

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 22**  
**NOVEMBER 19, 2009**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Mr. Reynolds, who said that with the upcoming holiday season approaching, we should open our hearts to family, friends and strangers on the street.

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 21 from 2009. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – CHAIR MARINELLI presented a resolution Honoring William Thornton Upon the Occasion of His Retirement from Service with Erie County Government.

Item 6 – MS. WHYTE presented a resolution Recognizing the Powell Family, David Homes and WNY AmeriCorps for their Generosity and Distinguished Efforts to Revitalize Buffalo's West Side.

Item 7 – MS. MILLER-WILLIAMS presented a resolution Honoring the Life and Legacy of Edith C. Johnson.

Item 8 – MS. MILLER-WILLIAMS presented a resolution Congratulating the Church Ushers Association of Buffalo and Vicinity on the Occasion of Its 70th Anniversary.

Item 9 – CHAIR MARINELLI presented a resolution Congratulating Father Patrick Elis on the 40th Anniversary of His Ordination.

Item 10 – MS. IANNELLO presented a resolution Honoring the Life of Joseph F. Ward.

Item 11 – MR. KENNEDY presented a resolution Recognizing Michael Diggins Upon His Induction into the St. Joseph's Collegiate Institute Sports Hall of Fame.

Item 12 – CHAIR MARINELLI, MR. MILLS, MR. KENNEDY, MS. GRANT, MR. MAZUR, MS. IANNELLO, MR. LOUGHRAN & MR. RATH presented a resolution Congratulating WNEB and the Roycroft Campus Corp. on the National Broadcast Premiere of "Elbert Hubbard - An American Original" on PBS.

MS. WHYTE moved for consideration of the above eight items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eight items by adding one for MS. TERRANOVA and also by including Et Al Sponsorship. MS. TERRANOVA seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above nine items as amended. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 13 – CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 14 – CHAIR MARINELLI directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MARINELLI directed that Local Law No. 5 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – CHAIR MARINELLI directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – CHAIR MARINELLI directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 19 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 289

November 12, 2009	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 15
-------------------	---

ALL MEMBERS PRESENT.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 21D-2 (2009)  
MEDICAL DIRECTOR: “Notification & Agenda Items for Next Board of Health Meeting, Minutes from Meeting Held 8/13/09”  
(5-0)
2. INTRO 11-3 (2009)  
WHYTE, IANNELLO, REYNOLDS, MILLER-WILLIAMS  
WALTER, TERRANOVA & GRANT AS AMENDED  
WHEREAS, it has come to the attention of the Erie County Legislature that certain actions taken to balance the Erie County Budget during the 2005 crisis may have had a negative impact on certain not-for-profit organizations; and

WHEREAS, among these organizations are veterans’ posts, including AMVETS Medallion Post 13 in Buffalo, and these organizations continue to face enormous fundraising challenges that are exacerbated by added expenses such as the aforementioned Erie County Health Permit Fees; and

WHEREAS, at a time when more and more demands are placed on veterans’ organizations to provide services with fewer resources, especially in view of the numbers of veterans returning from the wars in Iraq and Afghanistan; and

WHEREAS, Erie County is well beyond the dark days of the fiscal crisis, and the time is right to review policies that were put in place so many years ago.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body initiate a discussion of the impact of Erie County Health Permit Fees on the ability of not-for-profit veterans' organizations to keep up with increased demands for services, especially on the part of veterans returning from war; and be it further

RESOLVED, that the Erie County Legislature invite the Erie County Commissioner of Health, the Director of the Erie County Veterans' Services Office, the Budget Director or his designee, and both Post Commander David E. Hooch and Auxiliary President Stephanie McGaughey of AMVETS Post 13 to a future meeting of the Health & Human Services Committee of the Erie County Legislature so that this important discussion may ensue in the near future and that remedial actions may be explored.

(5-0)

**THOMAS J. MAZUR**  
**CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 290

November 12, 2009	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 14
-------------------	--

ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 8E-5 (2009)  
MARINELLI: "Copy of Letter to Commissioner of Environment & Planning Concerning 2009 Cultural Funding Contracts"  
(7-0)
  - b. COMM. 9E-5 (2009)  
MARINELLI: "Copy of Letter to Commissioner of Environment & Planning Concerning Cultural Funding"  
(7-0)
  - c. COMM. 10D-2 (2009)  
COMMISSIONER, ENVIRONMENT & PLANNING: "Letter in Response to Request for Documents Relating the Annual Review of Cultural Funding Requests"  
(7-0)
  - d. COMM. 12D-6 (2009)

ASSOCIATE DEPUTY COMPTROLLER: “Letter to Legislature Concerning Status of 2009 Payments to Cultural and Related Organizations”  
(7-0)

- e. COMM. 20M-1 (2009)  
BUFFALO & EC PUBLIC LIBRARY: “Agenda Items for Meeting Held 10/15/09”  
(7-0)
- f. COMM. 20M-3 (2009)  
BUFFALO & EC PUBLIC LIBRARY: “Memo Concerning 9/1/09 - 9/30/09 Development & Communications”  
(7-0)
- e. COMM. 21M-12 (2009)  
BUFFALO PLACE INC.: “Buffalo Place Inc. 2010 Budget”  
(7-0)

**BETTY JEAN GRANT**  
**CHAIR**

Item 21 – MS. MILLER-WILLIAMS presented the following report, moved to separate item Number 3, and moved to approve the balance of the report. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 291

November 12, 2009	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 13
-------------------	--

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

- 1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 18E-14 (2009)  
IANNELLO: “Copy of Article - UB Regional Institute Examines Tradeoffs of Downsizing Local Government in WNY”  
(4-0)
  - b. INTRO 19-9 (2009)  
MARINELLI, WHYTE & MILLER-WILLIAMS: “Legislative Settlement of Factfinder Report Relating to AFSCME Local #1095”  
(4-0)
  - c. COMM. 20D-1 (2009)

- COUNTY ATTORNEY: "Transmittal of New Claim Against Erie County"  
(4-0)
- d. COMM. 20D-2 (2009)  
COUNTY ATTORNEY: "Transmittal of New Claim Against Erie County"  
(4-0)
- e. COMM. 20D-3 (2009)  
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"  
(4-0)
- f. COMM. 20D-4 (2009)  
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"  
(4-0)
- g. COMM. 20M-7 (2009)  
EC BAR ASSOC. - ASSIGNED COUNSEL PROGRAM: "Quarterly Report for the 3rd  
Quarter of 2009"  
(4-0)
- h. COMM. 21E-3 (2009)  
COUNTY CLERK: "Letter in Support of Resolution Opposing License Plate Re-Issuance"  
(5-0) Chair Marinelli present for vote.
- i. COMM. 21D-4 (2009)  
COUNTY ATTORNEY: "Transmittal of New Claim Against Erie County"  
(5-0) Chair Marinelli present for vote.
- j. COMM. 21D-5 (2009)  
COUNTY ATTORNEY: "Transmittal of New Claim Against Erie County"  
(5-0) Chair Marinelli present for vote.

2. COMM. 20E-12 (2009)  
COUNTY EXECUTIVE  
WHEREAS, in the beginning of August 2009, significant rains and flooding occurred severely damaging the infrastructure owned by and within Erie County, Cattaraugus County and Chautauqua County; and

WHEREAS, due to the amount of devastation to both municipal owned facilities as well as loss to individuals, the President issued a Declaration of Disaster for both Public Assistance (PA) and Individual Assistance (IA); the preliminary damage assessment to Erie County owned facilities is \$10 million; and

WHEREAS, this Declaration opens the path for partial reimbursement from both State Emergency Management Office (SEMO) expected to be 12.5% of the damage and the Federal Emergency Management Agency (FEMA) expected to be at 75%; and

WHEREAS, due to the severity of damage, Federal Highway Administration (FHWA) funding is available for repairs on certain roadways expected to be at 80%.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the County Executive to enter into contract and to accept any and all funds from the State and Federal governments related to this disaster; and be it further

RESOLVED, that the Erie County Legislature authorizes the County Executive to participate in the FHWA Emergency Response Program; and be it further

RESOLVED, the Erie County Legislature authorizes the establishment of a capital project combining the FEMA, SEMO, FHWA and local match fund, to be budgeted as follows:

Fund 210 Highways	
Expense	Decrease
506400 Highway Supplies	\$1,250,000.00
	Increase
570000 Interfund Transfer	\$1,250,000.00
Total	-

Fund 420 - Storm Repairs	
Revenue	Increase
405150 State Aid - SEMO	\$1,150,000.00
412540 Federal Aid FEMA	\$7,000,000.00
414020 Misc Federal Aid (FHWA)	\$600,000.00
486000 Interfund Revenue Subsidy	\$1,250,000.00
Total	\$10,000,000.00

Expense	
Capital Projects	\$10,000,000.00
Net	-

and be it further

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

(4-0)

3. INTRO 21-2 (2009)  
IANNELLO, REYNOLDS, MARINELLI, WHYTE, MILLER-WILLIAMS,  
WALTER, TERRANOVA & LOUGHRAN AS AMENDED

WHEREAS, the housing quality of a neighborhood is a component of the quality of life in a community; and

WHEREAS, Erie County consists of many neighborhoods that contain older housing stock where young families would choose to expand or improve their homes as their family grows; and

WHEREAS, home owners, young or old, must absorb not only the cost of these upgrades and improvements, but the increase in property taxes when assessments rise as a result of home improvements; and

WHEREAS, Western New York, and Erie County in particular, is considered a depressed area in these difficult economic times facing our entire nation; and

WHEREAS, a tax abatement law exempting capital improvements from \$3,000 to \$80,000 on a five year graduated pay back scale has been enacted elsewhere, bringing positive results; and

WHEREAS, the Erie County Legislature chooses to follow the pro-active measures taken by some communities, most recently the City of Tonawanda, to assist homeowners in capital improvements; and

WHEREAS, whenever possible, energy saving furnaces, hot water tanks and windows would be purchased and installed on such capital improvements; and

WHEREAS, such an exemption would not apply to ordinary maintenance and repairs; and

WHEREAS, it has been proven that a short-term exemption is far outweighed by a long-term assessment of the property, that there would be an increase in construction jobs and purchase of materials needed for such improvements to occur.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body, the Erie County Legislature, as a taxing jurisdiction, calls upon our legal department to prepare a Local Law to permit property owners of one or two family dwellings, who alter or improve their property to receive such an exemption; and be it further

RESOLVED, that this exemption be limited to strictly the value of the improvements for 100% exemption the first year, decreasing by 20% each year so that in five years the exemption is negated; and be it further

RESOLVED, that the exemption effects those improvements that exceed \$3,000 and not more than \$80,000, that fall within the guidelines of the New York State Office of Real Property services; and be it further

RESOLVED, that this would not apply to general maintenance and repairs, but only to those changes defined as capital improvements; and be it further

RESOLVED, that whenever possible, energy saving furnaces, hot water tanks, and windows be purchased and installed on these capital improvements; and be it further

RESOLVED, that the exemption not apply to special districts and school districts unless specified by their specific approval; and be it further

RESOLVED, that this honorable body considers this action as a positive approach to improving the quality of life of all the neighborhoods in Erie County; and be it further

RESOLVED, that certified copies be sent to the County Attorney, County Executive and County Real Property Tax Commissioner.  
(5-0) Chair Marinelli present for vote.

**BARBARA MILLER-WILLIAMS**  
**CHAIR**

MS. GRANT moved to amend item Number 3 by adding MR. KOZUB, MR. KENNEDY, MS. WHYTE, MS. GRANT, MR. MAZUR, MR. WROBLEWSKI as Co-Sponsors. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve item Number 3 as amended. MS. IANNELLO seconded. MR. MILLS and MR. RATH voted in the negative.

CARRIED. (13-2)

Item 22 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MS. TERRANOVA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 292

November 12, 2009	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 14
-------------------	--

ALL MEMBERS PRESENT.

CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 20E-30 (2009)  
KOZUB: “Letter to Erie Canal Harbor Development Corp Concerning Marine Drive Parking Ramp”  
(6-0)
  - b. COMM. 21M-3 (2009)  
NYS DOT.: “Response Concerning High-Speed Rail Across NYS”  
(6-0)

- c. COMM. 21M-6 (2009)  
ASSEMBLYMAN HOYT: "Requesting Relocation of the Riverwalk Pathway"  
(6-0)
- d. COMM. 21M-13 (2009)  
NFTA: "Agenda Items & Minutes from NFTA Board Meeting Held 9/28/09"  
(6-0)

2. COMM. 20E-11 (2009)  
COUNTY EXECUTIVE

WHEREAS, Big Tree Road - Route US 20A is being re-configured at its intersection with Southwestern Boulevard - Route US 20 and McKinley Parkway - CR 204 under a project contracted by the New York State Department of Transportation (NYSDOT); and

WHEREAS, the re-configuration has resulted in two remaining dead-end road segments of Big Tree Road east and west of the newly constructed intersection of Southwestern Boulevard and McKinley Parkway; and

WHEREAS, the New York State Department of Transportation is reverting jurisdictional ownership and right of way of these dead-end Big Tree Road segments under New York State Highway Law to Erie County which will not contribute to intra-county mobility; and

WHEREAS, the Town of Hamburg has passed the necessary resolution accepting a further transfer of jurisdictional ownership of these dead-end segments of Big Tree Road to the Town of Hamburg from the County of Erie, in support of maintaining the local business accessibility, in exchange for a county installed traffic control signal at the intersection of Quinby Drive and McKinley Parkway in the Town of Hamburg; and

WHEREAS, the County of Erie will be relieved of costs associated with the ownership and maintenance of Big Tree Road with the transfer to the Town of Hamburg.

NOW, THEREFORE, BE IT

RESOLVED, that as permitted by New York State Highway Law, Article VI, Section 115-b, that jurisdiction for the respective portions of Big Tree Road be transferred to the Town of Hamburg; and be it further

RESOLVED, that as required by New York State Highway Law, Article VI, Section 115-c, a notice of reverter be provided to the Town of Hamburg thirty days prior to the effective date of the transfer of jurisdiction; and be it further

RESOLVED, that the County Executive is hereby authorized to execute the necessary agreements to effect the desired transfer of jurisdiction, subject to the approval of the County Attorney; and be it further

RESOLVED, that the County Attorney is hereby authorized to draw up the necessary agreements for signature by the County Executive; and be it further

RESOLVED, that the County will install and turn over maintenance operation and ownership of a new traffic control signal at the intersection of Quinby Drive and McKinley Parkway; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Town of Hamburg, the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.  
(6-0)

3. COMM. 20E-15 (2009)  
COUNTY EXECUTIVE

WHEREAS, Erie County has embarked upon an aggressive risk management and safety program; and

WHEREAS, grant funds have been secured to contract for the performance of safety training; and

WHEREAS, the County has been awarded \$37,862 from the NYS Occupational Safety and Health-Hazard Abatement Board to provide safety training; and

WHEREAS, the training provided will assist the workforce in identifying potential hazards, and train employees to prevent injuries in the work area; and

WHEREAS, an RFP has been conducted and a vendor has been chosen to provide the safety training.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body authorize the County Executive to enter into contract with the NYS Occupational Safety and Health Hazard Abatement Board to accept the funds for safety training; and be it further

RESOLVED, that the County Executive is authorized to enter into a contract with ErgoWorks to provide the training; and be it further

RESOLVED, the Erie County Legislature does hereby provide authorization to establish a NYS OSHA Hazard Abatement Board Grant within the Personnel Department as follows:

NYS OSHA Hazard Abatement Board Grant  
August 1, 2009 to July 31, 2010  
Fund: 281, Cost Center: 16110 Personnel  
Grant: 161OSHATraining0910

Revenues  
409000 State Revenue \$37,862

Appropriations

516020 Pro Ser Cnt & Fees

\$37,862

and be it further

RESOLVED, that certified copies of this resolution be sent to the Office of the County Executive; two (2) copies to the Department of Personnel; the Division of Budget and Management; Office of the Comptroller and the Department of Law.  
(6-0)

4. COMM. 21E-6 (2009)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie, is interested in fostering business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the environmentally sound reuse of urban brownfields for productive use, be it industrial, commercial or recreational; and

WHEREAS, Erie County desires to assist in increasing shipping and rail business in our region; and

WHEREAS, Erie County desires to work with the South Buffalo Railway Company, the Gateway Trade Center Corporation, Tecumseh Redevelopment Inc. and the City of Lackawanna to redevelop this brownfield and participate in the construction through various state and federal programs and direct contracting for these services where appropriate; and

WHEREAS, the Project for rail track relocation at the former Bethlehem Steel site, P.I.N. 5396.38.301 (the "Project") is eligible for funding, under Title U.S. 23 Code, as amended, by the New York State Multi-Modal Program administrated by the NYS Department of Transportation (NYSDOT); and

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

WHEREAS, the authority to enter into contracts was previously approved by resolutions (Comm. 10E-16, dated June 7, 2007 and Comm. 19E-79, dated September 23, 2004); and

WHEREAS, the Commissioner of the Department of Environment and Planning, as designated by the County Executive, shall apply for reimbursement of State funds as outlined in the State Multi-Modal contracts.

NOW, THEREFORE, BE IT

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

RESOVLED, that the \$2,000,000 of New York State Multi-Modal II funds and the \$2,420,000 of New York State Multi-Modal I funds (a total of \$4,420,000) constitutes the total project cost; and be if further

RESOLVED, that the County Executive is authorized to enter into contracts to receive two million four hundred and twenty thousand dollars (\$2,420,000.00) from the State of New York's Multimodal I Program, and enter into contracts with the New York State Department of Transportation, the Erie County Industrial Development Agency, the City of Lackawanna, Tecumseh Redevelopment, Inc., Gateway Trade Center Corporation and the South Buffalo Railway Company and other necessary parties for the purpose of funding rail and infrastructure projects which will progress the redevelopment of the former Bethlehem Steel site; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements for ownership of property or easements as may be necessary for infrastructure improvements such as sewers, waterlines, rail, utility corridors, roadways, public greenways; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements for purposes of environmental remediation, indemnification or environmental covenants with the South Buffalo Railway Company, Gateway Trade Center Corporation, Tecumseh Redevelopment Inc., the City of Lackawanna, Lackawanna Community Development Corporation, Erie County Industrial Development Agency, the New York State Department of Environmental Conservation and other necessary parties; and be it further

RESOLVED, that the source of funds will be \$2,420,000.00 available in the approved New York State Multimodal I Program; and be it further

RESOLVED, that the Commissioner of Environment and Planning is authorized to execute necessary certifications and reimbursement requests for Federal Aid and/ or Multi-Modal Funding on behalf of the County of Erie with NYSDOT in connection of the advancement of funding of the Project and providing for the administration of the Project; and be it further

RESOLVED, that the County Executive is authorized to apply for additional funding from various funding programs from local, state and federal agencies and enter into agreements with local, state and federal agencies to receive funding to be utilized toward the redevelopment of the former Bethlehem Steel site; and be it further

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

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of Budget and Management; the County Comptroller; the Commissioner of the Department of Environment and Planning (two certified copies); and the County Attorney.  
(6-0)

5. COMM. 21E-15 (2009)  
COUNTY EXECUTIVE

WHEREAS, the County of Erie is obligated to provide \$5M in capital maintenance for Coca-Cola Field (formerly Dunn Tire Park) pursuant to an agreement between the County of Erie, City of Buffalo and the Buffalo Bisons; and

WHEREAS, the Buffalo Bisons have performed some of the work on their own due to the critical nature of the work during the baseball season; and

WHEREAS, the Buffalo Bisons are asking for reimbursement for emergency repairs to the sanitary sewer line, replacement of the loading dock overhead door and repairs to the left outfield sub-drainage system.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Estate and the Comptroller be authorized to reimburse the Buffalo Bisons for the cost of emergency repairs to the sanitary sewer line, replacement of the loading dock overhead door and repairs to the left outfield sub-drainage system for an amount not to exceed \$13,195.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.09019 – 2001 – Dunn Tire Park Improvements for an amount not to exceed \$13,195.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(6-0)

6. COMM. 21E-16 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works, Division of Highways is planning to replace the concrete culvert on Pontiac Road (CR 490), in the Town of Evans, County of Erie; and

WHEREAS, in order to facilitate the replacement of the concrete culvert, it will be necessary for the County to acquire by fee, two parcels of real property on Pontiac Road (CR 490); and

WHEREAS, individual property owner meetings and adjustments thorough design review and redesign as necessary and appropriate have been performed in order to minimize property acquisition; and

WHEREAS without these property acquisitions the replacement culvert cannot effectively be constructed; and

WHEREAS, the County has invested time and design effort on this culvert replacement to minimize necessary property acquisition and satisfy property owner concerns, so that the Project can be moved forward to construction.

NOW, THEREFORE, BE IT

RESOLVED, that for County purposes of construction and replacement of the Pontiac Road culvert, the County Executive is hereby authorized and directed to acquire the following interest in the parcels of land herein described for and in consideration of the sum described herein for the Pontiac Road Culvert Replacement Project (CR 490) in the Town of Evans:

PARCEL	OWNER(S)	AREA	FEE
6	Philip N. Howles	0.023 ± acres	\$500.00
7	Julius E. Kushner	0.023 ± acres	\$500.00

and be it further

RESOLVED, that funds not to exceed a total amount of \$1,000.00 for fee takings for the above noted parcels for the Pontiac Road Culvert Replacement Project be authorized from the Purchase of Permanent Right-of-Way Program (SAP B.00062); and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.  
(6-0)

7. COMM. 21E-19 (2009)  
COUNTY EXECUTIVE

WHEREAS, Erie County has undertaken a Commercial Center Improvement Program through the federally funded Community Development Block Grant; and

WHEREAS, the objective of the Program is to financially assist owners of commercial properties operating retail/business establishments within city, village, and hamlet retail centers located in Erie County Community Development Consortium communities; and

WHEREAS, in order to successfully carry out the Program professional architectural services are required to complete certain technical components of the Commercial Center Improvement Program; and

WHEREAS, Erie County executed a contract with Clinton Brown Company Architecture, P.C. dated May 31, 2007 to perform said architectural services in an amount not to exceed \$45,000; and

WHEREAS, due to complex issues arising with certain cases and high demand in the City of Tonawanda it is now necessary to increase the authorized contract amount.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a first amendatory agreement to the May 31, 2007 contract with Clinton Brown Company Architecture, P.C. increasing the contract amount from \$45,000 to \$60,000; and be it further

RESOLVED, that the source of funds is money available within the Erie County Department of Environment and Planning Budget, Project J.00506.2.28, Façade Program – Commercial; and be it further

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

(6-0)

**TIMOTHY M. KENNEDY**  
**CHAIR**

Item 23 – MR. KOZUB presented the following report, moved to separate item Number 8, and moved to approve the balance of the report. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 293

November 12, 2009	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 13
-------------------	--

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

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 21E-27 (2008)  
WHYTE: "Black Rock Canal Park"  
(5-0)
  - b. COMM. 23-1 (2008)  
WHYTE: "Creation of a Seasonal Parks Sheriff's Division and/or the Reinstatement of Park Rangers"  
(5-0)
  - c. COMM. 8M-21 (2009)  
BUFFALO OLMSTED PARKS CONSERVANCY: "Proposed Utilization of Olmsted Reserve Fund"  
(5-0)
  - d. COMM. 12M-1 (2009)  
NIAGARA ERIE REGIONAL COALITION: "Legislature Budget Accountability Act Report"  
(5-0)
  - e. COMM. 18M-4 (2009)  
US EPA: "Community Update Concerning Air Quality Study and Evaluation of the Tonawanda Coke Facility"  
(5-0)

- f. COMM. 19E-10 (2009)  
COUNTY EXECUTIVE: "ECDS #3 and #6 - Energy Performance Contract - Change Order No. 1"  
(5-0)
- g. COMM. 19M-1 (2009)  
NYSDEC: "Fact Sheet - Brownfield Cleanup Program - Notification for Public Comments"  
(5-0)
- h. COMM. 20M-4 (2009)  
DELAWARE COUNTY BOARD OF SUPERVISORS: "Copy of Resolution Entitled "Encouraging Immediate Relief for Dairy Farmers and Supporting Changes at the Federal Level Establishing the Price of Fluid Milk at the Farm Gate""  
(5-0)
- i. COMM. 21M-1 (2009)  
NYSDEC: "Fact Sheet - Cleanup Activities Continuing at the Spaulding Composites Site"  
(5-0)
- j. COMM. 21M-4 (2009)  
NYSDEC: "Fish and Wildlife Monthly Highlights - 8/16/09 - 9/15/09"  
(5-0)
- k. COMM. 21M-8 (2009)  
NYSDEC: "Report on Environmental Investigation and Cleanup Activities at Niagara St. and Pennsylvania Ave. Site"  
(5-0)
- e. COMM. 21M-9 (2009)  
NYSDEC: "Report on Environmental Investigation and Cleanup Activities at NOCO #S41 Site"  
(5-0)

2. COMM. 23E-11 (2008)  
COUNTY EXECUTIVE AS AMENDED  
RESOLUTION NO. \_\_\_\_\_

RESOLUTION DATED \_\_\_\_\_, 2009.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 4 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) \_\_\_\_\_, 2009.

(Adopted) \_\_\_\_\_, 2009

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 4 of the County of Erie, New York, has heretofore been established and created on February 22, 1961 (the "District") to provide sewer services to the Villages of Depew and Lancaster and the Towns of Lancaster, West Seneca, Alden and Cheektowaga; and

WHEREAS, the Board of Managers of the District has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the District on September 2, 2009 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the replacement of lateral, interceptor and trunk sewers, infrastructure improvements to various pump stations and the reconstruction of various other sewers in and for the District, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$9,000,000, to be assessed against a benefited area which consists of the entire area of the District, as well as the contracting communities including Erie County Sewer District No. 1, West Seneca District No. 6, Cheektowaga Sewer District No. 3, and Lancaster town sewer districts, all in accordance with their respective proportionate shares of equalized assessed value in the District; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$16.22 for the District; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law.

NOW, THEREFORE, BE IT

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

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4<sup>th</sup> Floor, Buffalo, New York, in said County, on the 9<sup>th</sup> day of December, 2009, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No. 4 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING



WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection on and after the first day of October, 2009; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, at 1:30 p.m., local time on Wednesday, November 4, 2009 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2010 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Erie County Comptroller, Eric Ziobro, Assistant County Attorney and Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment & Planning.

(5-0)

4. COMM. 20E-8 (2009)  
COUNTY EXECUTIVE

WHEREAS, Erie County and Niagara County are co-recipients of a \$232,627.00 New York State Shared Municipal Services Incentive (SMSI) Grant (2007-2008 program year); and

WHEREAS, Erie County's participation in this grant program was supported by the Erie County Legislature in a resolution dated December 13, 2007 (Comm. 26E-7); and

WHEREAS, Niagara County, as the lead agent for all financial transactions for the SMSI grant, has provided the entire 10% local match requirement for both Niagara and Erie Counties; and

WHEREAS, Erie County must reimburse Niagara County \$15,763.80 for Erie County's share of the 10% local match for the SMSI grant; and

WHEREAS, funds for the \$15,763.80 payment to Niagara County are available in Environment & Planning, Fund 110, Cost Center 1620010, Account 516020, Professional Services Contracts & Fees.

NOW, THEREFORE, BE IT

RESOLVED, that upon receipt of an invoice from Niagara County, Erie County is authorized to reimburse Niagara County \$15,763.80 as Erie County's share of the local matching requirement for the 2007- 2008 Shared Municipal Services Incentive Grant; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.  
(5-0)

5. COMM. 20E-10 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the Erie County Legislature have previously authorized construction of a network of sanitary sewers and pumping stations in the Town of Hamburg; and

WHEREAS, Erie County Sewer District No. 3 needs to acquire a fee taking of 1.475 acres and a permanent 0.271 acre and a temporary 0.291 acre easement (SBL 150.20-1-4.1) adjacent to the Milestrip Road Pumping Station for the future construction of a wet weather relief pumping station and sanitary sewers to enable the elimination of the seven (7) existing pumping stations and the Blasdell Wastewater Treatment Plant; and

WHEREAS, an independent appraisal has been prepared of the fee taking and easement area for Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Sewer District No. 3 be authorized to acquire said fee taking and easements adjacent to the Milestrip Road Pumping Station owned by the Ford Motor Company (SBL No. 150.20-1-4.1) for the sum not to exceed \$16,500.00; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate the sum not to exceed \$16,500.00 from Erie County Sewer District No. 3, Sewer Capital C.00012; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, Director of Budget and Management, Erie County Comptroller, Eric Ziobro, Assistant County Attorney and two certified copies of this resolutions to Michael Quinn, Department of Environment and Planning.  
(5-0)

6. COMM. 21E-5 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has the responsibility for carrying out the federal Community Development Block Grant, HOME Investment Partnership, and Emergency Shelter Grant Programs; and

WHEREAS, said Programs require financial oversight, vendor payment processing, coordination of federal and County accounting systems; and

WHEREAS, said Programs have an annual budget of over \$7.0 million; and

WHEREAS, the execution of a personal services contract with the former Chief Account Clerk within the Community Development Block Grant budget provides an opportunity to realize a cost savings of \$23,300 in the grant program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Personal Services Contract with Nancy Gorrell, residing at 3280 Stony Point Road, Grand Island, New York 14072 for the purpose of undertaking accounting services within the federally funded Community Development Block Grant Program; and be it further

RESOLVED, that the agreement shall include an authorized contract amount not to exceed \$21,000; and be it further

RESOLVED, that the requirement for request for proposals in Section 19.08 of the Erie County Administrative Code are hereby waived since the engagement is a continuation of work activities undertaken through the original County service of Nancy Gorrell as a Chief Account Clerk; and be it further

RESOLVED, that the source of funds shall be money available within the Erie County Community Development Block Grant, in Project J.00507, WBS element J.00507.1.9; and be it further

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

7. COMM. 21E-17 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Village of Depew and Erie County have identified mutual benefits to the transfer of ownership of the Village's Vanderbilt Force Main to Erie County; and

WHEREAS, the County of Erie/Erie County Sewer District No. 4 has plans to upgrade the Vanderbilt Pumping Station and the Village's Force Main is vital to that upgrade; and

WHEREAS, an intermunicipal agreement is necessary to transfer ownership of the Village of Depew's Vanderbilt Force Main to Erie County/Erie County Sewer District No. 4.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 4 and the Village of Depew for the purpose of transferring the ownership of the Village of Depew's Vanderbilt Force Main and appurtenances to Erie County Sewer District No. 4 be approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said intermunicipal agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; 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 Eric Ziobro, Assistant County Attorney, and Barbara A. Alberti, Mayor, Village of Depew.

(5-0)

8. COMM. 21E-18 (2009)  
COUNTY EXECUTIVE

WHEREAS, the Department of Environment and Planning has proposed continuation of an Open Item in the Legislature's Energy and Environment Committee to reduce the time required for approval of bond authorization for sewer construction projects.

NOW, THEREFORE, BE IT

RESOLVED, that an Open Item be established in the Energy and Environment Committee of this Legislature for the purpose of considering prerequisite resolutions pertaining to Bond Authorizations and other documents regarding the Erie County Sewer Districts; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, the Erie County Comptroller, the Director of Budget, Assistant County Attorney and Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning.

(5-0)

**DANIEL M. KOZUB**  
**CHAIR**

CHAIR MARINELLI directed that item Number 8 be returned to the ENERGY & ENVIRONMENT COMMITTEE for further consideration.

### **LEGISLATOR RESOLUTIONS**

Item 24 – CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 22-1 from LEGISLATOR MILLER-WILLIAMS Opposing the Proposed Mid-Year State Budget Cuts to the Boys & Girls Clubs of Buffalo

Item 25 – MS. WHYTE presented the following resolution and moved for immediate

consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 294

RE: Calling for the WNY Falls Prevention Consortium and the Community Health Foundation to Attend a Future Meeting of the Erie County Legislature Economic Development Committee (INTRO 22-2)

A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR KENNEDY

WHEREAS, as the oldest form of transportation, walking as an option is often overlooked in the development, construction, or improvement of community infrastructure; and

WHEREAS, the 'walkability' of a community is an issue that reaches across generations, yet the most immediate impact is often felt by older adults; and

WHEREAS, one out of three people over the age of 65 will fall each year, mainly occurring at or near the individual's home; and

WHEREAS, over the past three years, the WNY Falls Prevention Consortium has worked with the Community Health Foundation of Western and Central New York on a multi-dimensional approach to falls prevention and awareness in Erie County; and

WHEREAS, the work of the Consortium is primarily to understand and educate older adults, caregivers, and health professionals of the significance of falls and how to reduce falls risk; and

WHEREAS, on September 22, 2009, National Falls Prevention Day, the Consortium partnered with the American Association of Retired People (AARP) to conduct a walkability study of 14 locations within the City of Buffalo and Erie County; and

WHEREAS, a walkability study entails the examination of issues such as crosswalks and curb cuts, sidewalk hazards, and the behavior of local drivers within a designated location; and

WHEREAS, the Consortium focused its study on areas with a large population of low-income, older adults and high risk that also contained high levels of foot traffic; and

WHEREAS, the results of this study found that out of the 14 sites surveyed, only one received a 'good' rating in all sections; and

WHEREAS, it is important to disseminate the results and recommendations of this study, both to educate the community and to provide a strong basis for the improvement of these high risk areas.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognize and support the results of this study as it pertains to the betterment of community life and infrastructure for all citizens of western New York; and be it further

RESOLVED, that the WNY Falls Prevention Consortium and the Community Health Foundation attend a future meeting of the Economic Development Subcommittee on Transportation; and be it further

RESOLVED, the purpose of this meeting is to discuss and highlight the need for government attention of pedestrian, bicycle, and vehicular traffic and how it relates to infrastructure improvements throughout Erie County.

Item 26 – CHAIR MARINELLI directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 22-3 from LEGISLATOR IANNELLO Supporting the Establishment of a Great Lakes/Mid-Atlantic Regional Operations and Maintenance Base for the Executive AirShare Corporation

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 295

RE: Resolution of the EC Legislature  
Accepting the Appointment of EC as  
Sole Member of the Buffalo and EC  
Industrial Land Development Corp.  
(INTRO 22-4)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MARINELLI & KENNEDY**

WHEREAS, pursuant to resolutions adopted on July 24, 2009, the Erie County Legislature authorized the Buffalo and Erie County Industrial Land Development Corporation (“ILDC”) to issue revenue bonds and provide financial assistance on behalf of Erie County (the “County”) in conjunction with certain economic development activities; and

WHEREAS, the ILDC filed its Certificate of Incorporation with the New York State Department of State on December 14, 1981 and a Certificate of Amendment to the Certificate of Incorporation of the Buffalo and Erie County Industrial Land Development Corporation with the New York State Department of State on September 11, 1996 (collectively, the “Certificate of Incorporation”), a copy of which such Certificate of Incorporation is on file with the Erie County Clerk; and

WHEREAS, on November 9, 2009, the members of the ILDC amended the by-laws of the ILDC to restructure the ILDC so as to comply with the County resolutions and facilitate such economic development activities; and

WHEREAS, the Certificate of Incorporation and the amended by-laws of the ILDC are attached hereto; and

WHEREAS, in order to facilitate the issuance of bonds by the ILDC, bond counsel to the ILDC has requested that the County Legislature ratify and confirm the reconstituted ILDC by approving the Certificate of Incorporation and By-Laws.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature hereby approves the attached Certificate of Incorporation and By-laws of the ILDC and the restructuring of the ILDC and its operations as reflected in the attached form of amended by-laws; and be it further

RESOLVED, that any obligations issued by the ILDC shall never be a debt of the State of New York, the County of Erie, or any political subdivision thereof, and neither the State of New York, the County of Erie, nor any political subdivision thereof shall be liable thereon; and be it further

RESOLVED, that these resolutions shall take effect immediately.

MS. WHYTE moved to amend the resolution. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

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

WHEREAS, pursuant to resolutions adopted on July 24, 2009, the Erie County Legislature authorized the Buffalo and Erie County Industrial Land Development Corporation ("ILDC") to issue revenue bonds and provide financial assistance on behalf of Erie County (the "County") in conjunction with certain economic development activities; and

WHEREAS, the ILDC filed its Certificate of Incorporation with the New York State Department of State on December 14, 1981 and a Certificate of Amendment to the Certificate of Incorporation of the Buffalo and Erie County Industrial Land Development Corporation with the New York State Department of State on September 11, 1996 (collectively, the "Certificate of Incorporation"), a copy of which such Certificate of Incorporation is on file with the Erie County Clerk; and

WHEREAS, on November 9, 2009, the members of the ILDC amended the by-laws of the ILDC to restructure the ILDC so as to comply with the County resolutions and facilitate such economic development activities; and

WHEREAS, the Certificate of Incorporation and the amended by-laws of the ILDC are attached hereto; and

WHEREAS, in order to facilitate the issuance of bonds by the ILDC, bond counsel to the ILDC has requested that the County Legislature ratify and confirm the reconstituted ILDC by approving the Certificate of Incorporation and By-Laws.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature hereby approves the attached Certificate of Incorporation and By-laws of the ILDC and the restructuring of the ILDC and its operations as reflected in the attached form of amended by-laws; and be it further

RESOLVED, that any obligations issued by the ILDC shall never be a debt of the State of New York, the County of Erie, or any political subdivision thereof, and neither the State of New York, the County of Erie, nor any political subdivision thereof shall be liable thereon; and be it further

RESOLVED, that the ILDC shall, in all respects, comply with all terms and conditions contained within of Erie County Legislature Resolution No. 218 dated July 25, 2009 as if the Resolution had been specifically adopted by the ILDC; and be it further

RESOLVED, that failure to comply with a material term or condition of the above noted resolution will render the prior authorization to issue tax exempt bonds null and void for all projects for which bonds have not been issued; and be it further

RESOLVED, that these resolutions shall take effect immediately.

AMENDED AND RESTATED

BYLAWS

OF

BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION

AS OF NOVEMBER \_\_, 2009

ARTICLE I – OFFICES

The principal offices of the Buffalo and Erie County Industrial Land Development Corporation (the "Corporation") shall be in the City of Buffalo, County of Erie, and State of New York. The Corporation may also have offices at such other places within or without the State of New York as the Board of Directors (the "Board") may from time to time determine or the business of the Corporation may require.

ARTICLE II – PURPOSES AND POWERS

1. The Corporation is incorporated and shall be operated for the exclusive charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, carrying on scientific research for the purpose of aiding a community or geographical area by attracting new industry in the community or area, and lessening the burdens of government and acting in the public interest.

2. In furtherance of its purposes set forth in paragraph (1) but not for any other purpose, the Corporation shall have, in addition to all other powers (including all powers in furtherance of its corporate purposes mentioned in Section 202 of the Not-for-Profit Corporation Law) the following powers: to construct, acquire, rehabilitate and improve for use by others, industrial or manufacturing plants in the territory in which its operations are principally to be conducted; to assist financially in such construction, acquisition, rehabilitation and improvement; to maintain such plants for others in such territory; to disseminate information and furnish advice, technical assistance and liaison with federal, state and local authorities with respect thereto; to acquire by purchase, lease, gift, bequest, devise or otherwise, real or personal property or interests therein; to borrow money and to issue negotiable bonds, notes and other obligations therefor; to issue negotiable revenue bonds, notes and other obligations on behalf of Erie County for the benefit of not-for-profit corporations and private entities to finance projects thereof in furtherance of the purposes of the Corporation and solely for the purposes set forth in the July 24, 2009, Erie County Legislature Resolution No. 218, as may amended by the Erie County Legislature from time to time, and notwithstanding Section 510 of the Not-For-Profit Corporation Law (Disposition of all or substantially all assets), without leave of the Court, to sell, lease, mortgage or otherwise dispose of or encumber any such plants or any of its real or personal property or any interest therein upon such terms as it may determine; and, in connection with loans from the New York Job Development Authority, to enter into covenants and agreements and to comply with all the terms, conditions and provisions thereof and otherwise to carry out its corporate purposes; and to foster and encourage the location or expansion of industrial or manufacturing plants in the territory in which the operations of the Corporation are principally to be conducted; provided, however, that the Corporation shall not attempt to influence legislation, by propaganda or otherwise, or participate or intervene, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office; and provided, further, that any revenue bonds, notes or obligations of the Corporation issued on behalf of Erie County shall (a) never be the debt of the State of New York, Erie County or any political subdivision and neither the State of New York, Erie County nor any political subdivision thereof shall be liable thereon and (b) shall be payable solely out of revenues and receipts derived from the leasing or sale by the Corporation of the applicable project.

### ARTICLE III – MEMBERSHIP

1. MEMBERSHIP. The sole member of the Corporation (the “Member”) shall be the County of Erie acting by and through the Erie County Executive, ex officio.

2. RIGHTS AND POWERS OF MEMBER. The Member shall have and exercise all the rights and powers of corporate membership created by the laws of the State of New York, the Certificate of Incorporation or the By-laws of the Corporation.

3. ANNUAL MEETING OF THE CORPORATION. The Member shall hold an annual meeting of the Corporation, once during the first fiscal year of the Corporation’s existence and

thereafter within six months after the end of each fiscal year, in all cases at a convenient time and place designated by the Member. At the annual meeting, the Member shall receive the annual report if and to the extent required under Section 4 of these By-Laws and transact such other business as may properly come before the meeting, including the appointment of Directors when appropriate.

4. SPECIAL MEETING. Special meetings of the membership of the Corporation may be called by the Chief Executive Officer (CEO) or the Chief Operating Officer (COO) in the absence of the CEO and shall be called by the CEO or the COO, in the absence of the CEO, upon written request of the Member or the board of directors. The CEO or Secretary shall cause notice of such meeting to be given personally to the Member or mailed to the Member at his/her addresses as it appears in the membership roll book or sent via electronic mail not less than ten (10) days nor more than fifty (50) days before the scheduled date of such meeting. Such notice shall state the date, time, place and purpose of the meeting and by whom called. No other business but that specified in the notice may be transacted at such special meeting without the unanimous consent of all present at such meeting.

5. WAIVER OF NOTICE. Notice of meetings, annual, regular or special, need not be given to any member who submits a signed waiver of notice in person, whether before or after the meeting. The attendance of any member at a meeting, without protesting prior to the conclusion of the meeting the lack of notice of such meeting, shall constitute a waiver of notice by him or her.

6. NO ACTION BY MEMBER WITHOUT A MEETING. Whenever the Member is required or permitted to take any action by vote, no such action may be taken without a meeting where the Member entitled to vote thereon is present.

7. ANNUAL REPORT TO MEMBER. At the annual meeting of the Corporation, except for the annual meeting during the first fiscal year of the Corporation's existence, the CEO and the Treasurer of the Corporation shall present an annual report showing in appropriate detail the complete audited financial statement of the Corporation for the fiscal year immediately preceding the date of the report showing the assets and liabilities, principal changes in assets and liabilities, revenue, receipts, expenses and disbursements of the Corporation; and a summary of the activities of the Corporation during the preceding year. The annual report shall be filed with the minutes of the annual meeting.

#### ARTICLE IV – DIRECTORS

1. MANAGEMENT OF THE CORPORATION. The Corporation shall be managed by the Board. Each director shall be at least eighteen (18) years of age.

2. NUMBER, ELECTION AND TERM OF DIRECTORS.

(a) The number of Directors shall be seven. As used in these By-laws, "the entire Board of Directors" means the total number of Directors which the Corporation would have in accordance with the preceding sentence if there were no vacancies on the Board.

(b) One director shall be the chairperson of the Erie County Legislature, ex officio; one director shall be the chairperson of the Erie County Legislature's Economic Development Committee, ex officio; one director shall be the President of the local AFL-CIO, ex

officio (collectively, the aforementioned three directors are sometimes hereinafter referred to as the "Designated Directors" or individually as a "Designated Director"); and four directors to be appointed by the Member and who shall serve at the Member's pleasure. The membership of a Designated Director shall terminate upon the inauguration or appointment of his or her successor in such office, which successor in office shall thereupon become the Designated Director.

(c) Directors are eligible to serve an unlimited number of consecutive terms.

3. RESIGNATIONS AND REMOVAL OF DIRECTORS. Any Director of the Corporation may resign at any time by giving written notice to the President or the Secretary. Such resignation shall take effect at the time specified therein or, if no time is specified, then on delivery.

4. QUORUM OF DIRECTORS. The presence at any directors' meeting of a majority of the individuals then serving as directors shall constitute a quorum for the transaction of business or of any specified item of business.

5. ACTION OF THE BOARD. Unless otherwise required by law, the vote of a majority of the directors shall be the act of the Board. Each director present shall have one vote.

6. PLACE AND TIME OF BOARD MEETINGS. The Board may hold its meetings at the office of the Corporation or at such other places, either within or without the State of New York, as it may from time to time determine.

7. REGULAR AND ANNUAL MEETINGS. Monthly meetings of the Board shall be held at such time and place as directed by the Chair. One such monthly meeting per year shall be designated by the Board as its annual meeting.

8. NOTICE OF MEETINGS OF THE BOARD, ADJOURNMENT. Written notice stating the time and place of each regular meeting of the directors shall be given by the Secretary, personally or by mail or by electronic mail, not less than ten (10) days before the date of the meeting, to each director. The Secretary shall cause to be mailed, via U.S. or electronic mail, not less than ten (10) days nor more than fifty (50) days before the annual meeting to every director a notice stating the time and place of the annual meeting. Notice of a meeting need not be given to any director who submits a waiver of notice, whether before or after the meeting, or who attends the meeting without protesting prior thereto or at its commencement, the lack of notice to him or her. A majority of the directors present, whether or not a quorum is present, may adjourn any meeting to another time and place. Notice of the adjournment shall be given all directors who were absent at the time of the adjournment and, unless such time and place are announced at the meeting, to the other directors.

9. SPECIAL MEETINGS. Special meetings of the Board of the Corporation may be called by the Chief Executive Officer (CEO) or the COO in the absence of the CEO, or the directors and shall be called by the CEO or the COO, in the absence of the CEO, upon written request of at least four (4) members. The Secretary shall cause a notice of such meeting to be given personally to or mailed to directors or sent via electronic mail not less than two (2) days nor more than fifty (50) days before the scheduled date of such meeting. Such notice shall state the date, time, place and purpose of the meeting and by whom called. No other business but that specified in the notice may be transacted at such special meeting without the unanimous consent of all present at such meeting.

10. NO ACTION WITHOUT A MEETING. Whenever directors are required or permitted to take any action by vote, no such action may be taken without a meeting where the directors entitled to vote thereon are present.

11. ORDER OF BUSINESS. The order of business at all meetings of directors shall be as follows:

- Roll call
- Reading of the minutes of the preceding meeting
- Reports of committees
- Reports of officers
- Old and unfinished business
- New business
- Adjournments

Notwithstanding the foregoing, the Chair shall have the authority to vary the order of business, as the need arises.

12. WAIVER OF NOTICE. Notice of meetings, annual, regular or special, need not be given to any director who submits a signed waiver of notice in person, whether before or after the meeting. The attendance of any director at a meeting, without protesting prior to the conclusion of the meeting the lack of notice of such meeting, shall constitute a waiver of notice by him or her.

13. VOTING OF SECURITIES HELD BY THE CORPORATION. Stocks or other securities owned by the Corporation may be voted in person or by proxy as the Board of Directors shall specify. In the absence of any direction by the Board of Directors, such stocks or securities shall be voted by the CEO, or the COO in the absence of the CEO, as he or she shall determine.

14. CHAIR. During any period when the individual acting by and on behalf of the Sole Member appoints himself/herself as a director, that individual shall be the Chair. At all other times, the Chair shall be designated by a majority of the Board. The Chair will preside at all meetings of the Corporation. The Chair shall have the authority to sign all agreements, contracts, deeds and any other instruments on behalf of the Corporation. The Chair shall submit his/her recommendation and such information as he/she shall deem pertinent concerning the business, affairs, and policies of the Corporation at each meeting of the Board. In the event of a vacancy on a committee of the Corporation, the Chair will designate a successor to fill the unexpired portion of the term, if the number of committee members is specified by these bylaws. In the event of a vacancy on a committee of the Corporation, the Chair may designate a successor to fill the unexpired portion of the term, if the number of committee members is not specified by these bylaws. In the event of a vacancy in the chair of a committee of the Corporation, the Chair will designate a successor to fill the unexpired portion of the term.

15. COMPENSATION. All Directors shall serve without compensation. All Directors may be reimbursed for reasonable expenses incurred in the performance of corporate duties.

ARTICLE V – COMMITTEES OF THE CORPORATION

1. NOMINATING COMMITTEE. There shall be a nominating committee which shall consist of such directors of the Corporation selected by the Board to nominate such candidates as they deem appropriate for the Chair, officers of the Corporation, and such directors of the Corporation to serve upon its Committees. Members of the Nominating Committee shall serve a term of one (1) year.

2. STANDING COMMITTEES. The Board by resolution adopted by a majority of the entire Board may designate standing committees each to consist of at least three (3) directors, and which may, at the discretion of the Board, include individuals who are not members of the Board. Each committee shall have such authority of the Board as may be delegated and as is set forth in the resolution adopted by the Board. Each committee shall keep minutes of proceedings and report to the Board.

3. LIMITATION OF AUTHORITY OF COMMITTEES. No standing committee shall have authority as to the following matters:

(a) The submission to the Member of any action requiring Member approval under this Article V;

(b) The filling of vacancies in the Board or in any committee;

(c) The amendment or repeal of the By-Laws or the adoption of new By-Laws;  
and

(d) The amendment or repeal of any resolution of the Board which by its terms shall not be so amendable or repealable.

4. TERM OF OFFICE OF COMMITTEE MEMBERS. Whenever the term of office of any member of a committee shall expire, the Board may designate a successor member. Any member of the committee may be designated or elected to succeed himself or herself.

5. SPECIAL COMMITTEES. The Board at any time and from time to time, by resolution adopted by a majority of the entire Board, may create such special committees as may be deemed desirable, to serve at the pleasure of the Board, and the members of which shall be appointed by the Chair with the consent of the Board. These committees shall have only the lawful powers specifically delegated to them by the Board, except that no such committee shall have powers which are not authorized for any standing committees of the Board under Section (2) hereof and by law.

6. POLICY COMMITTEE.

(a) The Policy Committee shall be comprised of the following:

(i) Not less than three (3) directors appointed by the Chair with the consent of the Board at the annual meeting of the Board, who shall serve for terms of one (1) year, and thereafter until their successors are appointed; and

(ii) Such other individuals as the Board may designate from time to time.

(b) The committee chair for the Policy Committee shall be designated by a majority of the Board.

(c) The Policy Committee shall:

(i) Have the power to call for such reports and documentation as it deems necessary to properly monitor the Corporation's operation;

(ii) Propose to the Board policy guidelines and policy statements appropriate to the Corporation and its mission; and

(iii) Perform such other duties as may be delegated to them by the Board, from time to time.

7. FINANCE & AUDIT COMMITTEE.

(a) The Finance & Audit Committee shall be comprised of the following, each of whom, to the extent practicable, shall be familiar with corporate financial and accounting practices:

(i) Not less than three (3) members of the Corporation appointed by the Chair with the consent of the Board at the annual meeting of the Board, who shall serve for terms of one (1) year, and thereafter until their successors are appointed; and

(ii) Such other individuals as the Board may designate, from time to time.

(b) The committee chair for the Finance & Audit Committee shall be designated by a majority of the Board.

(c) The Finance & Audit Committee shall be responsible:

(i) To provide assistance to the Board in fulfilling its fiduciary responsibilities relating to accounting, reporting and regulatory compliance practices;

(ii) To maintain, by way of regularly scheduled meetings (at least once prior to the commencement and once after the completion of the annual audit process), a direct line of communication between the Board and the Corporation's independent accountants and auditors to provide for exchanges of views and information;

(iii) To maintain, as appropriate, a direct line of communication between the Board and the governmental authorities having audit authority or official oversight of the Corporation;

(iv) To approve the budget of the Corporation for submission to the Board;  
and

(v) To approve and/or direct the transfers of moneys under the budget.

Particularly, and without limiting the generality of the foregoing, the Financing & Audit Committee shall be responsible for recommending to the Board the level of cash reserves and the level of fund balances. The Finance & Audit Committee shall also recommend to the Board the hiring of a certified independent accounting firm, establish the compensation to be paid to such accounting firm, provide direct oversight of the performance of the independent audit performed by the accounting firm hired for such purposes and receive reports from such accounting firm. The Finance & Audit Committee shall report to the Board on a periodic basis, at least annually, the findings of its independent accountants and auditors. These reports shall include careful consideration of the actions taken by management on the independent accountants' and auditors' suggestions for correcting weaknesses, if any, in the Corporation's internal controls, regulatory compliance, organizational structure and operations. These reports may include the adequacy of the audit effort by the Corporation's independent accountants and auditors, the financial and regulatory compliance reporting decisions of management, the adequacy of disclosure of information essential to a fair presentation of the financial affairs and regulatory compliance efforts of the Corporation, and the organization and quality of the Corporation's system of management and internal accounting control.

(d) Each member of the Finance & Audit Committee must be an "independent member" within the meaning of, and to the extent required by, Section 2825 of the New York Public Authorities Law, as amended from time to time.

8. GOVERNANCE COMMITTEE.

(a) The Governance Committee shall be comprised of the following:

(i) Not less than two (2) members of the Corporation appointed by the Chair with the consent of the Board at the annual meeting of the Board, who shall serve for terms of one (1) year, and thereafter until their successors are appointed; and

(ii) Such other individuals as the Board may designate, from time to time.

(b) The committee chair for the Governance Committee shall be designated by a majority of the Board.

(c) The Governance Committee shall be responsible to:

(i) Keep the Board informed of current best governance practices;

(ii) Review corporate governance trends;

(iii) Update the Corporation's corporate governance principles; and

(iv) Advise those responsible for appointing members to the Board of the skills and experience required of potential Board members.

(d) Each member of the Governance Committee must be an "independent member" within the meaning of, and to the extent required by, Section 2825 of the New York Public Authorities Law, as the same may be amended from time to time.

ARTICLE VI – OFFICERS

1. OFFICERS, APPOINTMENT, TERM.

(a) Appointed Officers

The officers of the Erie County Industrial Development Agency (the “ECIDA”) shall hold the same positions with this Corporation. Their term of office as officers of the Corporation shall be concurrent with their term of office as officers of the ECIDA. The Board will appoint such other officers as it may determine, who shall have such duties, powers and functions as hereinafter provided. Such officers’ term of office shall be concurrent with the term of office of the ECIDA officers. Should the term of a director expire, or should the term of employment with the Corporation of an officer who is not a director expire, his or her term as an officer shall simultaneously expire. Notwithstanding the provisions set forth in this Article, the powers to perform and exercise the duties and functions of any of the officers of the Corporation may be limited from time to time via resolution of the Board.

(b) Removal, Resignation, Salary

Any officer appointed by the Board may be removed by the Board with or without cause. In the event of the death, resignation or removal of an officer, the Board in its discretion may appoint a successor to fill the unexpired term. Any two (2) or more offices may be held by the same person, except the offices of CEO and Secretary.

2. CHIEF EXECUTIVE OFFICER (CEO). The CEO shall be the chief executive officer of the Corporation; he or she shall not be a member and/or director of the Corporation; he or she shall have the general management of the affairs of the Corporation; shall exercise supervision and control of all administrative functions of the Corporation, including personnel, budgeting, program and policy implementation; and shall see that all orders and resolutions of the Board are carried into effect. The Board will appoint the CEO of the ECIDA as the CEO of the Corporation. The CEO shall have the authority to sign all agreements, contracts, deeds and any other instruments on behalf of the Corporation.

3. CHIEF OPERATING OFFICER (COO). The COO may not be a member and/or director of the Corporation. He/She shall be hired by the Corporation for such term of employment as the Corporation deems proper. He/She shall exercise supervision and control of all administrative functions of the Corporation, including personnel, budgeting, program and policy implementation. He/She shall be responsible to the Corporation for the implementation of all resolutions, orders, programs or projects of the Corporation. The COO shall have the authority to sign all agreements, contracts, deeds and any other instruments on behalf of the Corporation. He/She shall attend all meetings of the Corporation and its committees with the right to take part in discussions and to recommend such measures as he/she may deem necessary or expedient, and he/she shall perform such other duties and shall have such other powers as may be prescribed for him/her by law or by the Corporation. The COO shall have all necessary incidental powers to perform and exercise any of the duties and functions as specified above or lawfully delegated to him/her. In the absence or inability of the CEO to perform his or her duties or exercise his or her powers, the COO shall have all the powers and functions of the CEO.

4. VICE PRESIDENTS. During the absence or disability of the CEO and the COO, the Executive Vice President shall have all the powers and functions of the CEO and COO. The Executive Vice President shall also solicit and guide the preparation of loan, grant or assistance applications in conformance with applicable plans, contracts and regulations, and shall, along with the CEO, have authority to present such applications to the Loan Committee for its review and approval.

5. TREASURER. The Treasurer shall have the care and custody of all the funds and securities of the Corporation and shall deposit said funds in the name of the Corporation in such bank or trust company as the directors may elect; he or she shall, when duly authorized by the Board, sign and execute all contracts in the name of the Corporation, he or she shall also sign all checks, drafts, notes and orders for the payment of money, which shall be duly authorized by the Board and shall be countersigned by the CEO, COO, or a Vice President; he or she shall at all reasonable times exhibit his or her books and accounts to any director or member of the Corporation upon application at the office of the Corporation during ordinary business hours. The Treasurer shall not be a member and/or director of the Corporation. At the end of the corporate year, he or she shall present the results of the independent audit performed by the accounting firm hired for such purposes at the annual meeting of the members, at which time he or she shall also present an annual report setting forth in full the financial conditions of the Corporation. During the absence or disability of the Executive Vice President, the Treasurer shall also solicit and guide the preparation of loan, grant or assistance applications and have authority to present such applications to the Board for its review and approval.

6. ASSISTANT TREASURER. During the absence or disability of the Treasurer the Assistant Treasurer, or if there are more than one, the one so designated by the Chair, shall have the powers and functions of the Treasurer. The Assistant Treasurer shall not be a member and/or director of the Corporation.

7. SECRETARY. The Secretary shall keep the minutes of the Board and also the minutes of the members. He or she shall have the custody of the seal of the Corporation and shall affix and attest the same to documents when duly authorized by the Board. He or she shall attend to the giving and serving of all notices of the Corporation and shall have charge of such books and papers as may be assigned to him or her and perform all the duties incidental to his or her office. He or she shall keep a membership roll containing the names, alphabetically arranged, of all persons who are members of the Corporation, showing their places of residence and the time when they became members.

8. ASSISTANT SECRETARY. During the absence or disability of the Secretary, the Assistant Secretary, or if there are more than one, the one so designated by the Chair, shall have all the powers and functions of the Secretary.

9. SURETIES AND BONDS. In case the Board shall so require, any officer or agent of the Corporation shall execute to the Corporation a bond in such sum and with such surety or sureties as the Board may direct, conditioned upon the faithful performance of his or her duties to the Corporation and including responsibility for negligence and for the accounting for all property, funds or securities of the Corporation which may come into his or her hands.

ARTICLE VII – SEAL

The seal of the Corporation shall be in the form of a circle and shall bear the name of the Corporation and the year of its organization.

ARTICLE VIII – CONSTRUCTION

If there be any conflict between the provisions of the Certificate of Incorporation and these By-Laws, the provisions of the Certificate of Incorporation shall govern.

ARTICLE IX - ETHICAL STANDARDS

1. In the event that any member or director of the Corporation has a business or other interest in any contract or matter involving the Corporation, in and regard to which such member or director has authority to act on behalf of the Corporation, the member or director shall disclose such interest and abstain from action.

2. Prior to the making or approval by the Corporation of any loan, grant or assistance to, any contract with, and/or employment of any person or private entity, each member, director, officer or employee of the Corporation who has received any communication from or in favor of such private entity shall make written disclosure of such communication to the Board and the fact of such communication shall be noted in the minutes of the next Board meeting.

3. In all other respects, members and directors of the Corporation shall operate in accordance with ethical standards as enumerated in the Not-For-Profit Corporation Law of the State of New York, as the same may be amended from time to time, and any ethics or conflicts of interest policy statement approved by the Board.

4. In addition to any other ethical standards applicable to any member or director of the Corporation pursuant to these By-Laws or other applicable law, a majority of the members and directors of the Corporation, other than those who serve by virtue of holding a civil office of the State of New York, shall, to the extent required by law, be “independent members,” as defined in Section 2825 of the New York Public Authorities Law, as amended from time to time.

ARTICLE X - INDEMNIFICATION OF MEMBERS,  
DIRECTORS AND OFFICERS

Any person made a party to any action, suit or proceeding by reason of the fact that he or she is or was a member, director, officer or employee of this Corporation, or of any corporation which he or she served as such at the request of this Corporation, shall be indemnified by this Corporation against the reasonable expenses, including attorney's fees, actually and necessarily incurred by him or her in connection with the defense of such action, suit or proceeding or in connection with any appeal therein, except in relation to the matters as to which it shall be adjudged and such action, suit or proceeding that (i) such member, officer, director or employee acted in bad faith, (ii) liability resulted from the active and deliberate dishonesty of such individual, or (iii) such individual gained in fact a financial profit or other advantage to which he or she was not legally entitled. Such right of indemnification shall not be exclusive of any other right to which such director, officer or employee may be entitled apart from the provisions of this Article.

ARTICLE XI – AMENDMENTS

The By-Laws may be adopted, amended or repealed by the affirmative vote of at least a majority of the individuals then serving as directors or by the affirmative vote of the Member of the Corporation.

ARTICLE XII – DISSOLUTION

In the event of the dissolution of the Corporation or the winding up of its affairs, the Board of Directors shall, after paying or making provision for the payment of all debts and liabilities of the Corporation of whatsoever kind or nature, distribute all of the remaining assets and property of the Corporation to Erie County for furtherance of the purposes set forth in paragraph (a) of Section 1411 of the Not For Profit Corporation Law. Any of such assets not so disposed of shall be disposed of by order of the Supreme Court of the State of New York pursuant to Section 1008 of the Not For Profit Corporation Law.

ARTICLE XIII – MISCELLANEOUS

It shall be the policy of the Corporation to adopt By-Laws, rules, regulations, policies, procedures and conduct its operations in accordance with all applicable State, Federal and local laws.

MS. WHYTE moved to approve the resolution as amended. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 28 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 19D-2 (2008). MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Insert the Following Resolution:

RESOLUTION NO. 296

RE: Open Item - Finance & Management  
Committee  
(COMM. 19D-2, 2008)

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 209225 through 209323, 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	2009	Petition No.	209,225.00
	ASSESSOR	Cancel	\$441.52

S-B-L 61.00-5-1.2/124 145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$441.52	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD	\$441.52	
	Relevy School	\$441.52	145601 AKRON CENTRAL

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: WILLIAM SCHMIEDECKER - GOLDEN POND ESTA

FISCAL YEAR	2009	Petition No.	209,226.00
	ASSESSOR	Cancel	\$85.93

S-B-L 61.00-5-1.2/107 145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$85.93	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD	\$85.93	
	Relevy School	\$85.93	145601 AKRON CENTRAL

RPTL 550(2): INCORRECT ASSESSEMENT APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: JAMES COLLINS - GOLDEN POND ESTATES

FISCAL YEAR	2009	Petition No.	209,227.00
	ASSESSOR	Cancel	\$494.96

S-B-L 162.12-1-10 146089 ORCHARD PARK

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$494.96	Town/SpecialDist/School
<u>Charge To :</u>	146089 ORCHARD PARK	\$494.96	
	Relevy School	\$494.96	146001 ORCH PARK CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: DANCE & OLGA STAVREVSKI

FISCAL YEAR 2009                      Petition No.                      209,228.00  
  
   ASSESSOR                      Cancel                      \$139.52

S-B-L 74.00-1-1.311/A                      145689 NEWSTEAD

Charge To :                      Acct. No. 112                      \$0.00      County  
   Acct. No. 132                      \$139.52    Town/SpecialDist/School  
   145689 NEWSTEAD                      \$139.52  
   Relevy School                      \$139.52    145601 AKRON CENTRAL

RPTL 550(2): DUPLICAT PARCEL UNDER DIFFERENT SBL #  
DELETE ENTIRE PARCEL FROM THE TAX ROLL

FISCAL YEAR 2009                      Petition No.                      209,229.00  
  
   ASSESSOR                      Cancel                      \$698.71

S-B-L 196.09-6-20.11                      144803 HAMBURG

Charge To :                      Acct. No. 112                      \$0.00      County  
   Acct. No. 132                      \$698.71    Town/SpecialDist/School  
   144803 HAMBURG                      \$698.71  
   Relevy School                      \$698.71    144801 HAMBURG CENTRAL

RPTL 550(2): PROPERTY IS OWNED BY THE NYSDOT  
NEW TAX BILL TO BE ISSUED TO: PEOPLE OF THE STATE OF NY DOT

FISCAL YEAR 2009                      Petition No.                      209,230.00  
  
   ASSESSOR                      Cancel                      \$2,013.23

S-B-L 52.06-3-11                      146489 TONAWANDA

Charge To :                      Acct. No. 112                      \$0.00      County  
   Acct. No. 132                      \$2,013.23    Town/SpecialDist/School  
   146489 TONAWANDA                      \$2,013.23  
   Relevy School                      \$2,013.23    146401 KEN-TON UNION FREE

RPTL 550(2): PARCEL WAS SPLIT AND THE ASSESSMENT WAS NOT REDUCED  
NEW TAX BILL TO BE ISSUED TO: 5201 RIVER ROAD - THOMAS MONTANTE

FISCAL YEAR 2009                      Petition No.                      209,231.00

ASSESSOR Cancel \$154.02

S-B-L 80.13-1-26 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$154.02 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$154.02  
Relevy School \$154.02 142201 AMHERST CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: CARL W GAAL

FISCAL YEAR 2009 Petition No. 209,232.00

ASSESSOR Cancel \$1,121.90

S-B-L 254.00-3-29.1 144000 EDEN

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$1,121.90 Town/SpecialDist/School  
Charge To : 144000 EDEN \$1,121.90  
Relevy School \$1,121.90 144001 EDEN CENTRAL

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: OWEN & BEVERLY MOORE

FISCAL YEAR 2009 Petition No. 209,233.00

ASSESSOR Cancel \$7,003.51

S-B-L 555.00-12-2.1 144489 EVANS

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$7,003.51 Town/SpecialDist/School  
Charge To : 144489 EVANS \$7,003.51  
Relevy School \$7,003.51 144401 LAKE SHORE CENTRAL

RPTL 550(2): ERROR IN ESSENTIAL FACT ASSESS. EXCEEDS SPECIAL FRANCISE  
NEW TAX BILL TO BE ISSUED TO: NATIONAL GRID

FISCAL YEAR 2009 Petition No. 209,234.00

ASSESSOR Cancel \$3,517.34

S-B-L 192.15-1-13 144489 EVANS

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$3,517.34 Town/SpecialDist/School

Charge To : 144489 EVANS \$3,517.34  
Relevy School \$3,517.34 144401 LAKE SHORE CENTRAL

RPTL 550(2): HOUSE WAS ASSESSED AT FULL VALUE AND WAS NOT FINISHED  
NEW TAX BILL TO BE ISSUED TO: FULVIO & BRUNO STAMPONE

FISCAL YEAR 2009 Petition No. 209,235.00  
ASSESSOR Cancel \$439.54

S-B-L 103.08-15-25.1 143003 DEPEW

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$439.54 Town/SpecialDist/School  
Charge To : 143003 DEPEW \$439.54  
Relevy School \$439.54 145201 LANCASTER CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
NEW TAX BILL TO BE ISSUED TO: KENNETH R & MARIA J MAZURKIEWICZ

FISCAL YEAR 2009 Petition No. 209,236.00  
ASSESSOR Cancel \$594.35

S-B-L 103.12-14-11 143003 DEPEW

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$594.35 Town/SpecialDist/School  
Charge To : 143003 DEPEW \$594.35  
Relevy School \$594.35 143007 DEPEW UNION-CHEEK

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR  
NEW TAX BILL TO BE ISSUED TO: RONALD R HENFLING

FISCAL YEAR 2009 Petition No. 209,237.00  
ASSESSOR Cancel \$480.54

S-B-L 80.20-3-8 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$480.54 Town/SpecialDist/School  
Charge To : 143089 CHEEKTOWAGA \$480.54  
Relevy School \$480.54 143002 CHEEK. UNION #2

RPTL 550(2): OMITTED TAX ENTERED IN ERROR  
NEW TAX BILL TO BE ISSUED TO: TIMOTHY & ELLEN ZELASKO



	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,488.41	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$1,488.41	
	Relevy School	\$1,488.41	142203 WILLIAMSVILLE CENT

RPTL 550(2): ASSESSMENT APPLIED TO THE WRONG SCHOOL DISTRICT IN ERROR  
REFUND TO BE ISSUED TO: NIAGARA FRONTIER HOLDINGS LLC

FISCAL YEAR 2008                      Petition No.                      209,242.00

ASSESSOR                      Refund                      \$152.08

S-B-L 92.15-6-1.22                      143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$152.08	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$152.08	
	Relevy School	\$152.08	142203 WILLIAMSVILLE CENT

RPTL 550(2): ASSESSMENT APPLIED TO THE WRONG SCHOOL DISTRICT IN ERROR  
REFUND TO BE ISSUED TO: NIAGARA FRONTIER HOLDINGS LLC

FISCAL YEAR 2009                      Petition No.                      209,243.00

ASSESSOR                      Cancel                      \$2,940.08

S-B-L 92.04-1-3.23                      143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,940.08	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$2,940.08	
	Relevy School	\$2,940.08	142203 WILLIAMSVILLE CENT

RPTL 550(2): ASSESSMENT APPLIED TO THE WRONG SCHOOL DISTRICT IN ERROR  
REFUND TO BE ISSUED TO: NIAGARA FRONTIER HOLDINGS LLC

FISCAL YEAR 2008                      Petition No.                      209,244.00

ASSESSOR                      Refund                      \$117.13

S-B-L 92.15-6-1.21                      143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$117.13	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$117.13	
	Relevy School	\$117.13	142203 WILLIAMSVILLE CENT

RPTL 550(2): ASSESSMENT APPLIED TO THE WRONG SCHOOL DISTRICT IN ERROR

REFUND TO BE ISSUED TO: NIAGARA FRONTIER HOLDINGS LLC

FISCAL YEAR 2009                      Petition No.                      209,245.00  
  
   ASSESSOR                      Cancel                      \$149.50

S-B-L 92.15-6-1.22    143089 CHEEKTOWAGA

   Acct. No. 112    \$0.00      County  
   Acct. No. 132    \$149.50    Town/SpecialDist/School  
Charge To :                      143089 CHEEKTOWAGA    \$149.50  
   Relevy School    \$149.50      142201 AMHERST CENTRAL

RPTL 550(2): ASSESSMENT APPLIED TO THE WRONG SCHOOL DISTRICT IN ERROR  
REFUND TO BE ISSUED TO: NIAGARA FRONTIER HOLDINGS LLC

FISCAL YEAR 2009                      Petition No.                      209,246.00  
  
   ASSESSOR                      Cancel                      \$127.35

S-B-L 92.15-6-1.21    143089 CHEEKTOWAGA

   Acct. No. 112    \$0.00      County  
   Acct. No. 132    \$127.35    Town/SpecialDist/School  
Charge To :                      143089 CHEEKTOWAGA    \$127.35  
   Relevy School    \$127.35      142203 WILLIAMSVILLE CENT

PRTL 550(2): ASSESSMENT APPLIED TO THE WRONG SCHOOL DISTRICT IN ERROR  
REFUND TO BE ISSUED TO: NIAGARA FRONTIER HOLDINGS LLC

FISCAL YEAR 2009                      Petition No.                      209,247.00  
  
   ASSESSOR                      Cancel                      \$516.30

S-B-L 53.21-8-21.1    141600 TONAWANDA

   Acct. No. 112    \$0.00      County  
   Acct. No. 132    \$516.30    Town/SpecialDist/School  
Charge To :                      141600 TONAWANDA    \$516.30  
   Relevy School    \$516.30      141600 TONAWANDA CITY SCH

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: LINDA MOREHOUSE

FISCAL YEAR 2009                      Petition No.                      209,248.00  
  
   ASSESSOR                      Cancel                      \$555.88

S-B-L 53.07-2-2.21 141600 TONAWANDA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$555.88	Town/SpecialDist/School
<u>Charge To :</u>	141600 TONAWANDA	\$555.88	
	Relevy School	\$555.88	141600 TONAWANDA CITY SCH

RPTL 550(2): INCORRECT ASSESSMENT APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: BUFFALO-PARKTON ASSOC LLC

FISCAL YEAR	2007	Petition No.	209,249.00
	ASSESSOR	Refund	\$2,278.13

S-B-L 24.00-2-2.111 144600 GRAND ISLAND

	Acct. No. 112	\$767.39	County
	Acct. No. 132	\$1,510.74	Town/SpecialDist/School
	46104 CONSOLIDATED WATER	\$428.49	
	46318 CONSOLIDATED SEWER	\$554.08	
<u>Charge To :</u>	144600 GRAND ISLAND	\$528.17	

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL NUMBER  
DELETE ENTIRE PARCEL FROM THE TAX ROLL

FISCAL YEAR	2007	Petition No.	209,250.00
	ASSESSOR	Refund	\$2,840.36

S-B-L 24.00-2-2.111 144600 GRAND ISLAND

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,840.36	Town/SpecialDist/School
<u>Charge To :</u>	144600 GRAND ISLAND	\$2,840.36	
	Relevy School	\$2,840.36	144601 GRND ISLN CENTRAL

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL NUMBER  
DELETE ENTIRE PARCEL FROM THE TAX ROLL

FISCAL YEAR	2008	Petition No.	209,251.00
	ASSESSOR	Refund	\$2,357.23

S-B-L 24.00-2-2.111 144600 GRAND ISLAND

	Acct. No. 112	\$791.56	County
	Acct. No. 132	\$1,565.67	Town/SpecialDist/School
	46104 CONSOLIDATED WATER	\$428.59	

46318 CONSOLIDATED SEWER \$590.68  
Charge To : 144600 GRAND ISLAND \$546.40

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL NUMBER  
DELETE ENTIRE PARCEL FROM THE TAX ROLL

FISCAL YEAR 2008 Petition No. 209,252.00  
ASSESSOR Refund \$2,895.60

S-B-L 24.00-2-2.111 144600 GRAND ISLAND

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$2,895.60 Town/SpecialDist/School  
Charge To : 144600 GRAND ISLAND \$2,895.60  
Relevy School \$2,895.60 144601 GRND ISLN CENTRAL

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL NUMBER  
DELETE ENTIRE PARCEL FROM THE TAX ROLL

FISCAL YEAR 2009 Petition No. 209,253.00  
ASSESSOR Refund \$2,444.49

S-B-L 24.00-2-2.111 144600 GRAND ISLAND

Acct. No. 112 \$776.70 County  
Acct. No. 132 \$1,667.79 Town/SpecialDist/School  
46104 CONSOLIDATED WATER \$428.59  
46318 CONSOLIDATED SEWER \$671.81  
Charge To : 144600 GRAND ISLAND \$567.39

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL NUMBER  
DELETE ENTIRE PARCEL FROM THE TAX ROLL

FISCAL YEAR 2009 Petition No. 209,254.00  
ASSESSOR Cancel \$2,895.60

S-B-L 24.00-2-2.111 144600 GRAND ISLAND

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$2,895.60 Town/SpecialDist/School  
Charge To : 144600 GRAND ISLAND \$2,895.60  
Relevy School \$2,895.60 144601 GRND ISLN CENTRAL

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL NUMBER  
NEW TAX BILL TO BE ISSUED TO: MAJESTIC WOODS DEVELOPMENT LLC

DELETE ENTIRE PARCEL FROM THE TAX ROLL

FISCAL YEAR 2009                      Petition No.                      209,255.00  
  
                         ASSESSOR                      Refund                      \$382.55

S-B-L 293.00-2-25    146200 SARDINIA

   Acct. No. 112    \$0.00    County  
   Acct. No. 132    \$382.55    Town/SpecialDist/School  
Charge To :                      146200 SARDINIA    \$382.55  
   Relevy School    \$382.55    145001 HOLLAND CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION  
REFUND TO BE ISSUED TO: KELLY ANN SIMMONS

FISCAL YEAR 2009                      Petition No.                      209,256.00  
  
                         ASSESSOR                      Cancel                      \$148.16

S-B-L 223.00-2-12.11/A    144000 EDEN

   Acct. No. 112    \$0.00    County  
   Acct. No. 132    \$148.16    Town/SpecialDist/School  
Charge To :                      144000 EDEN    \$148.16  
   Relevy School    \$148.16    144001 EDEN CENTRAL

RPTL 550(2): GAS WELL SCHOOL BILL SHOULD HAVE BEEN \$0.00  
NEW TAX BILL TO BE ISSUED TO: ANNE M WEIDNER

FISCAL YEAR 2009                      Petition No.                      209,257.00  
  
                         ASSESSOR                      Cancel                      \$25.31

S-B-L 239.00-5-16./A    144000 EDEN

   Acct. No. 112    \$0.00    County  
   Acct. No. 132    \$25.31    Town/SpecialDist/School  
Charge To :                      144000 EDEN    \$25.31  
   Relevy School    \$25.31    144001 EDEN CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: DONALD M WILLIAMS

FISCAL YEAR 2009                      Petition No.                      209,258.00  
  
                         OWNER                      Cancel                      \$477.89

S-B-L 125.09-19-34 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$477.89	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$477.89	
	Relevy School	\$477.89	146801 WEST SENECA CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: GARY E & DONNA L FROST

FISCAL YEAR	2009	Petition No.	209,259.00
	ASSESSOR	Cancel	\$327.85

S-B-L 56.05-9-4 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$327.85	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$327.85	
	Relevy School	\$327.85	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED  
NEW TAX BILL TO BE ISSUED TO: RAYMOND COLVIN

FISCAL YEAR	2009	Petition No.	209,260.00
	ASSESSOR	Cancel	\$1,400.63

S-B-L 41.19-3-17.1 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,400.63	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$1,400.63	
	Relevy School	\$1,400.63	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED  
NEW TAX BILL TO BE ISSUED TO: BARBARA A SIEGEL

FISCAL YEAR	2009	Petition No.	209,261.00
	ASSESSOR	Refund	\$1,021.97

S-B-L 67.07-10-14 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,021.97	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$1,021.97	
	Relevy School	\$1,021.97	142207 SWEET HOME CENTRAL

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

FISCAL YEAR 2009                      Petition No.                      209,262.00  
  
   ASSESSOR                      Cancel                                      \$0.00

S-B-L 56.62-1-1./60GI    142289 AMHERST

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

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: YVONNE D SECORD L/E

FISCAL YEAR 2007                      Petition No.                      209,263.00  
  
   OWNER                                      Refund                                      \$712.54

S-B-L 235.19-5-40    144401 ANGOLA

   Acct. No. 112                                      \$0.00      County  
   Acct. No. 132                                      \$712.54      Town/SpecialDist/School  
   44078 ERIE CO SEW DST 2                                      \$173.21  
Charge To :                                      144401 ANGOLA                                      \$539.33  
   Relevy School                                      \$539.33      144401 LAKE SHORE CENTRAL

RPTL 550(2): OWNER CLAIMS SHE WAS INCORRECTLY TAXED  
REFUND TO BE ISSUED TO: THERESA JEROZAL

FISCAL YEAR 2009                      Petition No.                      209,264.00  
  
   ASSESSOR                                      Cancel                                      \$185.19

S-B-L 68.13-9-24.32    142289 AMHERST

   Acct. No. 112                                      \$0.00      County  
   Acct. No. 132                                      \$185.19      Town/SpecialDist/School  
Charge To :                                      142289 AMHERST                                      \$185.19  
   Relevy School                                      \$185.19      142201 AMHERST CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: JOHN W & PEGGY JO BARRETT

FISCAL YEAR 2009                      Petition No.                      209,265.00

ASSESSOR Cancel \$82.40

S-B-L 41.11-2-2 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$82.40 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$82.40  
Relevy School \$82.40 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: MICHAEL R & CINDY ORLANDO

FISCAL YEAR 2009 Petition No. 209,266.00

ASSESSOR Cancel \$32.98

S-B-L 54.01-2-2 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$32.98 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$32.98  
Relevy School \$32.98 142207 SWEET HOME CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: R T WIKTOLOWSKI

FISCAL YEAR 2009 Petition No. 209,267.00

ASSESSOR Cancel \$475.69

S-B-L 54.01-1-9.111 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$475.69 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$475.69  
Relevy School \$475.69 142207 SWEET HOME CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: R T WIKTOLOWSKI

FISCAL YEAR 2009 Petition No. 209,268.00

ASSESSOR Cancel \$3,810.56

S-B-L 41.20-1-37 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$3,810.56 Town/SpecialDist/School

Charge To : 142289 AMHERST \$3,810.56  
Relevy School \$3,810.56 142203 WILLIAMSVILLE CENT

RPTL 550(2): PARCEL DOES NOT EXIST  
DELETE ENTIRE PARCEL FROM THE TAX ROLL

FISCAL YEAR 2009 Petition No. 209,269.00  
ASSESSOR Cancel \$701.89

S-B-L 82.09-5-25 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$701.89 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$701.89  
Relevy School \$701.89 143201 CLARENCE CENTRAL

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

FISCAL YEAR 2009 Petition No. 209,270.00  
ASSESSOR Cancel \$943.27

S-B-L 40.68-1-40./152A 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$943.27 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$943.27  
Relevy School \$943.27 142207 SWEET HOME CENTRAL

RPTL 550(2): ERROR IN THE CALCULATION OF A SENIOR STAR  
NEW TAX BILL TO BE ISSUED TO: PETRINA ZARCONE

FISCAL YEAR 2009 Petition No. 209,271.00  
ASSESSOR Cancel \$370.76

S-B-L 16.00-3-8.12 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$370.76 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$370.76  
Relevy School \$370.76 142203 WILLIAMSVILLE CENT

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

FISCAL YEAR 2009 Petition No. 209,272.00

ASSESSOR Cancel \$257.47

S-B-L 42.01-4-26 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$257.47	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$257.47
	Relevy School	\$257.47	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: MARY ELIZABETH WITT

FISCAL YEAR 2009 Petition No. 209,273.00

ASSESSOR Cancel \$2,090.61

S-B-L 54.04-2-18.12 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,090.61	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$2,090.61
	Relevy School	\$2,090.61	142207 SWEET HOME CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: THE BELLA VISTA GROUP, INC  
ATTN: JOSEPH A CIPOLLA, CSM

FISCAL YEAR 2009 Petition No. 209,274.00

ASSESSOR Cancel \$214.55

S-B-L 57.09-3-7 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$214.55	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$214.55
	Relevy School	\$214.55	142203 WILLIAMSVILLE CENT

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

FISCAL YEAR 2009 Petition No. 209,275.00

ASSESSOR Cancel \$331.28

S-B-L 28.04-2-1 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$331.28 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$331.28  
Relevy School \$331.28 142203 WILLIAMSVILLE CENT

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

FISCAL YEAR 2009 Petition No. 209,276.00

ASSESSOR Cancel \$6,869.30

S-B-L 28.00-3-1.2 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$6,869.30 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$6,869.30  
Relevy School \$6,869.30 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO : FOREST EDGE CLUSTER ASSOC. INC.

FISCAL YEAR 2009 Petition No. 209,277.00

ASSESSOR Cancel \$2,107.70

S-B-L 80.09-4-30 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$2,107.70 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$2,107.70  
Relevy School \$2,107.70 142201 AMHERST CENTRAL

RPTL 550(2): FAILED TO APPLY A SENIOR & ENHANCED STAR EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: NANCY M BALDING

FISCAL YEAR 2009 Petition No. 209,278.00

ASSESSOR Cancel \$592.07

S-B-L 79.12-6-17 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$592.07 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$592.07  
Relevy School \$592.07 142201 AMHERST CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION



S-B-L 40.04-2-22 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$116.89	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$116.89	
	Relevy School	\$116.89	142207 SWEET HOME CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: ELLICOTT CREEK PARKWAY

FISCAL YEAR	2009	Petition No.	209,283.00
	ASSESSOR	Cancel	\$115.74

S-B-L 40.04-2-21 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$115.74	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$115.74	
	Relevy School	\$115.74	142207 SWEET HOME CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: ELLICOTT CREEK PARKWAY

FISCAL YEAR	2009	Petition No.	209,284.00
	ASSESSOR	Cancel	\$115.74

S-B-L 40.04-2-20 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$115.74	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$115.74	
	Relevy School	\$115.74	142207 SWEET HOME CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: ELLICOTT CREEK PARKWAY

FISCAL YEAR	2009	Petition No.	209,285.00
	ASSESSOR	Cancel	\$113.43

S-B-L 40.04-2-19 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$113.43	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$113.43	
	Relevy School	\$113.43	142207 SWEET HOME CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: ELLICOTT CREEK PARKWAY

FISCAL YEAR 2009                      Petition No.                      209,286.00  
  
   ASSESSOR                      Cancel                      \$556.13

S-B-L 56.12-1-35.1    142289 AMHERST

Charge To :                      Acct. No. 112                      \$0.00      County  
   Acct. No. 132                      \$556.13      Town/SpecialDist/School  
   142289 AMHERST                      \$556.13  
   Relevy School                      \$556.13      142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: HERMAN R PLATT

FISCAL YEAR 2009                      Petition No.                      209,287.00  
  
   ASSESSOR                      Cancel                      \$463.45

S-B-L 57.13-5-1/.8    142289 AMHERST

Charge To :                      Acct. No. 112                      \$0.00      County  
   Acct. No. 132                      \$463.45      Town/SpecialDist/School  
   142289 AMHERST                      \$463.45  
   Relevy School                      \$463.45      142203 WILLIAMSVILLE CENT

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

FISCAL YEAR 2009                      Petition No.                      209,288.00  
  
   ASSESSOR                      Cancel                      \$1,108.84

S-B-L 69.20-4-18    142289 AMHERST

Charge To :                      Acct. No. 112                      \$0.00      County  
   Acct. No. 132                      \$1,108.84      Town/SpecialDist/School  
   142289 AMHERST                      \$1,108.84  
   Relevy School                      \$1,108.84      142207 SWEET HOME CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: DOLORES B SHEARER

FISCAL YEAR 2009                      Petition No.                      209,289.00

ASSESSOR Cancel \$571.67

S-B-L 26.19-2-16.1 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$571.67 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$571.67  
Relevy School \$571.67 142207 SWEET HOME CENTRAL

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

FISCAL YEAR 2009 Petition No. 209,290.00

ASSESSOR Cancel \$2,061.48

S-B-L 41.20-10-31 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$2,061.48 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$2,061.48  
Relevy School \$2,061.48 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: JOHN & KATHLEEN E STOCKMAN

FISCAL YEAR 2009 Petition No. 209,291.00

ASSESSOR Cancel \$257.47

S-B-L 42.11-3-13 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$257.47 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$257.47  
Relevy School \$257.47 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: ROY A & SANDRA MUSSELL

FISCAL YEAR 2009 Petition No. 209,292.00

ASSESSOR Cancel \$556.70

S-B-L 67.08-6-18 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$556.70 Town/SpecialDist/School

Charge To : 142289 AMHERST \$556.70  
Relevy School \$556.70 142207 SWEET HOME CENTRAL

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

FISCAL YEAR 2009 Petition No. 209,293.00  
ASSESSOR Cancel \$140.75

S-B-L 42.15-3-14 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$140.75 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$140.75  
Relevy School \$140.75 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: WILLIAM G & ELIZABETH ELLIOTT

FISCAL YEAR 2009 Petition No. 209,294.00  
ASSESSOR Cancel \$962.94

S-B-L 41.08-1-5 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$962.94 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$962.94  
Relevy School \$962.94 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: CHARLES & JODYNE MORPHY

FISCAL YEAR 2009 Petition No. 209,295.00  
ASSESSOR Cancel \$374.99

S-B-L 26.20-2-27 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$374.99 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$374.99  
Relevy School \$374.99 142207 SWEET HOME CENTRAL

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR  
NEW TAX BILL TO BE ISSUED TO: DONALD F RIEGEL



Acct. No. 112 \$0.00 County  
Acct. No. 132 \$745.38 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$745.38  
Relevy School \$745.38 142201 AMHERST CENTRAL

RPTL 550(2): INCORRECT RPTL 520 APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: CHUNG RONG NI & CHUNHUA WANG

FISCAL YEAR 2009 Petition No. 209,300.00

ASSESSOR Cancel \$488.66

S-B-L 56.18-14-10 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$488.66 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$488.66  
Relevy School \$488.66 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT RPTL 520 APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: JOHN & PAULA GOETZMANN

FISCAL YEAR 2009 Petition No. 209,301.00

ASSESSOR Cancel \$1,141.52

S-B-L 56.20-10-39 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$1,141.52 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$1,141.52  
Relevy School \$1,141.52 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT RPTL 520 APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: AMAR N MALIK & HARSH L MALIK

FISCAL YEAR 2009 Petition No. 209,302.00

ASSESSOR Cancel \$826.48

S-B-L 56.17-5-6 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$826.48 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$826.48  
Relevy School \$826.48 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT RPTL 520 APPLIED TO THE TAX ROLL

NEW TAX BILL TO BE ISSUED TO: SAMAD AMER

FISCAL YEAR 2009                      Petition No.                      209,303.00  
  
                                 ASSESSOR                      Cancel                      \$626.56

S-B-L 56.55-1-1./2F    142289 AMHERST

                                 Acct. No. 112    \$0.00      County  
                                 Acct. No. 132    \$626.56    Town/SpecialDist/School  
Charge To :                      142289 AMHERST    \$626.56  
                                 Relevy School    \$626.56    142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT RPTL 520 APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: JOHN W & ADRIENNE J KERR

FISCAL YEAR 2009                      Petition No.                      209,304.00  
  
                                 ASSESSOR                      Cancel                      \$868.06

S-B-L 68.07-2-36    142289 AMHERST

                                 Acct. No. 112    \$0.00      County  
                                 Acct. No. 132    \$868.06    Town/SpecialDist/School  
Charge To :                      142289 AMHERST    \$868.06  
                                 Relevy School    \$868.06    142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT RPTL 520 APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: RICHARD & ANGELINE BATOR

FISCAL YEAR 2009                      Petition No.                      209,305.00  
  
                                 ASSESSOR                      Cancel                      \$910.50

S-B-L 68.13-5-25    142289 AMHERST

                                 Acct. No. 112    \$0.00      County  
                                 Acct. No. 132    \$910.50    Town/SpecialDist/School  
Charge To :                      142289 AMHERST    \$910.50  
                                 Relevy School    \$910.50    142201 AMHERST CENTRAL

RPTL 550(2): INCORRECT RPTL 520 APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: KEITH P ALLWES

FISCAL YEAR 2009                      Petition No.                      209,306.00  
  
                                 ASSESSOR                      Cancel                      \$907.13

S-B-L 80.10-18-35 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$907.13	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$907.13	
	Relevy School	\$907.13	142201 AMHERST CENTRAL

RPTL 550(2): INCORRECT RPTL 520 APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: PAUL DEIANA-MOLNAR & MEGAN AYER

FISCAL YEAR	2009	Petition No.	209,307.00
	ASSESSOR	Cancel	\$1,573.01

S-B-L 28.08-1-24 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,573.01	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$1,573.01	
	Relevy School	\$1,573.01	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT RPTL 520 APPLIED TO THE TAX ROLL  
NEW TAX BILL TO BE ISSUED TO: GARY & NICHOLETTE GRUBER

FISCAL YEAR	2009	Petition No.	209,308.00
	ASSESSOR	Cancel	\$207.78

S-B-L 143.18-2-1 146800 WEST SENECA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$207.78	Town/SpecialDist/School
<u>Charge To :</u>	146800 WEST SENECA	\$207.78	
	Relevy School	\$207.78	146801 WEST SENECA CENT

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL #  
DELETE ENTIRE PARCEL FROM THE TAX ROLL

FISCAL YEAR	2009	Petition No.	209,309.00
	ASSESSOR	Cancel	\$462.17

S-B-L 148.00-11-29.1 145400 MARILLA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$462.17	Town/SpecialDist/School
<u>Charge To :</u>	145400 MARILLA	\$462.17	
	Relevy School	\$462.17	144201 IROQUOIS CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: JESSE & CHERYL WALCZAK

FISCAL YEAR 2009                      Petition No.                      209,310.00  
  
   ASSESSOR                      Cancel                      \$697.70

S-B-L 140.00-7-6.1    145400 MARILLA

Charge To :                      Acct. No. 112                      \$0.00      County  
   Acct. No. 132                      \$697.70      Town/SpecialDist/School  
   145400 MARILLA                      \$697.70  
   Relevy School                      \$697.70      144201 IROQUOIS CENTRAL

RPTL 550(2): FAILED TO APPLY A ENHANCED & AGED STAR EXEMPTION  
NEW TAX BILL TO BE ISSUED TO: GEORGE A GERBEREUX

FISCAL YEAR 2009                      Petition No.                      209,311.00  
  
   ASSESSOR                      Cancel                      \$427.11

S-B-L 44.11-4-10    143200 CLARENCE

Charge To :                      Acct. No. 112                      \$0.00      County  
   Acct. No. 132                      \$427.11      Town/SpecialDist/School  
   143200 CLARENCE                      \$427.11  
   Relevy School                      \$427.11      143201 CLARENCE CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR  
NEW TAX BILL TO BE ISSUED TO: BARRY C SMALL

FISCAL YEAR 2009                      Petition No.                      209,312.00  
  
   ASSESSOR                      Refund                      \$778.64

S-B-L 321.00-2-19    143889 CONCORD

Charge To :                      Acct. No. 112                      \$0.00      County  
   Acct. No. 132                      \$778.64      Town/SpecialDist/School  
   143889 CONCORD                      \$778.64  
   Relevy School                      \$778.64      143801 SPRING-GRIFFITH

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

FISCAL YEAR 2009                      Petition No.                      209,313.00

ASSESSOR Cancel \$65,559.97

S-B-L MULTIPLE PAR 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$65,559.97 Town/SpecialDist/School  
Charge To : 142289 AMHERST \$65,559.97  
Relevy School \$65,559.97 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT RPTL 520 APPLIED TO THE TAX ROLL  
NEW TAX BILLS TO BE ISSUED TO: MULTIPLE HOME OWNERS

FISCAL YEAR 2009 Petition No. 209,314.00

ASSESSOR Cancel \$1,531.99

S-B-L 220.02-1-34.1 144489 EVANS

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$1,531.99 Town/SpecialDist/School  
Charge To : 144489 EVANS \$1,531.99  
Relevy School \$1,531.99 144401 LAKE SHORE CENTRAL

RPTL 550(2): HOUSE WAS ASSESSED AT FULL VALUE, WAS NOT FINISHED  
NEW TAX BILL TO BE ISSUED TO: ELIZABETH SCHIEDEL

FISCAL YEAR 2009 Petition No. 209,315.00

ASSESSOR Cancel \$474.68

S-B-L 209.00-2-27.2 144000 EDEN

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$474.68 Town/SpecialDist/School  
Charge To : 144000 EDEN \$474.68  
Relevy School \$474.68 144001 EDEN CENTRAL

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

FISCAL YEAR 2009 Petition No. 209,316.00

ASSESSOR Refund \$3,058.79

S-B-L 56.19-4-23 142289 AMHERST

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$3,058.79 Town/SpecialDist/School

Charge To : 142289 AMHERST \$3,058.79  
Relevy School \$3,058.79 142203 WILLIAMSVILLE CENT

RPTL 550(2): RPTL 520 CHARGED IN ERROR  
REFUND TO BE ISSUED TO: CALOGERO CAMPANELLA

FISCAL YEAR 2009 Petition No. 209,317.00  
ASSESSOR Refund \$568.64

S-B-L 343.00-1-8 143689 COLLINS

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$568.64 Town/SpecialDist/School  
Charge To : 143689 COLLINS \$568.64  
Relevy School \$568.64 143801 SPRING-GRIFFITH

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL  
REFUND TO BE ISSUED TO: PAUL G EMBS

FISCAL YEAR 2009 Petition No. 209,318.00  
ASSESSOR Refund \$273.29

S-B-L 92.09-6-7 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$273.29 Town/SpecialDist/School  
Charge To : 143089 CHEEKTOWAGA \$273.29  
Relevy School \$273.29 143002 CHEEK. UNION #2

RPTL 550(2): RPTL 520 APPLIED TO THE TAX ROLL IN ERROR  
REFUND TO BE ISSUED TO: CHRISTINE M CAMBIO

FISCAL YEAR 2009 Petition No. 209,319.00  
ASSESSOR Cancel \$4,098.77

S-B-L 101.28-7-10 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County  
Acct. No. 132 \$4,098.77 Town/SpecialDist/School  
Charge To : 143089 CHEEKTOWAGA \$4,098.77  
Relevy School \$4,098.77 143001 CHEEKTO. CENTRAL

RPTL 550(2): RELIGIOUS EXEMPTION WAS REMOVED IN ERROR  
NEW TAX BILL TO BE ISSUED TO: LIVING WATER FELLOWSHIP



Acct. No. 112	\$0.00	County
Acct. No. 132	\$16.00	Town/SpecialDist/School
44101 EC2 FOOTAGE	\$16.00	
<u>Charge To :</u> 144489 EVANS		\$0.00

RPTL 550(2): SEWER FOOTAGE CHARGED INCORRECTLY IN ERROR  
REFUND TO BE ISSUED TO: SYLVAN PARK COMM ASSOC

and be it further

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

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

CARRIED UNANIMOUSLY.

Item 29 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 20E-2 (2009). MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 297 RE: Lockbox Services for EC Real Property Tax Collection (COMM. 20E-2, 2009)

WHEREAS, in order to more efficiently and effectively provide services to the taxpayers, and in our role as the County's chief fiscal officer, the Erie County Comptroller's Office conducted a request for proposals ("RFP") for financial services firms to provide lockbox services for the County's collection of the real property tax; and

WHEREAS, the Department of Real Property Tax Services and Division of Information and Support Services assisted in this RFP and served on the RFP review committee; and

WHEREAS, on August 7, 2009, this office released a request for proposals; and

WHEREAS, upon the close of the response period on August 28, 2009, six (6) firms had responded (M&T Bank, HSBC Bank, Bank of America, JP Morgan Chase, KeyBank and Citizens Bank); and

WHEREAS, following a review of the responses and after evaluating pricing, processing location, volumes, and client history, the review committee selected M&T Bank; and

WHEREAS, pursuant to Section 19.08 of the Erie County Administrative Code, because the cost for this professional service is greater than \$10,000, legislative approval is necessary in order to execute a contract with M&T Bank.

NOW, THEREFORE, BE IT



510100	Out of Area Travel	5,000
516020	Professional Services & Fees	10,000
561410	Lab & Technical Equipment	37,000

Total Appropriations 127,000

and be it further

RESOLVED, that these expenditures meet the criteria established by the U.S. Department of Justice for the use of equitable shared funds; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the Erie County Comptroller, and the Office of the Sheriff for implementation.

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

CARRIED UNANIMOUSLY.

Item 31 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of COMM. 20E-26 (2009). MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 299 RE: Operation Stonegarden Program Grant  
(COMM. 20E-26, 2009)

WHEREAS, the State of New York Office of Homeland Security has awarded \$440,000 to the Erie County Sheriff's Office in funding to increase border security along Lake Erie and the Niagara River; and

WHEREAS, the Erie County Sheriff's Office will conduct coordinated law enforcement activities with area law enforcement agencies; and

WHEREAS, these funds will be used for overtime for the Erie County Sheriff's Office and the area law enforcement agencies, including the fringe benefits associated with it, purchase equipment and provide supplies required to support this program; and

WHEREAS, there will be no impact on County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to accept funding in the amount of \$440,000 from the State of New York Office of Homeland Security; and be it further

RESOLVED, that authorization is hereby provided to establish a grant and budget those funds as follows:

OPERATION STONEGARDEN – Fund Center 11510

<u>REVENUE</u>	<u>Increase</u>
SAP Account 409000 – State Aid Revenues	<u>440,000</u>
<b>TOTAL REVENUE</b>	<b><u>440,000</u></b>
<u>APPROPRIATIONS</u>	<u>Increase</u>
SAP Account 501000 – Overtime	189,840
SAP Account 502000 – Fringe Benefits	32,576
SAP Account 505600 – Automotive Supplies	40,000
SAP Account 506200 – Maintenance & Repair	31,000
SAP Account 561410 - Lab & Technical Equipment	123,584
SAP Account 561440 – Motor Vehicles	<u>23,000</u>
<b>TOTAL APPROPRIATIONS</b>	<b><u>440,000</u></b>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the Office of the Comptroller, and the Office of the Sheriff.

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

CARRIED UNANIMOUSLY.

Item 32 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 20E-20 (2009). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 300

RE: Transfer of Funds for Parks Truck  
Purchase  
(COMM. 20E-20, 2009)

WHEREAS, the Department of Parks, Forestry and Recreation is trying to properly equip the Forestry Division; and

WHEREAS, the purchase of two trucks with snow plowing and towing capability are necessary to the operation; and

WHEREAS, available balances within the current budget of the County Parks Department can be transferred for this request.

NOW, THEREFORE, BE IT



WHEREAS, no one has felt the pressure of these troubled times harder than the General Motors Power Train and Dunlop Tire Plants; and

WHEREAS, changes within the Empire Zone program, along with the cooperation of struggling companies with the New York State Government, might allow for an increase in job growth, stability, and an economic boost to our region.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record asking the New York State Government and those in charge of the Empire Zone initiative to step up to the plate and help companies like General Motors; and be it further

RESOLVED, that this Honorable Body encourages the continuation of the Empire Zone Program; and be it further

RESOLVED, that there should be a change of rules to the Empire Zone Program in order to give tax breaks to companies such as General Motors, Dunlop, Ford, et al. that employ a vast array of full time employees whose jobs are critical in this slumping economy; and be it further

RESOLVED, that the Erie County Legislature goes on record supporting the Empire Zone's ability to give benefits to those industries that stay within the guidelines during their tenure as an Empire Zone recipient; and be it further

RESOLVED, that this action may attract General Motors to send other engines over to our local General Motors plant, which in turn, may create many more jobs; and be it further

RESOLVED, that this Honorable Body feels that job retention is just as important, if not even more so than job creation within Western New York and all of New York State; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor David Paterson, the WNY Delegation to the State Legislature and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

Item 34 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 21E-12 (2009). MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 302

RE: Purchase of 2009 Tax Lien Certificates  
(COMM. 21E-12, 2009)

WHEREAS, pursuant to Section 7-6.0 of the Erie County Tax Act, as well as specific direction of resolutions adopted by the Erie County Legislature in each of the past fifty (50) years, the County of Erie, each November, bids for and purchases every available Tax Certificate upon real estate for which current year real property taxes then remain unpaid; and

WHEREAS, the collection of delinquent real property taxes under this procedure has been satisfactory, potentially leading, absent redemption, to the commencement of an *in rem* tax foreclosure action against the affected properties by the County or, to the sale in bulk of such County-owned Tax Certificates; and

WHEREAS, it is recommended that your Honorable Body direct the Director of Real Property Tax Services to bid and purchase for the County of Erie, its bid being preferred over all other offers, every 2009 Tax Certificate upon real estate for which current year real property taxes remain unpaid as of November 27, 2009, the scheduled tax sale date for 2009 Tax Certificates.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article VII of the Erie County Tax Act, the Director of Real Property Tax Services be, and hereby is, authorized to bid for and purchase, on behalf of the County of Erie, all Tax Certificates upon real estate in Erie County for which 2009 real property taxes have not been paid; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Joseph L. Maciejewski, Director of Real Property Tax Services, Gregory G. Gach, Director of Budget and Management, the County Comptroller and Gregory Kammer of the County Attorney's Office.

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

CARRIED UNANIMOUSLY.

### **SUSPENSION OF THE RULES**

Item 35 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 22-5 from LEGISLATOR MILLER-WILLIAMS & CHAIR MARINELLI Re: Mall District Special Charges for Downtown Pedestrian/Transit Mall District

RESOLUTION NO. 303

#### **A RESOLUTION TO BE SUBMITTED BY LEGISLATOR MILLER-WILLIAMS & CHAIR MARINELLI**

WHEREAS, the Erie County Legislature approved Local Law No. 8-1984, establishing a downtown pedestrian/transit mall special district; and

WHEREAS, the Erie County Legislature approved on December 19, 1985, a resolution authorizing the County Executive to enter into agreement with Downtown Buffalo Management Corporation, now known as Buffalo Place Inc. (BPI), designating Buffalo Place Inc. as the not-for-profit corporation with which Erie County shall contract for the performance of mall special district services, for which annual contracts were executed in 1986, 1987, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, and 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009; and

WHEREAS, the said Local Law required that the mall corporation present an annual budget to the Legislature regarding the amount to be raised by mall district special charges; and

WHEREAS, pursuant to the said Local Law, Buffalo Place Inc. held a public hearing, on due notice to property owners within the district, regarding the proposed 2010 annual budget on October 20, 2009.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the total amount to be raised by mall district service charges in 2010 shall be the sum of \$1,248,662 as contained in the attached budget which shall be a part of this resolution, which amount does not exceed 80% of the services charges that could be assessed or levied against properties in the district; and be it further

RESOLVED, that the County of Erie be and hereby is authorized to enter into agreement with Buffalo Place Inc., the not-for-profit corporation described in Section 9 of Erie County Local Law No. 8-1984, providing for the performance by Buffalo Place Inc. of the mall special services set forth in Section 8 of said Local Law; the payment to Buffalo Place Inc. of the proceeds of the mall special district charges, less administrative costs, to be used by Buffalo Place Inc. in the providing mall special district services; and such other terms and conditions as to the County Attorney appear necessary or appropriate for the implementation of Erie County Local Law No. 8-1984 and Chapter 673 of the Laws of 1982; and be it further

RESOLVED, that the Director of Real Property Tax Services shall, not later than November 19, 2009, caused to be established a Mall District Special Charge Roll apportioning the amount herein above determined to be raised by mall district special charges for 2009 in conformance with the formula set forth in Section 7 of Erie County Local Law No. 8-1984 using the latest available final general or special assessment roll prepared by The City of Buffalo; and be it further

RESOLVED, that certified copies of this resolution in its final form be forwarded to the Erie County Executive, the Mayor of the City of Buffalo, the Chairman and the Executive Director of Buffalo Place Inc., and the Erie County Director of Real Property Tax Services.

MS. WHYTE moved to approve the resolution. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Item 36 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 22E-14 from the COUNTY EXECUTIVE Re: Levy and Apportion of Erie County  
– Real Property Tax - 2010

Received and referred to the FINANCE, MANAGEMENT & BUDGET COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 37 – MS. WHYTE presented the following item and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 304

RE: External Quality Review - Audit and  
Control  
(COMM. 22E-1)

WHEREAS, under U.S. Government Accountability Office Government Auditing Standards, the Erie County Comptroller's Office is required to conduct an external quality review of its Division of Audit and Control; and

WHEREAS, the last such review of the Division of Audit and Control was completed in October 2007 for the period January 1, 2003 to December 31, 2005; and

WHEREAS, on July 23, 2009, this office released a request for proposals and disseminated such request to thirty eight (38) local accounting firms; and

WHEREAS, upon the close of the response period on August 3, 2009, four (4) firms had responded; and

WHEREAS, following a review of the responses from RSM McGladrey/Freed Maxick & Battaglia; Buffamante Whipple Buttafaro; The Bonadio Group; and Amato, Fox & Co. PC, our office selected Amato, Fox & Co., PC; and

WHEREAS, in order to start the review, and pursuant to Section 19.08 of the Erie County Administrative Code, legislative approval of an engagement letter with Amato, Fox & Co., PC is necessary.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the Erie County Comptroller's engagement of Amato, Fox & Co., PC to perform an external quality review of the Comptroller's Division of Audit and Control at a cost of no more than \$8,000; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Erie County Comptroller, Director of Budget and Management, County Attorney's Office and the Erie County Fiscal Stability Authority.

FROM LEGISLATOR KENNEDY

Item 38 – (COMM. 22E-2) WNY Falls Prevention Walkability Study Results

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 39 – (COMM. 22E-3) Tannery Rd. Bridge - Bridge Deck Waterproofing Membrane Installation - Town of Aurora - Amendment to COMM. 13E-13 (2009)

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 40 – (COMM. 22E-4) ECSD No. 2 - Engineer Term Agreement - Greenman-Pederson, Inc.

Item 41 – (COMM. 22E-5) ECSD No. 3 - Close-Out of Contract with M.L. Smith Construction, Inc.

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

Item 42 – (COMM. 22E-6) Groth Rd. Reconstruction - Additional Work Due to August 2009 Storm Damage - Town of Concord

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 43 – (COMM. 22E-7) Amend SAP Software License Agreement for Additional Training

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 44 – (COMM. 22E-8) ECSD No. 3 & No. 6 - Energy Performance Contract - Change Order No. 2

Item 45 – (COMM. 22E-9) ECSD No. 1-6 and No. 8 - User Charge Rates

Item 46 – (COMM. 22E-10) ECSD No. 1-6 and No. 8 - User Charges - 2010

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

Item 47 – MS. WHYTE presented the following item and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 305

RE: Sale of County Owned Property –  
Pontiac Rd., Angola  
(COMM. 22E-11)

WHEREAS, Linda Thompson residing at 1335 Pontiac Road, Angola, New York has requested the transfer of a parcel contiguous to her premises to the East being a parcel approximately 50 feet by 435 feet on the southerly side of Pontiac Road, Town of Evans, New York and being S.B.L. Number 252.00-1-33 and being owned by the County pursuant to a Referee's Deed dated the 1<sup>st</sup> day of July, 1994 for In REM action number 150 and being serial number 1135 for the purpose of correcting the encroachment of a frame garage, above ground pool and wood deck currently situated partially on said parcel; and

WHEREAS, the County of Erie will negotiate a price for the transfer of vacant land as shown as a survey of James L. Shisler dated October 1, 2009 under job number 09526 and being S.B.L. Number 252.00-1-33 and pending approval by ARC.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized and directed to convey the following interests in the parcel of land described for and consideration in the sum to be negotiated pending ARC approval; and it be further

RESOLVED, that certified copies of the resolution be transmitted to the Deputy Commissioner of Highways, Department of Public Works; County Executive; Division of Budget Management and Finance; one certified copy to the County Attorney's Office and to the Director of Real Property Tax Services.

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

CARRIED UNANIMOUSLY.

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

WHEREAS, Linda Thompson residing at 1335 Pontiac Road, Angola, New York has requested the transfer of a parcel contiguous to her premises to the East being a parcel approximately 50 feet by 435 feet on the southerly side of Pontiac Road, Town of Evans, New York and being S.B.L. Number 252.00-1-33 and being owned by the County pursuant to a Referee's Deed dated the 1<sup>st</sup> day of July, 1994 for In REM action number 150 and being serial number 1135 for the purpose of correcting the encroachment of a frame garage, above ground pool and wood deck currently situated partially on said parcel; and

WHEREAS, the County of Erie will sell this vacant land for an agreed upon price of \$1,500 plus all expenses associated with the closing, as shown as a survey of James L. Shisler dated October 1, 2009 under job number 09526 and being S.B.L. Number 252.00-1-33.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized and directed to convey the following interests in the parcel of land described for and consideration in the sum of \$1,500 plus all expenses associated with the closing; and it be further

RESOLVED, that certified copies of the resolution be transmitted to the Deputy Commissioner of Highways, Department of Public Works; County Executive; Division of Budget Management and Finance; one certified copy to the County Attorney's Office and to the Director of Real Property Tax Services.

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

CARRIED UNANIMOUSLY.

Item 48 – (COMM. 22E-12) Como Lake Park - Picnic Shelter Construction

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 49 – (COMM. 22E-13) STOP VAWA Recovery Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE BUDGET & MANAGEMENT DIRECTOR

Item 50 – (COMM. 22D-1) BMR for Period Ending August-September 30, 2009 and the 2009 Year-End Projection

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE PERSONNEL COMMISSIONER

Item 51 – (COMM. 22D-2) Response to the Finding of the Department of Personnel Audit of Payroll Transactions for 1/1/07 - 12/31/08

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ASSISTANT COUNTY ATTORNEY

Item 52 – (COMM. 22D-3) Notice of Public Hearing: LL INTRO 10-2009

Received and Filed.

FROM THE COUNTY ATTORNEY

Item 53 – (COMM. 22D-4) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE

FROM THE CONTRACT MONITOR, EC DEPT. OF ENVIRONMENT & PLANNING

Item 54 – (COMM. 22D-5) State Environmental Quality Review - West Main St.  
Hollywood Theater, Phase 2 - Village of Gowanda

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE

FROM THE ACTING COMMISSIONER, EC DEPT. OF SOCIAL SERVICES

Item 55 – (COMM. 22D-6) Follow-Up Response to Questions Posed During the 10/29/09  
Budget Hearings

Received and referred to the FINANCE, MANAGEMENT & BUDGET COMMITTEE

FROM THE DIRECTOR OF INTERGOVERNMENTAL AFFAIRS

Item 56 – (COMM. 22D-7) Real Estate/Space Utilization Quarterly Update

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ECIDA

Item 57 – (COMM. 22M-1) Copy of Proposed 2010 Budgets for ECIDA, RDC, ATC and  
ILDC

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM SENATOR VOLKER

Item 58 – (COMM. 22M-2) Acknowledgement of Receipt of Certified Resolution

Received and Filed.

FROM THE NYSDEC

Item 59 – (COMM. 22M-3) Fact Sheet - Depew Village Landfill Site - Notice for Public Comment

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ELLICOTT NAC

Item 60 – (COMM. 22M-4) Information Regarding EC Health Clinics

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM EC RESIDENTS

Item 61 – (COMM. 22M-5) Petition in Opposition to the Closing of EC Health Clinics

Item 62 – (COMM. 22M-6) Petition in Opposition to the Closing of EC Health Clinics

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

FROM THE NYSDEC

Item 63 – (COMM. 22M-7) Notice of Surplus Pheasants to be Stocked in WNY

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE US EPA

Item 64 – (COMM. 22M-8) Community Update Concerning Air Quality Study and Evaluation of the Tonawanda Coke Facility

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ELIZABETH FOOSE

Item 65 – (COMM. 22M-9) Letter in Opposition to the Closing of EC Health Clinics

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM ALICE WACHOWIAK

Item 66 – (COMM. 22M-10) Letter in Opposition to the Closing of EC Health Clinics

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NFTA

Item 67 – (COMM. 22M-11) Cash Flow Statements for 4/1/09 - 3/31/10 and 10/1/09 - 9/30/10

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE JERICHO RD. FAMILY PRACTICE

Item 68 – (COMM. 22M-12) Letter in Opposition to the Closing of EC Health Clinics

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 69 – (COMM. 22M-13) Agenda Items for Meeting Held 11/19/09 & Minutes from Meeting Held 10/15/09

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM MICHAEL W. CROPP, MD, PRESIDENT & CEO OF INDEPENDENT HEALTH

Item 70 – (COMM. 22M-14) Letter Regarding the Closing of EC Health Clinics

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**ANNOUNCEMENTS**

Item 71 – LEGISLATOR REYNOLDS announced that the FINANCE, MANAGEMENT & BUDGET COMMITTEE will reconvene on Wednesday, November 25, 2009 at 11:00 A.M. to complete its work on the tentative 2010 Erie County budget.

Item 72 – CHAIR MARINELLI announced that the Legislature will meet on Wednesday, November 25, 2009 at 12:00 Noon in Special Session to lay the tentative 2010 Erie County budget on the table.

Item 73 – LEGISLATOR WHYTE announced that the 2010 United Way fundraising campaign is ongoing, with pledge forms available for those interested, with all forms due by December 1, 2009.

**MEMORIAL RESOLUTIONS**

Item 74 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Olivia Patricia Thomas, age 114.

Item 75 – Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of Erie County Sheriff Deputy James A. Wilson.

Item 76 – Legislator Terranova requested that when the Legislature adjourns, it do so in memory of Thaddeus J. Bednarski, owner of T.J. Bednarski Nursery in Lancaster for over forty years.

Item 77 – Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Joseph F. Ward.

Item 78 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Martin C. “Marty” Winnert Jr. and Lt. Thomas Masterson Sr.

**ADJOURNMENT**

Item 79 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Wednesday, November 25, 2009 at 12:00 Noon Eastern Standard Time. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Wednesday, November 25, 2009 at 12:00 Noon Eastern Standard Time.

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