2009 Petition No. 209,115.00

ASSESSOR Cancel \$59.67

S-B-L 262.07-2-5 145000 HOLLAND

Acct. No. 112 \$0.00 County
Acct. No. 132 \$59.67 Town/SpecialDist/School

Charge To : 145000 HOLLAND \$59.67

RPTL 550(2): FAILED TO APPLY AN AGED STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: TOLLINI SOPHIE MARIE

FISCAL YEAR 2009 Petition No. 209,116.00

ASSESSOR Cancel \$343.12

S-B-L 289.00-1-22 143889 CONCORD

Acct. No. 112 \$252.29 County
Acct. No. 132 \$90.83 Town/SpecialDist/School

Charge To : 143889 CONCORD \$90.83

RPTL 550(2): AGRICULTURAL BUILDING EXEMPTION OMITTED
NEW TAX BILL TO BE ISSUED TO: KENNETH & DORRIS HOFFMAN JR

FISCAL YEAR 2009 Petition No. 209,117.00

ASSESSOR Cancel \$100.66

S-B-L 33.00-4-4 145689 NEWSTEAD

	Acct. No. 112	\$80.30	County
	Acct. No. 132	\$20.36	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD		\$20.36

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION
NEW TAX BILL TO BE ISSUED TO: DONALD SCHULTZ

FISCAL YEAR 2009 Petition No. 209,118.00

ASSESSOR Cancel \$144.37

S-B-L 351.00-3-15.2 143689 COLLINS

	Acct. No. 112	\$92.70	County
	Acct. No. 132	\$51.67	Town/SpecialDist/School
<u>Charge To :</u>	143689 COLLINS		\$51.67

RPTL 550(2): FAILED TO APPLY A DISABLED VETERANS EXEMPTION
NEW TAX BILL TO BE ISSUED TO: JAMES LEMKE

FISCAL YEAR 2006 Petition No. 209,119.00

ASSESSOR Refund \$206.96

S-B-L 211.13-2-19.1 142600 BOSTON

	Acct. No. 112	\$151.36	County
	Acct. No. 132	\$55.60	Town/SpecialDist/School
<u>Charge To :</u>	142600 BOSTON		\$55.60

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION TO THE TAX ROLL
REFUND TO BE ISSUED TO: ALFREDA KRENCIK

FISCAL YEAR 2007 Petition No. 209,120.00

ASSESSOR Refund \$177.01

S-B-L 211.13-2-19.1 142600 BOSTON

	Acct. No. 112	\$120.83	County
	Acct. No. 132	\$56.18	Town/SpecialDist/School
<u>Charge To :</u>	142600 BOSTON		\$56.18

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION
REFUND TO BE ISSUED TO: ALFREDA KRENCIK

FISCAL YEAR 2009 Petition No. 209,121.00

 ASSESSOR Cancel \$335.90

S-B-L 303.00-4-22.1 145801 NORTH COLLINS

 Acct. No. 112 \$149.16 County
 Acct. No. 132 \$186.74 Town/SpecialDist/School

Charge To : 145801 NORTH COLLINS \$186.74

RPTL 550(2): FAILED TO APPLY A SENIOR STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: KATHLEEN D BURKE

FISCAL YEAR 2009 Petition No. 209,122.00

 ASSESSOR Refund \$604.09

S-B-L 555.00-20-10 145801 NORTH COLLINS

 Acct. No. 112 \$268.24 County
 Acct. No. 132 \$335.85 Town/SpecialDist/School

Charge To : 145801 NORTH COLLINS \$335.85

RPTL 550(2): INCCORRECT ASSESSED APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: QWEST COMMUNICATIONS CORPORATION

FISCAL YEAR 2009 Petition No. 209,123.00

 ASSESSOR Cancel \$45.14

S-B-L 555.00-20-10.1 145801 NORTH COLLINS

 Acct. No. 112 \$25.43 County
 Acct. No. 132 \$19.71 Town/SpecialDist/School

Charge To : 145801 NORTH COLLINS \$19.71

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: QWEST COMMUNICATIONS CORPORATION

FISCAL YEAR 2009 Petition No. 209,124.00

 ASSESSOR Refund \$153.44

S-B-L 93.13-3-12 145203 LANCASTER

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$153.44 Town/SpecialDist/School

Charge To : 145203 LANCASTER \$153.44

RPTL 550(2): REFUSE CHARGED TWICE IN ERROR
REFUND TO BE ISSUED TO: DINO & NICOLE FUDOLI

FISCAL YEAR 2009 Petition No. 209,125.00

ASSESSOR Cancel \$128.58

S-B-L 209.00-1-17.1 144000 EDEN

Acct. No. 112 \$73.70 County
Acct. No. 132 \$54.88 Town/SpecialDist/School

Charge To : 144000 EDEN \$54.88

RPTL 550(2): FAILED TO APPLY A AGRICULTURAL EXEMPTION CORRECTLY
NEW TAX BILL TO BE ISSUED TO: EARL HENRY

FISCAL YEAR 2009 Petition No. 209,126.00

ASSESSOR Cancel \$490.47

S-B-L 178.00-2-72 146600 WALES

Acct. No. 112 \$0.00 County
Acct. No. 132 \$490.47 Town/SpecialDist/School

Charge To : 146600 WALES \$490.47

RPTL 550(2): PARCEL SPLIT VACANT LAND NO REFUSE
NEW TAX BILL TO BE ISSUED TO: TIMOTHY COULOMBE

FISCAL YEAR 2007 Petition No. 209,127.00

ASSESSOR Refund \$268.75

S-B-L 207.00-4-22.3 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$268.75 Town/SpecialDist/School

Charge To : 144489 EVANS \$268.75

RPTL 550(2): EXTRA WATER FRONTAGE CHARGED IN ERROR
REFUND TO BE ISSUED TO: ROBERT & KATHLEEN KORHUMMEL

FISCAL YEAR 2008 Petition No. 209,128.00

ASSESSOR Refund \$268.75

S-B-L 207.00-4-22.3 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$268.75 Town/SpecialDist/School
Charge To : 144489 EVANS \$268.75

RPTL 550(2): EXTRA WATER FRONTAGE CHARGED IN ERROR
REFUND TO BE ISSUED TO: ROBERT & KATHLEEN KORHUMME

FISCAL YEAR 2009 Petition No. 209,129.00

ASSESSOR Refund \$268.75

S-B-L 207.00-4-22.3 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$268.75 Town/SpecialDist/School
Charge To : 144489 EVANS \$268.75

RPTL 550(2): EXTRA WATER FRONTAGE CHARGED IN ERROR
REFUND TO BE ISSUED TO: ROBERT & KATHLEEN KORHUMMEL

FISCAL YEAR 2009 Petition No. 209,130.00

ASSESSOR Cancel \$646.13

S-B-L 255.00-2-30 144000 EDEN

Acct. No. 112 \$347.91 County
Acct. No. 132 \$298.22 Town/SpecialDist/School
Charge To : 144000 EDEN \$298.22

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: LAWRENCE F & MELISSA ROBB

FISCAL YEAR 2007 Petition No. 209,131.00

ASSESSOR Refund \$490.61

S-B-L 173.07-4-13 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$490.61 Town/SpecialDist/School
Charge To : 146089 ORCHARD PARK \$490.61
Relevy School \$490.61 146001 ORCH PARK CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: RODNEY H & STEPHANIE L DORMAN

FISCAL YEAR 2008 Petition No. 209,132.00

ASSESSOR Refund \$469.23

S-B-L 173.07-4-13 146089 ORCHARD PARK

Acct. No. 112 \$0.00 County
Acct. No. 132 \$469.23 Town/SpecialDist/School
Charge To : 146089 ORCHARD PARK \$469.23
Relevy School \$469.23 146001 ORCH PARK CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: RODNEY H & STEPHANIE L DORMAN

FISCAL YEAR 2007 Petition No. 209,133.00

ASSESSOR Refund \$150.00

S-B-L 80.10-13-32 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$150.00 Town/SpecialDist/School
Charge To : 142289 AMHERST \$150.00

RPTL 550(2): PRETREAT SURCHARGE CHARGED IN ERROR
REFUND TO BE ISSUED TO: CARL A KELLEY JR & MILDRED ORTIZ KELLEY

FISCAL YEAR 2008 Petition No. 209,134.00

ASSESSOR Refund \$150.00

S-B-L 80.10-13-32 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$150.00 Town/SpecialDist/School
Charge To : 142289 AMHERST \$150.00

RPTL 550(2): PRETREAT SURCHARGE CHARGED IN ERROR
REFUND TO BE ISSUED TO: CARL A KELLEY JR & MILDRED ORTIZ KELLEY

FISCAL YEAR 2009 Petition No. 209,135.00

ASSESSOR Refund \$150.00

S-B-L 80.10-13-32 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$150.00 Town/SpecialDist/School
Charge To : 142289 AMHERST \$150.00

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$321.71	Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS	\$321.71	
	Relevy School	\$321.71	145801 NORTH COLLINS CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: JOHN A & WENDY WITKOWSKI

FISCAL YEAR 2009 Petition No. 209,140.00

ASSESSOR Cancel \$472.60

S-B-L 266.17-2-13 142889 BRANT

	Acct. No. 112	\$186.75	County
	Acct. No. 132	\$285.85	Town/SpecialDist/School
	28500 ERIE COUNTY SEWER BRANT	\$38.59	
<u>Charge To :</u>	142889 BRANT		\$247.26

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

FISCAL YEAR 2009 Petition No. 209,141.00

ASSESSOR Cancel \$91.57

S-B-L 304.00-3-2.1X 145889 NORTH COLLINS

	Acct. No. 112	\$36.49	County
	Acct. No. 132	\$55.08	Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS		\$55.08

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: RICHARD & CINTHIA WITTMAYER

FISCAL YEAR 2009 Petition No. 209,142.00

ASSESSOR Cancel \$18.15

S-B-L 334.00-2-12 143889 CONCORD

	Acct. No. 112	\$10.94	County
	Acct. No. 132	\$7.21	Town/SpecialDist/School
<u>Charge To :</u>	143889 CONCORD		\$7.21

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: JERALD J JERMAIN

FISCAL YEAR 2009 Petition No. 209,143.00

ASSESSOR Cancel \$198.16

S-B-L 238.16-1-51 144000 EDEN

Acct. No. 112 \$92.88 County
Acct. No. 132 \$105.28 Town/SpecialDist/School
40050 ERIE CO SEW DST 2 \$19.47
Charge To : 144000 EDEN \$85.81

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: GERALD J & PAULINE BOGACZ

FISCAL YEAR 2009 Petition No. 209,144.00

ASSESSOR Cancel \$634.59

S-B-L 267.00-2-15 142889 BRANT

Acct. No. 112 \$273.06 County
Acct. No. 132 \$361.53 Town/SpecialDist/School
Charge To : 142889 BRANT \$361.53

RPTL 550(2): FAILED TO APPLY A SENIOR STAR
NEW TAX BILL TO BE ISSUED TO: JAMES BRADY JR & CARMEN BRADY

FISCAL YEAR 2009 Petition No. 209,145.00

ASSESSOR Cancel \$679.41

S-B-L 21.00-2-44.24 145689 NEWSTEAD

Acct. No. 112 \$0.00 County
Acct. No. 132 \$679.41 Town/SpecialDist/School
56153 OMITTED TAX \$679.41
Charge To : 145689 NEWSTEAD \$0.00

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: EDDIE & GWENDOLYN HOOVER

FISCAL YEAR 2009 Petition No. 209,146.00

ASSESSOR Cancel \$2,170.64

S-B-L 86.00-1-8.21 145689 NEWSTEAD

Acct. No. 112 \$1,074.39 County
Acct. No. 132 \$1,096.25 Town/SpecialDist/School

56010 WATER TANK \$6.60
Charge To : 145689 NEWSTEAD \$1,089.65

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL #
NEW TAX BILL TO BE ISSUED TO: MARGARET MCGOWAN

FISCAL YEAR 2006 Petition No. 209,147.00

ASSESSOR Refund \$291.00

S-B-L 210.02-3-20.12 142600 BOSTON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$291.00 Town/SpecialDist/School

26500 EC#3 BOSTON VALLEY \$170.00
Charge To : 142600 BOSTON \$121.00

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED
NEW TAX BILL TO BE ISSUED TO: DOUGLAS & SANDRA GRIEBLE

FISCAL YEAR 2007 Petition No. 209,148.00

ASSESSOR Refund \$377.00

S-B-L 210.02-3-20.12 142600 BOSTON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$377.00 Town/SpecialDist/School

26500 EC#3 BOSTON VALLEY \$200.00
Charge To : 142600 BOSTON \$177.00

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED
REFUND TO BE ISSUED TO: DOUGLAS & SANDRA GRIEBLE

FISCAL YEAR 2008 Petition No. 209,149.00

ASSESSOR Refund \$392.00

S-B-L 210.02-3-20.12 142600 BOSTON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$392.00 Town/SpecialDist/School

26500 EC#3 BOSTON VALLEY \$210.00
Charge To : 142600 BOSTON \$182.00

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED
REFUND TO BE ISSUED TO: DOUGLAS & SANDRA GRIEBLE

Charge To : 145889 NORTH COLLINS \$0.00

RPTL 550(2): FAILED TO APPLY AN AGED STAR
REFUND TO BE ISSUED TO: BERNICE J MARTIN

FISCAL YEAR 2009 Petition No. 209,154.00

ASSESSOR Refund \$210.00

S-B-L 226.01-6-44 142600 BOSTON

Acct. No. 112 \$0.00 County
Acct. No. 132 \$210.00 Town/SpecialDist/School

26500 EC#3 BOSTON VALLEY \$210.00

Charge To : 142600 BOSTON \$0.00

RPTL 550(2): INCORRECT NUMBER OF SEWER UNITS CHARGED
REFUND TO BE ISSUED TO: ROBERT W & VIOL MC KEEVER

FISCAL YEAR 2008 Petition No. 209,155.00

ASSESSOR Refund \$544.67

S-B-L 41.10-2-19 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$544.67 Town/SpecialDist/School

Charge To : 142289 AMHERST \$544.67
Relevy School \$544.67 142203 WILLIAMSVILLE CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR
REFUND TO BE ISSUED TO: MIKHAIL RABINOVICH

FISCAL YEAR 2009 Petition No. 209,156.00

ASSESSOR Refund \$146.10

S-B-L 86.00-2-21.2 145689 NEWSTEAD

Acct. No. 112 \$94.56 County
Acct. No. 132 \$51.54 Town/SpecialDist/School

56010 WATER TANK \$0.89

Charge To : 145689 NEWSTEAD \$50.65

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION
REFUND TO BE ISSUED TO: PAUL P CZECHOWICZ

FISCAL YEAR 2009 Petition No. 209,157.00

ASSESSOR Cancel \$747.46

S-B-L 20.00-1-39.32 145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$747.46	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD		\$747.46
Relevy School	\$747.46	145601 AKRON CENTRAL	

RPTL 550(2): SCHOOL WAS RELIEVED IN ERROR
NEW TAX BILL TO BE ISSUED TO: SUSAN COX

FISCAL YEAR 2009 Petition No. 209,158.00

ASSESSOR Cancel \$12,201.05

S-B-L 124.09-4-5.131 146800 WEST SENECA

	Acct. No. 112	\$701.44	County
	Acct. No. 132	\$11,499.61	Town/SpecialDist/School
68265 ECSAN SWR #6		\$312.68	
68292 ERIE CO SEW DST 1		\$589.41	
<u>Charge To :</u>	146800 WEST SENECA		\$10,597.52

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: THE BENDERSON 85-1 TRUST

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(6-0)

**KATHY KONST
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 109

APRIL 9, 2009	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 5
---------------	--

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 5M-5 (2009)
CITY OF BUFFALO COMMON COUNCIL: "Request for Legislature Response to Common Council Item, Entitled, "Day Care Tax Penalty""
(5-0)
 - b. COMM. 6M-2 (2009)
COLUCCI & GALLAHER, P.C.: "ECMCC Agenda Items for Board of Directors Meeting Held 2/25/09"
(5-0)
 - c. COMM. 7M-5 (2009)
ECMCC: "Annual Report as Required by NY Public Authority Law"
(5-0)

2. INTRO 26-4 (2008)
IANNELLO & WHYTE AS AMENDED
WHEREAS, the New York State Department of Environmental Conservation (DEC) has just reported the results of the air quality study for the Town of Tonawanda, that was initiated in July of 2007; and

WHEREAS, this section of Tonawanda borders the Niagara River and is the most heavily industrialized region in Western New York; and

WHEREAS, a number of industrial sites in the vicinity, including a coke plant and gasoline terminals, produce emissions which at certain levels may be harmful to human health and or the environment; and

WHEREAS, the DEC has placed four stationary monitors in the area, the air quality study determined that the benzene readings at all four monitoring sites exceeded not only the state standard used for regulating industry, but the statewide average; and

WHEREAS, the Clean Air Coalition of Western New York (CACWNY) is a community-based group focused on identifying, monitoring and reducing sources of mobile and industrial air pollution; and

WHEREAS, the CAC of WNY narrowed their focus to industrial point sources in Tonawanda, New York as a result of ongoing investigations and conversations with hundreds of citizens in our community over the last five years; and

WHEREAS, the CAC of WNY are especially concerned about the benzene emissions from the Tonawanda Coke Corp. whose risk levels exceeded the DEC standards by more than 100 times; and

WHEREAS, in addition to these facilities the Interstate 290 and 190 intersect the area at the Grand Island Bridge; and

WHEREAS, benzene is a known carcinogenic, emitted from motor vehicles and adding to that emitted from the nearby industry; and

WHEREAS, these two sources of benzene being emitted and measured at high levels, cause the residents to wonder whether multiple cases of cancer diagnosed in their families are related; and

WHEREAS, individuals living and working near these source points have become ill, reporting violent reactions citing nausea, vomiting, dizziness, burning eyes and lungs, difficulty breathing and a feeling of their "skin crawling;" and

WHEREAS, these emissions impact their quality of life on a daily basis and make them worry for the health of their loved ones; and

WHEREAS, the citizens in the Kenmore, Tonawanda, Riverside and surrounding neighborhoods are fed up with pretending that there is not a problem; and

WHEREAS, in July and August 2008, certain neighborhoods were inundated with an air pollution described as a "blue haze" with an unbearable nauseating smell; and

WHEREAS, recently the CACWNY took bucket air samples where the results identified elevated levels of benzene among other pollutants; and

WHEREAS, the CACWNY recently held a press conference calling on the Tonawanda Coke Corp. to become a good neighbor, requesting them to sit down with the group; and

WHEREAS, elected officials must be concerned about the health and well being of the residents they represent when certain hazards are proven to exist.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the Erie County Department of Health and the New York State Department of Health come before the Health and Human Services Committee to determine their role in regard to the results of the recent air monitoring study; and be it further

RESOLVED, the County Department of Health collaborate with the New York State Department of Health in conducting a health study to determine how the air quality is affecting the health of the residents of Kenmore, Tonawanda, Riverside and surrounding areas; and be it further

RESOLVED, that the collaboration commence with an informational community meeting to be held in early June after final results are published by the DEC; and be it further

RESOLVED, that certified copies of this resolution be forwarded to County Executive Chris Collins, Commissioner of Erie County Health Dr. Billittier, Assistant Regional Director for the NYS Department of Health Robert A. Furlani, and Senator Antoine Thompson.

(5-0)

3. COMM. 6E-5 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a grant award from the United States Department of Housing & Urban Development (HUD), Office of Healthy Homes and Lead Hazard Control in the amount of \$3,000,000 for implementing the LEADSAFE for 2010 Lead Hazard Control program; and

WHEREAS, the Department of Housing and Urban Development requires partnerships as part of the grant application package; and

WHEREAS, the Erie County Department of Health, Belmont Shelter Corp., and Environmental Education Associates, Inc. have joined together in a LEADSAFE for 2010 partnership for the purposes of providing services under this grant; and

WHEREAS, the purpose of the LEADSAFE for 2010 program is to reduce the number of housing units that present a lead hazard to the young children of Erie County; and

WHEREAS, this will be accomplished through home paint inspections and lead risk assessments, provision of services for hazard control and implementation of a training /education curriculum for contractors in Erie County; and

WHEREAS, the County desires to subcontract with Belmont Shelter Corp. for an amount not to exceed \$1,948,450 for the period 1/15/09 – 1/14/12 for the purpose of preparing work and bid specifications in homes to receive lead hazard control work, and awarding competitive bids for hazard control work, including labor and supply costs, to qualified contractors, and monitoring work progress and quality of contractors who are successful in receiving bids; and

WHEREAS, the County desires to subcontract with Environmental Education Associates, Inc. for an amount not to exceed \$58,125 for the period 1/15/09 – 1/14/12 for the purpose of providing periodic training courses for contractors on hazard control and lead safe work practices and for clearance sampling and reporting, and copyrighted Lead Risk Assessment Report and Occupant Protection plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Health, Belmont Shelter Corp., and Environmental Education Associates, Inc. have joined together in a LEADSAFE Erie County partnership for the purposes of providing services under this grant; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with Belmont Shelter Corp. for an amount not to exceed \$1,948,450 for the period 1/15/09 – 1/14/12 for the purpose of preparing work and bid specifications in homes to receive lead hazard control work, and awarding competitive bids for hazard control work, which shall include labor and supply costs, to qualified contractors, and monitoring work progress and quality of contractors who are successful in receiving bids; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into a subcontract with Environmental Education Associates, Inc for an amount not to exceed \$58,125 for the period 1/15/09 – 1/14/12 for the purpose of providing periodic training courses for contractors on hazard control and lead safe work practices and for clearance sampling and reporting, and copyrighted Lead Risk Assessment Report and Occupant Protection plan; and be it further

RESOLVED, that the subcontracts with the Belmont Shelter Corp., and Environmental Education Associates, Inc. are special services which must be provided immediately and continuously and therefore the RFP procedure required under Section 19.08 of the Erie County Administration Code, is hereby waived; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to 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 Erie County Department of Health, 9th Floor, Rath Building.
(5-0)

4. COMM. 6E-6 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health received a grant award from Komen for the Cure in the amount of \$40,000 for the purpose of funding breast cancer screening and diagnostics for low income, underserved women aged 18 – 39 years old for the period 4/1/09 – 3/31/10; and

WHEREAS, the Erie County Partners for Prevention is made up of a coalition of concerned community agencies and health care providers, funded by grants from the New York State Health Department, Health Research, Inc. and Komen for the Cure; and

WHEREAS, these dollars will be used to pay for services for clients enrolled in Partners for Prevention; and

WHEREAS, the Erie County Health Department is the fiscal intermediary for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the grant award from Komen for the Cure to be budgeted as follows:

Komen for the Cure
4/1/09 – 3/31/10
127KOMEN0910

SAP	REVENUE	BUDGET
479100	Other Contributions	<u>\$40,000</u>
	Total	<u>\$40,000</u>
	EXPENSES	

516020	Contractual Clinical Services	<u>\$40,000</u>
	Total	<u>\$40,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to 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 Erie County Health Department, 9th Floor, Rath Building.

(5-0)

5. COMM. 6E-9 (2009)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the reappointment of the following individuals to the Senior Services Advisory Board for a term ending December 31, 2010:

Ms. Jane Brookings
33 Linwood Ave. – Apt. 605
Buffalo, NY 14209

Ms. Georgia Henley
358 Hastings Ave.
Buffalo, NY 14215

Mr. Len Sikora
681 Downing Ln.
Williamsville, NY 14221

Ms. Donna Sundell
3801 North Boston Rd.
Eden, NY 14057

(5-0)

THOMAS J. MAZUR
CHAIR

Item 44 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 110

April 9, 2009	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 4
---------------	---

ALL MEMBERS PRESENT.

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

a. COMM. 6D-2 (2009)
COUNTY ATTORNEY: “Transmittal of New Claims Against Erie County”
(5-0)

- b. COMM. 6D-3 (2009)
DIRECTOR, DIVISION OF PURCHASE: “Copy of Letter to County Comptroller Concerning Audit of EC Division of Purchase”
(5-0)
 - c. COMM. 6D-4 (2009)
COUNTY ATTORNEY: “Notice of Public Hearing - Local Law Intro. No. 3 - 2008 - Tax Payer Protection Law”
(5-0)
 - d. COMM. 6D-5 (2009)
COUNTY ATTORNEY: “Transmittal of New Claims Against Erie County”
(5-0)
 - e. COMM. 7M-3 (2009)
NIAGARA ERIE REGIONAL COALITION: “Agenda Items for Meeting Held March 27, 2009”
(5-0)
2. COMM. 6E-8 (2009)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature confirms the following appointment to the Erie County Board of Ethics for a term ending December 31, 2012:

Maria LoTempio Dines
6411 Lakemont Ct.
East Amherst, NY 14051

(5-0)

BARBARA MILLER-WILLIAMS
CHAIR

Item 45 – MR. WROBLEWSKI presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 111

MARCH 19, 2009	PUBLIC SAFETY COMMITTEE REPORT NO. 4
----------------	---

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 5E-26 (2009)

COUNTY EXECUTIVE: DWI Victim Impact Panel Fee
(5-0)

2. COMM. 5E-23 (2009)
COUNTY EXECUTIVE

WHEREAS, the Department of Probation is responsible for making sentencing recommendations, providing supervision and services to address the needs of juveniles in the Juvenile Justice System and improve the quality of life in our community; and

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded the Erie County Probation Department grant funds for the purpose of establishing a Juvenile Accountability Block Grant (JABG) Program that enables the probation department to establish and maintain and inter agency information sharing program with our regional Crime Analysis Center; and

WHEREAS, the grant award will enable the Probation Department to make more informed decisions regarding control, supervision, and treatment of juveniles.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept an award from the New York State Division of Criminal Justice Services in the amount of \$32,960; and be it further

RESOLVED, that the necessary funds to cover the cost of this program have been appropriated using the grant funds covered in this resolution; and be it further

RESOLVED, that the budget for the JBAG grant, JB08-1040-E00 contract T612014, be established as follows:

Erie County Probation Department
Fund 281- Business Area 126
Juvenile Accountability Block Grant- Accountability Program
April 1, 2009 – March 31, 2010

Revenue

<u>Account</u>	<u>Amount</u>
409000- State Aid Revenues	<u>\$32,960</u>
TOTAL	\$32,960

Appropriations

<u>Account</u>	<u>Amount</u>
500000 - Personnel	\$ 5,550
502000 - Fringe Benefits	\$ 2,292
505000 – Office Supplies	\$ 998
510000 – Local Mileage	\$ 4,545
561410 - Lab & Technical Equipment	<u>\$19,575</u>
TOTAL	\$32,960

NET IMPACT \$ 0

and be it further

RESOLVED, that the Director of Budget & Management be authorized to adjust the budget as required to comply with federally approved funding levels.

(5-0)

TIMOTHY M. WROBLEWSKI
CHAIR

LEGISLATOR RESOLUTIONS

Item 46 – MR. REYNOLDS presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 112

RE: Notice of Proposal and Public Hearing
for 8 Year Review of Collins
Agricultural Dist. And the 2008 30-Day
Open Enrollment Period
(INTRO 8-1)

A RESOLUTION SUBMITTED BY
LEGISLATOR REYNOLDS

WHEREAS, the Erie County Legislature has received notification of the eight-year review requirement of the Collins Agricultural District (EC #8) which was created in 1976 and recertified every 8 years thereafter in 1984, 1992, and 2000; and

WHEREAS, the Erie County Legislature has designated the month of November of each year since 2004 as the 30-day open enrollment of lands into agricultural districts period; and

WHEREAS, the Agricultural Markets Law directs the county legislature to hold a public hearing on the aforementioned actions and to publish a notice of public hearing in newspapers with general circulation within those communities; and

WHEREAS, a copy of the Collins Agricultural District map is on file in the County Clerk's Office and the Collins Town Hall.

NOW, THEREFORE, BE IT

RESOLVED, that the Clerk of the Legislature be directed to publish a public hearing notice in a newspaper having general circulation within the area of the Collins Agricultural District and the petitioned lands; and be it further

RESOLVED, that notice is posted in conspicuous places within the Collins Agricultural District and that notice also be sent to the other affected municipalities; and be it further

RESOLVED, that after the 30-day periods, the Legislature hereby directs the Clerk to refer the agricultural districts to the Erie County Department of Environment and Planning and the Agricultural and Farmland Protection Board for a report and recommendations; and be it further

RESOLVED, that the Clerk of the Legislature be directed to hold a Public Hearing on Wednesday June 4, 2009 at 7:00 p.m. in the Collins Public Library at 2341 Main Street (Route 39) Collins, New York concerning the 8-year review of the Collins Agricultural District (Erie County #8) and the 2008 30-day open period; and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Department of Environment and Planning, and the Supervisors and Clerks of the affected Towns of Collins, Elma, Eden and Concord.

Item 47 – CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 8-2 from REYNOLDS Requesting Real Property Tax Services to Provide Update and Final Tally Received as a Result of the May 6, 2009 Forclosure Sale.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 113

RE: Erie County Jury Board
(INTRO 8-3)

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

WHEREAS, as Chair of the Erie County Legislature, Legislator Lynn M. Marinelli has served on the County Jury Board representing the Legislature, following past practice of other Legislature Chairs; and

WHEREAS, at the annual meeting of the County Jury Board, business conducted includes review and oversight of the enforcement of the laws and rules relating to the drawing, selection, summoning and impaneling of jurors within Erie County, with other meetings called as may be necessary; and

WHEREAS, pursuant to New York State Judiciary Law, Section 503, each County in the State shall establish a County Jury Board comprised of one member of the County Legislature, designated by the Legislature providing that the appointee does not engage in the practice of law;

one Justice of the State Supreme Court, designated by the appropriate Appellate Division; and one County Court Judge, or if there is more than one, then the Senior County Court Judge; and

WHEREAS, said designation of this Legislature is necessary, in accordance with Judiciary Law, Article 503, and it is reasonable and appropriate for Chair Marinelli to continue as the Legislature's representative on the Erie County Jury Board, noting her leadership position within the Legislature, her desire to continue to serve on the Jury Board, as well as her experience and knowledge of the board's work.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby designate Legislature Chair Lynn M. Marinelli as this Honorable Body's appointment to the Erie County Jury Board (pursuant to New York State Judiciary Law, Section 503), effective immediately.

Item 49 – CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 8-4 from MAZUR & REYNOLDS Demanding Transparency and Public Accountability for the Administration's Decision to Terminate EC's Administration of the Federal WIC Program.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 114

RE: Opposition to Bill S. 3598 Raising Age Restrictions for Hunters in NYS (INTRO 8-5)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS KOZUB, MILLS, KENNEDY, WALTER,
KONST, GRANT, WROBLEWSKI, REYNOLDS & RATH**

WHEREAS, Senator Liz Krueger from New York City has introduced a bill that would increase the age at which a person is allowed to hunt to 18 from 16; and

WHEREAS, this legislative proposal, which has no Assembly "same as" bill thus far, would require licensees between the ages of 18 and 20 to be accompanied by a parent or other person over 20 when hunting big game (i.e. deer); and

WHEREAS, this bill further requires that a licensee between the ages of 14 and 16 shall not hunt wildlife with a gun or longbow unless such individual is accompanied by his or her parent or legal guardian or relative over the age of 23; and

WHEREAS, finally, S.3598 raises the age for a junior archery license from 14-16 to 16-18, as well as raises the age for a junior hunting license to 14-16 from 12-14; and

WHEREAS, this legislation would reverse last year's legislation lowering youth hunting restrictions, an action that was based upon the Families Afield Initiative; and

WHEREAS, the U.S. Sportsmen's Alliance (USSA), the National Sports Foundation and the National Wild Turkey Federation launched Families Afield in 2004 as a national effort to lower then-existing barriers and restrictions that served to prevent newcomers from experiencing hunting; and

WHEREAS, this proposal again highlights the disconnect between Upstate and Downstate, given Upstate's keen interest in environmental conservation and high value placed on passing hunting traditions to the next generation, thereby preserving these traditions; and

WHEREAS, if approved and signed into law, Senate Bill 3598 would lead to fewer hunters in the field, thereby exacerbating the dual problems of deer overpopulation/motor vehicle collision incidents, trends that compromise public safety; would harm sportsmen traditions and would result in a loss of state license revenues.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby go on record in opposition to Bill S.3598, a legislative proposal that would increase age restrictions for hunters in New York State; and be it further

RESOLVED, that certified copies of this legislation be conveyed to Governor David A. Paterson, Senate Majority Leader Malcolm Smith, Assembly Speaker Sheldon Silver, the WNY Delegation to the New York State Legislature and to all parties deemed necessary and proper.

Item 51 – CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 8-6 from RATH, MILLS & WALTER The Necessity of Wicks Law Reform.

Item 52 – CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 8-7 from RATH & WALTER Opposing NYS Assembly Bill A. 1789, Requiring Prevailing Wage Be Paid on Any Project Financed by an Industrial Development Agency.

Item 53 – CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 8-8 from KONST, MILLS, MILLER-WILLIAMS, WROBLEWSKI, IANNELLO, REYNOLDS & RATH Removal of EC Motor Vehicle Use Taxes.

Item 54 – CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 8-9 from IANNELLO & KONST Requesting that the Erie County Fiscal Stability Authority Deny Job Request Authorization Concerning DISS Chief Information Officer Position.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

RE: Olmsted Parks Reserve Fund
(INTRO 8-10)

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

WHEREAS, the Erie County Legislature established the Olmsted Parks Reserve Fund in the 2009 Adopted Budget for the express purpose of establishing a funding source which could be used to attract matching contributions from the private sector; and

WHEREAS, the Erie County Legislature directed the Commissioner of Parks, Recreation and Forestry in conjunction with representatives from the Buffalo Olmsted Parks Conversancy to develop a matching grant program and submit the plan developed to the Erie County Legislature by March 2, 2009; and

WHEREAS, the Buffalo Olmsted Conversancy has indicated in a communication dated March 30, 2009 that they have developed resources from the private sector and would like to receive the appropriate match from the Olmsted Parks Reserve Fund so that the resources maybe applied to assisting their efforts in readying our parks for the upcoming season.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature calls on the County Executive to direct the Commissioner of Parks, Recreation and Forestry to develop the matching grant program as required in the 2009 Adopted Budget and submit said plan to the Erie County Legislature by April 30, 2009; and be it further

RESOLVED, that certified copies of this resolution be provided to the County Executive, the Commissioner of Parks, Recreation and Forestry, the County Attorney, the Budget Director and the Buffalo Olmsted Conservancy.

MS. WHYTE moved to amend the resolution by adding MR. KENNEDY, MR. MAZUR, MS. IANNELLO, MR. REYNOLDS and MR. LOUGHRAN as Co-Sponsors. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MR. KOZUB seconded. MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (12-3)

Item 56 – MS. IANNELLO presented the following resolution and moved for immediate consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116

RE: Recognizing the Solar 2009 Convention
in Buffalo
(INTRO 8-11)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS IANNELLO, WHYTE, REYNOLDS, MARINELLI & KOZUB**

WHEREAS, the American Solar Energy Society is holding it's 38th Annual National Conference May 11th through May 16th in the City of Buffalo entitled **SOLAR 2009**; and

WHEREAS, this event will take place at the Buffalo Niagara Falls Convention Center in downtown Buffalo; and

WHEREAS, **SOLAR 2009** is America's leading conference on the emerging trends, technology, and opportunities in the new energy economy; and

WHEREAS, this cutting edge conference introduces the community to the leaders, innovators and entrepreneurs who are shaping the industry in this trillion dollar green economy; and

WHEREAS, the conference will offer presentations, workshops, demonstrations, hand outs and door prizes; and

WHEREAS, Saturday May 16th, will be "Public Day" at the conference with a special addition called "Kids Solar Madness;" and

WHEREAS, on Saturday May 16th, several area schools will present solar themed projects ranging from recycled pizza boxes, solar cookers, and solar heaters; and

WHEREAS, it is evident that there is a growing interest in the green business sector of Western New York; and

WHEREAS, we as individuals or businesses can go green in our homes, with our bodies, our gardens, our careers and in our communities; and

WHEREAS, in order to serve as a welcome to the **SOLAR 2009** Conference, there will be a Niagara Green Expo on May 9th at Main Place Mall in downtown Buffalo; and

WHEREAS, the Niagara Green Expo will serve to support and promote local green businesses and organizations as a key niche for Western New York's 21st century green economy.

NOW, THEREFORE, BE IT

RESOLVED, that each of us shares in the responsibility to support green jobs, green energy and purchase green products whenever possible; and be it further

RESOLVED, that each of us do what we can in our homes, in our neighborhoods, and in Erie County in order to demonstrate that a "green future" is more than a slogan; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Holly Sinnott, Commissioner of Environment and Planning, Cheryl Zanghi, National Sales Manager of Buffalo Niagara CVB and Founder of the Green Hospitality Initiative, Senator Antoine Thompson, and Joan Bozer and Walter Simpson the co-sponsors of this event.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 57 – CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 8-12 from KOZUB Requesting an Expedited Review and Update of the Federal Flood Zone Map for EC, and a Change in the Outdated Inclusion of Certain Communities in Lackawanna.

Item 58 – MS. WHYTE moved to take COMM. 8E-15 out of order. MS. KONST seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117

RE: SEQR - Dingens Street Storm Sewer
Trunkline Extension
(COMM. 8E-15)

WHEREAS, In order to complete the capital borrowing bond resolution a State Environmental Quality Review (SEQR) needed to be completed for the Dingens Street Storm Sewer Trunkline Extension project; and

WHEREAS, the Erie County Legislature is an “interested party” to the project and can object to the SEQR within a 30 day period of its completion; and

WHEREAS, said 30 day period will expire after the expected completion of a bond resolution including this project; and

WHEREAS, to satisfy the requirements of the New York State Environmental Quality Review Act, the Erie County Legislature needs to express their intention to not object to the SEQR review of this project.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby goes on record affirming its concurrence with the attached State Environmental Quality Review that has been conducted for the Dingens Street Storm Sewer Trunkline Extension Project (Project #: c617-09-146); and be it further

RESOLVED, that certified copies of this resolution be presented to the County Executive, County Comptroller, County Attorney, Budget Director, Commissioner of Public Works, and the Commissioner of the Department of Environment and Planning.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 59 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of INTRO 15-3 (2008). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 118

RE: Establishment of a Sustainability Officer
(INTRO 15-3, 2008)

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

WHEREAS, the Erie County Legislature has begun a series of meetings on “green initiatives” for Erie County; and

WHEREAS, at the first of such meetings convened by the Legislature’s Energy and Environment Committee the idea of establishing “green targets” for each department; and

WHEREAS, creating a “sustainability officer” to help each department meet their “green” targets was also discussed; and

WHEREAS, cities such as Denver, Colorado have established the following objectives for their Sustainability Office, which include:

- Promote sustainability as a core business value;
- Promote interagency cooperation to adapt administrative processes that ensure sustainability goals can be met;
- Ensure all policy and program initiatives are measured against a triple bottom line that includes short and long term analysis of economic, social, and environmental considerations;
- Identify clear matrix of success and report out;
- Communicate sustainability as a core public value and become a public resource on sustainability issues and initiatives;
- Partner with community organizations to achieve a broader impact; and
- Monitor the advancement of science and technology in sustainability to ensure best practices; and

WHEREAS, the County Executive has named Holly Sinnott, Commissioner of the Department of Environment and Planning, as his point person on all county-wide “green initiatives.”

NOW, THEREFORE, BE IT

RESOLVED, that this Legislature explore the establishment of a sustainability office and the creation of a sustainability officer, which may not necessarily be a new position, along with how other cities and counties are instituting “green initiatives” and realizing savings to tax-payers for such initiatives; and be it further

RESOLVED, that Commissioner Sinnott come before the Energy and Environment Committee to discuss the prospect of establishing green targets for each department along with naming or establishing a sustainability officer to help ensure such targets are realized; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive and the Commissioner of the Department of Environment and Planning.

MS. WHYTE moved to amend the resolution for content, and moved to further amend the resolution by adding MR. KOZUB, MS. IANNELLO and MR. REYNOLDS as Co-Sponsors. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Delete all Resolve Clauses and Replace with the Following:

RESOLVED, that the Erie County Legislature supports the establishment of a sustainability office in the Department of Environment and Planning with the responsibility for establishing green targets for each department of Erie County government; and be it further

RESOLVED, that the Commissioner of Environment and Planning in conjunction with the Commissioner of Personnel establish a job description for a Sustainability Officer as well as the appropriate salary for such a position based upon the qualifications of said position; and be it further

RESOLVED, that the Commissioner of Environment and Planning seek an Efficiency Grant from the Erie County Fiscal Stability Authority to cover the costs associated with the establishment and staffing of a Sustainability Office; and be it further

RESOLVED, that the Commissioner of Environment and Planning appear before the Green Actions Community Sub-Committee of the Erie County Legislature to discuss the status of these initiatives within thirty (30) days after passage of this resolution by the Erie County Legislature; and be it further

RESOLVED, that the Clerk of the Erie County Legislature provide copies of the resolution to the County Executive, the Commissioner of Environment and Planning, the Commissioner of Personnel, the Budget director and the Erie County Fiscal Stability Authority.

MS. WHYTE moved to approve the resolution as amended. MS. IANNELLO seconded. MR. MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (12-3)

Item 60 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE from further consideration of COMM. 7E-2 (2009). MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 119

RE: Authorization to Transfer a Going Places Van
(COMM. 7E-2)

WHEREAS, Village of Kenmore officials have requested funds for purchasing a 12-passenger van to transport senior village residents to the Kenmore dining site; and

WHEREAS, the Department of Senior Services has identified a 12-passenger van that has been used as a spare in our going places transportation system; and

WHEREAS, Village of Kenmore officials are willing to accept the used van for the aforementioned purpose; and

WHEREAS, the Department wishes to transfer ownership of this vehicle to the Village of Kenmore; and

WHEREAS, the vehicle description is as follows:

2006 Ford van
VIN Number 1FBNE31L56HA35729

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to transfer ownership of the 12-passenger van described above, in as is condition, to the Village of Kenmore; 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 Division of Purchase, the Fleet Service Center, the Comptroller's Office, the Department of Law and the Department of Senior Services.

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

CARRIED UNANIMOUSLY.

Item 61 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of COMM. 7E-8 (2009). MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120

RE: Technical Amendments to 2007
Consolidated Bond Resolution
(COMM. 7E-8)

RESOLUTION NO. 120-2009

BOND RESOLUTION DATED April 23, 2009

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED APRIL 19, 2007, TO AMEND CERTAIN PROJECT DESCRIPTIONS AND PERIODS OF PROBABLE USEFULNESS FOR VARIOUS CAPITAL IMPROVEMENTS.

(Introduced) April 2, 2009

(Adopted) April 23, 2009

Recitals

WHEREAS, the Legislature of the County of Erie, New York, has heretofore duly authorized the financing of various capital projects included in the 2007 Capital Budget of the County, pursuant to the bond resolution adopted April 19, 2007 by said Legislature, and hereinafter referred to; and

WHEREAS, it is now necessary to amend the description of the scope of work and periods of probable usefulness for certain capital improvements.

NOW, THEREFORE, BE IT

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Legislature) AS FOLLOWS:

Section (A). Row 6 of the schedule attached to Resolution 120-2007 of said County duly adopted by the Legislature on April 19, 2007 is hereby amended to read as follows:

	A	A-1	B	C	D	F	G	
Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference
6	SPACE CONSOLIDATION AND REALLOCATION (countywide)	C	\$400,000	400,000	\$0	15 yrs par 12(a)(2)	This project will provide funding to optimize use of County owned space to minimize the use of leased space. This project will address adjacencies, communications, and information systems. The County could reduce space currently leased and realize savings from this project	P. B233 & B237

Section (B). Row 14 of the schedule attached to Resolution 120-2007 of said County duly adopted by the Legislature on April 19, 2007 is hereby amended to read as follows:

	A	A-1	B	C	D	F	G	
Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference

14	BRIDGE PROJECTS FEDERAL AID PROGRAM - DPW (countywide)	C	\$212,000	\$12,500	\$199,500	20 yrs par 10	This Capital Budget provides \$12,500 to finance the County share of funding for the design and construction of various bridges which are eligible for State and Federal aid. County costs represent the local share of the total project. The State reimburses \$31,500 and Federal government \$168,000 for the majority of the project. County cost represents the balance. Bridges to be designed and constructed are Freeman Road Bridge (PIN 5756.38) and Pavement Road Bridge (PIN 5755.38)	P. B233 & B239
----	--	---	-----------	----------	-----------	---------------	--	----------------

Section (C). The amendments of the bond resolution set forth in Sections A and B of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (D). This Amending Resolution shall take effect immediately upon approval by the County Executive.

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

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI.
NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

Item 62 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of COMM. 7E-9 (2009). MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 121

RE: Technical Amendments to 2008
Consolidated Bond Resolution (DPW)
(COMM. 7E-9)

RESOLUTION NO. 121-2009

BOND RESOLUTION DATED April 23, 2009

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED MAY 29, 2008 AND AMENDED JULY 10, 2008, TO AMEND CERTAIN PROJECT DESCRIPTIONS AND PERIODS OF PROBABLE USEFULNESS FOR VARIOUS CAPITAL IMPROVEMENTS.

(Introduced) April 2, 2009

(Adopted) April 23, 2009

Recitals

WHEREAS, the Legislature of the County of Erie, New York, has heretofore duly authorized the financing of various capital projects included in the 2008 Capital Budget of the County, pursuant to the bond resolution adopted May 29, 2008 by said Legislature, and hereinafter referred to; and

WHEREAS, the Legislature of the County of Erie, New York, has heretofore duly adopted on July 10, 2008 an amending bond resolution amending certain capital projects authorized on May 29, 2008; and

WHEREAS, it is now necessary to further amend certain descriptions of the scope of work and periods of probable usefulness with respect to certain capital projects.

NOW, THEREFORE, BE IT

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Legislature) AS FOLLOWS:

Section (A). Row 11 of the schedule attached to Resolution 183-2008 of said County duly adopted by the Legislature on May 29, 2008 and amended as Row 11-a pursuant to Resolution 243-2008 on July 10, 2008 is hereby further amended to read as follows:

	A	A-1	B	C	D	F	G	
Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference
11-a-1	ROAD DESIGN PROJECTS FEDERAL AID PROGRAM DPW (COUNTYWIDE) (design only)	S	\$122,540	\$6,127	\$116,413	5 yrs par 62 (2nd)	The Capital Budget provides \$6,127 to finance the County share of road projects which are eligible for State and Federal aid. County cost represents approximately 5 percent of the total project. The State reimburses 15 percent (\$23,283) and Federal government 80 percent (\$93,130). Road earmarked for design: East Robinson/North French Road (Niagara Falls Blvd. To Sweet Home) (PIN 5755.43).	p. B-239
11-a-2	ROAD PROJECTS FEDERAL AID PROGRAM DPW (COUNTYWIDE) (construction)	S	\$320,000	\$16,000	\$304,000	15 yrs par 20	The Capital Budget provides \$16,000 to finance the County share of road projects which are eligible for State and Federal aid. County cost represents approximately 5 percent of the total project. The State reimburses 15 percent (\$60,800) and Federal government 80 percent (\$243,200). Road earmarked for construction is: North Forest Road (Millersport to Dodge Road) (PIN 5753.74).	p. B-239

Section (B). Row 15 of the schedule attached to Resolution 183-2008 of said County duly adopted by the Legislature on May 29, 2008 and amended as Row 15-a pursuant to Resolution 243-2008 on July 10, 2008 is hereby further amended to read as follows:

	A	A-1	B	C	D	F	G	
--	---	-----	---	---	---	---	---	--

Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference
15-a	ROAD PROJECTS - FEMA PROJECTS (construction)	C	\$680,000	\$85,000	\$595,000	15 yrs par 20	The Capital Budget provides \$85,000 to finance the County share of road projects which are eligible for FEMA aid due to damages occurred by past storms. County cost represents approximately 12.5 percent of the total project. The State reimburses 12.5 percent (\$85,000) and Federal government 75 percent (\$510,000). Roads to be constructed are Tonawanda Creek, Groth, Vermont Street, Blakeley Corner and Zoar Valley.	p. B-240

Section (C). Row 16 of the schedule attached to Resolution 183-2008 of said County duly adopted by the Legislature on May 29, 2008 and amended pursuant to Resolution 243-2008 on July 10, 2008 is hereby further amended to read as follows:

	A	A-1	B	C	D	F	G	
Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference
16	HOPKINS ROAD SLIDE - CONSTRUCTION	S	\$225,000	\$225,000	\$0	15 yrs par 20	Construction of Hopkins Road. A planning design analysis initiated by the U.S. Army Corps of Engineers in August 2002 has shown that Ransom Creek appears to have eroded its banks at five key locations along the study area, and has impacted Hopkins Road. It is necessary to stabilize the eroding slope. An anchored sheet pile stabilization alternative was initially selected. However, an alternative method, soil mixing, may be used based on the latest guidance from USACE. Construction	p. B-240

							now to take place. The total local share design and construction costs of this project to the County is estimated to be \$225,000.	
--	--	--	--	--	--	--	--	--

Section (D). Row 19 of the schedule attached to Resolution 183-2008 of said County duly adopted by the Legislature on May 29, 2008 and amended as Rows 19-a and 19-b pursuant to Resolution 243-2008 on July 10, 2008 is hereby further amended to read as follows:

	A	A-1	B	C	D	F	G	
Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference
19-a	BRIDGE DESIGN AND ROW PROJECTS- FEDERAL AID PROGRAM- DPW (COUNTYWIDE) (design only)	C	\$1,346,800	\$67,340	\$1,279,460	5 yrs par 62 (2nd)	The capital budget provides \$67,340 to finance the County share of funding for the design of various bridges which are eligible for State and Federal aid. County cost represents 5 percent of the total project. The State reimburses 15 percent (\$255,890) and the Federal government 80 percent (\$1,023,570). Bridges to be designed are Clarence Center Road Bridge (PIN 5757.28), Swift Mills Road Bridge (PIN 5757.29), Rapids Road Bridge (PIN 5757.30), Lake Avenue Bridge (PIN 5758.40) and Abbott Road Bridge (PIN 5758.74).	p. B-241

19-b	BRIDGE DESIGN AND ROW PROJECTS- FEDERAL AID PROGRAM-DPW (COUNTYWIDE) (right-of-way acquisition and construction)	C	\$1,130,000	\$56,500	\$1,073,500	20 yrs par 92	The capital budget provides \$56,500 to finance the County share of funding for the design and construction of various bridges which are eligible for State and Federal aid. County cost represents 5 percent of the total project. The State reimburses 15 percent (\$214,700) and the Federal government 80 percent (\$858,800). Bridges for which ROW are to be acquired or for which construction shall take place are: Freeman Road Bridge (PIN 5756.38), Pavement Road Bridges (PIN 5755.38), Cedar Street Bridge (PIN 5757.21) and Seneca Street Bridge (PIN 5755.25).	p. B-241
------	--	---	-------------	----------	-------------	---------------	---	----------

Section (E). The amendments of the bond resolution set forth in Sections A through D, inclusive, of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (F). This Amending Resolution shall take effect immediately upon approval by the County Executive.

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

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI.
NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

Item 63 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of COMM. 7E-10 (2009). MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 122

RE: Technical Amendments to 2008
Consolidated Bond Resolution (DISS)
(COMM. 7E-10)

RESOLUTION NO. 122-2009

BOND RESOLUTION DATED April 23, 2009

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED MAY 29, 2008, TO AMEND CERTAIN PROJECT DESCRIPTIONS AND PERIODS OF PROBABLE USEFULNESS FOR VARIOUS CAPITAL IMPROVEMENTS.

(Introduced) April 2, 2009

(Adopted) April 23, 2009

Recitals

WHEREAS, the Legislature of the County of Erie, New York, has heretofore duly authorized the financing of various capital projects included in the 2008 Capital Budget of the County, pursuant to the bond resolution adopted May 29, 2008 by said Legislature, and hereinafter referred to; and

WHEREAS, it is now necessary to amend the description of the scope of work and period of probable usefulness for a certain capital improvement.

NOW, THEREFORE, BE IT

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Legislature) AS FOLLOWS:

Section (A). Row 30 of the schedule attached to Resolution 183-2008 of said County duly adopted by the Legislature on May 29, 2008 is hereby amended to read as follows:

	A	A-1	B	C	D	F	G	
Line No.	Project Description	Specific or Class	Estimated Maximum Cost	Amount of Bonds Authorized	State or Federal Aid Expected	PPU	Project Details	Capital Budget Page Reference

30	BUSINESS CONTINUITY/DI SASTER PLANNING	S	\$250,000	\$250,000	\$0	5 yrs par 35	Each year the County is criticized in the management letter due to the fact it lacks a business plan to carry on information technology and processing operations offsite in the event of a disaster at the Rath Building. The funding for this project will be used to establish an alternative business operation plan and implement related improvements to process its operational software offsite should their existing facility or the Division of Information and Support Services were disabled by a catastrophic event..	p. B-243
----	--	---	-----------	-----------	-----	--------------	--	----------

Section (B). The amendment of the bond resolution set forth in Section A of this Resolution shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

Section (C). This Amending Resolution shall take effect immediately upon approval by the County Executive.

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

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI.
NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

Item 64 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of COMM. 7E-7 (2009). MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 123

RE: EC 2009 Consolidated Bond Resolution
(COMM. 7E-7)

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

CARRIED UNANIMOUSLY.

Insert the Following:

RESOLUTION NO. 123-2009

BOND RESOLUTION DATED APRIL 23, 2009

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2009 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$82,928,409, APPROPRIATING SAID AMOUNT THEREFORE, INCLUDING THE EXPENDITURE OF \$32,981,450 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND THE EXPENDITURE OF \$3,200,000 IN COUNTY CURRENT FUNDS AVAILABLE OR TO BE AVAILABLE, AND AUTHORIZING THE ISSUANCE OF \$46,746,959 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFORE OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) April 2, 2009

(Adopted) April 23, 2009

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

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column G of the attached schedule and the duly adopted 2009 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2009 Capital Budget of the County, such Budget shall be deemed and is hereby amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column A-1 of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefore pursuant to the duly adopted 2009 Capital Budget for the County. The plan of financing includes the expenditure of \$32,981,450 in State and Federal aid expected to be received, the expenditure of \$3,200,000 County current funds available or to be available therefore, and the issuance of \$46,746,959 aggregate principal amount of bonds of the County to finance the balance of said appropriations, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost of the applicable specific objects or purposes, classes of objects or purposes or combinations of objects or purposes or the redemption of any notes and bonds issued therefore or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

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

Section 3. The respective periods of probable usefulness for said specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which said \$46,746,959 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column F of the attached schedule.

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

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for

substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

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

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

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

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

2009 CONSOLIDATED RESO

**ATTACHMENT B:
2009 CAPITAL BUDGET BOND RESOLUTION – PROJECT COMPONENTS**

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ. NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC, CLASS, OR COMBO	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPITAL BUDGET PAGE REFERENCE
1		2009 REHABILITATION OF RALPH WILSON STADIUM (ORCHARD PARK)	S	\$ 2,900,000	\$ 2,900,000			15 yrs. par. 19(c)	The County must provide annual capital maintenance and repairs to the County owned stadium facilities pursuant to the terms of the Lease Agreement between the Erie County Stadium Corporation and the Buffalo Bills. Funding in the 2009 Capital Budget continues the rehabilitation program at the Stadium.	B-127, 130 & 139
2		2009 BOTANICAL GARDEN MASTER PLAN IMPLEMENTATION AND REHABILITATION (BUFFALO)	S	1,000,000	1,000,000			15 yrs. Par. 19(c)	As per the agreement signed by the County in 2004, the County is committed to provide capital funding to implement the Master Plan Implementation for the Gardens totaling \$9 million during the period of 2005-2013. Funding in the 2009 Capital budget funds the next phase, construction of the Growing House and design of the Orangerie.	B-127, 130 & 139
3		2009 BUFFALO NIAGARA CONVENTION CENTER REHABILITATION (BUFFALO)	S	1,000,000	1,000,000			15 yrs. Par. 12(a)(2)	This phase of work is the continuation of County capital projects started in 1995. This phase will fund interior renovations, interior signage, exterior improvements and miscellaneous work.	B-127, 130 & 139

2009 CONSOLIDATED RESO

**ATTACHMENT B:
2009 CAPITAL BUDGET BOND RESOLUTION – PROJECT COMPONENTS**

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ . NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC, CLASS, OR COMBO	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPIT AL BUDGET PAGE REFERENCE
4		2009 COUNTYWIDE CODE AND ENVIRONMENTAL COMPLIANCE (COUNTYWIDE)	COMBO	1,000,000	1,000,000			15 yrs. Par. 12(a)(2)	This project entails the design/construction for code compliance and testing of asbestos containing materials, mold containing materials and other environmental concerns. Testing will be done as per the Asbestos Management Plans, testing of suspected materials, design and construction as mandated by law and described in the Management plan.	B-127, 130 & 139
5		2009 COUNTYWIDE ROOF REPLACEMENT AND WATERPROOFING (COUNTYWIDE)	C	1,900,000	1,900,000			15 yrs. Par. 12(a)(2)	This project entails the design and construction of top priority roofs based on a recent condition report. Work scheduled includes roofs at: 1500 Broadway and 25 Delaware Ave.; salt shed; parks buildings and other County buildings as well as exterior improvements.	B-127, 131 & 139
6		2009 COURT FACILITY EXTERIOR ENVELOPE, WATERPROOFING AND REPAIRS (BUFFALO)	C	1,200,000	1,200,000			15 yrs. Par. 12(a)(2)	This project will fund the next phase of the construction and design including, but not limited to, exterior masonry, waterproofing, sealant work and exterior site work at Old County Hall, 25 Delaware Avenue and Family Court.	B-127, 131 & 139

2009 CONSOLIDATED RESO

**ATTACHMENT B:
2009 CAPITAL BUDGET BOND RESOLUTION – PROJECT COMPONENTS**

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ . NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC, CLASS, OR COMBO	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPIT AL BUDGET PAGE REFERENCE
7		2009 COUNTYWIDE IT AND COMMUNICATION ROOM FIRE SUPPRESSION SYSTEMS (COUNTYWIDE)	C	1,100,000	1,100,000			10 yrs. Par. 56	This project will provide for the installation of a gaseous fire suppression system throughout communication and IT rooms located in various County buildings. The County building's infrastructure for communication and IT rooms are not protected against fire damage. If there was a fire in the Rath Building's communication room, all of the 858 exchange telephone numbers would be out of service throughout the County until new equipment could be ordered and installed.	B-127, 131 & 139
8		2009 COUNTYWIDE FIRE ALARM AND SECURITY IMPROVEMENTS (COUNTYWIDE)	C	1,000,000	1,000,000			5 yrs. Par. 32	The County has been improving it's monitoring of access and security control throughout the County owned buildings over the past several years and has identified ongoing needs to continue to improve the safety and well being of not only County employees, but the public as well. This project includes improving the video surveillance, security, access control, security alarm stations, Crime Lab CCTV, monitoring and miscellaneous work. Fire alarm related work is also included.	B-127, 131 & 139

2009 CONSOLIDATED RESO

**ATTACHMENT B:
2009 CAPITAL BUDGET BOND RESOLUTION – PROJECT COMPONENTS**

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ . NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC, CLASS, OR COMBO	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPIT AL BUDGET PAGE REFERENCE
9		2009 SPACE CONSOLIDATION & RELOCATION (COUNTYWIDE)	C	1,000,000	1,000,000			15 yrs. Par. 12(a)(2)	This project will provide funding for partial reconstruction of various County buildings in order to optimize the use of county-owned space, reducing the need for leased space. These improvements will eliminate redundancy and enhance the delivery of services. A reduction in space utilization will result in reduced energy consumption.	B-127, 132 & 139
10		2009 CAPITAL OVERLAY PROGRAM (COUNTYWIDE)	C	6,000,000	2,800,000		\$3,200,000	15 yrs. Par. 20	The 2009 capital overlay program provides for rehabilitation work to include, but not limited to, pavement and shoulder widening, drainage improvements, sight distances and safety improvement. Completion of these projects will result in future operating and maintenance savings.	B-127, 132 & 139

2009 CONSOLIDATED RESO

**ATTACHMENT B:
2009 CAPITAL BUDGET BOND RESOLUTION – PROJECT COMPONENTS**

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ . NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC, CLASS, OR COMBO	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPITAL BUDGET PAGE REFERENCE
11		2009 BRIDGE AND ROAD RECONSTRUCTION PROJECTS-FEDERAL AID PROGRAM (COUNTYWIDE)	COMBO	25,066,300	5,013,260	\$20,053,040		15 yrs. Par. 91	This project provides \$5,013,260 to finance the County share of various road projects which are eligible for State and Federal aid. The State and Federal share of this project totals \$20,053,040. Total project cost is \$25,066,300. Roads and bridges scheduled include: Cemetery Road Bridge; Elmwood Ave. signals; Greiner Rd./Shimerville intersection; Harris Hill/Wehrle Drive intersection; Harris Hill/Pleasantview intersection; Maple Road; North Forest Road; Parkview Road Bridge; Pavement Road Bridge; Seneca Street Bridge and Youngs/Aero intersection.	B-127, 132 & 139
12		2009 FEDERAL AID PROJECTS - DESIGN (COUNTYWIDE)	S	5,086,670	1,017,334	\$4,069,336		5 yrs. Par. 62(2nd)	Design work on fourteen Federal aid projects throughout the County; Abbott Road Bridge; bridge painting; Clarence Center Road Bridge; Colvin Blvd./Brighton Road intersection; East Robinson/North French; Elmwood Ave.; Freeman Road Bridge; Kenmore Avenue; Lake Avenue Bridge; Mill Street Bridge; Pavement Road Bridge; Rapids Road bridge; Seneca Street Bridge and Swift Mills Road Bridge. Federal aid totals \$4,069,336 making a total project of \$5,086,670.	B-127, 132 & 139

2009 CONSOLIDATED RESO

**ATTACHMENT B:
2009 CAPITAL BUDGET BOND RESOLUTION – PROJECT COMPONENTS**

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ . NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC, CLASS, OR COMBO	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPIT AL BUDGET PAGE REFERENCE
13		2009 FEDERAL AID PROJECTS RIGHT-OF-WAY (COUNTYWIDE)	C	4,423,000	884,600	\$3,538,400		20 yrs. Par. 10	Right-of-Way work on eleven Federal aid projects throughout the County: Cemetery Road Bridge; Colvin Blvd./Brighton Road intersection; East Robinson/North French; Freeman Road Bridge; North Forest Road Bridge; Pavement Road Bridge. Federal aid totals \$3,538,400 making a total project of \$4,423,000.	B-127, 133 & 139
14		2009 DINGENS STREET DRAINAGE CONSTRUCTION (CHEEKTOWAGA)	S	300,000	300,000			30 yrs. Par. 3	This project will eliminate a long-standing drainage issue on Dingens Street. The project will be a joint effort with the Town of Cheektowaga that will be doing the drainage work outside of the right-of-way of Dingens Street.	B-127, 133 & 139
15		2009 FEMA PROJECTS ROAD RECONSTRUCTION (COUNTYWIDE)	S	522,439	451,765	\$70,674		15 yrs. Par. 20	This will fund construction of two projects previously damaged by severe storms and eligible for FEMA storm damage aid: Groth Road (PW 714) and Vermont Street Site 9 (PW 912). Federal aid totals \$70,674 making a total project of \$522,439.	B-127, 133 & 139

2009 CONSOLIDATED RESO

**ATTACHMENT B:
2009 CAPITAL BUDGET BOND RESOLUTION – PROJECT COMPONENTS**

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ . NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC, CLASS, OR COMBO	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPIT AL BUDGET PAGE REFERENCE
16		2009 PRESERVATION OF ROADS (COUNTYWIDE)	C	4,200,000	4,200,000			15 yrs. Par. 20	This is the second year of a fifteen year program to maintain our 1,188 centerline miles of roads. The plan is to rebuild or rehabilitate various roads throughout the County based on pavement condition rating needs. All roads have been evaluated and ranked based on conditions with specific estimates developed per road to address concerns.	B-127, 133 & 139
17		2009 HOPKINS RD/RANSOM CREEK RECONSTRUCTION (AMHERST)	S	2,180,000	1,180,000	\$1,000,000		15 yrs. Par. 20	This project will stabilize and protect a 2,800 foot length of Hopkins Road in the Town of Amherst, running from the intersection with Smith Road north towards Tonawanda Creek Road, along Ransom Creek. Federal aid is capped at \$1,000,000. Total project cost is \$2,180,000.	B-127, 133 & 139
20		2009 PRESERVATION OF BRIDGES AND CULVERTS DESIGN (COUNTYWIDE)	C	1,000,000	1,000,000			20 yrs. Par. 10	This is the second year of a fifteen year program to maintain the 278 bridges greater than 20' on County highways and 449 small bridges with a span greater than 5' to 20' that have to be maintained and replaced.	B-127, 134 & 139

2009 CONSOLIDATED RESO

**ATTACHMENT B:
2009 CAPITAL BUDGET BOND RESOLUTION – PROJECT COMPONENTS**

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ . NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC, CLASS, OR COMBO	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPIT AL BUDGET PAGE REFERENCE
21		2009 INMATE SHOWERS	C	350,000	350,000			15 yrs. Par. 12(a)(2)	The existing inmate showers and bathroom facilities at the Erie County Holding Center and Erie County Correctional Facilities are in need of a complete replacement. The Commission of Correction mandates certain numbers of operational facilities for inmates. If not replaced, the Commission could order that inmates be boarded in other facilities at a cost of \$120-\$150 per inmate per day.	B-127, 134 & 140
22		2009 COMPUTER AND DATA MANAGEMENT UPGRADES	COMBO	800,000	800,000			5 yrs. Par. 89	The existing computer systems serving the Erie County Holding Center and Erie County Correctional Facility are out-dated and in need in replacement. This project will address the need for data storage, fund new servers, new scanners and software licensing. New software is needed and interfaces are required to enable tracking prisoners for programs, gang affiliation, classification status, disciplinary status, transport locations, records retention, visiting records and security alerts.	B-127, 135 & 140

2009 CONSOLIDATED RESO

**ATTACHMENT B:
2009 CAPITAL BUDGET BOND RESOLUTION – PROJECT COMPONENTS**

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ . NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC, CLASS, OR COMBO	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPIT AL BUDGET PAGE REFERENCE
23		2009 ERIE COUNTY HOLDING CENTER IMPROVEMENTS (BUFFALO)	S	375,000	375,000			15 yrs. Par. 12(a)(2)	The exterior envelope of the Erie County Holding Center is in disrepair. Considering the facility's function (correctional use) and the safety and well being of the occupants, improvements to maintain the structures in a weather-tight condition are extremely important. Failure to implement will result in costly building systems repairs, such as, walls, ceilings, mechanical and electrical.	B-127, 135 & 140
24		2009 PUBLIC SAFETY 400MHZ COMMUNICATIONS SYSTEM PHASE 2 (COUNTYWIDE)	C	1,900,000	1,900,000			10 yrs. Par. 98	This project is Phase 2 of a three phase program to replace the County's communication system that was installed in the mid 1950's. The current system does not meet today's technology requirements or current needs. At completion the County will have a state-of-the-art County-wide emergency communications system.	B-127, 135 & 140

2009 CONSOLIDATED RESO

**ATTACHMENT B:
2009 CAPITAL BUDGET BOND RESOLUTION – PROJECT COMPONENTS**

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC, CLASS, OR COMBO	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPITAL BUDGET PAGE REFERENCE
25		2009 RENOVATIONS TO TRAINING CENTER COMPLEX	C	1,975,000	1,975,000			15 yrs. Par. 12(a)(2)	This is Phase 3 of a three phase project including, but not limited to renovation and rehabilitation of the smokehouse, burn tower and live burn buildings located at the Emergency Services Training and Operations Center complex and other facilities in Amherst and Orchard Park. These facilities show significant signs of degradation and pose a safety risk. These facilities are used to train firefighters from the City of Buffalo and the volunteer fire companies in the County.	B-127, 135 & 140
26		2009 ECC EQUIPMENT (COUNTYWIDE)	COMBO	1,800,000	1,800,000			5 yrs. Par. 89	This project provides for the acquisition of various pieces of equipment. This includes vehicles, buildings and grounds equipment, laboratory and technical equipment as well as furniture and fixtures.	B-127, 136 & 141

2009 CONSOLIDATED RESO

**ATTACHMENT B:
2009 CAPITAL BUDGET BOND RESOLUTION – PROJECT COMPONENTS**

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ. NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC CLASS, OR COMBO	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPITAL BUDGET PAGE REFERENCE
27		2009 ECC EXTERIOR BUILDING RENOVATIONS AND RESTORATIONS (BUFFALO)	S	1,500,000	750,000	\$750,000		15 yrs. Par. 12(a)(2)	This project involves exterior work critically necessary to address the City campus Post Office building. Exterior work will involve masonry restoration, including repair of all mortar joints, replacement of defective bricks and control joints, repair replacement of existing outside perimeter roofs and gutters, repair to ironwork over back loading dock and repair of exterior wall along Oak Street and miscellaneous repairs. This project is eligible for State aid of \$750,000 making the total project \$1,500,000.	B-127, 136 & 141
28		2009 ECC ELECTRICAL UPGRADES (AMHERST)	S	1,000,000	500,000	\$500,000		30 yrs. Par. 5	The existing (1950's) electrical system cannot deal with current demands. Parts to make repairs/additions to substations are either not available or extremely costly. A professional electrical engineering firm will be engaged to evaluate the current system, design and prepare all needed project documents and then begin implementation of necessary upgrades. This project is eligible for State aid of \$500,000 making the total project \$1,000,000.	B-127, 136 & 141

2009 CONSOLIDATED RESO

**ATTACHMENT B:
2009 CAPITAL BUDGET BOND RESOLUTION – PROJECT COMPONENTS**

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ . NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC, CLASS, OR COMBO	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPIT AL BUDGET PAGE REFERENCE
29		2009 ECC ENERGY PERFORMANCE CONTRACT/ CITY CAMPUS (BUFFALO)	S	6,000,000	3,000,000	\$3,000,000		10 yrs. Par. 13	The existing HVAC systems at ECC City buildings (Academic and Athletic) are over 25 years in age and are well beyond their useful life and must be replaced. The systems operate at reduced capacity and efficiency and require constant maintenance to keep them operational. This project is a \$6,000,000 total project funded by 50% County bonds and 50% New York State reimbursement.	B-127, 136 & 141
30		2009 CENTRAL LIBRARY REHABILITATION (BUFFALO)	S	200,000	200,000			15 yrs. Par. 12(a)(2)	This project would continue the renovation of the Central Library to bolster its role as a downtown destination. It would tap the exhibit potential of the Library's many rare and historic items to draw the public into the Library. Updating the 2002 Space Design and 1990 structural/mechanical/asbestos plans would occur in 2009. Phased construction would occur in the following years. The project would also include asbestos abatement of areas to be reconstructed.	B-128, 137 & 141

2009 CONSOLIDATED RESO

**ATTACHMENT B:
2009 CAPITAL BUDGET BOND RESOLUTION – PROJECT COMPONENTS**

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ . NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC, CLASS, OR COMBO	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPITAL BUDGET PAGE REFERENCE
31		2009 COMPUTER NETWORK REPLACEMENT AND UPGRADES (BUFFALO)	COMBO	1,700,000	1,700,000			5 yrs. Par. 89	This project represents an annual investment necessary to maintain the current computerized environment. It involves the upgrade and replacement of desktop computers, local area network servers, network hard drive storage devices and network information routing devices.	B-128, 137 & 140
32		2009 MANAGED AVAILABILITY SERVICES - BUSINESS CONTINUITY /DISASTER PLANNING (COUNTYWIDE)	S	1,500,000	1,500,000			5 yrs par 62 (2nd)	This project will provide funding for the County to establish an alternative business operation plan to process its operational software offsite should the Department of Information and Support Services be disabled. This will allow for comprehensive IT recovery and program development, status reporting, e-discovery compliance requirements, document management and records retention. This will also address recurring findings in the County's Management Letter that cites deficiencies in this critical area.	B-128, 137 & 140

2009 CONSOLIDATED RESO

**ATTACHMENT B:
2009 CAPITAL BUDGET BOND RESOLUTION – PROJECT COMPONENTS**

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ . NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC, CLASS, OR COMBO	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPIT AL BUDGET PAGE REFERENCE
33		2009 BETHLEHEM STEEL REDEVELOPMENT (LACKAWANNA)	S	500,000	500,000			5 yrs par 62 (2nd)	The County signed a memorandum of understanding in 2003 with the City of Lackawanna and Tecumseh Redevelopment Inc. to provide \$10 million in public funding for infrastructure work toward the redevelopment of the old Bethlehem Steel site. This phase will fund the design phase of the public Right-of-Way access to the site.	B-128, 138 & 141
34		2009 COUNTYWIDE PARKS IMPROVEMENTS (COUNTYWIDE)	C	1,600,000	1,600,000			15 yrs. Par. 19(c)	In 2003 the "Erie County Parks System Master Plan" was completed. The Master Plan provides direction for repair, restoration and development of the Erie County Parks. This is a multi-year/multi-phase plan. This project seeks to address the first and most critical priorities identified for public safety and miscellaneous repairs. Failure to fund this project would endanger the safety of parks visitors and result in further deterioration of structures, roads and infrastructures.	B-128, 138 & 140

2009 CONSOLIDATED RESO

**ATTACHMENT B:
2009 CAPITAL BUDGET BOND RESOLUTION – PROJECT COMPONENTS**

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC, CLASS, OR COMBO	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPITAL BUDGET PAGE REFERENCE
35		2009 NEW DMNA BUILDING (FRANK LLOYD WRIGHT BOATHOUSE)	S	850,000	850,000			10 yrs. Par. 12(a)(3)	Agreements between, the County Buffalo State College, and New York State's DMNA (Division of Military and Naval Affairs) are in place (since 2007) for the relocation of the DMNA Depot. The property at 292 South Park Avenue was secured for this project. Bids were taken in 2007. The bids include development and the construction of a pre-engineered storage building.	
TOTALS				\$82,928,409	\$46,746,959	\$32,981,450	\$3,200,000			

MS. WHYTE moved to approve the item as amended. MS. KONST seconded.

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI.
NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 65 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 8-13 from the KENNEDY, MARINELLI, WHYTE, MILLS, KOZUB, MILLER-WILLIAMS, WALTER, KONST, GRANT, MAZUR, WROBLEWSKI, IANNELLO,

REYNOLDS, LOUGHRAN & RATH Re: Supporting Efforts to Keep More Niagara Power Project Benefits in WNY

MS. WHYTE moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 124

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

WHEREAS, the Niagara River, fed by Lake Erie, that fuels the Niagara Power Project originates in Buffalo and is fundamental to the operation of the Niagara Power Project; and

WHEREAS, establishment of the Niagara Power Project initially provided direct benefits to the host community leading to an economic rising in Western New York as it provided low cost power to our historically strong manufacturing base; and

WHEREAS, in 1957 a federal law granted the Power Authority the right to build and operate the Niagara Power Project. The federal law also set aside 695 megawatts of power to industry within 30 miles of the facility; and

WHEREAS, today New York Power Authority's (NYPA) own studies indicate that only 14% of the economic benefit from the Niagara Power Project remains in our region; and

WHEREAS, in 2008 NYPA had a surplus of \$309 million, 76% of which was generated by the Niagara Power Project; and

WHEREAS, industries receiving Niagara hydropower generally only use about two-thirds of the power they are allocated for various reasons including the fact that companies are not always operating 24 hours a day, 365 days a year; and

WHEREAS, NYPA receives approximately \$63 million for the sale of this allocated but unused Replacement and Expansion power; and

WHEREAS, Replacement and Expansion power were always meant to be solely for the benefit of the host community; and

WHEREAS, Congressman Brian Higgins has advanced a proposal and will file a bill that would dedicate at a minimum these \$63 million in annual proceeds for local infrastructure, cultural, waterfront and park projects, and

WHEREAS, Congressman Brian Higgins argues that any proceeds from the sale of the 695 megawatts of power initially set aside for industry within 30 miles of the facility by the 1957 federal law should remain within Erie and Niagara counties; and

WHEREAS, the Higgins bill would establish a five-member development corporation board, with members appointed by the governor, the Mayor of Buffalo, the Mayor of Niagara Falls, the Erie County Executive and the Chairman of the Niagara County Legislature; and

WHEREAS, Richard Kessel, President of the Power Authority, recently stated in the Buffalo News that he agrees in principal with Congressman Brian Higgins' push to devote more of the authority's resources to Western New York and agrees that the NYPA has not done enough for Western New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is hereby committed to supporting efforts that ensure Western New York, the host community for the Niagara Power Project, receives its fair share of benefits from the Niagara Power Project; and be it further

RESOLVED, that this Honorable Body goes on record in support of the legislation sponsored by Congressman Brian Higgins that would provide a new dedicated stream of revenue for local waterfront, park and cultural initiatives; and be it further

RESOLVED, that the Clerk of the Erie County Legislature is directed to present certified copies of this resolution to NYPA President Richard Kessel, New York State Governor David Paterson, and members of the WNY federal and state delegation.

Item 66 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 8E-27 from CHAIR MARINELLI Re: Letter from Chair Marinelli Concerning Road to a Bright Future Plan

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 67 – (COMM. 8E-1) Erie County's 1% Sales and Compensating Use Tax Revenue Sharing with Local Governments

Item 68 – (COMM. 8E-2) Erie County Payment - Tonawanda Creek Bonded Capital Project

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

Item 69 – (COMM. 8E-3) Review of Rath Building Garage Parking

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 70 – (COMM. 8E-4) Copy of Letter to Acting Probation Director & CPS
Commissioner Concerning 2009 Audit of Erie County Dept. of Probation

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM CHAIR MARINELLI

Item 71 – (COMM. 8E-5) Copy of Letter to Commissioner of Environment & Planning
Concerning 2009 Cultural Funding Contracts

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMPTROLLER

Item 72 – (COMM. 8E-6) Refrigerator Payment Request

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 73 – (COMM. 8E-7) Veto Message Concerning Local Law Intro. No. 3 - 2008, Tax
Payer Protection Law

MS. WHYTE moved for immediate consideration. MS. IANNELLO seconded. MR.
MILLS, MR. RATH and MR. WALTER voted in the negative.

CARRIED. (12-3)

RESOLUTION NO. 125

RESOLVED, the Erie County Legislature hereby overrides the County Executive's veto of
Local Law Intro #3 – 2008 (entitled Tax Payer Protection Law, amending Article II, Section 202,
known as, the Powers and Duties of the County Legislature and Section 2612 of Article XVIII
known as, certain resolutions of County Legislature subject to executive veto) and the County
Executive's declaration that Local Law Intro #3 – 2008 is null and void.

MS. WHYTE moved the adoption. MS. IANNELLO seconded.

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: MS. GRANT, MS. IANNELLO, MS. KONST, MR. KOZUB, MR. LOUGHRAN,
CHAIR MARINELLI, MR. MAZUR, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI.
NOES: MR. MILLS, MR. RATH, MR. WALTER, MR. KENNEDY and MS. MILLER-
WILLIAMS. (AYES: 10; NOES: 5)

CARRIED.

Item 74 – (COMM. 8E-8) Veto Message Concerning Local Law Intro. No. 8 - 2008, Lowest Responsible Bidder Requirements

MS. WHYTE moved for immediate consideration. MR. KENNEDY seconded. MR. MILLS, MR. RATH, MR. WALTER and MS. KONST voted in the negative.

CARRIED. (11-4)

RESOLUTION NO. 126

RESOLVED, the Erie County Legislature hereby overrides the County Executive's veto of Local Law Intro #8 – 2008 (A Local Law to Strengthen and Encourage Lowest Responsible Bidder Requirements for Erie County Contracts) and the County Executive's declaration that Local Law Intro #8 – 2008 is null and void.

MS. WHYTE moved the adoption. MR. KENNEDY seconded.

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: MS. GRANT, MS. IANNELLO, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. NOES: MR. MILLS, MR. RATH, MR. WALTER and MS. KONST. (AYES: 11; NOES: 4)

CARRIED.

Item 75 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 127

RE: Agreement As To Form - Bond
Anticipation Note (BAN)
(COMM. 8E-10)

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

CARRIED UNANIMOUSLY.

Insert the Following:

RESOLUTION NO. 127-2009

RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, APPROVING A FINANCING AGREEMENT BETWEEN THE COUNTY AND THE ERIE COUNTY FISCAL STABILITY AUTHORITY.

(Introduced) April 23, 2009

(Adopted) April 23, 2009

Recitals

WHEREAS, the County Legislature of the County of Erie, New York, has heretofore duly authorized the issuance of its general obligation bonds and bond anticipation notes for various capital projects in the respective amounts and pursuant to the respective bond resolutions as set forth in the attached schedule (said bond anticipation notes being hereinafter referred to as the “County BANS”); and

WHEREAS, said County Legislature has heretofore received from the County Executive and approved on April 23, 2009 a Declaration of Need (Comm 8E-11) for capital project financing assistance from the Erie County Fiscal Stability Authority (“ECFSA”) necessary under the ECFSA enabling statute in order to authorize ECFSA to provide such financing assistance; and

WHEREAS, in order to implement the provision of financing assistance by ECFSA to the County, the ECFSA enabling statute authorizes the County and ECFSA to enter into agreements as to financing of costs by ECFSA, the application of revenues to secure the ECFSA BANS, and further assurances in respect of ECFSA’s receipt of such revenues and the fiscal affairs of the County; such agreement to be executed by the County Executive after approval by the County Legislature; and

WHEREAS, financing plans have been structured through negotiations between the County and ECFSA and provide for: (i) the sale of the County BANS to the ECFSA and application of the

proceeds from such sale to the financing of the County's 2007, 2008 and 2009 capital programs and various other capital projects and (ii) negotiated sale by ECFSA of its bond anticipation notes (the "ECFSA BANS") in order to provide ECFSA with sufficient proceeds to purchase the County BANS (the "ECFSA Short-Term Financing Plan").

NOW, THEREFORE, BE IT

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

Section 1. The Financing Agreement between the ECFSA and the County, in substantially the form submitted to this meeting, is hereby approved and the County Executive is hereby authorized to enter into such agreement in order to implement the provision of short-term capital project financing assistance by ECFSA to the County through the ECFSA Short-Term Financing Plan, subject to any technical changes as he shall approve, execution of such contract being conclusive evidence of such approval.

Section 2. This Resolution shall take effect immediately upon approval by the County Executive."

MS. WHYTE moved to approve the item as amended. MS. KONST seconded.

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI.
NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

Item 76 – MS. WHYTE presented the following resolution and moved for immediate consideration. MS. KONST seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

RE: Capital Borrowing - Bond Anticipation

Note (BAN)
(COMM. 8E-11)

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

CARRIED UNANIMOUSLY.

Insert the Following:

RESOLVED, the Erie County Legislature hereby approves the following Declaration of Need:

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"), constituting the enabling act for the Erie County Fiscal Stability Authority, a public benefit corporation of the State of New York (the "Authority") (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. Pursuant to the Act, 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.

4. 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 April 21, 2009

Project	2009 BAN
Rehabilitation of Ralph Wilson Stadium (Orchard Park)	2,750,000
Botanical Gardens Master Plan Reconstruction (Buffalo)	2,000,000
Convention Center Renovations & Improvements (Buffalo)	1,000,000
Unanticipated Road & Bridge Costs-Design & Construction (Countywide)	100,000
Waterproofing & Rehabilitation of Old County Hall (Buffalo)	500,000
Rath Building Low Rise Elevator Modernization (Buffalo)	500,000
Code Compliance & reconstruction of County Buildings (Countywide)	1,433,000
Space Consolidation & Relocation (Countywide)	400,000
Capital Overlay & Road Reconstruction Program County Wide Road Fund (Countywide)	4,800,000
Road Reconstruction Projects Federal Aid Program DPW (Countywide) Como Park Blvd	125,000
Road Reconstruction Projects Federal Aid Program DPW (Countywide) Wehrle Dr	1,000,000
Road Design Projects Federal Aid Program DPW (Countywide)	7,500
Intersection Improvements Various	334,500
Tonawanda Creek Road Reconstruction	575,000
Bridge Reconstruction Projects Federal Aid Program DPW (Countywide)	882,500
Bridge Design Projects Federal Aid Program DPW (Countywide)	12,500
Correctional Facility Roof Replacement (Alden)	2,500,000
Exterior Building Renovations (Buffalo) ECC	800,000
Exterior Building Restorations (Buffalo) ECC	600,000
Security Improvements Correctional Facility (Alden)	200,000
Public Safety Communications System (800 MHZ) (Countywide)	1,565,000
Renovations to Training Center Complex (Cheektowaga)	1,000,000
Purchase of Miscellaneous Equipment (Countywide) ECC	1,800,000
ECC NORTH & SOUTH CAMPUS VARIOUS IMPROVEMENTS	3,000,000
Recreational Improvements Buffalo Zoo	4,000,000
Remediation & Redevelopment Phase of the 2001 Urban Brownfield Development	995,714
TOTAL 2007 CAPITAL BORROWING	32,880,714
REHABILITATION OF RALPH WILSON STADIUM	2,800,000

Project	2009 BAN
BOTANICAL GARDENS MASTER PLAN RECONSTRUCTION	1,000,000
CONVENTION CENTER RENOVATIONS AND IMPROVEMENTS	4,000,000
CODE COMPLIANCE AND RECONSTRUCTION OF COUNTY BUILDINGS (COUNTYWIDE)	700,000
ROOF REPLACEMENT AND WATERPROOFING OF BUILDING ENCLOSURES (COUNTYWIDE)	700,000
REPLACEMENT OF HIGHWAY VEHICLES	700,000
CAPITAL OVERLAY PROGRAM-COUNTY ROAD FUND	3,800,000
ROAD RECONSTRUCTION PROJECTS FEDERAL AID PROGRAM DPW (COUNTYWIDE)	627,100
INTERSECTION IMPROVEMENTS – FEDERAL AID PROGRAM	181,150
ROAD DESIGN & ROW PROJECTS FEDERAL AID PROGRAM DPW (COUNTYWIDE)	116,160
UNANTICIPATED ROAD AND BRIDGE CONSTRUCTION FEDERAL AID PROJECTS	75,000
UNANTICIPATED ROAD AND BRIDGE DESIGN AND ROW FEDERAL AID PROGRAM	10,000
ROAD RECONSTRUCTION FEMA PROJECTS	485,000
ROAD DESIGN AND ROW-FEMA PROJECTS	95,000
HOPKINS ROAD SLIDE-DESIGN AND ROW	225,000
PRESERVATION OF ROADS	7,000,000
PRESERVATION OF BRIDGES, CULVERTS AND DAMS	3,500,000
BRIDGE RECONSTRUCTION PROJECTS-FEDERAL AID PROGRAM-DPW (COUNTYWIDE)	726,750
BRIDGE DESIGN AND ROW PROJECTS-FEDERAL AID PROGRAM-DPW (COUNTYWIDE)	123,840
ROOF REPLACEMENT CORRECTIONAL FACILITY	1,000,000
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	1,250,000
UPGRADE TO HEALTH RECORDS MODULE	700,000
COMPUTER NETWORK REPLACEMENT AND UPGRADES	1,000,000
DATA CENTER INFORMATION STORAGE	300,000
SAP FUNCTIONALITY EXPANSION/BUSINESS INTELLIGENCE	160,000
BUSINESS CONTINUITY/DISASTER PLANNING	250,000

Project	2009 BAN
REGIONAL FIBER OPTIC NETWORK BUILD-OUT	290,000
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
RENOVATIONS TO FIRE TRAINING CENTER COMPLEX	2,000,000
EMERGENCY SERVICES PROJECT PUBLIC SAFETY COMMUNICATIONS SYSTEM (400 MHZ)	1,400,000
EXTERIOR BUILDING RESTORATION-ECC CITY	700,000
CAMPUS SECURITY AND SAFETY-ECC	700,000
LIBRARY-REPLACE FUEL TANK & PARKING LOT STORAGE SPACE	150,000
BUFFALO ZOOLOGICAL CHILDREN'S EXHIBIT	1,000,000
BICYCLE/PEDESTRIAN TRAIL CONSTRUCTION	300,000
PURCHASE OF MISCELLANEOUS EQUIPMENT-ECC	1,800,000
TOTAL 2008 CAPITAL RESOLUTION	42,990,000
2009 REHABILITATION OF RALPH WILSON STADIUM (ORCHARD PARK)	2,900,000
2009 BOTANICAL GARDEN MASTER PLAN IMPLEMENTATION AND REHABILITATION (BUFFALO)	1,000,000
2009 COUNTYWIDE FIRE ALARM AND SECURITY IMPROVEMENTS (COUNTYWIDE)	500,000
2009 SPACE CONSOLIDATION & RELOCATION (COUNTYWIDE)	300,000
2009 CAPITAL OVERLAY PROGRAM (COUNTYWIDE)	2,800,000
2009 BRIDGE AND ROAD RECONSTRUCTION PROJECTS-FEDERAL AID PROGRAM (COUNTYWIDE)	1,000,000
2009 FEDERAL AID PROJECTS RIGHT-OF-WAY (COUNTYWIDE)	884,600
2009 FEDERAL AID PROJECTS - DESIGN (COUNTYWIDE)	304,686
2009 DINGENS STREET DRAINAGE CONSTRUCTION (CHEEKTOWAGA)	300,000
2009 PRESERVATION OF ROADS (COUNTYWIDE)	4,000,000
2009 HOPKINS RD/RANSOM CREEK RECONSTRUCTION (AMHERST)	500,000
2009 PRESERVATION OF BRIDGES AND CULVERTS DESIGN (COUNTYWIDE)	1,000,000
2009 INMATE SHOWERS (BUFFALO)	350,000
2009 COMPUTER AND DATA MANAGEMENT UPGRADES (BUFFALO)	800,000
2009 PUBLIC SAFETY 400MHz COMMUNICATIONS SYSTEM PHASE 2 (COUNTYWIDE)	1,900,000

Project	2009 BAN
2009 RENOVATIONS TO TRAINING CENTER COMPLEX (CHEEKTOWAGA)	1,975,000
2009 ECC EQUIPMENT (COUNTYWIDE)	1,800,000
2009 COMPUTER NETWORK REPLACEMENT AND UPGRADES (BUFFALO)	1,700,000
2009 MANAGED AVAILABILITY SERVICES - BUSINESS CONTINUITY/DISASTER PLANNING (COUNTYWIDE)	1,500,000
2009 BETHLEHEM STEEL REDEVELOPMENT (LACKAWANNA)	500,000
FRANK LLOYD WRIGHT BOATHOUSE DMNA	850,000
2009 COUNTYWIDE PARKS IMPROVEMENTS (COUNTYWIDE)	800,000
TOTAL 2009 CAPITAL RESOLUTION	27,664,286
GRAND TOTAL	103,535,000

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

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MS. IANNELLO, MR. KENNEDY, MS. KONST, MR. KOZUB, MR. LOUGHRAN, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI.
NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

Item 77 – MR. LOUGHRAN moved to send COMM. 8E-12 to committee for further consideration. MS. IANNELLO seconded

CHAIR MARINELLI directed that a roll-call vote be taken.

AYES: MS. IANNELLO and MR. LOUGHRAN. NOES: MR. MILLS, MR. RATH, MR. WALTER, MS. GRANT, MR. KENNEDY, MS. KONST, MR. KOZUB, CHAIR MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS, MR. REYNOLDS, MS. WHYTE and MR. WROBLEWSKI. (AYES: 2; NOES: 13)

FAILED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 129

RE: Budget/Staff Adjustments
(COMM. 8E-12)

MS. WHYTE moved to amend the item. MS. GRANT seconded. MR. LOUGHRAN voted in the negative.

CARRIED. (14-1)

Insert the Following:

WHEREAS, the Erie County Department of Parks, Recreation and Forestry operates and manages Buffalo City Park/Parcels through an agreement between the County of Erie and the City of Buffalo; and

WHEREAS, 120 seasonal positions are required to adequately perform various work in City Parks and outdoor pools; and

WHEREAS, the 120 seasonal staffers will be paid through funds received from the City of Buffalo; and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry will create and fill these positions contingent upon receiving funding from the City of Buffalo; and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry have created seasonal positions on the following B100's; 4622, 4623, 4624, 4625, 4626, 4627, and 4628.

NOW, THEREFORE, BE IT

RESOLVED, that sixty-nine (69) seasonal lifeguards, job group 57 (\$7.15 per hour), sixteen (16) supervising lifeguards, job group 58 (\$7.15 per hour), ten (10) pool filter operators job group 60 (\$8.15 per hour), one (1) cashier, job group 42 (\$7.15 per hour), and twenty-four (24) park helpers, job group 59 (\$7.15 per hour) will be created in the Parks Department City Division; and be it further

RESOLVED, that authorization is hereby provided to the Director of Budget and Management and the office of the Comptroller to make the necessary adjustments to the 2009 budget of the Department of Parks, Recreation and Forestry to accept the revenue in line 420220, Park Services other – Government, with offsetting expenses to line 500030, Seasonal Salaries, and 502000, Fringe Benefits; and be it further

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

MS. WHYTE moved to approve the item as amended. MR. MAZUR seconded. MS. IANNELLO and MR. LOUGHRAN voted in the negative.

CARRIED. (13-2)

Item 78 – (COMM. 8E-13) Acceptance of ECFSA Grant -Personnel Office Civil Service Automation

Item 79 – (COMM. 8E-14) Acceptance of Efficiency Grant Funds from ECFSA for NYSNA Contracts

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

Item 80 – (COMM. 8E-16) Appointments/Reappointments to the EC Mental Hygiene Community Services Board

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 81 – (COMM. 8E-17) Transfer of Funds for Purchase of Internet Mapping Software

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 82 – (COMM. 8E-18) CPS - Statewide Automated Fingerprint Identifications System (SAFIS) Agreement

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 83 – (COMM. 8E-19) Revise 2008 Nutrition Grant (CIL Allocation)

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 84 – (COMM. 8E-20) Conveyance of Excess Highway Right-of-Way, Legion Drive, Village of Hamburg

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 85 – (COMM. 8E-21) ECSD No. 3 - Agreement With the Mount Vernon Sewer Dist.

Item 86 – (COMM. 8E-22) ECSD No. 3 - Village of Blasdell/Town of Hamburg Sanitary Sewer Rehab Project - Bid Opening

Item 87 – (COMM. 8E-23) ECSD/WNY Council on Occupational Safety & Health - Proposed Agreement

Item 88 – (COMM. 8E-24) ECSD Nos. 2 & 6 - Engineer Term Agreement - DiDonato Associates

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

Item 89 – (COMM. 8E-25) Sherwood Greenway - Town of Tonawanda: Receipt of Deed Conveyance from NYS DOT

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 90 – (COMM. 8E-26) Vehicle Purchase - Dept. of Social Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 91 – (COMM. 8D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DEPUTY COUNTY EXECUTIVE

Item 92 – (COMM. 8D-2) Letter Responding to Legislators' Questions Raised About WIC Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM A PLANNER, DEPARTMENT OF ENVIRONMENT & PLANNING

Item 93 – (COMM. 8D-3) Dingens Storm Sewer Truckline Extension - SEQR Solicitation Notification

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMMISSIONER OF ENVIRONMENT & PLANNING

Item 94 – (COMM. 8D-4) Copy of Letter Concerning 2009 Public Benefit Services Contract

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE MEDICAL DIRECTOR

Item 95 – (COMM. 8D-5) Board of Health Agenda Items for Meeting Held 1/8/09, and Agenda for Meeting Scheduled for 5/7/09

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 96 – (COMM. 8D-6) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER OF CPS & ACTING PROBATION DIRECTOR

Item 97 – (COMM. 8D-7) Copy of Letter to County Comptroller Concerning 2009 Audit of Erie County Dept. of Probation

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM COLUCCI & GALLAHER, PC

Item 98 – (COMM. 8M-1) ECMCC Agenda Items for Meeting Held 3/25/09

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM COOPERATIVE EXTENSION OF ERIE COUNTY

Item 99 – (COMM. 8M-2) Legislature Budget Accountability Act Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM HAL D. PAYNE

Item 100 – (COMM. 8M-3) Copy of Letter to County Executive Concerning ECCRAB Appointment

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ECIDA

Item 101 – (COMM. 8M-4) Copy of 2008 Annual Report for ECIDA and Affiliates

Item 102 – (COMM. 8M-5) Notification of ECIDA Annual Membership Meeting

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

FROM THE NYS DEC

Item 103 – (COMM. 8M-6) NYS Nonattainment Area Recommendation for the 2008 Revised Ozone National Ambient Air Quality Standard

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NIAGARA COUNTY LEGISLATURE

Item 104 – (COMM. 8M-7) Copy of Resolution Regarding Relocation of the Buffalo Bills

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM SENECA ONE REALTY LLC

Item 105 – (COMM. 8M-8) Copy of Resolution Asking the NYS Legislature to Reject Gov. Paterson's "Sweep" of NY Power Authority Funds as a Hidden Tax on Power Customers

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM SENATOR VOLKER

Item 106 – (COMM. 8M-9) Acknowledgement of Receipt of Certified Resolutions

Received and Filed.

FROM ANTHONY VITIELLO

Item 107 – (COMM. 8M-10) Letter Expressing Interest in Position of Commissioner of EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM SALVATORE J. LOTEMPIO

Item 108 – (COMM. 8M-11) Letter Expressing Interest in Position of Commissioner of EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM SYLVESTER HAROLD

Item 109 – (COMM. 8M-12) Letter Expressing Interest in Position of Commissioner of EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 110 – (COMM. 8M-13) Agenda Items for Meeting Held 4/16/09

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE EC BAR ASSOCIATION AID TO INDIGENT PRISONERS - ASSIGNED COUNSEL PROGRAM

Item 111 – (COMM. 8M-14) Report for First Quarter of 2009

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ARTS COUNCIL

Item 112 – (COMM. 8M-15) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM EL MUSEO

Item 113 – (COMM. 8M-16) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO ARTS STUDIO

Item 114 – (COMM. 8M-17) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM MUSICAL FARE

Item 115 – (COMM. 8M-18) Legislature Budget Accountability Act Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LEGAL SERVICES FOR THE ELDERLY,
DISABLED OR DISADVANTAGED OF WNY

Item 116 – (COMM. 8M-19) Copy of Annual Report for 2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 117 – (COMM. 8M-20) Public Access Computer Statistics

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM BUFFALO OLMSTED PARKS CONSERVANCY

Item 118 – (COMM. 8M-21) Proposed Utilization of Olmsted Reserve Fund

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ARTHUR J. GIACALONE

Item 119 – (COMM. 8M-22) Creation of an EC Planning Board - Ways to Make a Great Idea More Effective

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ANTHONY ARMSTRONG

Item 120 – (COMM. 8M-23) Testimony Regarding Strategic Development Act

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM JOAN K. BOZER

Item 121 – (COMM. 8M-24) Urging EC Legislature to Re-Establish the EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM BUFFALO NIAGARA RIVERKEEPER

Item 122 – (COMM. 8M-25) Urging EC Legislature to Support Strategic Development Act and Create EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM SAM MAGAVERN

Item 123 – (COMM. 8M-26) Report - "Missing the Target: How Economic Dev. Programs Have Failed to Revive Buffalo's Most Challenged Neighborhoods"

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM NIAGARA DISTRICT COUNCILMEMBER RIVERA

Item 124 – (COMM. 8M-27) Letter of Support for the Strategic Development Act and the Creation of an EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ASSEMBLYMEMBER HOYT

Item 125 – (COMM. 8M-28) Statement Supporting the Strategic Development Act and the Creation of an EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM EMPIRE STATE FUTURE

Item 126 – (COMM. 8M-29) Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM HOWARD ZEMSKY

Item 127 – (COMM. 8M-30) Written Statement Supporting the Strategic Development Act and the Creation of an EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COALITION FOR ECONOMIC JUSTICE

Item 128 – (COMM. 8M-31) Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CENTER FOR TRANSPORTATION EXCELLENCE

Item 129 – (COMM. 8M-32) Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM KATY DUGGAN-HAAS

Item 130 – (COMM. 8M-33) Written Statement Supporting the Strategic Development Act and the Creation of an EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM CIMINELLI DEV. CO., INC.

Item 131 – (COMM. 8M-34) Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE WNY APOLLO ALLIANCE

Item 132 – (COMM. 8M-35) Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM GEORGE R. GRASSER, PRESIDENT - PARTNERS FOR A LIVABLE WNY

Item 133 – (COMM. 8M-36) Written Statement Supporting the Strategic Development Act and the Creation of an EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM MAX WILLIG

Item 134 – (COMM. 8M-37) Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ANDREW J. RUDNICK, BUFFALO NIAGARA PARTNERSHIP

Item 135 – (COMM. 8M-38) Letter Supporting the Strategic Development Act and the Creation of an EC Planning Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 136 – CHAIR MARINELLI announced that the schedule of upcoming meetings has been distributed.

Item 137 – MR. REYNOLDS announced that there will be a Marketing Subcommittee meeting of the Distressed Real Property Task Force on May 13, 2009, at 9:00 A.M.

MEMORIAL RESOLUTIONS

Item 138 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Ralph C. Jones, Father S. Theodore Berg, and Irene M. Grzybowski.

Item 139 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Mark E. Nikischer.

Item 140 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Father S. Theodore Berg, Dennis J. O'Connor, and Antoinette J. (Cucinotta) Sciandra.

Item 141 – Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Douglas J. Salmon and Leo A. Barus.

ADJOURNMENT

Item 142 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. KOZUB moved that the Legislature adjourn until Thursday, May 14, 2009 at 2:00 P.M. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, May 14, 2009 at 2:00 P.M. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE