

**ERIE COUNTY LEGISLATURE  
MEETING NO. 20  
OCTOBER 25, 2007**

The Legislature was called to order by Chairperson Marinelli.

All members present.

An invocation was held led by Legislator Konst.

The Pledge of Allegiance was led by Legislator Whyte.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – No Minutes of Previous Meetings for approval.

Item 4 - No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MS. IANNELLO presented a resolution Honoring Dennis Conroy Upon Retirement.

Item 6 – MS. IANNELLO presented a resolution Honoring Phil Haberstro for Being Inducted Into Cardinal O'Hara Hall of Fame.

Item 7 – MS. MILLER-WILLIAMS and MS. GRANT presented a resolution Honoring the 20th Anniversary of the Erie Chapter of the Links, Inc. on 11/3/07.

Item 8 – MR. REYNOLDS presented a resolution Congratulating the Lawtons Progressors 4-H Club on Their 65th Anniversary.

Item 9 – MS. MILLER-WILLIAMS and MS. GRANT presented a resolution Honoring Brother Baba Simba Mlee Upon His 74th Birthday Celebration.

Item 10 - MS. MILLER-WILLIAMS and MS. GRANT presented a resolution Honoring the 5th Annual Benjamin Banneker Awards of Excellence in Math and Science Awardees of 2007.

MS. WHYTE presented the above six items and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above six items for Et Al Sponsorship. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the above six items as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 11 - CHAIRPERSON MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 - CHAIRPERSON MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 13 - CHAIRPERSON MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 15 - CHAIRPERSON MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the PERSONNEL COMMITTEE.

GRANTED.

Item 16 - CHAIRPERSON MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 - CHAIRPERSON MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 - CHAIRPERSON MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

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**COMMITTEE REPORTS**

Item 19 – MR. REYNOLDS presented the following resolution and moved for immediate consideration and approval. MS. LOCKLEAR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 256

OCTOBER 16, 2007

FINANCE & MANAGEMENT COMMITTEE  
REPORT NO. 14

ALL MEMBERS PRESENT. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

**ALL ITEMS ARE HEREBY TABLED.**

**ROBERT B. REYNOLDS  
CHAIRPERSON**

Item 20 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 257

OCTOBER 18, 2007

HUMAN SERVICES COMMITTEE  
REPORT NO. 11

ALL MEMBERS PRESENT.

**ALL ITEMS ARE HEREBY TABLED.**

**THOMAS J. MAZUR  
CHAIRMAN**

Item 21 – MS. IANNELLO presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 258

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COMMUNITY ENRICHMENT COMMITTEE  
REPORT NO. 11

ALL MEMBERS PRESENT EXCEPT LEGISLATOR LOUGHRAN. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

ALL ITEMS ARE HEREBY TABLED.

**MICHELE M. IANNELLO  
CHAIRPERSON**

Item 22 – MR. KOZUB presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 259

OCTOBER 18, 2007

PUBLIC SAFETY COMMITTEE  
REPORT NO. 11

ALL MEMBERS PRESENT EXCEPT LEGISLATOR KENNEDY. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 18E-14 (2007)

**COUNTY EXECUTIVE**

WHEREAS, felony DWI arrests in Erie County have increased 30% in 2007, and

WHEREAS, chronic, felony offenders drive drunk more often than typical DWI Offenders, and

WHEREAS, chronic offenders present a significant danger to Erie County residents, and

WHEREAS, the Erie County Probation Department monitors these offenders for compliance with court ordered sanctions, and

WHEREAS, Home Visits by Probation Officers during off hours and on Holidays is an effective deterrent to this population, and

WHEREAS, overall spending for 2007 will not increase as the result of this measure.

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized in order that the 2007 STOP-DWI budget reflect project priorities:

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**CENTRAL POLICE SERVICES  
STOP-DWI PROGRAM  
COST CENTER #1650060  
WBS ELEMENT#SDWI**

<b><u>APPROPRIATIONS</u></b>	<b><u>From</u></b>	<b><u>Change</u></b>	<b><u>To</u></b>
Acct. 516010 Contractual Agencies- NFP	\$ 883,975	(8,100)	875,875
Acct. 912600 ID Probation Services	<u>180,000</u>	<u>8,100</u>	<u>188,100</u>
<b>Total Change:</b>	\$ 1,063,975	0	\$ 1,063,975

**PROBATION DEPARTMENT  
Cost center #1261010**

<b>APPROPRIATIONS</b>	
Acct. 501000 Overtime	8,100
Acct. 912600 ID- Probation Services	<u>(8,100)</u>
<b>Total Change</b>	0

and be it further

RESOLVED, that the Erie County Probation Department will use additional funding for overtime to conduct home visits among the felony DWI Probationer population, and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the STOP-DWI Office, the Division of Budget, Management, and Finance, the Office of the County Executive, the Probation Department, and the Office of the Comptroller.

(4-0)

**DANIEL M. KOZUB  
CHAIRMAN**

Item 23 – MS. KONST presented the following resolution, moved to separate Items Nos. 2 and 3, and approve the balance of the report. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 260

OCTOBER 18, 2007

PERSONNEL COMMITTEE  
REPORT NO. 10

ALL MEMBERS PRESENT.

1. INTRO 1-4 (2007) **AS AMENDED**  
**IANNELLO, MILLER-WILLIAMS, KOZUB, REYNOLDS, LOUGHRAN and MILLS**

WHEREAS, Erie County has a wireless policy providing wireless phones to department heads, elected officials and to County personnel to insure employee safety and to conduct communications while doing County business; and

WHEREAS, in December 2005, according to records, the County maintained and paid for 691 wireless devices, 90 of which are Blackberries; and

WHEREAS, vendor contracts provided for unlimited use within the network, with roaming charges appearing as additional costs and other additional features not needed to conduct County business; and

WHEREAS, incidental personal use is currently allowed by department heads, elected officials and administrative personnel; and

WHEREAS, the Department of Information and Support Services (DISS) is responsible for telecommunications within Erie County Government; and

WHEREAS, a recent audit found inconsistencies in wireless assignments and inaccuracies in billing statements; and

WHEREAS, said audit also indicates numerous instances whereby County employees appear to possess two, and in some cases more, wireless devices; and

WHEREAS, Erie County is facing a fiscal crisis with a hard Control Board in place partly due to such reckless use of tax dollars; and

WHEREAS, this honorable body is obligated to reduce spending as an obligation to the residents of Erie County and for the integrity of our purposes as legislators.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature is calling on DISS for a complete and immediate inquiry into the assignments of each wireless device, the need of each device in order to more fully conduct County business, and to block those features not needed for County business; and be it further

**RESOLVED**, that individuals who have downloaded games, images or any features that have caused added expense to Erie County, reimburse Erie County for said fees; and be it further

**RESOLVED**, that DISS begin this inquiry immediately with the cooperation of supervisors of those departments involved utilizing the information in the audit performed by the Comptroller's office and dated April 11, 2006; and be it further

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RESOLVED, that DISS submit those findings of these inquiries to the Erie County Legislature no later than December 1, 2007.  
 (4-0)

2. COMM. 14E-14 (2007) **AS AMENDED**  
**COUNTY EXECUTIVE**

WHEREAS, the Division of Planning of the Erie County Department of Environment and Planning has had limited staffing since the 2005 budget cuts; and

WHEREAS, on April 24, 2007 the Erie County Legislature adopted the Framework for Regional Growth (the "Framework") to serve as the guiding policy document concerning land use decisions throughout Erie County; and

WHEREAS, The Framework identifies the establishment of an Erie County Planning Board as an important first step in implementing the policies set forth therein; and

WHEREAS, the need to implement the planning policies contained in the Framework, cannot be sustained by the Department at current staffing levels; and

WHEREAS, the creation and operation of the proposed Erie County Planning Board will require dedication of staff to support the various functions of the Planning Board; and

WHEREAS, the State of New York mandates that Planning functions for GML 239, agricultural districts and many SEQR requirements be performed at the County level; and

WHEREAS, implementation of the Regional Framework support of the Planning Board requires professional planning staff specifically dedicated to those duties and State mandated planning functions.

NOW, THEREFORE, BE IT

RESOLVED, that the operating fund budget for the Department of Environment and Planning be revised to reflect the funding of two (2) Planners and two (2) Junior Planners positions as follows:

Reuse of funds from SAP 1620060 GL 500000	19,959.35
Transfer from SAP 1335010 GL 516000	1,550.00
To FUND 110	
Account 500000 Full-Time Salaries	21,509.35

and be it further

RESOLVED, that the position of Special Projects Coordinator is hereby deleted from the budget for the Department of Environment and Planning; and be it further

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

(4-0)

3. COMM. 17E-3 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the Division of Sewerage Management has requested that (1) position of Senior Account Clerk, Job Group 6, be deleted; and

WHEREAS, authorization is requested to upgrade the following positions:

<b>Title</b>	<b>Position Control No.</b>	<b>Current Job Group</b>	<b>Recommended Title</b>	<b>Recommended Job Group</b>
Sr. Account Clerk	8119	6	Sr. Data Processing Control Clerk	7
Sr. Account Clerk	8122	6	Sr. Data Processing Control Clerk	7
Sr. Account Clerk	8121	6	Sr. Data Processing Control Clerk	7
Sr. Account Clerk	51001296	6	Administrative Clerk	7
Sr. Clerk Typist	51000756	4	Sr. Data Processing Control Clerk	7

and

WHEREAS, the newly upgraded positions will be created to implement a costs savings, centralized purchasing and payroll groups for the Division of Sewerage Management; and

WHEREAS, the newly upgraded positions will be funded by the Sewerage Management 2007 Budget, unexpended Personal Services, Account No. 500000, and unexpended Fringe Benefits Account No. 502000, and

WHEREAS, the position adjustments are reflected on the B-100 position authorization form, Control Numbers 3245 and 3246 in the SAP system.

NOW, THEREFORE, BE IT

RESOLVED, that the position of Senior Account Clerk, Job Grade 6, Control No. 3244, be deleted, which will result in a reduction in Personal Services and Fringe Benefits; and

RESOLVED, that the upgrades of four (4), Senior Data Processing Control Clerk, Job Group 7, positions and one (1), Administrative Clerk, Job Group 7 position in the Division of Sewerage Management be approved; and be it further

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RESOLVED, that funding for the position adjustments is available in unexpended Personal Services, Account No. 500000, and unexpended Fringe Benefits, Account No. 502000, in the 2007 budget of the Division of Sewerage Management, and be it further

RESOLVED, that a certified copy of the approved resolution be sent to the County Executive, the Director of Budget and Management, the Erie County Personnel Department and Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning. (3-1) Legislator Konst in the negative.

**KATHY KONST**  
**CHAIRPERSON**

MS. KONST moved to approve Item No. 2. MS. LOCKLEAR seconded. MR. RANZENHOFER, MR. WEINSTEIN and MS. IANNELLO voted in the negative.

CARRIED. (12-3)

MS. KONST moved to approve Item No. 3. MR. KOZUB seconded. MS. KONST and MS. IANNELLO voted in the negative.

CARRIED. (13-2)

Item 24 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 261

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ENERGY & ENVIRONMENT COMMITTEE  
 REPORT NO. 14

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 12E-47 (2007)  
**COUNTY EXECUTIVE:** ECSD No. 3 – Contract No. 20 – Boston State Road Sanitary Sewer Extension – Bid Opening  
 (4-0)

2. COMM. 14E-39 (2007)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 3, Boston Valley-2 (BV-2) Sanitary Sewer Extension Project, Contract 29W, at 2:00 P.M. on September 21, 2007.

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<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 29W	ML Smitt Construction, Inc. PO Box 250 Springview, New York 14140	\$206,820.00

and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Boston Valley-2 (BV-2) Sanitary Sewer Extension Project, Contract 29W, be awarded to ML Smitt Construction, Inc. , PO Box 250, Springview, New York 14140, in the not-to-exceed amount of \$206,820.00; and be it further

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

RESOLVED, that the Comptroller is authroized and directed to allocate \$206,820.00 from Sewer Capital, Erie County Sewer District No. 3, Account C.00066 for Contract 29W; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy each of this Resolution to the County Executive; Director of Budget, Management and Finance; Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and two (2) certified copies to Thomas J. Whetham, P.E., Department of Environment and Planning.  
(4-0)

3. COMM. 18E-12 (2007)

**COUNTY EXECUTIVE**

WHEREAS, the 2007 Budget for Erie County Sewer District No. 2's Debt Service Budget contains sufficient funds for payment of their annual debt service costs; and

WHEREAS, when the 2007 Budget was prepared, the bond sale had not taken place and said budgeted funds were already approved and in place; and

WHEREAS, funds need to be transferred from the Principal Code, where there are sufficient funds, into the Interest Code to make interest payments required for the remainder of the year.

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RESOLVED, that the following amounts be transferred from each respective Account in the Debt Service Fund by the Budget Office as appropriate and placed into the proper Sewer District No. 2 Debt Service Fund Accounts as follows:

<u>Fund</u>	<u>Cost Center</u>	<u>Account</u>	<u>Amount</u>
310	1740010	550800	-\$135,000
310	1740010	550000	\$135,000

and any other adjustments in the Operating and/or Debt Service Fund if required by the Budget Office; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, the Erie County Executive, the Erie County Comptroller, and the Director, Budget and Management.

(4-0)

**THOMAS J. LOUGHRAN**  
**CHAIRPERSON**

Item 25 – MS. WHYTE presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 262

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GOVERNMENT AFFAIRS COMMITTEE  
 REPORT NO. 13

ALL MEMBERS PRESENT EXCEPT LEGISLATORS KENNEDY AND LOCKLEAR.  
 LEGISLATOR MARINELLI PRESENT AS EX-OFFICIO MEMBER

1. COMM. 16E-16 (2007)  
**COUNTY EXECUTIVE**

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of the following individual to the Erie County Board of Ethics for the term stated:

**NAME & ADDRESS**

**TERM EXPIRES**

Steven Schwartz  
 186 Chapin Parkway, Suite 6  
 Buffalo, New York 14209

December 31, 2011

(3-0)

**MARIA R. WHYTE**  
**CHAIRPERSON**

**LEGISLATOR RESOLUTIONS**

Item 26 - CHAIRPERSON MARINELLI directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 20-1 from KONST Re: Dissolution and Elimination of the ECWA.

Item 27 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 263

RE: In Support of County Clerk Kathy Hochul's Plan to Move the Downtown Auto Bureau to the Rath Building (INTRO 20-2)

**A RESOLUTION SUBMITTED BY  
LEGISLATORS MARINELLI, WHYTE,  
KOZUB, MAZUR AND REYNOLDS**

WHEREAS, Erie County spends \$175,000 annually on leasing space at 77 Broadway Avenue from Uniland Development Co. for use as the downtown Auto Bureau; and

WHEREAS, Erie County has space available on the first floor of the Rath Building that could be used as a replacement for the space it currently leases at 77 Broadway; and

WHEREAS, the lease for the space at 77 Broadway Avenue will expire in April 2008; and

WHEREAS, Erie County is currently in the process of completing a space utilization study; and

WHEREAS, moving the Auto Bureau to the Rath Building is consistent with the intention of the space utilization study; and

WHEREAS, if Erie County waits for the completion of the space study prior to granting approval for moving the Auto Bureau to the Rath Building, it will be put the County Clerk's office in a "hostage" position at its present location with regard to renegotiating the current lease that will expire in April 2008; and

WHEREAS, a total of \$18 million in taxpayer dollars was put in the care of Erie County Fiscal Stability Authority (ECFSA) to be invested in Erie County to make the County government more efficient; and

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WHEREAS, moving the Auto Bureaus would require a one-time investment to build-out the Rath Building to make it suitable space for an auto bureau but would yield substantial efficiencies as the County would save \$175,000 in yearly rental payments; and

WHEREAS, the build-out and other associated costs should be eligible for an ECFSA efficiency grant because the move of the Auto Bureau from privately owned space would result in annual savings for the County; and

WHEREAS, County Clerk Kathy Hochul has had discussions with the ECFSA regarding obtaining an efficiency grant to pay for the cost of the build-out.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body supports the decision to relocate the downtown Auto Bureau into the first floor of the county-owned Rath Building, and be it further

RESOLVED, the Erie County Legislature does hereby call upon the County Executive and the Commissioner of Public Works to work with the County Clerk to expedite the move of the Auto Bureau to the first floor of the Rath Building prior to the completion of the space study; and be it further

RESOLVED, the Erie County Legislature respectfully requests that the Erie County Fiscal Stability Authority work cooperatively towards approving an efficiency grant for the build-out of the space in the Rath Building for the auto bureau; and be it further

RESOLVED, certified copies of this resolution are to be sent to the County Executive, Department of Public Works, County Clerk and the Erie County Fiscal Stability Authority.

MS. WHYTE moved to amend the item for Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 28 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 264

RE: The Buffalo Bills Proposed Plan To Play Games In Toronto (INTRO 20-3)

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

**MAZUR and REYNOLDS**

WHEREAS, Erie County has a lease with the Buffalo Bills for use of Ralph Wilson Stadium whereby Erie County is obligated to perform necessary maintenance for the Stadium and the Bills are required to play 50% of their games in the Stadium; and

WHEREAS, Erie County entered this agreement because home football games have a positive ripple effect on many facets of the local economy including: restaurants, bars, hotels, parking lots, car and truck rentals, catering and increased advertisement revenues for local radio and television stations; and

WHEREAS, as part of the maintenance obligation Erie County taxpayers recently paid approximately \$5.7 million for new high-definition scoreboard; and

WHEREAS, the Buffalo Bills recently announced a plan to play some games in Toronto, Ontario, over the next several seasons; and

WHEREAS, the Buffalo Bills are an integral part of the Western New York community and the Erie County Legislature worked cooperatively with the Buffalo Bills in approving a long-term lease for Ralph Wilson Stadium.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature requests that representatives of the Buffalo Bills organization come to a committee meeting of the Erie County Legislature to discuss their plan to have some games played in Toronto, Ontario, along with the National Football League's plan of having each NFL team play games outside of the United States of America; and be it further

RESOLVED, the Erie County Legislature requests that representatives of the County Executive come to a committee meeting of the Erie County Legislature to discuss the impact of playing home Bills game outside of Erie County will have on have on local businesses in Erie County and the effect on sales tax revenue; and be it further

RESOLVED, the Clerk of the Legislature is hereby directed to send certified copies of this resolution to the County Executive, the Buffalo Bills Organization and U.S. Senator Charles Schumer.

MS. WHYTE moved to amend the item. MR. MILLS seconded. MR. RANZENHOFER and MR. WEINSTEIN voted in the negative.

CARRIED. (13-2)

DELETE the 1st and 2nd RESOLVED Clauses and REPLACE with the following:

RESOLVED, the Erie County Legislature requests that representatives of the Buffalo Bills organization come to an Economic Development Committee meeting to discuss their plan to have

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some games played in Toronto, Ontario, along with the National Football League's plan of having each NFL team play games outside of the United States of America; and be it further

RESOLVED, the Erie County Legislature requests that representatives of the County Executive come to an Economic Development Committee meeting to discuss the impact of playing home Bills game outside of Erie County will have on have on local businesses in Erie County and the effect on sales tax revenue; and be it further

MS. WHYTE moved to amend the item by adding Legislators Grant, Iannello, Kennedy and Miller-Williams as Co-Sponsors. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved to send the item to the ECONOMIC DEVELOPMENT COMMITTEE. MR. MILLS seconded.

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

AYES: MILLS, RANZENHOFER and WEINSTEIN. NOES: GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE.

FAILED. (3-12)

MS. WHYTE moved to approve the item as amended. MR. KENNEDY seconded. MR. WEINSTEIN voted in the negative.

CARRIED. (14-1)

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 29 – MS. WHYTE moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of COMM. 18E-15. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 265

RE: Senior Services - Authorization to Amend the Administration and Support Cost Center and the POMP, CSE and EISEP Grant Budgets (COMM. 18E-15)

WHEREAS, the Erie County Legislature has already appropriated funds for the Administration and Support Cost Center 1631010 for the period January 1, 2007 to December 31, 2007; the Performance Outcome Measures Project (POMP) program for the period September 30, 2006 to September 29, 2007; and the Community Services for the Elderly (CSE) and Expanded In-Home Services for the Elderly Program (EISEP) grants for the period April 1, 2007 to March 31, 2008, and

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WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) of final allocations, including cost of living adjustments, for the CSE and EISEP grant programs, resulting in an additional \$189,145 in CSE funding and an additional \$114,489 in EISEP funding, and

WHEREAS, the required 25% EISEP local match for the increased services funding has not been reduced to 10% in the 2007/2008 State Budget, as done the past two state fiscal years, and

WHEREAS, the Department has identified additional subcontractor match for both the CSE (\$18,000) and EISEP (\$60,000) grants; and is able to transfer \$112,710 of County local match from CSE to EISEP, and \$21,436 in cost center 1631010 from ID DSS Service to County Share Grants, and

WHEREAS, the Department has reviewed the funding levels for the CSE transportation contract agencies and has determined that \$9,000 is necessary for the Lt. Col. Matt Urban Center to cover all transportation expenses during the contract period, and

WHEREAS, the Department desires to use the additional CSE grant funds for minor residential repairs for frail, low-income seniors who need such assistance to maintain their independence in their home, and

WHEREAS, the Department desires to use the additional EISEP grant funds to increase funding for Adult Day Care, Personal Emergency Response Systems and for home care services to the elderly, in order to provide seniors the assistance to maintain their independence in their home, and

WHEREAS, the number of elderly requiring service throughout Erie County continues to increase, the Department's case management funding streams require increasing amounts of data collection and oversight, and the high turnover in community agencies results in frequent staff shortages requiring department staff to cover the gaps, and

WHEREAS, the Department desires to add a Senior Case Manager position (B-100 No. 3172) to the EISEP grant, effective 10/1/2007, to effectively manage the above situations and ensure that grant objectives are achieved, and

WHEREAS, the Administration and Support, POMP, CSE and EISEP grant budgets need to be revised.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to accept the additional CSE and EISEP funds from New York State Office for Aging, and be it further

RESOLVED, that the County Executive be and is hereby authorized to amend the CSE contract with the Lt. Col. Matt Urban Center to reflect the additional transportation funding, and be it further

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RESOLVED, that a Senior Case Manager be added to the EISEP grant, effective October 1, 2007, and be it further

RESOLVED, that the budget for the Administration and Support Cost Center 1631010 be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
559000	County Share - Grants	\$1,706,839	\$21,436	\$1,728,275
912000	ID DSS Service	\$202,324	<u>-\$21,436</u>	180,888
TOTAL CHANGE			<u>\$0</u>	

and be it further

RESOLVED, that the budget for the POMP grant, 163POMP0607, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
510100	Out of Area Travel	\$3,000	-\$2,055	\$945
516020	Prof Fees-Software Support	13,000	<u>2,055</u>	15,055
TOTAL CHANGE			<u>\$0</u>	

and be it further

RESOLVED, that the budget for the CSE grant, 163CSE0708, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
409000	State Aid	\$923,887	\$189,145	\$1,113,032
466000	Miscellaneous Receipts	86,314	-86,314	0
466320	Subcontractor Match	0	104,314	104,314
479000	County Share Contribution	300,184	<u>-112,710</u>	187,474
TOTAL REVENUE			<u>\$94,435</u>	
APPROPRIATIONS				
500000	Full Time - Salaries	\$242,360	-\$15,791	\$226,569
505000	Office Supplies	990	528	1,518
510100	Out of Area Travel	1,700	2,500	4,200
516010	Community Concern of WNY	52,912	3,000	55,912

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	(Match)			
516010	Catholic Charities (Match)	129,280	15,000	144,280
516010	Lt. Col. Matt Urban	147,098	9,000	156,098
	Other Exp-Minor Residential			
530000	Repairs	0	80,198	80,198
	<b>TOTAL APPROPRIATIONS</b>		<u><u>\$94,435</u></u>	

and be it further

RESOLVED, that the budget for the EISEP grant, 163EISEP0708, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>				
Account	Description			
409000	State Aid	\$2,855,069	\$114,489	\$2,969,558
417000	Contributions-Participants	\$0	8,500	\$8,500
419630	EISEP Cost Share	\$0	53,000	\$53,000
466000	Miscellaneous Receipts	114,091	-114,091	0
466100	Other Rev-Grant Program	53,000	-53,000	0
466320	Subcontractor Match	0	174,091	174,091
479000	County Share Contribution	533,052	257,710	790,762
	<b>TOTAL REVENUE</b>		<u><u>\$440,699</u></u>	
<b>APPROPRIATIONS</b>				
500000	Full Time-Salaries	\$475,095	\$16,602	\$491,697
502000	Fringe Benefits	202,323	7,458	209,781
505000	Office Supplies	4,476	781	5,257
506200	Maintenance & Repairs	420	-170	250
510000	Local Mileage Reimbursement	4,500	1,000	5,500
516010	Town of Amherst (Match)	111,015	60,000	171,015
516020	Home Care Services	1,758,000	208,780	1,966,780
	Personal Emergency Response			
516020	Services	45,000	45,000	90,000
516020	Adult Day Care Services	90,000	70,000	160,000
516020	Software Modification & Support	80,000	15,000	95,000
516020	Professional Services & Fees	0	6,000	6,000
530000	Other Expenses	14,752	10,248	25,000
	<b>TOTAL APPROPRIATIONS</b>		<u><u>\$440,699</u></u>	

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 County Attorney's Office; the Comptroller's Office and the Departments of Personnel and Senior Services.

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**ERIE COUNTY LEGISLATURE**

MS. WHYTE moved to approve the item. MS. GRANT seconded. MS. IANNELLO voted in the negative.

CARRIED. (14-1)

Item 30 – MR. RANZENHOFER moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of COMM. 17E-6. MR. MILLS seconded.

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

AYES: MILLS, RANZENHOFER, WEINSTEIN, KONST, KOZUB and LOCKLEAR.  
 NOES: GRANT, IANNELLO, KENNEDY, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS and WHYTE. (AYES: 6; NOES: 9)

FAILED.

### **SUSPENSION OF THE RULES**

None.

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

#### **FROM LEGISLATOR MILLS**

Item 31 – (COMM. 20E-1) Copy of Letter to Marinelli Re: Appointment of a Commissioner to the ECWA

Received and filed.

Item 32 – (COMM. 20E-2) Copy of Letter to Loughran Re: Appointment of a Commissioner to the ECWA

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

#### **FROM THE COMPTROLLER**

Item 33 – (COMM. 20E-3) Preliminary Review of Expenditures and Revenues Submitted By The County Executive in the Proposed 2008 Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

#### **FROM LEGISLATOR LOCKLEAR**

Item 34 – (COMM. 20E-4) Absence from Special Session

Received, Filed and Printed.

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OCTOBER 25, 2007**

**ERIE COUNTY LEGISLATURE**

October 16, 2007

Lynn Marinelli  
Chair  
Erie County Legislature

RE: Absence from Upcoming Special Session

Dear Chair Marinelli

As I will be unavoidably out of town on the date of October 18, 2007 I will be unable to attend the Special Session on that date regarding receipt and referral of the proposed 2008 County Budget.

By copy of this letter I am also informing Legislator Whyte, Chair of the Government Affairs Committee, that I will also be absent from the meeting of that committee on October 18, 2007.

Best regards,

CYNTHIA E. LOCKLEAR

Cc: Legislator Maria Whyte, Robert Graber, Clerk of the Legislature

FROM LEGISLATOR REYNOLDS

Item 35 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded. MR. REYNOLDS abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 266

RE: Lease Agreement for Legislative Office  
Space (COMM. 20E-5)

RESOLVED, the Erie County Executive is hereby authorized to sign a Five and One Half (5 1/2) Month Lease Agreement with Anthony Staub for Legislative office space for Robert B. Reynolds, Jr., located at 3 Buffalo Street, Hamburg, New York 14075 for a monthly rent of \$650.

FROM THE COUNTY EXECUTIVE

Item 36 – (COMM. 20E-6) Buffalo and Erie County Botanical Gardens

Item 37 – (COMM. 20E-7) DEP - NYSDEC Waste Reduction and Recycling  
Coordination/Education Grant

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

Item 38 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 267

RE: Senior Services - Authorization to Amend the HOPE Grant Budget and the POE Program Budget (COMM. 20E-8)

WHEREAS, the Erie County Legislature' has already appropriated funds for the HOPE for Elderly Independence Program (HOPE) grant for the period January 1, 2006 to December 31, 2006, and for the Long Term Care Point of Entry Program (POE) for calendar year 2007, and

WHEREAS, the Department of Senior Services (Department) has received notification from the grantor that extends the grant through March 31, 2007 and has received the remaining balance plus interest for the first quarter of 2007, and

WHEREAS, the Department has identified HOPE-related expenditures that can be transferred from other grants for HOPE-eligible clients, and

WHEREAS, the HOPE grant budget needs to be extended and needs to be revised, and

WHEREAS, the Senior Services desires to charge the portion of the various employees' salary, fringe benefits and seminar/conference costs to the POE Program that was spent on POE planning and implementation.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the HOPE grant, 163HOPE2006, be extended to March 31, 2007 and be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
<b>REVENUES</b>				
Account	Description			
479100	Other Contributions	\$89,717	<u>\$309</u>	\$90,026
	<b>TOTAL REVENUE</b>		<u>\$309</u>	
<b>APPROPRIATIONS</b>				
500000	Full Time -Salaries	\$64,491	-\$818	\$63,673
502000	Fringe Benefits	23,826	-2,714	21,112
505000	Office Supplies	200	-20	180
510000	Local Mileage	700	-357	343
516010	Contractual Payments	0	3,746	3,746
516020	Professional Services & Fees	0	552	552
980000	ID DISS Services	500	<u>-80</u>	420
	<b>TOTAL APPROPRIATIONS</b>		<u>\$309</u>	

and be it further

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**ERIE COUNTY LEGISLATURE**

RESOLVED, that the portion of employees' salaries, fringe benefits and seminar/conference costs relating to POE planning and implementation be charged to the POE Program, and be it further

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

Item 39 – (COMM. 20E-9) Probation - Authorization to Create New Positions to Relieve Jail Overcrowding

Received and referred to the PERSONNEL COMMITTEE.

Item 40 – (COMM. 20E-10) WNY Stormwater Coalition Public Education/Illicit Discharge Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 41 – (COMM. 20E-11) Health - Women's Health Services Program - 1/1/07 - 12/31/07

Received and referred to the HEALTH COMMITTEE.

Item 42 – (COMM. 20E-12) CPS/Emergency Services - Proposed Resolution to Enter Into Contract With The U.S. Dept. of Justice to Accept New Grant Funding in the Amount of \$392,116

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 43 – (COMM. 20E-13) DEP - Contract - Healthy Alliance, Inc. - Academy Place Senior Housing

Item 44 – (COMM. 20E-14) Erie County/Niagara County Intermunicipal Agreement for Shared Geographic Information System Services

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE SHERIFF

Item 45 – (COMM. 20E-15) Byrne Justice Assistance Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR REYNOLDS

Item 46 – (COMM. 20E-16) Detailed Schedule of the Departmental Hearings Conducted By The Finance & Management/Budget Committee

Received, Filed and Printed.

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**ERIE COUNTY LEGISLATURE**

October 23, 2007

Honorable Lynn M. Marinelli  
 Erie County Legislature  
 92 Franklin Street  
 Buffalo, New York 14202

Dear Chair Marinelli:

Attached for your review and distribution to the Members of the Erie County Legislature and the citizens of Erie County is a detailed schedule of the departmental hearings to be conducted by the Finance, Management and Budget Committee regarding the 2008 Proposed Budget submitted by the County Executive on October 15, 2007.

Thank you.

Sincerely,

Robert Reynolds,  
 Chair, Finance, Management & Budget Committee

**ERIE COUNTY LEGISLATURE**  
**2008 BUDGET HEARING SCHEDULE**

ALL MEETINGS WILL BE HELD IN THE CHAMBERS OF THE ERIE COUNTY  
 LEGISLATURE LOCATED AT 92 FRANKLIN STREET, FOURTH FLOOR

**TUESDAY, OCTOBER 30, 2007**

10:00-12:30 Budget Presentation to Legislature by  
 Mr. Jim Hartman, Budget Director

**THURSDAY, NOVEMBER 8, 2007**

9:00-9:30 Erie County Board of Elections  
 9:45-10:45 District Attorney  
 11:00-12:00 Office of the Comptroller  
 12:30-1:15 Office of the Clerk  
 1:30-2:15 Sheriff  
 2:30-4:00 County Executive, County Attorney &  
 Budget, Management & Finance

**FRIDAY, NOVEMBER 9, 2008**

9:00-9:45 Senior Services/ Mental Health  
 9:45-10:15 Environment & Planning

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**ERIE COUNTY LEGISLATURE**

10:30-12:00 Department of Social Services  
12:15-1:15 Central Police Services

**TUESDAY, NOVEMBER 13, 2007**

9:00-10:00 Public Works  
10:15-11:00 DISS, Purchasing & Fleet Management  
11:15-12:00 Parks, Recreation and Forestry  
12:30-1:45 Health  
2:00-2:45 Probation

**WEDNESDAY, NOVEMBER 14, 2007**

1:00-1:45 Library  
2:00-2:30 Buffalo Visitors & Convention Center  
2:45-4:00 Arts and Culture  
4:15-5:00 Personnel

**THURSDAY, NOVEMBER 15, 2007**

SESSION

**MONDAY, NOVEMBER 19, 2007**

9:00-10:15 Debt Service Discussion

**CALL-BACKS**, IF NECESSARY, AT TIME TO BE SET BY CHAIR OF FINANCE,  
MANAGEMENT & BUDGET COMMITTEE.

**TUESDAY, NOVEMBER 20, 2007**

PUBLIC HEARING ON BUDGET AT 5:00 PM

**WEDNESDAY, NOVEMBER 28, 2007**

FINANCE, MANAGEMENT & BUDGET COMMITTEE MEETING

**NOVEMBER 30, 2007**

SPECIAL SESSION TO APPROVE 2008 BUDGET

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

**MEETING NO. 20  
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**ERIE COUNTY LEGISLATURE**

Item 47 – (COMM. 20D-1) Transmittal of New Claims Against Erie County

Received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 48 – (COMM. 20D-2) Proposed Agenda for 10/18/07 Meeting

Received and filed.

FROM THE COUNTY ATTORNEY

Item 49 – (COMM. 20D-3) Receipt of LL Nos. 5 & 6 from NYS Dept. of State

Received, Filed and Printed.

To: Robert Graber, Clerk – Erie County Legislature

From: Mededith A. Connor, Assistant County Attorney

Re: Local Law No. 5-2007, mandating that Erie County only purchase electrical products that are Energy Star rated

Local Law No. 6-2007, adopting LEED standards for the construction or renovations of buildings owned by Erie County

Date: October 10, 2007

Enclosed is a copy of the letter from the New York State Department of State's Office confirming that the above referenced local laws were filed on August 30, 2007.

Enc.

Meredith A Connor  
Assistant County Attorney  
69 Delaware Avenue  
Suite 300  
Buffalo NY 14202

**RE: County of Erie, Local Law No. 5 & 6, 2007, filed on August 30, 2007**

Dear Sir/Madam:

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**ERIE COUNTY LEGISLATURE**

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.state.ny.us/corp/misc.html](http://www.dos.state.ny.us/corp/misc.html).

Sincerely,  
Linda Lasch  
Principal Clerk  
State Records and Law Bureau  
(518) 474-2755

**FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING**

Item 50 – (COMM. 20D-4) SEQR - Negative Declaration - Notice of Determination of Non-Significance

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE CATTARAUGUS COUNTY LEGISLATURE**

Item 51 – (COMM. 20M-1) Certified Resolution Re: Requesting NYS Amend Highway Law to Direct NYSDOT to Retain Existing Route 219 Bridge Over Zoar Valley

Received and filed.

**FROM THE ESSEX COUNTY BOARD OF SUPERVISORS**

Item 52 – (COMM. 20M-2) Resolution Supporting the "Medicaid County Protection Act of 2007"

Received and filed.

**FROM THE TONAWANDA TOWN BOARD**

Item 53 – (COMM. 20M-3) Certified Resolution Re: Authorizing the Supervisor to Send a Letter In Support of Designating the 10th District Legislator as Erie County's Representative on the Erie County Greenway Fund Standing Committee

Received and filed.

**FROM THE TONAWANDA TOWN SUPERVISOR**

Item 54 – (COMM. 20M-4) Letter In Support of Designating the 10th District Legislator as Erie County's Representative on the Erie County Greenway Fund Standing Committee

Received and filed.

**FROM THE ORCHARD PARK TOWN BOARD**

Item 55 – (COMM. 20M-5) Resolution In Support of Renegotiation of the 1977 Sales Tax Agreement

Received and filed.

**FROM THE ELMWOOD VILLAGE HOUSING COURT**

Item 56 – (COMM. 20M-6) Effects of Absentee Landlords Not Held Responsible for Maintaining Properties

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE BUFFALO COMMON COUNCIL**

Item 57 – (COMM. 20M-7) Copy of Letter to NFTA Facilities Manager Re: Taxi Service at Bus Terminal

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NYS ASSEMBLY MINORITY LEADER**

Item 58 – (COMM. 20M-8) Copy of Proposed "County Clerks Protection Act"

Received and filed.

**FROM THE ASSOCIATION OF ERIE COUNTY GOVERNMENTS**

Item 59 – (COMM. 20M-9) CDBG Matters

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**MEMORIAL RESOLUTIONS**

Item 60 - Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Bridget Nichole Kennedy.

Item 61 - Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Anthony J. Trifiletti

Item 62 - Legislator Ranzenhofer requested that when the Legislature adjourns, it do so in memory of Henry J. Kreher

Item 63 - Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Neil Long

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**ERIE COUNTY LEGISLATURE**

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Item 64 - Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Geraldine Sellers

Item 65 - Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Charles Nagel, Town of Hamburg Volunteer Fireman for 28 years.

Item 66 - Legislator Konst requested that when the Legislature adjourns, it do so in memory of Nick Ross

Item 67 - Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Captain John J. Freidhoff, Buffalo State College's Great Lakes Center for Environmental Research and Education who died in a scuba diving accident.

### **ADJOURNMENT**

Item 68 - At this time, there being no further business to transact, Chairperson Marinelli announced that the Chair would entertain a Motion to Adjourn.

MS. MILLER-WILLIAMS moved that the Legislature adjourn until Thursday, November 15, 2007 at 2 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Chairperson Marinelli declared the Legislature adjourned until Thursday, November 15 at 2 p.m. Eastern Standard Time.

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