

**ERIE COUNTY LEGISLATURE
MEETING NO. 2
JANUARY 24, 2008**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Ms. Miller-Williams.

The Pledge of Allegiance was led by Mr. Ranzenhofer.

Item 1 - CHAIR MARINELLI directed that the Rules of Legislature for 2008 be tabled.

Item 2 - CHAIR MARINELLI directed that the Designation of Newspapers be Received, Filed and Printed.

We, the undersigned, a Majority Caucus of the Erie County Legislature, do hereby designate the **Front Page**, published in Lackawanna, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices and other matters required by law to be published for the County of Erie, effective January 1, 2008.

Daniel M. Kozub
1st District

Timothy M. Kennedy
2nd District

Barbara Miller-Williams
3rd District

Kathy Konst
5th District

Maria R. Whyte
6th District

Betty Jean Grant
7th District

Thomas J. Mazur
8th District

Timothy M. Wroblewski
9th District

Michele M. Iannello
10th District

Lynn M. Marinelli
11th District

Robert B. Reynolds Jr.
12th District

Thomas A. Loughran
14th District

We, the undersigned, a Majority Caucus of the Erie County Legislature, do hereby designate the **Buffalo Challenger**, published in Buffalo, New York, having general circulation in the County of Erie, for the publication of all Concurrent Resolutions of the New York State Legislature, required by law to be published for the year 2008, effective January 1, 2008.

Daniel M. Kozub
1st District

Timothy M. Kennedy
2nd District

**MEETING NO. 2
JANUARY 24, 2008**

ERIE COUNTY LEGISLATURE

Barbara Miller-Williams
3rd District

Kathy Konst
5th District

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10th District

Lynn M. Marinelli
11th District

Robert B. Reynolds Jr.
12th District

Thomas A. Loughran
14th District

January 8, 2007

We, the undersigned, a Majority of the Minority Caucus of the Erie County Legislature do hereby designate the **Amherst Bee**, published in Amherst, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices, and other matters required by law to be published for the County of Erie effective January 1, 2008.

Legislator MICHAEL H. RANZENHOFER
4th District

Legislator JOHN J. MILLS
13th District

Legislator EDWARD A. RATH, III
15th District

January 8, 2008

We, the undersigned, a Majority of the Minority Caucus of the Erie County Legislature do hereby designate the **Southtowns Citizen**, published in Orchard Park, New York, having general circulation in the County of Erie, as the official newspaper effective January 1, 2008 for the publication of concurrent resolutions.

Legislator MICHAEL H. RANZENHOFER
4th District

Legislator JOHN J. MILLS
13th District

Legislator EDWARD A. RATH, III

15th District

Item 3 – No tabled items.

Item 4 - No items for reconsideration from previous meetings.

Item 5 - MS. WHYTE moved for the approval of the Minutes for Sessions 26 and 27 of 2007. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

Item 6 - No Public Hearings.

Item 7 – CHAIR MARINELLI directed that the agenda be taken out of order and the fourth item for consideration would be COMM. 2E-9 (2008).

GRANTED.

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

CARRIED.

RESOLUTION NO. 9

RE: Extension of Additional 1% Sales Tax
(COMM. 2E-9)

EXTENSION OF ADDITIONAL 1% SALES TAX

ASSEMBLY

WHEREAS, the additional 1% Erie County sales and compensating use tax, last extended and imposed by virtue of Chapter 7 of the Laws of 2006, will expire on February 29, 2008 unless further extended and imposed, and

WHEREAS, failure to extend the imposition of the additional 1% sales and compensating use tax will result in an estimated shortfall of more than \$135 million in the 2008 Erie County budget, and

WHEREAS, Assembly Bill No. A.9650 and Senate Bill No. S.6732, now pending before the New York State Legislature, would authorize an extension of the additional 1% sales and compensating use tax, from March 1, 2008 to November 30, 2010;

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

TO THE LEGISLATURE:

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JANUARY 24, 2008**

ERIE COUNTY LEGISLATURE

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A.9650, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie."

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

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

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the extended imposition of the additional 1% sales and compensating use tax will result in an estimated shortfall of more than \$135 million in the 2008 Erie County budget, the cessation of services essential to the people of Erie County and jeopardize any sharing of net collections therefrom with Erie County's cities, towns and villages.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the Erie County Legislature, as follows: two copies to the New York State Assembly and two copies to the New York State Senate.

EXTENSION OF ADDITIONAL 1% SALES TAX

SENATE

WHEREAS, the additional 1% Erie County sales and compensating use tax, last extended and imposed by virtue of Chapter 7 of the Laws of 2006, will expire on February 29, 2008 unless further extended and imposed, and

WHEREAS, failure to extend the imposition of the additional 1% sales and compensating use tax will result in an estimated shortfall of more than \$135 million in the 2008 Erie County budget, and

WHEREAS, Senate Bill No. S.6732 and Assembly Bill No. A.9650, now pending before the New York State Legislature, would authorize an extension of the additional 1% sales and compensating use tax, from March 1, 2008 to November 30, 2010;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.6732, entitled "AN ACT to amend the tax law, in relation to the imposition of sales and compensating use taxes by the county of Erie."

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

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

Other facts as set forth in the following explanation establish such necessity.

Failure to authorize the extended imposition of the additional 1% sales and compensating use tax will result in an estimated shortfall of more than \$135 million in the 2008 Erie County budget, the cessation of services essential to the people of Erie County and jeopardize any sharing of net collections therefrom with Erie County's cities, towns and villages.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request.

AND BE IT FURTHER

RESOLVED, that the Clerk of the Legislature be directed to forward copies of this Home Rule Request, certified by the Clerk of the Erie County Legislature, as follows: two copies to the New York State Senate and two copies to the New York State Assembly.

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

AYES: MILLS, RANZENHOFER, RATH, GRANT, KENNEDY, KONST, KOZUB, MARINELLI, MAZUR, MILLER-WILLIAMS, WHYTE and WROBLEWSKI. NOES: IANNELLO, LOUGHRAN and REYNOLDS. (AYES: 12, NOES: 3)

CARRIED.

MISCELLANEOUS RESOLUTIONS

Item 8 - MR. KOZUB presented a resolution In Memory of Pearl C. Wonsiensi of Blasdell, N.Y.

Item 9 – MS. MARINELLI presented a resolution In Memory of Eda Valli Quigley of Kenmore.

Item 10 – MS. MARINELLI presented a resolution Honoring Donna M. Fernandes, Recipient of the 2008 Susan B. Anthony Award.

Item 11 – MR. RANZENHOFER presented a resolution Commending Rock Oak Estates.

Item 12 – MR. RANZENHOFER presented a resolution Commending C. Douglas Kohler.

Item 13 – MR. RANZENHOFER presented a resolution Commending the Clarence Concert Association on its 50th Anniversary.

Item 14 – MR. RANZENHOFER presented a resolution Commending Bob Fogelsonger for His Lifelong Dedication to Clarence Center.

Item 15 – MS. IANNELLO presented a resolution Honoring Cal Champlin on His Retirement and Service to the Town of Tonawanda.

Item 16 – IANNELLO presented a resolution In Memory of Eda Quigley for Her Service to Erie County Government.

Item 17 – MS. KONST presented a resolution Honoring Timothy J. Dwan Upon His Retirement as Lancaster Town Justice.

Item 18 – MR. REYNOLDS presented a resolution Honoring the Boston Fire Company as it Celebrates "A Century of Service" in 2008.

MS. WHYTE moved for consideration of the above eleven items. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eleven items by including Et Al Sponsorship and adding one from Legislator Ranzenhofer. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above twelve items. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 19 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

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Item 21 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 23 - MR. MAZUR presented the following report, moved to separate item Number 2 and approve the balance of the report. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 10

JANUARY 17, 2008

HEALTH & HUMAN SERVICES
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 18M-6 (2007)
COLUCCI & GALLAHER, P.C.: ECMCC Board of Director Meeting Minutes for Meeting Held 9/27/07
(4-0)
 - b. COMM. 21M-7 (2007)
ECMC: Board Minutes for Meeting Held 10/25/07
(4-0)
 - c. COMM. 25M-3 (2007)
ECMCC BOARD OF DIRECTORS: Minutes for Meeting Held 11/29/07
(4-0)
2. INTRO 26-7 (2007)
REYNOLDS
WHEREAS, it is the responsibility of the Erie County Legislature to put the best interest of their constituency above all else, and

WHEREAS, the fundamental purpose stated by the final recommendation of the Commission

on Healthcare Facilities in the 21st Century with regard to ECMC and Kaleida Healthcare Systems was to end the "medical arms race" and prevent duplication of services, a purpose that this body believes was fulfilled by the creation of the existing third party, or "parent" WNY Healthcare board, and

WHEREAS, it is in the best interest of all Erie County residents for the county to maintain a public facility that has the specific mission of serving the "public good," and

WHEREAS, no impact study has been done to determine the long term and possibly detrimental effect that the proposed merger may have on the elderly, sick, and uninsured, and

WHEREAS, no impact study has been done to determine the long term and possibly detrimental effect that the proposed merger may have on the local economy, and

WHEREAS, ECMC is a Level 1 Trauma Center and is the first line of defense in response to a natural disaster, terrorist attack, public health crises, or any other mass casualty incident and is therefore responsible for the well being of residents all across the entire Western New York region, and

WHEREAS, public and private healthcare facilities have two fundamentally different missions, and therefore it is in the best interest for our community to have both available to them, and

WHEREAS, ECMC has attained financial peace with Erie County, and there is no need to privatize a well operated, financially sound public entity, and

WHEREAS, while it is the belief of this body that New York State's healthcare system is broken and in need of reform, it is also our belief that a truly reformed, efficient healthcare system is one that offers quality, accessible care to all people, which a full asset merger of ECMC and Kaleida Healthcare Systems will not accomplish.

NOW, THEREFORE, BE IT

RESOLVED, that The Erie County Legislature reaffirms our belief that the safety net provided to our community by ECMC is absolutely vital and must not be jeopardized, and be it further

RESOVLED, that the Erie County Legislature will not seek support from the New York State Legislature (or: deems it unnecessary) to eliminate or alter the NYS Public Authorities Law, section 3629, which created the public benefit corporation of ECMCC.

(4-0)

3. COMM. 1E-26 (2008)
 COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Dr. Anthony Billittier to the position of Commissioner of Health.

(4-0)

4. COMM. 1E-36 (2008) AS AMENDED
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature does hereby appoint Philip R. Endress as
Commissioner of Senior Services for an interim term to expire on March 15, 2008.
(4-0)

**THOMAS J. MAZUR
CHAIR**

MS. WHYTE moved to return item Number 2 to the HEALTH & HUMAN SERVICES
COMMITTEE for further consideration. MR. KENNEDY seconded.

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

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

FAILED.

MR. MAZUR moved to approve item Number 2. MR. REYNOLDS seconded. MR.
RANZENHOFER in the negative.

CARRIED. (14-1)

Item 24 - MS. GRANT presented the following report and moved for immediate
consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 11

JANUARY 17, 2008

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 1

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-37 (2007)
COUNTY EXECUTIVE: Dedication of Hotel Room Occupancy Tax Revenues in Support
of Convention, Visitor and Tourism Services
(5-1) Legislator Ranzenhofer voted in the negative.
 - b. INTRO 7-2 (2007)

WEINSTEIN, MILLS & RANZENHOFER: Providing the Buffalo Niagara Convention & Visitors Bureau with a Dedicated Funding Stream
 (5-1) Legislator Ranzenhofer voted in the negative.

- c. COMM. 11E-1 (2007)
 COMPTROLLER: Audit of the Collection Procedures for the Erie County Hotel Occupancy Tax for the Period 2/28/06 - 2/28/07
 (6-0)
- d. COMM. 18M-12 (2007)
 NEW PHOENIX THEATRE: Copy of Letter to ECRABB Chair Re: ECRABB Funding
 (6-0)
- e. COMM. 21M-3 (2007)
 ECC: Community College Chargeback Rates
 (6-0)

2. COMM. 21E-18 (2007)
 COUNTY EXECUTIVE

WHEREAS, Erie Community College previously identified a need for a capital project involving the demolition and redesign of the front entrance/plaza at South Campus in front of Building One, at a cost not to exceed \$150,000, which was not included as part of the original capital project budget approved by Erie County, and

WHEREAS, The college has incurred additional expenditures of \$65,000 for additional improvements to the front entranceway and to an adjacent parking lot and driveway; and

WHEREAS, there currently exists a balance of approximately \$334,000 in ECC's capital chargeback account, and

WHEREAS, the demolition and redesign most importantly addresses some health, safety and ADA concerns, but also provides for a significant enhancement of the overall appearance of the Building One entranceway which is the prime focal point for both new and returning students, and

WHEREAS, all costs incurred up to \$215,000 for this project will be paid out of ECC's capital chargeback account without utilizing operating funds, and

WHEREAS, on August 30, 2006 the ECC Board of Trustees approved the \$150,000 capital project to be submitted for sponsor approval, and on October 24, 2007 the ECC Board of Trustees approved the \$65,000 additional project expenditures.

NOW, THEREFORE, BE IT

RESOLVED, that the ECC's Board of Trustees approved a capital project involving the demolition and redesign of the front entrance/plaza at South Campus in front of Building One at a cost estimated not to exceed \$150,000 to be funded by the Erie Community College Capital Chargeback Fund, and be it further

RESOLVED, that the ECC's Board of Trustees approved additional capital project expenditures involving the demolition and redesign of the front entrance/plaza at South Campus in front of Building One at costs estimated not to exceed \$65,000, bringing this capital project cost estimate to a total of \$215,000, to be funded by the Erie Community College Capital Chargeback Fund, and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the President of ECC and the Chairman of the ECC Board of Trustees.

(6-0)

3. COMM. 21E-26 (2007)
 COUNTY EXECUTIVE

WHEREAS, Erie Community College (ECC), as a result of a PERB Settlement Agreement, is required to engage the services of Architectural/Engineering firms to provide general architectural/engineering services to allow CSEA employees at the college to properly complete numerous projects in a more timely manner; and

WHEREAS, Erie Community College advertised a Request for Architectural and Engineering Services Proposal from architectural /engineering firms due May 15, 2007; and

WHEREAS, after careful joint review of each responding firm's capabilities by ECC and the Erie County Department of Public Works (DPW), three (3) firms were selected as having the necessary expertise, experience and manpower to provide the required services; and

WHEREAS, the college has DPW's approval to utilize the services of these outside architectural/engineering firms; and

WHEREAS, certain of these firms have been assisting ECC with the expansion of the Vehicle Technical Training Center, Autobody Repair Shop, 45 Oak Street, South Campus Plaza Renovation and the North Campus S Building electrical upgrades amongst other projects; and

WHEREAS, ECC has adequate funds available in its 2006-2007 college budget to fund these expenses; and

WHEREAS, the ECC Board of Trustees can approve consulting agreements of up to \$50,000 and did approve at its May 30th, 2007 meeting, up to \$50,000 in expenditures to Steivator & Associates, Advanced Architect and Planning and DiNato & Associates for architectural/engineering services desired; and

WHEREAS, the ECC Board of Trustees would also like approval of additional expenditures of \$75,000 for Stievator & Associates and \$40,000 for Advanced Architect and Planning for 2006 – 2007 because of the large number of projects currently under way or in the planning stages; and

WHEREAS, the Erie County Legislature is the only body authorized to approve service agreements in excess of \$50,000 annually.

NOW, THEREFORE, BE IT

RESOLVED, that Erie Community College is authorized to issue college Purchase Orders on behalf of the Erie County Department of Public Works for the 2006-2007 year to Stievater & Associates in the total amount of \$125,000, to Advanced Architect and Planning for \$90,000, and to Dinato & Associates for \$50,000; and be it further

RESOLVED, that the source of funds available to pay for these expenses is available in ECC's accounts and has been authorized by ECC's Board of Trustees; and be it further

RESOLVED, that the college will work jointly with the Department of Public Works on any projects requiring the use of any of the architect /engineering firms.

(6-0)

4. COMM. 21E-27 (2007)
COUNTY EXECUTIVE

WHEREAS, Erie Community College previously identified a need for a capital project involving an approximate 2,270 square foot addition at the Autobody Program, South Campus, which was not included as part of the original capital project budget approved by Erie County, and

WHEREAS, a previous ECC Board of Trustees resolution approving this project at a cost not to exceed \$275,000 was approved with a mix of funding to support the project coming from the chargeback fund (\$167,000) and using the SUNY High Needs Program funding (\$108,000), and

WHEREAS, actual costs of construction, additional professional fees and change orders necessitated to enhance the project result in additional expenditures required of \$170,000, bringing the needed chargeback account funding required to \$337,000, and

WHEREAS, there currently exists a balance of approximately \$334,271 in ECC's capital chargeback account, net of the \$167,000 already set aside for this project, thus there is available funding for the project, and

WHEREAS, the 2,270 square foot addition allows the College to support the significant increase in student autobody program enrollment, supports the substantial growth in vehicle training partnerships, assists in enhancing the ability to add additional partnership training dollars spent by local companies that will remain in Erie County, and

WHEREAS, costs incurred up to approximately \$337,000 for this project will be paid out of ECC's capital chargeback account without utilizing operating funds.

NOW, THEREFORE, BE IT

RESOLVED, that the ECC Board of Trustees approved additional expenditures of \$170,000 for the autobody addition capital project and previously approved an original \$275,000 for this capital project, presently totaling costs not to exceed \$445,000, of which \$337,000 will be funded through the college's capital chargeback funds, and be it further

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

RESOLVED, that certified copies of this resolution be forwarded to the Interim President of ECC and the Chairman of the Board of Trustees of ECC.

(6-0)

5. INTRO 1-3 (2008) AS AMENDED
 IANNELLO, GRANT, REYNOLDS, KENNEDY, LOUGHRAN, MAZUR
 and MILLER-WILLIAMS

WHEREAS, CROSBY FIELD in the Village of Kenmore has held the name since 1940 when Kenmore West High School moved its athletic field to its campus; and

WHEREAS, it was designated such in honor of Lt. HARRY E. CROSBY who was killed in action in World War I on September 29, 1918; and

WHEREAS, Veterans of Foreign Wars Post 2472 in Kenmore bears the name of HARRY E. CROSBY, in honor and memory of his heroism; and

WHEREAS, the local veterans community is among the opponents to the name change, while Carl Maranca, representing the HARRY E. CROSBY Post, has publicly stated the name should remain as is; and

WHEREAS, prior to entering service to his country, Lt. HARRY E. CROSBY ran for Village Trustee, was a 32nd degree Mason who loved his community and was a man who loved his family, a wife and two daughters; and

WHEREAS, throughout our history, nationally and locally, it has been a tradition to honor those patriots who cherished liberty and made the ultimate sacrifice to advance the cause of freedom; and

WHEREAS, Lt. HARRY E. CROSBY is among those who represent the best of nation and has earned the gratitude of the American people; and

WHEREAS, a most significant means to show our debt of gratitude, to cherish those such as Lt. HARRY E. CROSBY, is to keep their contributions and name alive and to name a public site in their honor; and

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ERIE COUNTY LEGISLATURE

WHEREAS, there are no individuals today to remind us of the story of those who have gone before us, those who have borne the battle of World War I, making it all the more significant that we do not forget their role in history and in our daily lives; and

WHEREAS, like the heroes of World War I, today a new generation of men and women, along with their families, are sacrificing their lives, in order to secure freedoms around the world and protect those freedoms within our borders to which we are accustomed; and

WHEREAS, we as Americans must send them the message that their sacrifices are recognized and appreciated in this time of war and that their sacrifices will play a role in our history, knowing that they will not be forgotten; and

WHEREAS, it has come to the attention of this Honorable Body that a public discussion is underway to change the name of this time honored site, no longer calling it by the name of CROSBY FIELD; and

WHEREAS, the proposal to eliminate the name of this local war hero from public recognition would send a distressful message to our heroes overseas and at home, and would be totally inappropriate while our nation is at war or at any given time in the future.

NOW, THEREFORE, BE IT

RESOLVED, that this elected body, the Erie County Legislature, wishes to go on record against eliminating the name of CROSBY FIELD as the formal and public name of this site which has been called by such for almost 70 years; and be it further

RESOLVED, that such action would serve to diminish and erase the significance we place on our forefathers who sacrificed for us to preserve our free society; and be it further

RESOLVED, that commemorating our war heroes is necessary in order to express our appreciation for their unparalleled exploits, persistence, devotion and bravery in the name of freedom both historically and at this time; and be it further

RESOLVED, that certified copies of this resolution be forwarded to all members of the Kenmore – Town of Tonawanda School Board, the Town of Tonawanda Supervisor and all Town of Tonawanda Council members.

(6-0)

**BETTY JEAN GRANT
CHAIR**

Item 25 - MS. KONST presented the following report and moved for immediate consideration and approval. MR. WROBLEWSKI seconded. MS. IANNELLO voted in the negative.

CARRIED (14-1).

RESOLUTION NO. 12

JANUARY 17, 2008

FINANCE & MANAGEMENT
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 16E-2 (2007)
COMPTROLLER: Copy of Letter to ECFSA Chair: July 17, 2007 ECFSA Request for Cost Data
(5-0)
 - b. COMM. 16E-10 (2007)
COMPTROLLER: Review of Revenues Derived From Erie County's Sales Tax and the Sharing Thereof With Other Entities
(5-0)
 - c. INTRO 18-6 (2007)
MARINELLI: Approval of Request for the ECFSA to Undertake Financing of 2007 Erie County Capital Borrowing
(5-0)
 - d. INTRO 18-7 (2007)
REYNOLDS & WHYTE: ECFSA Actions Regarding the Proposed Tax Lien Sale
(5-0)
 - e. COMM. 20E-3 (2007)
COMPTROLLER: Preliminary Review of Expenditures and Revenues Submitted By The County Executive in the Proposed 2008 Budget
(5-0)
 - f. COMM. 21E-3 (2007)
COMPTROLLER: Financial Report for the Nine (9) Months Ended 9/30/07
(5-0)
 - g. COMM. 21M-11 (2007)
ECFSA: Initial Borrowing Analysis
(5-0)
 - h. INTRO 22-1 (2007)
WHYTE: 2007 Capital Borrowing
(5-0)

- i. COMM. 22E-1 (2007)
MARINELLI: Erie County Budget Deliberation Agenda Issues & Items
(5-0)
- j. COMM. 25E-2 (2007)
COMPTROLLER: 2007 Cash Flow Projection
(5-0)
- k. COMM. 25D-1 (2007)
DIRECTOR OF REAL PROPERTY TAX SERVICES: Levy and Apportionment of the
Erie County Real Property Tax
(5-0)
- l. COMM. 27E-1 (2007)
COMPTROLLER: 2007 General Obligation Borrowing
(5-0)
- m. COMM. 1D-6 (2008)
DEPT. OF BUDGET, MANAGEMENT & FINANCE: BMR for 10-Month Period Ending
10/31/07
(5-0)
- n. COMM. 1D-7 (2008)
DEPT. OF BUDGET, MANAGEMENT & FINANCE: Copy of Letter to ECFSA Re:
Revised Four-Year Plan for FY 2008-11
- 2. COMM. 1E-25 (2008)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature does hereby confirm the appointment of Beth
Kornbrekke to the position of Director of Budget and Management.
(5-0)

**KATHY KONST
CHAIR**

Item 26 - MR. WROBLEWSKI presented the following report and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANAMOUSLY.

RESOLUTION NO. 13

JANUARY 17, 2008

PUBLIC SAFETY COMMITTEE
REPORT NO. 1

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

1. RESOLVED, the following item is hereby referred to the GOVERNMENT AFFAIRS COMMITTEE:
 - a. COMM. 1M-3 (2008)
NORM SKULSKI, RICK RHODES & HENRY MAZUREK: Requesting the Erie County Legislature Petition the US GSA to Name the New Federal Courthouse "Lt. Colonel Matt Urban Courthouse
(6-0)
2. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-3 (2007)
COMPTROLLER: Audit and Review of Operations of the Erie County Holding Center
(6-0)
 - b. COMM. 3E-16 (2007)
COMPTROLLER: Review of City of Buffalo Cellblock Agreement with Erie County
(6-0)
 - c. INTRO 4-2 (2007)
WEINSTEIN, MILLS, RANZENHOFER & LOCKLEAR: Renegotiation of the "Cell Block Agreement" between the City and the County
(6-0)
 - d. COMM. 5E-3 (2007)
SHERIFF: City of Buffalo Cell Block Agreement
(6-0)
 - e. COMM. 5E-4 (2007)
SHERIFF: Response to Comptroller's Audit and Review of Operations of the Erie County Holding Center
(6-0)
 - f. COMM. 6E-8 (2007)
COMPTROLLER: Audit of Erie County Homeland Security Grant Funds Received From the NYS Office of Homeland Security
(6-0)
 - g. COMM. 14E-2 (2007)
COMPTROLLER: Audit and Review of Operations of the Erie County Correctional Facility
(6-0)
 - h. COMM. 17E-2 (2007)
SHERIFF: Inmate Population Levels
(6-0)

**MEETING NO. 2
JANUARY 24, 2008**

ERIE COUNTY LEGISLATURE

- i. COMM. 21M-2 (2007)
CITY COURT OF BUFFALO: Erie County Warrant Squad
(6-0)
- j. COMM. 1M-1 (2008)
FIRE ADVISORY BOARD: Fire Training Facilities
(6-0)
- k. COMM. 1M-13 (2008)
NYS SHERIFFS' ASSN.: Jail Inmate Telephone Service
(6-0)
- 1. COMM. 1M-14 (2008)
NYS SHERIFFS' ASSN.: Credit Card Bail Payment Programs to County Jails
(6-0)

3. COMM. 20E-15 (2007)
SHERIFF
WHEREAS, the NYS Division of Criminal Justice Services has awarded a Byrne Justice Assistance Grant in the amount of \$5,000 to the Erie County Sheriff’s Office to provide funding for the purchase of radar equipment; and

WHEREAS, a local match is required by this grant; and

WHEREAS, there will no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff’s Office is authorized to accept funding in the amount of \$5,000 and be it further

RESOLVED, that \$720 in available balances in the Asset Forfeiture Trust fund is hereby transferred to the Sheriff’s general fund; and be it further

RESOLVED, that authorization is hereby provided to budget those funds as follows:

Erie County Sheriff’s Office – Fund Center 11510

<u>REVENUE</u>	<u>Increase</u>
Account 409020 – Miscellaneous State Aid	\$5,000
Account 421550 – Forfeiture Crime Proceeds	720
 TOTAL REVENUE	 5,720
 APPROPRIATIONS	 <u>Increase</u>

**MEETING NO. 2
JANUARY 24, 2008**

ERIE COUNTY LEGISLATURE

Account – 561410 – Lab & Tech Equipment	5,720
TOTAL APPROPRIATION	5,720

And be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, Department of Purchasing and the Office of the Sheriff for implementation.
(6-0)

4. INTRO 21-4 (2007)

MILLER-WILLIAMS, MARINELLI, WHYTE & KOZUB

WHEREAS, every year the Sheriff's Department detains numerous individuals on a short-term basis for reasons ranging from old traffic warrants to detainees waiting for trial; and

WHEREAS, the Sheriff is responsible for the health and safety of all detainees in the Sheriff's custody and it is inevitable that some of the detainees will have health problems that will require medical care; and

WHEREAS, Sheriff Timothy Howard recently testified before the Erie County Legislature concerning the Sheriff's 2008 Budget Request at which time the subject of health care to detainees was discussed; and

WHEREAS, the Legislature inquired about the Sheriff's policy concerning detainees with medical insurance whom require medical care at Erie County Medical Center and if the County charges the detainee's health insurance for the cost of the medical care.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby encourage the Erie County Sheriff's Office to develop policies that, when possible, will assign the cost associated with detainee health care to the detainee's health insurance provider; and be it further

RESOLVED, that the Erie County Sheriff is requested to appear at the next regularly scheduled meeting of the Public Safety Committee to inform the Legislature of the Sheriff's policy concerning the health care costs of detainees with health insurance; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Sheriff.
(6-0)

5. COMM. 21E-11 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Central Police Services Forensic Lab has been awarded a New York State Grant to be administered by the Division of Criminal Justice Services, and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to achieve a better turnaround time for analyzed evidence in criminal investigations.

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$49,420.00 with New York State Division of Criminal Justice Services, and be it further,

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund-SAP #165NFSIA0708
 Central Police Services
 10/01/2007 to 09/30/2008

<u>Revenue</u>	<u>Increase</u>
Acct. 409000 State Aid	\$49,420
Appropriation	Increase
Acct. 500010 Personnel	\$44,928
Acct. 502000 Fringe Benefits	<u>\$ 4,492</u>
Total Appropriation	\$49,420

And be it further,

RESOLVED, that this funding will be used to fund the positions of two (2) existing part-time Forensic Chemists (Grade 12) in the Department of Central Police Services, and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as required to comply with State approved funding levels, and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, Office of the Comptroller and the Department of Central Police Services.

(6-0)

6. COMM. 21E-28 (2007)
 SHERIFF

WHEREAS, the United States Department of Justice has authorized the transfer of funds within the Human Trafficking Victims Grant to allow for the purchase of an automobile for the exclusive use of the Program Manager; and

WHEREAS, the Sheriff's Office has identified a need for the vehicle to fulfill their agreement with the Western New York Human Trafficking Task Force and to provide services to the victims of human trafficking; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized:

SHERIFF’S OFFICE
Grant #115 115HumanTraffic07

<u>Appropriation</u>	<u>Decrease</u>
Account 516020 – Professional Services & Fees	21,500
 <u>Appropriation</u>	 <u>Increase</u>
Account – 561440 – Motor Vehicles	21,500
 NET IMPACT	 <u>\$ 0.00</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller and the Office of the Sheriff for implementation.
(6-0)

7. COMM. 26E-14 (2007)
COUNTY EXECUTIVE

WHEREAS, authorization has previously been provided by the Erie County Legislature (Resolution 14E-9) for the County Executive to enter into a contract and accept funding in the amount of \$195,717 with the N.Y. State Division of Criminal Justice Services, and

WHEREAS, the Erie County Central Police Services Forensic Lab has been authorized through Project IMPACT to create a Senior Evidence Clerk position; and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to enhance its capacity to process firearms, and related evidence, in the laboratory.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to amend the grant budget in the Department of Central Police as follows:

Grant Fund – SAP #165IMPACT40708
Central Police Services
Forensic Laboratory
07/01/2007 to 06/30/2008

<u>Revenue</u>	<u>Amount</u>
Acct. 409000 State Aid	\$195,717

<u>Appropriation</u>	
Account 500000 Overtime	\$ 82,069
Account 502000 Fringe Benefits	33,648
Account 516020 Professional Services Contracts	<u>80,000</u>
Total Appropriation	\$195,717

and be it further

RESOLVED, that this funding as previously approved will be used to create the positions of Assistant Information System Specialist and that the funding will be utilized to amend the previously authorized Evidence Clerk (Grade 6 – Step 1 – B100#3100 – Annual Salary \$30,318) position to that of a Senior Evidence Clerk (Grade 8 – Step 1 – B100 #3406 – Annual Salary \$34,938) in the Department of Central Police/Emergency Services, to be amended without any fiscal impact on the budget because the position will be funded 100% by the State, and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets to comply with State approved funding levels, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Central Police Services.

(5-1) Legislator Iannello voted in the negative.

8. COMM. 1E-21 (2008)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Gregory W. Skibitsky to the position of Commissioner of Emergency Services.

(6-0)

9. COMM. 1E-33 (2008)
DISTRICT ATTORNEY

WHEREAS, funds for the recruitment and retention of District Attorneys have been made available to the District Attorney's Office from the New York State Division of Criminal Justice Services (DCJS) in the amount of \$129,470; and

WHEREAS, these funds will be utilized in the retention of current staff by providing for performance based/longevity bonuses to Assistant District Attorneys to be given at the discretion of the District Attorney; and

WHEREAS, the award contract received from the NYS SCJS authorizes funding levels different from the adopted 2008 budget already approved by the Erie County Legislature in Book A.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the 2008 General Fund of the District Attorney, Fund 110, Fund Center 11400 as follows:

	<u>INCREASE</u>
Revenues	
408530 State Revenue	<u>\$ 44,470</u>
Total Revenue	<u>\$ 44,470</u>
Appropriations	
502000 Fringe Benefits	18,146
500350 Other Employee Payments	<u>26,324</u>
Total Appropriations	<u>\$ 44,470</u>

and be it further

RESOLVED, that no county source funding shall be utilized for the provision of bonuses in the event that DCJS does not provide grant monies for the purposes noted above; the bonuses will be discontinued as the result of a lack of funds; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, Erie County Personnel and the Directors of Budget, Management and Finance.

(6-0)

TIMOTHY M. WROBLEWSKI
CHAIR

Item 27 - MR. KOZUB presented the following report, moved to separate item Numbers 2B and 3 and approve the balance of the report. MS. GRANT seconded.

CARRIED UNANAMOUSLY.

RESOLUTION NO. 14

JANUARY 17, 2008

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 1

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

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 4-3 (2007)
 WEINSTEIN, MILLS, RANZENHOFER & LOCKLEAR: Renegotiation of City and County Parks Agreement

- (6-0)
- b. COMM. 8D-5 (2007)
LEGISLATURE CHIEF OF STAFF: Environmental Group Proposals
(6-0)
- c. COMM. 11D-8 (2007)
PUBLIC WORKS: Park Superintendent Houses
(6-0)
- d. INTRO 12-5 (2007)
REYNOLDS: Erie County Forestland Resource Management Proposal
(6-0)
- e. INTRO 12-6 (2007)
REYNOLDS: Support for Federal Funding Great Lakes Act
(6-0)
- f. COMM. 14M-6 (2007)
CHEEKTOWAGA TOWN BOARD: Certified Resolution Re: Support Dedication of County Forest Preserves as Parklands
(6-0)
- g. COMM. 20E-2 (2007)
MILLS: Copy of Letter to Loughran Re: Appointment of a Commissioner to the ECWA
(6-0)
- h. COMM. 21E-29 (2007)
MARINELLI: Letter to Clerk of the Legislature Re: Appointment of Commissioner to the ECWA
(6-0)
- i. COMM. 21M-12 (2007)
ECWA: Copy of Advertisement Appearing in 9/12/07 Buffalo News
(6-0)
- j. COMM. 22E-7 (2007)
COUNTY EXECUTIVE: ECSD No. 3 - Proposed Transfer/Lease of the Remaining - Town of Sewer Districts - Sanitary Sewer Assets
(6-0)
- k. COMM. 26E-15 (2007)
COUNTY EXECUTIVE: ECSD No. 3 - Engineering Agreement Dated 8/22/05 - Parsons Engineering - Change Order No. 1
(6-0)
- l. COMM. 1E-16 (2008)

COUNTY EXECUTIVE: Copy of Letter to Roger Kelly Re: Appointment of Erie County Representative to Erie County Greenway Fund Standing Committee
 (6-0)

2a. COMM. 2E-11 (2007) AS AMENDED
 COUNTY EXECUTIVE

WHEREAS, the State Comptroller has made an order, in duplicate, dated January 3, 2008, granting permission for the establishment of Erie County Sewer District No. 8, one copy of which has been duly filed in the office of the Clerk of this Legislature; and

WHEREAS, it is now desired to adopt an order pursuant to Section 258 of the County Law establishing said County Sewer District. NOW, THEREFORE,

IT IS HEREBY ORDERED, by the Legislature of the County of Erie, New York, as follows:

Section 1. A County Sewer District in the County of Erie, New York, to be designated and known as Erie County Sewer District No. 8, is hereby established in accordance with the aforesaid order of the State Comptroller. Said District shall comprise the area in said County consisting of parts of the Town of Aurora, and the Village of East Aurora, more particularly bounded and described as follows:

All that tract or parcel of land situate in the Town of Aurora and the Village of East Aurora, County of Erie, State of New York, and lying within Township 9, Range 6, Lots 14, 15, 16, 20, 21, 22, 24, 28, 29, 30, 31, 32, 38, 39 and 40 of the Holland Land Company's survey and being further described as follows:

BEGINNING at a point in the centerline of Buffalo Road (Seneca Street) as a 66 foot wide County right-of-way, said point being 521 feet northwesterly from the centerline of Bowen Road as measured along the centerline of said Buffalo Road, said point also being the northwest corner of SBL 164.00-1-31 as described in Liber 11065 page 58; thence easterly along the northerly line of said SBL 164.00-1-31 a distance of 250 feet to a point; thence southeasterly along the easterly line of said SBL 164.00-1-31 and continuing southeasterly on an extension thereof a distance of 241 feet to a point on the northerly line of SBL 164.00-1-33 as described in Liber 9286 page 635, said point being 250 feet east of the centerline of Buffalo Road as measured along said northerly line; thence easterly along said northerly line a distance of 157 feet to a point, said point being the most northerly corner of said SBL 164.00-1-33; thence southerly along the easterly line of said SBL 164.00-1-33 a distance of 280 feet to a point in the centerline of Bowen Road as a 66 foot wide County right-of-way, said point being the southeast corner of said SBL 164.00-1-33 and also being on the boundary line between the Town of Aurora and the Village of East Aurora, as annexed November 26, 1984; thence easterly along the said centerline of Bowen Road and said boundary line, the following (2) distances (1) 144.10 feet, (2) 259.07 feet to a point at the most northerly corner of SBL 164.65-1-1 as described in Liber 9417 page 651; thence continuing to follow said Town and Village boundary line the following (4) courses, (1) southeasterly 495± feet, (2) easterly 1013± feet to a point at the southwest corner of SBL 164.15-2-41.1 as described in Liber 10644 page 2, (3) north 298.35± to a point at the southwest corner of SBL 164.15-4-9 as described in Liber 10961 page 5005, (4) easterly 257.66± feet to a point at the southwest corner of SBL 164.15-4-11.12 as described in Liber 11010 page 4215; thence northerly along the west line of said SBL 164.15-4-11.12 a distance of 130.0±

feet to a point at the northwest corner of said SBL 164.15-4-11.12; thence easterly along the north line of said SBL 164.15-4-11.12 a distance of 266.36± feet to a point on the centerline of Hamlin Avenue as a 50 foot wide Town right-of-way; thence northerly along the said centerline of Hamlin Avenue a distance of 51± feet to the point of intersection with the centerline of Beechwood Ave as a 50 foot wide Town right-of-way; thence easterly along said centerline of Beechwood Ave a distance of 327± feet to a point on the east right-of-way of Willow Street as a 50 foot wide right-of-way, said point being 25 feet south of the north right-of-way of Beechwood Ave; thence northerly along said east right-of-way of said Willow Street a distance of 25 feet to a point at the northwest corner of SBL 164.15-3-22 as described in Liber 10904 page 2706, said point also being on the north right-of-way of said Beechwood Ave; thence easterly along the north line of said SBL 164.15-3-22 a distance of 185.3± feet to a point at the northeast corner of said SBL 164.15-3-22; thence southerly along the east line of said SBL 164.15-3-22 a distance of 195.01± feet to a point at the southeast corner of said SBL 164.15-3-22; thence easterly a distance of 1166± feet to a point at the northeast corner of SBL 164.15-3-11 as described in Liber 10911 page 1701, said point also being on the centerline of Maple Road as a 60 foot wide County right-of-way; thence northerly along the said centerline of Maple Road a distance of 24± feet to a point at the southwest corner of SBL 164.16-4-41.1 as described in Liber 6645 page 589; thence easterly along the south line of said SBL 164.16-4-41.1 the following distances, 248.5 feet and 422.5± feet to a point at the most northeasterly corner of SBL 164.16-4-40.12 as described in Liber 10637 page 46; thence following the boundary line of said SBL 164.16-4-40.12 southerly a distance 40.2 feet and easterly a distance of 40± feet to a point at the northwest corner of SBL 164.16-4-36.1 as described in Liber 10960 page 3319; thence easterly along the north line of said SBL 164.16-4-36.1 a distance of 346.19± feet to a point on the centerline of Ruskin Ave as a 60 foot wide Town right-of-way; thence northerly along the said centerline of Ruskin Ave a distance of 136± feet to a point on the south line of Map Cover 2013; thence easterly along the south line of said Map Cover 2013 a distance of 825± feet to a point at the southeast corner of said Map Cover, said point also being the westerly line of lands of Conrail, (formerly Penn Central Railroad); thence southerly along said westerly line of said lands of Conrail a distance of 570± feet to a point on the north line of the boundary line between the Village of East Aurora on the south and the Town of Aurora on the north, said point also being the southeast corner of SBL 164.16-4-32.1 as described in Liber 10995 page 2135; thence along the boundary line between the Village of East Aurora and the Town of Aurora the following (15) courses: (1) easterly 127± feet, (2) northerly 122.6± feet, (3) northerly 446.57 feet, (4) easterly 20± feet, (5) northerly 1132.6± feet, (6) northerly 632.9± feet, (7) easterly 1643± feet to the west line of Farm Lot 16, (8) northerly 73.8± feet along the west line of said Farm Lot 16, (9) northeast 328.9± feet, (10) northeast 441.9± feet to the boundary line between the Town of Aurora and the Town of Elma, (11) easterly 229.5± feet along said boundary line, (12) southerly 974.9± feet, (13) westerly 102.59± feet, (14) southerly 813.8± feet, (15) westerly 706.8± feet to a point on the center line of Pine Street as a 66 foot wide County right-of-way; thence northerly along said center line a distance of 187± feet to a point at the northeast corner of SBL 165.13-3-1.2 as described in Liber 11073 page 6695; thence westerly along the north line of said SBL 165.13-3-1.2 also being the boundary line between the Village of East Aurora and the Town of Aurora a distance of 608.88 feet to a point; thence southerly continuing along said boundary line a distance of 1332.68 feet to a point; thence easterly along said boundary line a distance of 639.98 feet to the centerline of Pine Street as a 66 foot wide County right-of-way; thence southerly along said centerline of Pine Street a distance of 62± feet to a point; thence easterly along the boundary line between the Village of East Aurora and the Town of Aurora a distance of 731± feet to the centerline of Dorchester Road as a 49.5 foot wide Town right-of-way; thence northerly along the said centerline of Dorchester Road a distance of 100± feet to a

point at the northwest corner of SBL 165.13-4-32 as described in Liber 7612 page 291; thence easterly along the north line of said SBL 165.13-4-32 a distance of 307.5± feet to a point at the northeast corner of said SBL; thence southerly along the east line of said SBL a distance of 100± feet to a point on the boundary line between the Village of East Aurora on the south and the Town of Aurora on the north; thence along said boundary line between the Village of East Aurora and the Town of Aurora the following (14) courses: (1) easterly 608± feet to the easterly line of SBL 165.17-3-1 as described in Liber 10458 page 59, (2) northeasterly 139± feet to the centerline of Martin Drive as a 50 foot wide Town right-of-way, (3) northwesterly along said centerline of Martin Drive 178± feet to its intersection with the centerline of Lawrence Avenue as a 49.5 foot wide Town right-of-way, (4) northeasterly along said centerline of Lawrence Avenue 95± feet to the southwest corner of SBL 165.14-4-7 as described in Liber 10374 page 484, (5) easterly 537.33± feet to the southeast corner of SBL 165.14-4-10 as described in Liber 10889 page 4001, (6) northerly 235.25 feet along said east line of said SBL 165.14-4-10, (7) easterly 1710.52± to the east line of Farm Lot 16 and also being the southeast corner of SBL 165.14-4-32 as described in Liber 10980 page 7866, (8) southerly 1776.0± feet along said east Farm Lot line to the southeast corner of sub lot 21 of Map Cover 2402 and also being the west line of the Aurora Expressway (Route 400), (9) southwestly 271.49± feet along the west line of the Aurora Expressway to the southeast corner of Map Cover 2402, (10) westerly 675.59± feet to the northwest corner of SBL 165.18-4-2.11 as described in Liber 9007 page 453, (11) south 164.33 feet, (12) west 58.72 feet, (13) south 491.04± feet along the west line of said SBL 165.18-4-2.11 and an extension thereof to a point on the centerline of Main Street (Route 20A) as a 66 foot wide State right-of-way; (14) westerly 326± feet along said centerline of Main Street to a point, said point being the northwest corner of SBL 176.06-2-5 as described in Liber 10356 page 159; thence southerly leaving the said Town and Village boundary line along the west line of said SBL 176.06-2-5 a distance of 236± feet to a point at the southwest corner of said SBL; thence easterly a distance of 101.3± feet to a point at the southeast corner of said SBL 176.06-2-5, said point also being on the west line of SBL 176.06-2-6 as described in Liber 10929 page 8368; thence southerly along said west line a distance of 40± feet to the northwest corner of SBL 176.00-1-21.111 as described in Liber 11076 page 31; thence southerly following the west line of said SBL 176.00-1-21.11 the following (3) distances, (1) 235.50, (2) 719.65, (3) 1164.50 to a point at the northwest corner of SBL 176.10-3-50.11 as described in Liber 10964 page 1418 Schedule A; thence southerly along the west line of said SBL 176.10-3-50.11 a distance of 221.55 feet to a point on the north line of a parcel labeled "B" "exception to subdivision" on Map Cover 2588, said point described in Liber 10964 page 1401 and being part of said SBL 176.10-3-50.11; thence westerly following along said parcel "B", a distance of 226.62 feet to the easterly right-of-way of Victoria Heights as a 60 foot wide road; thence southerly along said easterly right-of-way of said road a distance of 1.17 feet and 50.48 feet to a point at the southwest corner of said parcel "B"; thence easterly along said south line of Parcel "B" as distance of 278.93 feet; thence northerly 36.46 feet to a point at the northwest corner of sub lot 23 as shown on said Map Cover 2588; thence easterly along said north line of said Map Cover a distance of 509.26 feet to a point, said point being the northeast corner of sub lot 22 of said Map Cover 2588, said point also being on the west line of the Aurora Expressway (Rt. 400); thence southerly along the east line of said Map Cover 2588 and the west line of said Aurora Expressway a distance of 978.74 feet and 299.15 feet to a point on the north line of Farm Lot 14, said point also being the southeast corner of Map Cover 2588; thence westerly along the north line of said Farm Lot 14 a distance of 3428± feet to a point on the westerly line of lands of Conrail, (formerly Penn Central Railroad), said point also being on the east line of SBL 176.00-1-31.1 as described in Liber 10240 page 521; thence southeasterly along the westerly line of

lands of Conrail a distance of 1460± feet to a point on the centerline of Lapham Road as a 66 foot wide County right-of-way; thence westerly along said centerline of Lapham Rd a distance of 668± feet to a point on the centerline of Olean Road (Route 16) as a 66 foot wide State right-of-way; thence southerly along the said centerline of Olean Road a distance of 44± feet to a point on the easterly extension of the southerly line of SBL 175.00-2-27.31 as described in Liber 11016 page 9368; thence westerly along said easterly extension and the southerly line of said SBL 175.00-2-27.31 the following (3) courses: (1) westerly 275± feet, (2) northerly 125.26 feet, (3) westerly 231.75 feet to a point at the most westerly corner of said SBL 175.00-2-27.31, said point also being on the easterly line of SBL 175.00-2-27.12 as described in Liber 10956 page 1708; thence following along the boundary line of said SBL 175.00-2-27.12 the following (5) courses: (1) northeasterly 55.44 feet to a point at the southwest corner of SBL 175.00-2-19.2 as described in Liber 11068 page 1385 as parcel "D", (2) northerly 521.92 feet along the westerly line of said SBL 175.00-2-19.2 to a point at the northwest corner of said SBL 175.00-2-19.2, (3) easterly a distance of 472.02 feet to a point on the east line of Farm Lot 22, said point also being the northeast corner of SBL 175.00-2-19.1 as described in Liber 11068 page 1385 as Parcel "C" (4) northerly 60 feet along said Farm Lot line to the southeast corner of SBL 176.13-1-13.1 as described in Liber 11018 page 6833, (5) westerly 269.15 feet to the southeast corner of SBL 175.00-2-20.12 as described in Liber 8985 page 253; thence northerly along the east line of said SBL 175.00-2-20.12 a distance of 408.76 feet to a point at the northeast corner of said SBL; thence westerly along the north line of said SBL 175.00-2-20.12 and its extension westerly a distance of 791 feet to a point at the northwest corner of SBL 175.00-2-27.2 as described in Liber 10956 page 1719, said point also being the southwest corner of SBL 176.13-1-1 as described in Liber 11055 page 731; thence northerly along the west line of said SBL 176.13-1-1 a distance of 250.2 feet to a point on the north line of Farm Lot 22, said line is also the center line of South Street as a 49.5 foot wide right of way, said point is the northwest corner of said SBL 176.13-1-1; thence westerly along the north line of said Farm Lot 22 and the centerline of South Street a distance of 26 feet to a point, said point being the northeast corner of SBL 175.16-1-17.2 as described in Liber 10909 page 9530; thence southerly following the east line of said SBL 175.16-1-17.2 and its extension a distance of 695.17 feet to a point, said point being the southeast corner of sub lot No. 9 under Map Cover No. 2193; thence westerly along the south line of said sub lot No. 9 a distance of 160.08 feet to a point where the south line of sub lot No. 9 intersects the east line of sub lot No. 10 under said Map Cover No. 2193; thence southeasterly along said east line of sub lot No. 10 a distance of 238.16 feet to the southeast corner of said sub lot; thence westerly following the south line of Map Cover 2193 a distance of 786.22 feet to a point at the southwest corner of sub lot No. 16 of said Map Cover 2193, said point also being on the east line of sub lot No. 5 under Map Cover No. 2161; thence southerly along said east line of said sub lot No. 5 a distance of 128.31 feet to the southerly corner of said sub lot; thence westerly along the south line of said sub lot No. 5 a distance of 143.41 feet to a point, said point being on the west line of SBL 175.00-2-27.12; as described in Liber 10956 page 1708; thence southerly along the west line of said SBL 175.00-2-27.12 a distance of 355.04 feet to a point; thence easterly along said SBL a distance of 230.0 feet to a point in the centerline line of Cazenovia Creek, said point also being on the west line of said SBL 175.00-2-27.12, said point also being the northeast corner of SBL 175.00-2-18 as described in Liber 10957 page 6286; thence southerly along the east line of said SBL a distance of 939± feet to a point at the southeast corner of said SBL; thence westerly along the south line of said SBL 175.00-2-18 a distance of 1725.0± feet to a point at the northwest corner of SBL 175.04-1-19.13 as described in Liber 9496 page 225; thence southerly along the west line of said SBL 175.04-1-19.13 a distance of 471.74± feet to a point at the southwest corner of said SBL; thence easterly along the southerly line of said SBL 175.04-1-19.13 and its extension easterly a distance of 837.28 feet to a point at the

northeast corner of SBL 175.04-1-19.2 as described in Liber 10420 page 98; thence southerly along the east line of said SBL 175.04-1-19.2 a distance of 445± feet to a point at the southeast corner of said SBL; thence westerly along the south line of said SBL 175.04-1-19.2 a distance of 519± feet to a point at the northwest corner of SBL 175.04-1-12 as described in Liber 10988 page 5132; thence southerly along the west line of said SBL 175.04-1-12 a distance of 228.39 feet to a point on the centerline of Hubbard Road as a 66 foot wide Town right-of-way, said point also being on the north line of Farm Lot 21; thence westerly along the said centerline of said Hubbard Road a distance of 217.7± feet to a point at the northwest corner of SBL 187.02-1-42 as described in Liber 10984 page 3353; thence southerly along the west line of said SBL 187.02-1-42 a distance of 582.8 feet to a point at the southwest corner of said SBL 187.02-1-42, said point also being the southeast corner of SBL 187.00-1-41.1 as described in Liber 8369 page 347; thence easterly along the south line of said SBL 187.02-1-42 a distance of 250± feet to a point at the southeast corner of said SBL, said point also being on the west line of SBL 187.02-1-40 as described in Liber 10970 page 9829; thence following along the property line of said SBL 187.02-1-40 the following (10) courses: (1) north 332.8± feet, (2) east 631.4± feet, (3) north 26.0± feet, (4) east 200.0± feet, (5) south 26.0± feet, (6) east 228.40± feet, (7) north 217.0± feet to the south right-of-way of said Hubbard Road, (8) east along said south right-of-way 60± feet, (9) south 217.0± feet, (10) east 250± feet to a point at the northeast corner of said SBL 187.02-1-40; thence southerly along east line of said SBL 187.02-1-40 and its continuation southerly a distance of 2905± feet to a point at the southeast corner of SBL 175.00-3-21.1 as described in Liber 10883 page 1208; thence westerly along the south line of said SBL 175.00-3-21.1 a distance of 1211.43± to a point at the southeast corner to SBL 175.00-3-21.21 as described in Liber 10892 page 470 and Liber 10873 page 7845; thence northerly along the easterly line of said SBL 175.00-3-21.21 a distance of 150 feet to a point at the northeast corner of said SBL 175.00-3-21.21; thence westerly along the north line of said SBL 175.00-3-21.21 a distance of 803 feet to a point on the centerline of Center Street as a 66 foot wide County right-of-way and also being on the west line of Farm Lot 21; thence southerly along said centerline and said Farm Lot line a distance of 52 feet to a point at the northwest corner of SBL 175.00-3-20.1 as described in Liber 7717 page 423; thence easterly along the north line of said SBL a distance of 250 feet to the northeast corner of said SBL 175.00-3-20.1; thence southerly on a line parallel with the west line of Farm Lot 21 a distance of 723.03 feet to a point at the southwest corner of SBL 175.00-3-19.21 as described in Liber 11044 page 9957, said point also being in the centerline of Sweet Road as a 66 foot wide County right-of-way and also being the south line of Farm Lot 21; thence westerly along said line a distance of 62.97 feet to a point, said point being 187.03 feet east of the west line of Farm Lot 20, said line also being the centerline of Center Street; thence southerly parallel with the west line of Farm Lot 20 a distance of 273.03 feet to a point at the southwest corner of SBL 187.00-3-1.22 as described in Liber 11018 page 4011; thence easterly along the south line of said SBL a distance of 154 feet to a point at the southeast corner of said SBL 187.00-3-1.22; thence southerly parallel with the west line of Farm Lot 20 a distance of 551.32 feet to a point at the southwest corner of SBL 187.00-3-53.121 as described in Liber 10975 page 6862, said point also being on the northerly line of SBL 187.00-3-30 as described in Liber 7619 page 289; thence following along the boundary line of said SBL 187.00-3-30 the following (7) courses: (1) easterly 659± feet, (2) southerly 200 feet, (3) easterly 1100± feet, (4) southerly 795.78 feet, (5) westerly 232.86 feet, (6) southerly 14.12 feet, (7) westerly 1594.14± feet along the south property line of said SBL 187.00-3-30 to a point at the southeast corner of SBL 187.00-3-28 as described in Liber 9555 page 498, said point being 273 feet east of the west line of Farm Lot 20; thence northerly on a line parallel to the west line of Farm Lot 20 a distance of 250 feet to a point at the northeast corner of SBL 187.00-3-29 as described in Liber 8634 page 77; thence westerly along the north line of said SBL 187.00-3-29 a

distance of 273 feet to a point on the centerline of Center Street as a 66 foot wide County right-of-way, said point also being on the west line of Farm Lot 20, and also being the northwest corner of said SBL 187.00-3-29; thence southerly along said centerline of Center Street and west line of Farm Lot 20 a distance of 870± feet to a point at the southeast corner of SBL 187.00-2-4 as described in Liber 7522 page 495; thence along the boundary line of said SBL 187.00-2-4 the following (8) courses: (1) westerly 460± feet to a point, said point being the northwest corner of SBL 187.00-2-5 as described in Liber 6512 page 417, (2) southerly 125± feet to a point at the southwest corner of said SBL 187.00-2-5, (3) westerly 1507± feet to a point at the southwest corner of said SBL 187.00-2-4, (4) northerly 1295± feet, (5) easterly 353.1± feet, (6) northerly 915± feet to a point at the southwest corner of SBL 187.00-2-3 as described in Liber 11009 page 2377, (7) easterly 490.69± feet, (8) northerly 450± feet to a point on the center line of Sweet Road as a 66 foot wide Town right-of-way, said point also being on the north line of Farm Lot 28 and also being the northeast corner of said SBL 187.00-2-3; thence easterly along said center line of Sweet Road a distance of 226± feet a point at the southeast corner of SBL 187.02-1-17.11 as described in Liber 10924 page 7578; thence northerly along the easterly line of said SBL 187.02-1-17.11 a distance of 1959.85± feet to a point at the northeast corner of said SBL; thence westerly along the north line of said SBL a distance of 425± feet to a point at the southwest corner of SBL 187.02-1-9 as described in Liber 10926 page 6868; thence northerly along the west line of said SBL a distance of 182± feet to the northwest corner of said SBL 187.02-1-9; thence easterly along the north line of said SBL 187.02-1-9 a distance of 920 feet to a point at the southeast corner of SBL 87.02-1-3.2 as described in Liber 9162 page 140; thence northerly along the east line of said SBL 187.02-1-3.2 a distance of 622.80 feet to a point on the south line of SBL 187.02-1-3.4 as described in Liber 9162 page 140; thence easterly along the south line of said SBL 187.02-1-3.4 a distance of 400 feet to a point on the centerline of Center Street as a 66 foot wide County right-of-way, said line also being the east line of Farm Lot 29; thence northerly along said line a distance of 40 feet to the northeast corner of said SBL 187.02-1-3.4; thence westerly a distance of 1320 feet to a point at the northwest corner of SBL 187.02-1-3.3 as described in Liber 9162 page 138; thence northerly a distance of 990± feet to a point on the north line of Farm Lot 29, said point being 1330 feet west of the northeast corner of said Farm Lot 29; thence easterly along said Farm Lot 29 a distance of 34± feet to the southwest corner of SBL 175.00-2-12 as described in Liber 7945 page 315; thence northerly along the west line of said SBL 175.00-2-12 a distance of 366.3± feet to the northwest corner of said SBL; thence easterly along the north line of said SBL 175.00-2-12 a distance of 630.0± feet to a point at the southwest corner of SBL 175.00-2-10.122 as described in Liber 10985 page 7857; thence northerly along the west line of said SBL 175.00-2-10.122 a distance of 1244± feet to a point at the northwest corner of said SBL, said point also being on the south line of SBL 175.00-2-29.1 as described in Liber 9064 page 656; thence westerly along the south line of said SBL 175.00-2-29.1 a distance of 167.0± feet to a point at the southwest corner of said SBL; thence northerly along the west line of said SBL 175.00-2-29.1 a distance of 273.06 feet to a point at the southeast corner of SBL 175.00-2-10.2 as described in Liber 10904 page 5996; thence northerly along the east line of said SBL 175.00-2-10.2 a distance of 876.38± feet to the northeast corner of said SBL; thence westerly along the north line of said SBL a distance of 247± feet to a point at the southwest corner of SBL 175.00-2-8 as described in Liber 11033 page 8281; thence northerly along the west line of said SBL 175.00-2-8 a distance of 791.9± feet to a point on the centerline of Mill Street as a 66 foot wide right-of-way, said line also being the north line of Farm Lot 30, said point being the northwest corner of SBL 175.00-2-8 and also being the boundary line between the Town of Aurora on the south and the Village of East Aurora on the north; thence westerly along the said north line of Farm Lot 30 a distance of 600± to a point where the Farm Lot intersects the centerline of the section of Mill road that runs north and

south; thence southerly along said centerline of Mill Road a distance of 526± feet to a point at the southeast corner of SBL 175.11-3-1 as described in Liber 10893 page 2013, said point also being the boundary line between the Town of Aurora and the Village of East Aurora; thence along the said boundary line the following (6) courses: (1) westerly 840.0 feet, (2) northerly 260 feet, (3) northwesterly 160 feet, (4) westerly 355 feet, (5) northwesterly 118± feet to a point on the north line of Farm Lot 30, (6) westerly 211± feet along said Farm Lot line to a point on the top of bank on the north side of Cazenovia Creek, said point being the southeast corner of a portion of land annexed to the Village of East Aurora in Liber 9775 page 34; thence along the said annexed land the following (5) courses: (1) southwest 711± feet to a point on the west line of Farm Lot 30, said point being 486.42 feet southerly from the northwest corner of said Farm Lot 30, (2) west 73.26 feet, (3) northwest 1723.14 feet to the southwest corner of SBL 175.00-1-4 as described in Liber 10869 page 8168, (4) northeast 150± feet to southeast corner of said SBL 175.00-1-4, (5) northwest 375± feet to a point on the centerline of Quaker Road, as a State right-of-way with width varying, said point also being the northwest corner of said annexed land and also being the northeast corner of said SBL 175.00-1-4; thence northeasterly along the centerline of said Quaker Road a distance of 419± feet to a point at the southwest corner of SBL 164.00-2-31 as described in Liber 10903 page 9021; thence northwesterly along the west line of said SBL 164.00-2-31 a distance of 1490.50 feet to a point at the northwest corner of said SBL; thence easterly along the north line of said SBL 164.00-2-31 and its extension easterly a distance of 949± feet to a point on the boundary line between the Town of Aurora on the west and the Village of East Aurora on the east, said point being the northeast corner of SBL 175.06-1-4 as described in Liber 5159 page 115 and also being on the west line of Farm Lot 31; thence northerly along the said boundary line a distance of 2825± feet to a point at the northwest corner of the Village of East Aurora, said point also being the northwest corner of SBL 164.19-1-1; thence easterly along the said boundary line between the Town of Aurora on the north and the Village of East Aurora on the south a distance of 126± feet to a point on the centerline of Buffalo Road (Seneca Street) as a 66 foot wide County right-of-way; thence northwesterly following along said centerline of Buffalo Road a distance of 309± feet to the point or place of beginning.

Section 2. The Clerk of this Legislature is hereby authorized and directed within 10 days of adoption of this order to cause a certified copy of this order to be recorded in the office of the Clerk of the County of Erie, New York, and in the office of the State Department of Audit and Control at Albany, New York, in accordance with the provisions of Section 259 of the County Law.

Section 3. This order shall take effect immediately.
(6-0)

2b. COMM. 2E-11 (2007) AS AMENDED
COUNTY EXECUTIVE
RESOLUTION NO. _____-2008

BOND RESOLUTION DATED _____, 2008

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAY BE NECESSARY, TO FINANCE THE COST OF THE ESTABLISHMENT OF ERIE COUNTY SEWER DISTRICT NO. 8; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,000,000 BONDS HEREIN

MEETING NO. 2
JANUARY 24, 2008

ERIE COUNTY LEGISLATURE

AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT BY ERIE COUNTY SEWER DISTRICT NO. 8 TO SAID COUNTY.

(Introduced) _____, 2008

(Adopted) _____, 2008

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 dated January 3, 2008, County Sewer District No. 8 of the County of Erie, New York, has heretofore been established and created on January 3, 2008 to provide sewer services to the Village of East Aurora and a portion of the Town of East Aurora, and

WHEREAS, a petition has been presented and executed on behalf of the Village of East Aurora by the Mayor of said village requesting that all areas within such village be established as a County sewer district; and

WHEREAS, a petition has been presented and executed on behalf of the Town of Aurora by the Supervisor of said town requesting that certain areas within such town be established as a County sewer district; and

WHEREAS, the County Legislature of the County of Erie, New York, has heretofore duly directed that there be prepared a map, plan, report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed establishment of Erie County Sewer District No. 8 which map, plan, report and estimate of cost have been approved by the Erie County Department of Environment and Planning on June 15, 2005 and filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, said map, plan, report and estimate of cost contains (i) a description of the proposed boundaries of the area which the Department in its judgment considers will be benefited by the Proposed Sewer District, (ii) a description of the areas of the Proposed Sewer District to permit definite and conclusive identification of all parcels of property included therein, (iii) the proposed location of facilities of the Proposed Sewer District, and (iv) estimates of the cost of construction, reconstruction or procurement and installation of facilities, all as more fully described in the map, plan, report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the establishment of the Proposed Sewer District is \$4,000,000, to finance the costs of the acquisition of wastewater facilities and the improvements included with the establishment of Sewer District No. 8, to be assessed against a benefited area which consists of the entire area of said Proposed Sewer District; and

WHEREAS, it is now desired to provide for the financing of said costs, NOW
 THEREFORE BE IT

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$4,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of the establishment of Erie County Sewer District No. 8, all as more fully described in the report and estimate of cost prepared by County Engineers (Erie County Department of Environment and Planning) on June 15, 2005, and filed with the County Legislature pursuant to Section 268 of the County Law. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$4,000,000. The plan of financing includes the issuance of \$4,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by assessment against a benefited area which consists of the entire are of Erie County Sewer District No. 8.

Section 2. The period of probable usefulness for the specific object or purpose for which said \$4,000,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$4,000,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

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

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

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

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

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

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

(6-0)

3. COMM. 18E-8 (2007)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management has identified the need for graphic design and printing services to aid in the promotional and advertising elements of the Division's public education and outreach program as necessary; and

WHEREAS, the Erie County Department of Environment & Planning, Division of Sewerage Management completed a professional services selection process, and has recommended Sangini.com, 9 Dickens Avenue, Dix Hills, New York 11746 and Studio i5, 2957 Alt Boulevard, Grand Island, New York 14072.

NOW, THEREFORE, BE IT

RESOLVED, that Sangini.com and Studio i5 be retained at a cost not-to-exceed \$10,000.00 each; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an Agreement with the firm of Sangini.com, 9 Dickens Avenue, Dix Hills, New York 11746 and Studio

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ERIE COUNTY LEGISLATURE

i5, 2957 Alt Boulevard, Grand Island, New York 14072, to provide the needed services, subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment & Planning; and be it further

RESOLVED, that funds for this contract be appropriated in the 2007 Sewer Operating Budget, Account 516020 (Professional Services, Contracts and Fees); and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, one copy to the County Comptroller, one copy to the Director of Budget, Management and Finance, and one copy to Gregory J. Dudek, Assistant County Attorney.

(6-0)

4. COMM. 21E-16 (2007)
 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 either the Erie County Sewer Districts or the Southtowns Sewage Treatment Agency; 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, Management and Finance, Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and Gregory J. Dudek, Assistant County Attorney.

(6-0)

5. COMM. 21E-20 (2007) AS AMENDED
 COUNTY EXECUTIVE

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2008 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget and Management is hereby authorized and directed to spread said 2008 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$ 794,148.39
Sewer District #2	\$ 136,646.65
Sewer District #3	\$1,100,860.73
Sewer District #4	\$ 431,027.68
Sewer District #5	\$ 253,331.20
Sewer District #6	\$1,153,564.08
Sewer District #8	\$ <u>612,891.50</u>
	\$4,482,470.23

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Real Property Tax Services, the Director of Budget and Management, Gregory Dudek, Assistant County Attorney and Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.

(6-0)

6. COMM. 22E-10 (2007)
 COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning administers Housing Programs for low/moderate income homeowners on behalf of the Erie County Community Development Block Grant Consortium and HOME Investment Partnership Consortium; and

WHEREAS, the federal Department of Housing and Urban Development has issued regulations pertaining to lead-based paint hazards in housing units assisted with federal funds; and

WHEREAS, said regulations were effective September 15, 2000 and require a variety of lead-based paint hazard assessments and clearance tests by federally certified inspectors on all housing units participating in the Erie County Housing Programs.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a lead-based paint hazard inspection agreement for an amount not to exceed \$110,000, with Stohl Environmental, LLC, funds being available in the Federal Community Development Block Grant and the HOME Investment Partnership Programs; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Health; The County Comptroller; and the director of the Division of Budget Management and Finance.

(6-0)

7. COMM. 22E-10 (2007)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning administers Housing Programs for low/moderate income homeowners on behalf of the Erie County Community Development Block Grant Consortium and HOME Investment Partnership Consortium; and

WHEREAS, the federal Department of Housing and Urban Development has issued regulations pertaining to lead-based paint hazards in housing units assisted with federal funds; and

WHEREAS, said regulations were effective September 15, 2000 and require a variety of lead-based paint hazard assessments and clearance tests by federally certified inspectors on all housing units participating in the Erie County Housing Programs.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a lead-based paint hazard inspection agreement for an amount not to exceed \$110,000, with Stohl Environmental, LLC, funds being available in the Federal Community Development Block Grant and the HOME Investment Partnership Programs; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Health; The County Comptroller; and the director of the Division of Budget Management and Finance.

(6-0)

8. INTRO 26-4 (2007) AS AMENDED
 KOZUB, LOUGHRAN, KONST, WHYTE, MILLS, MARINELLI, REYNOLDS &
 MILLER-WILLIAMS

WHEREAS, the Division of Sewerage Management's name was legislated in the 1970s to capture the strict function of the Division, that is, management of the sewage system in the County sewer districts; and

WHEREAS, the Division of Sewerage Management is responsible for providing wastewater service to benefited properties within, and in some cases outside of, the Erie County Sewer Districts; and

WHEREAS, the term "sewerage" does not fully capture nor appropriately represent the function of wastewater collection, conveyance and treatment the Division of Sewerage Management executes; and

WHEREAS, the Erie County Charter should be changed to better represent the functions and duties of the Division of Sewerage Management; and

WHEREAS, it is proposed that the Division of Sewerage Management change its name to the Division of Water Quality Management; and

WHEREAS, a proposed Local Law along with copies of the relevant Charter and Code Sections is attached to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature refer this matter to the Energy and Environment Committee to discuss the re-branding of the Division of Sewerage Management to the Division of Water Quality Management proposal in greater detail; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, County Attorney, Commissioner of the Department of Environment and Planning, and the Deputy Commissioner of Environment and Planning, Division of Sewerage Management.
 (6-0)

9. INTRO 1-1 (2008) AS AMENDED
 REYNOLDS, KOZUB, LOUGHRAN, KONST, WHYTE, MILLS, MARINELLI,
 MILLER-WILLIAMS & WROBLEWSKI

WHEREAS, the Great Lakes are the world's single largest source of fresh surface water and although seemingly abundant, fresh water is still relatively limited in quantity and is highly vulnerable to contamination. State and federal policymakers historically have not developed adequate conservation strategies to ensure that the best management practices are in place to effectively shield the Great Lakes from significant degradation. The protection and restoration of the Great Lakes system is instrumental to the region's economy, environment and overall quality of life; and

WHEREAS, since 2001, the Council of Great Lakes Governors (CGLG) has worked to develop a framework of binding agreements among the Great Lakes states and Canadian provinces for managing the Great Lakes resource. The culmination of this effort is the new Great Lakes-St. Lawrence River Basin Water Resources Compact. The agreement details how states and provinces will manage and protect the Great Lakes and St. Lawrence River Basin, including:

- Prohibit new diversions of water from the Basin; limited exceptions could be allowed, such as for public water supply purposes, but would be strictly regulated.
- Establish protection for all the waters of the Great Lakes Basin, including tributary streams, rivers, and the groundwater.
- Preserve the rights of each State to enact stronger protections.
- Direct each State to establish water conservation programs.
- Establish public participation opportunities.
- Enforce a consistent standard to review proposed uses of Great Lakes water.
- Collect and share technical data on the use of Great Lakes water, and promote the sharing of information among Great Lakes states and provinces.
- Develop regional goals for water conservation and efficiency and promote water conservation and efficiency programs in the states and provinces.
- Promote lasting economic development balanced with sustainable water use.

- Recognize the Great Lakes basin as a shared public treasure and commit to continued public involvement in the implementation of policies; and

WHEREAS, Minnesota made history as first state to approve landmark Great Lakes Compact on February 20, 2007, when Governor Pawlenty signed the State Bill into law in Duluth near Lake Superior. The press release stated, "that near the shores of Lake Superior, Governor Tim Pawlenty today signed legislation making Minnesota the first state to formally ratify an interstate compact that will provide unprecedented protections for the GREAT LAKES -ST. LAWRENCE RIVER BASIN;" and

WHEREAS, this resources compact includes a ban on new diversions of water outside the basin with limited exceptions, was endorsed about a year ago by the governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin. For it to become law, it must be approved by each of the states involved and Congress must give its consent; and

WHEREAS, a recent study report on the effects of global warming on the Great Lakes has recently been issued by the National Wildlife Foundation, which presents the findings of various research groups and concludes that the Lake Erie water level could be nearly two feet lower by 2030 as a result of climate change and the increased demand for water associated with it; and

WHEREAS, the Hamburg Town Board, The Hamburg Shoreline Revitalization Committee, and the Erie County Legislature are very concerned about this situation and the adverse effects that it would result in our shoreline, drinking water systems, shipping, boating, fishing and the other recreational uses; and

WHEREAS, the Great Lakes-St. Lawrence River Basin Water Resources Compact has been developed by representatives of the eight States that border the Great Lakes, and endorsed by the Governors of each of the eight States. When enacted, this Compact will set environmental standards for managing new or increased water withdrawal proposals.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the Great Lakes-St. Lawrence River Basin Water Resources Compact, requests the New York State Legislature and United States Congress to ratify the Compact as soon as possible, in order to help preserve, protect, and restore the Great Lakes, and prevent the diversion of water from the Great Lakes to other parts of the country; and be it further

RESOLVED, that the Legislature Clerk is requested to send certified copies of this resolution to Senator Charles Schumer, Senator Hilary Clinton, Congressman Brian Higgins, Congresswomen Louise Slaughter, Congressman Thomas Reynolds, Governor Elliot Spitzer, WNY Senators William Stachowski, Dale Volker, Antoine Thompson, Mary Lou Rath and WNY Assembly Members Robin Schimminger, Crystal Peoples, Jack Quinn, Michael Cole, Dennis Gabryszak, Sam Hoyt, Mark Schroeder, James Hayes and the four Co-Chairpersons of the Congressional Great Lakes Task Force (Congressman Vernon Ehlers, John Dingell, and Mark Kirk, and Congresswoman Louise Slaughter), the Canadian Ambassador to the United States Buffalo Office, and to the New York State Association of Counties.

(6-0)

10. COMM. 1E-27 (2008)
 COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Holly A. Sinnott to the position of Commissioner of Environment and Planning.

(6-0)

DANIEL M. KOZUB
CHAIR

MR. KOZUB moved to approve item Number 2B. MR. MAZUR seconded.

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

AYES: MILLS, RANZENHOFER, RATH, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS, WHYTE, and WROBLEWSKI. (15-0)

CARRIED UNANIMOUSLY.

MR. KOZUB moved to amend item Number 3. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

DELETE the 3rd RESOLVED in its entirety and insert:

RESOLVED, that the funds for this contract be appropriated in the 2008 Sewer Operating Budget, Account 516020 (Professional Services, Contracts and Fees); and be it further

MR. KOZUB moved to approve item Number 3 as amended. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

Item 28 - MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 15

JANUARY 17, 2008

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 1

MEETING NO. 2
JANUARY 24, 2008

ERIE COUNTY LEGISLATURE

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

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14M-10 (2007)
 BUFFALO NIAGARA ENTERPRISE: Business & Marketing Activities of the BNE
 (7-0)
 - b. COMM. 16E-29 (2007)
 COUNTY EXECUTIVE: Abandonment of State Roads and Bridge to Erie County
 (7-0)
 - c. COMM. 26E-12 (2007)
 COUNTY EXECUTIVE: Highway Projects
 (7-0)
 - d. COMM. 26D-3 (2007)
 DPW: Bond Sale/Potential to Lose Approx. \$25 Million In Federal Highway Funds
 (7-0)
 - e. COMM. 26M-10 (2007)
 FAIR: 2007 Capital Borrowing
 (7-0)
 - f. COMM. 1M-7 (2008)
 ERIE CANAL HARBOR DEVELOPMENT CORPORATION: Environment Record for
 Site Preparation Activities at 125 and 140 Main Street, Buffalo, New York
 (7-0)
 - g. COMM. 1M-11 (2008)
 NFTA: NFTA Board Minutes for Meeting Held 11/26/07
 (7-0)
 - h. COMM. 1M-12 (2008)
 NFTA: Annual Operating Budget for FY Ending 3/31/09
 (7-0)
 - i. COMM. 1M-16 (2008)
 NIAGARA ERIE REGIONAL COALITION: 2007 Year End Report of the Niagara Erie
 Regional Coalition
 (7-0)
2. COMM. 1E-22 (2008)
 COUNTY EXECUTIVE
 RESOLVED, the Erie County Legislature does hereby confirm the appointment of Gerard J.
 Sentz to the position of Commissioner of Public Works.
 (7-0)

**TIMOTHY M. KENNEDY
CHAIR**

LEGISLATOR RESOLUTIONS

Item 29 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 2-1 from KONST & MAZUR Re: The Name of the New Federal Courthouse

Item 30 – CHAIR MARINELLI presented the following item and directed that the item remain on the table.

GRANTED.

INTRO 2-2 from IANNELLO & WHYTE Re: Rules of the Erie County Legislature for 2008.

Item 31 – MS. KONST presented the following resolution and moved for immediate consideration and approval. MS. WHYTE seconded.

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

AYES: MILLS, RANZENHOFER, RATH, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS, WHYTE, and WROBLEWSKI. (15-0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 16

RE: Home Rule Request – Senate –
Sale of Parkland
(INTRO 2-3)

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

SENATE

WHEREAS, in the year circa 1975 George F. Sherwood built a house at 66 Lakeside Crescent in Lancaster, New York; and

WHEREAS, in constructing his 1994 square feet ranch house, he encroached upon county

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JANUARY 24, 2008

ERIE COUNTY LEGISLATURE

parkland known as Como Lake Park, said encroachment being upon an otherwise unusable triangular parcel of land (0.137 +/- acre), the easterly tip of the park which is separated from the balance of parkland by a stand of trees, undergrowth, path, footbridge and creek; and

WHEREAS, this property was conveyed and transferred between and among family members, including the present owner, Shelley Brown, who is desirous of selling the property to a non-family-member purchaser; and

WHEREAS, the prospective buyer, through a title examination undertaken by a licensed title company, discovered that a portion of the house, side and back yard encroached upon County of Erie parkland; and

WHEREAS, the property cannot be legally sold unless the county parkland is first conveyed to the present owner; and

WHEREAS, the County does not have the power to authorize the discontinuance of use as parklands or the conveyance of public parklands, such power being vested exclusively in the New York State Legislature; and

WHEREAS, Assembly Bill No. A.8388-A and Senate Bill No. S.5561-A now pending before the New York State Legislature would authorize the County of Erie to discontinue use as parklands and to sell and convey in fee simple for its fair market value and upon such terms and conditions as the County of Erie deems appropriate the lands described in Section three of such Acts which are no longer useful for park and recreation purposes; and

WHEREAS, the authorization provided in section one of such Acts shall be subject to the requirement that upon alienation of the lands described in the Acts, the County of Erie shall dedicate all proceeds from the sale of such lands for the acquisition of land of equal or greater fair market value that shall be dedicated as parkland. In the alternative, if an appropriate parcel cannot be identified after a diligent search, the County of Erie may use the proceeds for capital improvements to existing park facilities in the County of Erie.

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

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.5561-A entitled "AN ACT to authorize the County of Erie to discontinue use of certain lands as parklands and sell such lands, and dedicate certain other lands as parklands."

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

The local governments do not have the power to enact such legislation by local law. Other facts as set forth in the following explanation establish such necessity. The present property owner, Shelley Brown, residing at 5350 Tapscott Avenue, Cocoa, Florida, is not the party responsible for the construction of the residence on county parkland. An extreme and undue hardship would be placed upon the owner, for without the conveyance of the parkland to her, she would be forever

unable to sell her property. The portion of county parkland in question is triangular in shape, only 0.137 +/- acre in size, is in the easterly end of the park and separated from the balance of the parkland by a stand of trees, undergrowth, a path, footbridge and creek. Thus, its conveyance to the owner would have a de minimus impact on the park.

In recognition of these factors, the County of Erie wishes to effectuate the transfer and conveyance of 0.137 +/- acre of Erie County as more particularly described in the above referenced Senate Bill to Shelley Brown for and in consideration of the fair market value of such lands payable to the County of Erie.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request.

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

Item 32 – MS. KONST presented the following resolution and moved for immediate consideration and approval. MS. WHYTE seconded.

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

AYES: MILLS, RANZENHOFER, RATH, GRANT, IANNELLO, KENNEDY, KONST, KOZUB, LOUGHRAN, MARINELLI, MAZUR, MILLER-WILLIAMS, REYNOLDS, WHYTE, and WROBLEWSKI. (15-0)

RESOLUTION NO. 17

RE: Home Rule Request – Assembly –
Sale of Parklands
(INTRO 2-4)

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

ASSEMBLY

WHEREAS, in the year circa 1975 George F. Sherwood built a house at 66 Lakeside Crescent in Lancaster, New York; and

WHEREAS, in constructing his 1994 square feet ranch house, he encroached upon county parkland known as Como Lake Park, said encroachment being upon an otherwise unusable triangular parcel of land (0.137 +/- acre), the easterly tip of the park which is separated from the balance of parkland by a stand of trees, undergrowth, path, footbridge and creek; and

WHEREAS, this property was conveyed and transferred between and among family members, including the present owner, Shelley Brown, who is desirous of selling the property to a non-family-member purchaser; and

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WHEREAS, the prospective buyer, through a title examination undertaken by a licensed title company, discovered that a portion of the house, side and back yard encroached upon County of Erie parkland; and

WHEREAS, the property cannot be legally sold unless the county parkland is first conveyed to the present owner; and

WHEREAS, the County does not have the power to authorize the discontinuance of use as parklands or the conveyance of public parklands, such power being vested exclusively in the New York State Legislature; and

WHEREAS, Assembly Bill No. A.8388-A and Senate Bill No. S.5561-A, now pending before the New York State Legislature would authorize the County of Erie to discontinue use as parklands and to sell and convey in fee simple for its fair market value and upon such terms and conditions as the County of Erie deems appropriate the lands described in Section three of such Acts which are no longer useful for park and recreation purposes; and

WHEREAS, the authorization provided in section one of such Acts shall be subject to the requirement that upon alienation of the lands described in the Acts, the County of Erie shall dedicate all proceeds from the sale of such lands for the acquisition of land of equal or greater fair market value that shall be dedicated as parkland. In the alternative, if an appropriate parcel cannot be identified after a diligent search, the County of Erie may use the proceeds for capital improvements to existing park facilities in the County of Erie.

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

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill No. A.8388-A entitled "AN ACT to authorize the County of Erie to discontinue use of certain lands as parklands and sell such lands, and dedicate certain other lands as parklands."

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

The local governments do not have the power to enact such legislation by local law. Other facts as set forth in the following explanation establish such necessity. The present property owner, Shelley Brown, residing at 5350 Tapscott Avenue, Cocoa, Florida, is not the party responsible for the construction of the residence on county parkland. An extreme and undue hardship would be placed upon the owner, for without the conveyance of the parkland to her, she would be forever unable to sell her property. The portion of county parkland in question is triangular in shape, only 0.137 +/- acre in size, is in the easterly end of the park and separated from the balance of the parkland by a stand of trees, undergrowth, a path, footbridge and creek. Thus, its conveyance to the owner would have a de minimus impact on the park.

In recognition of these factors, the County of Erie wishes to effectuate the transfer and conveyance of 0.137 +/- acre of Erie County as more particularly described in the above referenced Assembly Bill to Shelley Brown for and in consideration of the fair market value of such lands

payable to the County of Erie.

Such request is made by the local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request.

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

Item 33 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 2-5 from IANNELLO, REYNOLDS & LOUGHRAN Re: Changes To The Sharing Formula Of The 1% Sales Tax With Cities, Towns And Villages.

GRANTED.

Item 34 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MR. RANZENHOFER voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 18

RE: Adjustments to the Erie County
Legislature's 2008 Budget
(INTRO 2-6)

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

WHEREAS, in order to properly administer the functions of the Legislature, as well as implement the 2008 Erie County budget as adopted, several technical staffing and personal services budget adjustments are necessary.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes a variable minimum step 5 for one (1) Senior Admin. Clerk (Legislature), Position Number 51003497, Fund Center 100, Cost Center 1004040; and be it further

RESOLVED, that this Legislature authorizes the following budget transfer to account for a technical correction to the Legislature's 2008 budget as adopted:

Fund Center 100, Account 530000, Other Expenses	- \$15,000
Fund Center 100, Account 500020, Regular Part-Time Wages	+ \$15,000

and be it further

RESOLVED, that in accordance with the 2008 Erie County Budget as adopted, that this Legislature authorizes the creation of fifteen (15) positions of Legislature Intern (PT), at Job Group 1, Step 0, to Fund Center 100, Account 500010, Part-Time Wages; and be it further

RESOLVED, that Legislature Interns shall be appropriated one per legislative district office, and that the Part-Time work of each Legislature Intern shall not exceed 548 hours in one year; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Commissioner of the Department of Personnel; the Director of the Division of Budget, Management & Finance; and the Executive Director of the Erie County Fiscal Stability Authority.

Item 35 - CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 2-7 from MILLS, RANZENHOFER & RATH Re: Replenishing The Real Property Tax Stabilization Reserve Fund.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 36 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of COMM. 1E-24. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

RE: Appointment of Commissioner
of Parks, Recreation & Forestry
(COMM. 1E-24)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of James E. Hornung to the position of Commissioner of Parks, Recreation & Forestry.

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

CARRIED UNANIMOUSLY.

Item 37 – MS. WHYTE moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of COMM. 1E-23. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

RE: Appointment of Purchasing Director
(COMM. 1E-23)

RESOLVED, that the Erie County Legislature does hereby confirm the appointment of Vallie M. Ferraraccio to the position of Purchasing Director.

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

CARRIED UNANIMOUSLY.

Item 38 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of COMM. 1E-34. MS. GRANT seconded. MS. IANNELLO voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 21

RE: District Attorney's Office
Salary Changes
(COMM. 1E-34)

WHEREAS, due to the investigative workload of the office, the District Attorney desires to eliminate one full time position of Confidential Criminal Investigator (JG12) and create one position of part time Confidential Criminal Investigator (JG10), and

WHEREAS, the Erie County Legislature, through their 2008 Budget Resolution Amendment "M" to COMM 19E-4, made available to the District Attorney additional funds in the amount of \$111,856, which was to be used for step increases for ADA's currently at pay steps 1-4, and

WHEREAS, the District Attorney feels that these funds would be better utilized by upgrading various positions within their Office to better retain the experienced and high performing personnel within these positions as well as make the salary level commensurate with the duties required of that position, and

WHEREAS, the District Attorney feels that by rewarding valuable employees, most of which have been at a stagnant pay scale since 2001, with much deserved upgrades, it will diminish the amount of turnover this office has been experiencing in recent years.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby provides authorization to eliminate one full time position of Confidential Criminal Investigator (JG12) position #51004003 and create one position of part time Confidential Criminal Investigator (JG10) (B100 #3502), and be it further

RESOLVED, that effective January 1, 2008, this Honorable Body does hereby provide authorization to revise the Budget Resolution Amendment "M" to COMM 19E-4 (2007) to cancel the step increases for ADAs at pay steps 1-4 and to make those funds available to provide for the adjustments noted on the attached spreadsheet, and be it further

RESOLVED, that nine positions of Assistant District Attorney II (JG13) (position #'s: 404, 410, 412, 413, 416, 418, 423, 424, 51004641) be deleted from fund center 11400 (B100 #3511), and that those individuals be promoted to that of Assistant District Attorney III, and be it further

RESOLVED, that four positions of Assistant District Attorney III (JG14) be created in fund center 11400 (B100 #3499), and be it further

RESOLVED, that two positions of Assistant District Attorney IV (JG15) be created in fund center 11400 (B100 #3498), and be it further

RESOLVED, that one position of Assistant District Attorney V (JG16) be created in fund center 11400 (B100 #3497), and be it further

RESOLVED, that one position of Assistant District Attorney VI (JG17) (position #51003959) be deleted from fund center 11400 (B100 #3496), and be it further

RESOLVED, that three positions of Assistant District Attorney VII (JG18) be created in fund center 11400 (B100 #3496), and be it further

RESOLVED, that the position of First Deputy District Attorney (position #3467) be changed from a JG20 to that of a JG21 in fund center 11400 (B100 #3495), and be it further

RESOLVED, that the position of Assistant Confidential Aide (position #325) be changed from a JG3 to that of a JG4 in fund center 11400 (B100 #3495), and be it further

RESOLVED, that the position of Confidential Aide (position #1841) be changed from a JG6 to that of a JG7 in fund center 11400 (B100 #3495), and be it further

RESOLVED, that the position of Confidential Clerk (position #1850) be changed from a JG7 to that of a JG9 in fund center 11400 (B100 #3495), and be it further

RESOLVED, that the position of Assistant Confidential Secretary-DA (position #327) be changed from a JG7 to that of a JG8 in fund center 11400 (B100 #3495), and be it further

RESOLVED, that the position of Confidential Secretary-DA (position #1866) be changed from a JG10 to that of a JG11 in fund center 11400 (B100 #3495), and be it further

RESOLVED, that the position of Deputy for Administration (position #2351) be changed from a JG15 to that of a JG16 in fund center 11400 (B100 #3495), and be it further

RESOLVED, that Assistant District Attorneys not covered in this resolution will receive one-time salary bonuses which will be funded by monies received from the New York State Department of Criminal Justice Services 2008 Recruitment and Retention Program, and be it further

RESOLVED, that the Director of Budget and the Commissioner of Personnel make any changes necessary to effectuate the implementation of this resolution retroactive to January 1, 2008, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Commissioner of Personnel and the Director of Budget and Management.

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

CARRIED UNANIMOUSLY.

Insert the following Resolve Clause between the Fifteenth (15) and Sixteenth (16) Resolve Clauses:

RESOLVED, that Assistant District Attorneys not covered in this resolution will receive one-time salary bonuses which will be funded by monies received from the New York State Department of Criminal Justice Services 2008 Recruitment and Retention Program, and be it further

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

CARRIED. (14-1)

Item 39 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of INTRO 14-3. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 22

RE: Removal of Tolls on Grand Island
 Bridges
 (INTRO 14-3)

WHEREAS, the tolls on the Grand Island Bridges have caused a hardship to all Western New Yorkers; and

WHEREAS, these tolls are an unfair tax to all Western New Yorkers who travel to and from their homes, place of employment and places they do business with; and

WHEREAS, Western New York is struggling economically due to all the many taxes forced upon us over the past decades, and

WHEREAS, the tolls are an inconvenience to residents and tourists and have a negative effect on commerce; and

WHEREAS, the lines at the toll booths increase the pollutants into the environment and waste precious fuel from idling motor vehicles; and

WHEREAS, these tolls should have been removed years ago when the bonds were paid off; and

WHEREAS, there are 936 bridges in the New York State Thruway System and only three bridges, the Grand Island Bridge, Tappan Bridge and the Chapin on the Hudson Bridge, are the only toll bridges; and

WHEREAS, in May of 2005 an additional hardship was imposed on Western New Yorkers by increasing the tolls 50% on the Grand Island Bridge; and

WHEREAS, the New York State Department of Transportation receives Federal highway dollars on a per mile basis for the NYS Thruway, creating a double taxation or double dipping; and

WHEREAS, these tolls result in an UNFAIR tax and blatant insult to the residents of Western New York in the form of double taxation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature joins with the Niagara County Legislature in support of removing the tolls from the Grand Island Bridges; and be it further

RESOLVED, that we ask Governor Spitzer for his support in removing this unfair tax to Western New Yorkers; and be it further

RESOLVED, that the Erie County Legislature and the Niagara County Legislature request the support of the Niagara and Erie County delegation in the New York State Senate and New York State Assembly to support this effort to remove the tolls; and be it further

RESOLVED, that the Economic Development Committee of the Erie County Legislature hold a information meeting to receive public input on the proposed removal of the Grand Island tolls; and be it further

RESOLVED, that each member of the Western New York State Senate and Assembly delegation respond in writing to the Erie County Legislature and Niagara County Legislature as to their support or non-support of this important issue; and be it further

RESOLVED, that certified copies of this resolution be sent to the WNY delegation, the majority and minority leaders of the NYS Senate and NYS Assembly, the Supervisor of the Town of Grand Island, Niagara County Legislature, and Erie County Legislator Timothy M. Kennedy, Chairman of the Erie County Legislature's Economic Development Committee.

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

CARRIED UNANIMOUSLY.

Delete the Fourth Resolve Clause in its entirety.

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

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 40 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-30 from the COMPTROLLER Re: 2008 Request for Personal Service Adjustments – Office of Comptroller Division of Audit and Control

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 41 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-31 from the COMPTROLLER Re: Comm. 2E-17 – New Accountant Position in Department of Emergency Service

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 42 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-32 from MARINELLI Re: 2008 Committee Assignments

Received, Filed and Printed.

2008 Committee Assignments

Finance & Management

Chairperson: Kathy Konst
Vice-Chairperson: Robert B. Reynolds Jr.
Members: Betty Jean Grant
Maria R. Whyte
John J. Mills
Clerk: John Calvin Davis

Health and Human Services

Chairperson: Thomas J. Mazur
Vice-Chairperson: Barbara Miller-Williams
Members: Thomas A. Loughran
Betty Jean Grant
Edward A. Rath, III
Clerk: Paul P. Henderson

Government Affairs

Chairperson: Barbara Miller-Williams
Vice-Chairperson: Maria R. Whyte
Members: Daniel M. Kozub
Robert B. Reynolds Jr.
John J. Mills
Clerk: Kevin J. Hosey

Economic Development

Chairperson: Timothy M. Kennedy
Vice-Chairperson: Kathy Konst
Members: Timothy M. Wroblewski
Barbara Miller-Williams
Edward A. Rath, III
Clerk: James C. Gambino

Energy & Environment

Chairperson: Daniel M. Kozub

Public Safety

Chairperson: Timothy M. Wroblewski

**MEETING NO. 2
JANUARY 24, 2008**

ERIE COUNTY LEGISLATURE

Vice-Chairperson: Thomas A. Loughran
Members: Kathy Konst
Maria R. Whyte
John J. Mills
Clerk: Paul M. Tarapacki

Vice-Chairperson: Daniel M. Kozub
Members: Timothy M. Kennedy
Michele M. Iannello
John J. Mills
Clerk: Jeremy C. Rosen

Community Enrichment

Chairperson: Betty Jean Grant
Vice-Chairperson: Michele M. Iannello
Members: Robert B. Reynolds Jr.
Timothy M. Kennedy
Thomas J. Mazur
Michael H. Ranzenhofer
Clerk: Brian C. Bray

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR MAZUR

Item 43 – MS. WHYTE presented to following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded. MR. MAZUR abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 22

RE: Lease Agreement for
Legislative Office Space
(COMM. 2E-1)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Raymond Bova for Legislative office space for Thomas Mazur, located at 1214 Walden Avenue, Cheektowaga, New York 14211 for a monthly rate of \$550.

FROM LEGISLATOR REYNOLDS

Item 44 – MS. WHYTE presented to following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MR. REYNOLDS abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 23

RE: Lease Agreement for
Legislative Office Space
(COMM. 2E-2)

MEETING NO. 2
JANUARY 24, 2008

ERIE COUNTY LEGISLATURE

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with One Main Holdings LLC for Legislative office space for Robert Reynolds, located at 1 Main Street, Hamburg, New York 14075 for a monthly rate of \$650.

FROM LEGISLATOR MARINELLI

Item 45 – (COMM. 2E-3) 2008 Schedule of Legislative Sessions (Revised)

Received, Filed and Printed.

To: Robert M. Graber, Clerk

From: Lynn M. Marinelli, Chairperson

Subject: 2008 SCHEDULE OF LEGISLATIVE SESSIONS (REVISED)

JANUARY

8
24

JULY

10
17

FEBRUARY

7
21

AUGUST

Recess

MARCH

6
20

SEPTEMBER

11
25

APRIL

3
24

OCTOBER

2
23

MAY

8
29

NOVEMBER

6
20

JUNE

12
26

DECEMBER

2 Budget
4
9 Budget Override
18

FROM LEGISLATOR WROBLEWSKI

Item 46 – MS. WHYTE presented to following resolution and moved for immediate consideration and approval. MR. REYNOLDS seconded. MR. WROBLEWSKI abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 24

RE: Lease Agreement for
Legislative Office Space
(COMM. 2E-4)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Michalek & Michalek LLC for Legislative office space for Timothy Wroblewski, located at 531 Center Rd. (South West Corner, 2nd Fl.), West Seneca, New York 14224 for a monthly rate of \$700.

FROM THE DISTRICT ATTORNEY

Item 47 – (COMM. 2E-5) Victim Witness Assistance Grant

Received and referred to the PUBLIC SAFETY COMMITTEE

FROM THE COMPTROLLER

Item 48 – (COMM. 2E-6) Management Letter for Erie County for Year Ended 12/31/06

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

FROM THE SHERIFF

Item 49 – MR. WROBLEWSKI presented to following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 25

RE: Law Enforcement Terrorism Prevention
Program (LETPP) for Bomb Squads
(COMM. 2E-7)

WHEREAS, Erie County has been a participant in the Department of Homeland Security Grant Program receiving funding under the Law Enforcement Terrorism Prevention Program since 2004 and,

WHEREAS, the State of New York Office of Homeland Security has awarded \$100,000 to the Erie County Sheriff's Office in LETPP funding specifically allocated to agencies with established Bomb Squads Units, and

WHEREAS, these funds will be used to purchase equipment that will enhance the Sheriff’s Office ability to respond to terrorist attacks and minimize the danger to the officers assigned to the explosive ordnance disposal unit, 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 \$100,000 from the State of New York Office of Homeland Security, and it be further,

RESOLVED, that authorization is hereby provided to budget those funds as follows:

Erie County Sheriff’s Office – Fund Center 11510

<u>REVENUE</u>	<u>Increase</u>
SAP Account 409000 – State Aid Revenues	<u>100,000</u>
TOTAL REVENUE	<u>100,000</u>
 <u>APPROPRIATIONS</u>	 <u>Increase</u>
SAP Account 505200 – Clothing Supplies	1,985
SAP Account 506200 – Maintenance & Repair	3,760
SAP Account 561410 - Lab & Technical Equipment	76,255
SAP Account 561440 – Motor Vehicles	<u>18,000</u>
TOTAL APPROPRIATIONS	<u>100,000</u>

and it be further

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

FROM LEGISLATOR MARINELLI

Item 50 – MS. WHYTE presented to following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MS. MARINELLI abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 26

RE: Lease Agreement for
Legislative Office Space
(COMM. 2E-8)

MEETING NO. 2
JANUARY 24, 2008

ERIE COUNTY LEGISLATURE

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with David J. Galbo for Legislative office space for Lynn Marinelli, located at 1701 Hertel Ave., Buffalo, New York 14216 for a monthly rate of \$650.

Item 51 – (COMM. 2E-10) Reassignment of Personnel Committee Items

Received, Filed and Printed.

January 10, 2008

Mr. Robert M. Graber
 Clerk – Erie County Legislature
 92 Franklin Street
 4th Floor
 Buffalo, New York 14202

Dear Mr. Graber

Please include within the Health & Human Services Committee agenda all items that were directed to the Health Committee and Human Services Committee in 2007.

Also, please redirect the following items that were in the Personnel Committee in 2007 to the indicated Committee.

ITEM NO.	FROM	SUBJECT	COMMITTEE
LL INT. 1-1	MILLS, RANZENHOFER & WEINSTEIN	A LL Requiring Elected Officials to Resign From Office Upon Being Convicted of a Misdemeanor or Felony	Government Affairs
COMM. 3E-48	MARINELLI	Personnel Committee Matrix Training	R&F
COMM. 5D-2	COUNTY ATTORNEY	Legal Opinion of Local Law Intro. No. 1-2007	Government Affairs
COMM. 7E-1	MILLS	Copy of Letter to Konst Re: Rules, Procedures, and Terms and Conditions in Place for the Removal of an Elected Officials	Government Affairs
COMM. 9E-9	COUNTY EXECUTIVE	Sewerage Management - Personnel Request	Energy & Environment
COMM. 11E-7	COMPROLLER	IRS Policy on Mobile Telephones for Employees	Government Affairs
INTRO 17-2	KONST	Proposed Changes to the Erie County Ethics Code	Government Affairs

MEETING NO. 2
JANUARY 24, 2008

ERIE COUNTY LEGISLATURE

COMM. 26D-1	LABOR RELATIONS	Opinion and Award; Compulsory Interest Arbitration between Erie County and the Sheriff of Erie County and Erie County Sheriff's Police Benevolent Assn.	Public Safety
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Sincerely,

Lynn M. Marinelli
 Chair – Erie County Legislature

Item 52 – (COMM. 2E-11) 2008 Legislature Invocation and Pledge of Allegiance Schedule

Received, Filed and Printed.

To: Robert M. Graber, Clerk
 From: Lynn M. Marinelli, Chair
 Subject: 2008 LEGISLATURE INVOCATION AND
 PLEDGE OF ALLEGIANCE SCHEDULE

ORDER OF NAMES – INVOCATION - PLEDGE

JANUARY

8 - Kozub and Kennedy
 24 – Miller-Williams and Ranzenhofer

FEBRUARY

7 – Konst and Whyte
 21 – Grant and Mazur

MARCH

6 – Wroblewski and Iannello
 20 – Reynolds and Mills

APRIL

3 – Loughran and Rath
 24 – Kennedy and Kozub

MAY

8 – Ranzenhofer and Miller-Williams
 29 – Whyte and Konst

JULY

10 – Mills and Reynolds
 17 – Rath and Loughran

AUGUST

Recess

SEPTEMBER

11 – Kozub and Kennedy
 25 – Miller-Williams and Ranzenhofer

OCTOBER

2 – Konst and Whyte
 23 – Grant and Mazur

NOVEMBER

6 – Wroblewski and Iannello
 20 – Reynolds and Mills

JUNE

12 – Mazur and Grant

26 – Iannello and Wroblewski

DECEMBER

2 *Budget*

4 – Loughran and Rath

9 *Budget Override*

18 – Kennedy and Kozub

FROM THE COUNTY EXECUTIVE

Item 53 – (COMM. 2E-12) Appointment of Erie County Representative to the Erie County Greenway Fund Standing Committee

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE

Item 54 – (COMM. 2E-13) Appointment to Local Early Intervention Coordinating Council

Received, Filed and Printed.

January 22, 2008

The Honorable
Erie County Legislature
92 Franklin St., 4th Floor
Buffalo, NY 14202

Re: Appointments to Local Early Intervention Coordinating Council

Dear Members:

I, Chris Collins, Erie County Executive, pursuant to N.Y.P.L. 99-457 (H), do hereby appoint the following individuals to the Local Early Intervention Coordinating Council for a term expiring December 31, 2010.

Jessica Wagner
2153 Bedell Rd.
Grand Island, NY 14072

Jennifer LaFratta
161 Woodlawn
Depew, NY 14043

Sue Argy
3554 Sandy Beach Rd.
Grand Island, NY 14072

Melissa Golpl
212 Travers Circle
Amherst, NY 14228

Elizabeth Stevens
5704 Fieldbrook Dr.
E. Amherst, NY 14051

Lori Heary
Disabilities Services Coordinator
CAO Head Start Program
70 Harvard Place
Buffalo, NY 14209

**MEETING NO. 2
JANUARY 24, 2008**

ERIE COUNTY LEGISLATURE

Tama Crowell
Baker Victory Services
Early Childhood Program
51 St. Johns Parkside
Buffalo, NY 14220

Cecily Peinkofer
WNYDDSO
110 W. Third St.
Jamestown, NY 14701

Robert Breindenstein
Director of Special Education
West Seneca Central School District
1397 Orchard Park Rd.
West Seneca, NY 14224

Bill O'Meara
Rath Building
95 Franklin St., Room 828
Buffalo, NY 14202

Reappointment

Amy Jo Adler
86 Homer Ave.
Buffalo, NY 14216

Vickie Rubin
Early Childhood Direction Ctr.
888 Delaware Ave.
Buffalo, NY 14209

Mary Morilus-Black
LCSWR
478 Main St.
Hens & Kelly Bldg., Room 210
Buffalo, NY 14202

Respectfully submitted,

CHRIS COLLINS
Erie County Executive

Mary Iwanenko
Executive Director
Monarch Little Learners Academy
1025 Ridge Rd.
Lackawanna, NY 14218

Lynn Czemerynski
Director of Special Education
Orchard Park Central Schools
3300 Baker Rd.
Orchard Park, NY 14217

Mary Martin
Rath Building
95 Franklin St., Room 828
Buffalo, NY 14202

Dr. Judith Bondurant-Utz
Buffalo State College
1300 Elmwood Ave., KH 110-E
Buffalo, NY 14222

Tami Treutlen
SLCA
3993 Harlem Rd.
Amherst, NY 14226

Lisa Kowal
16 Waverly Dr.
Kenmore, NY 14217

cc: Appointees
Deputy Commissioner of Health Patrick Ruffino

Item 55 – (COMM. 2E-14) 2008 Technical Budget Adjustment – Deputy Commissioner of Emergency Medical Services

Received and referred to the PUBLIC SAFETY COMMITTEE

Item 56 – (COMM. 2E-15) Appointment to Central Police Services Board of Trustees

Received, Filed and Printed

January 22, 2008

The Honorable
Erie County Legislature
92 Franklin St.
Buffalo, New York 14202

Re: Appointment to Central Police Services Board of Trustees

Honorable Members:

Pursuant to Article 11-D-03 of the Erie County Administrative Code, I, Chris Collins, Erie County Executive, do hereby appoint the following individual to the Central Police Services Board of Trustees:

<u>NAME</u>	<u>TERM EXPIRES</u>
Peter M. Vito 461 Linwood Ave. Buffalo, NY 14209	December 31, 2008

Very truly yours,

CHRIS COLLINS
ERIE COUNTY EXECUTIVE

CCC:ckc
Cc: Peter M. Vito
Commissioner Gregory Skibitsky

Item 57 – (COMM. 2E-16) Emergency Services – Homeland Security – Homeland Security Grant Adjustment

Item 58 – (COMM. 2E-17) Emergency Services – Position Adjustment for Homeland Security

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

Item 59 – (COMM. 2E-18) WNY AmeriCorps Fund – 20 School Street Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE

Item 60 – (COMM. 2E-19) Social Services – Safety Net Assistance Project Grant

Item 61 – (COMM. 2E-20) Youth Bureau – A Partnership for Youth Grant

Item 62 – (COMM. 2E-21) Health – Public Health Campaign TB – 3/31/07 – 3/30/08 – SAP: 127PHCTB0708

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

Item 63 – (COMM. 2E-22) DEP – Illicit Connection Trackdown and Evaluation Project

Item 64 – (COMM. 2E-23) ECSD Nos. 3 & 6 – Engineer Term Agreement – Work Order: MPI-8

Item 65 – (COMM. 2E-24) DEP – ECSD Nos. 1, 2, 3, 4, 5, & 6 – Engineer Term Agreement – DiDonato Associates – Change Order No. 2

Item 66 – (COMM. 2E-25) ECSD No. 4 – Vanderbilt Pumping Station Upgrade – ORF – Chlorine Chamber Influent Weir Modifications and Depew Pumping Station – Forcemains Valve Replacements

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

Item 67 – MS. WHYTE presented to following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 27

RE: ECSD No. 8 – NYS DOT
Proposed Agreement
(COMM. 2E-26)

WHEREAS, the Village of East Aurora has become part of Erie County Sewer District No. 8 (ECSD No. 8); and

WHEREAS, ECSD No. 8 is desirous of having a joint construction project with the New York State Department of Transportation (NYSDOT) to rebuild the Main Street sanitary sewers when the NYSDOT reconstructs the roads in 2008 and 2009; and

WHEREAS, cost estimates show that the estimated cost to Erie County Sewer District No. 8 is now \$2,200,000.

NOW, THEREFORE, BE IT

RESOLVED, that an agreement between the County, on behalf of Erie County Sewer District No.8, and the NYSDOT for the rebuilding of the Main Street sanitary sewers in the Village of East Aurora together with the NYSDOT's reconstruction of the roads is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said 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 Comptroller be authorized and directed to reimburse the NYSDOT an amount not to exceed \$2,200,000 from ECSD No. 8 \$4,000,000 Bond authorization (ECSD No. 8 capital account number to be assigned upon approval of the pending \$4,000,000 bond authorization), for the replacement of Main Street sanitary sewers, subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to the County Executive; the Erie County Comptroller; Gregory Dudek, Assistant County Attorney; the Director of Budget, Management and Finance; and two (2) certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner of the Department of Environment and Planning.

Item 68– (COMM. 2E-27) Authorization to Amend the III-C-1, III-D and WRAP-SOFA Grant Budgets

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE

Item 69– (COMM. 2E-28) Traffic Safety Program Grant 2008

Received and referred to the PUBLIC SAFETY COMMITTEE

Item 70– (COMM. 2E-29) Open Item – Sewer District Bond Authorization

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THOMAS J. WHETHAM, P.E. – DEPUTY COMMISSIONER OF DEP

Item 71 – (COMM. 2D-1) Copy of Letter to DEP Commissioner Re: Letter of Resignation

Received and filed.

**MEETING NO. 2
JANUARY 24, 2008**

ERIE COUNTY LEGISLATURE

FROM BRYAN FIUME – LEGISLATURE MINORITY STAFF

Item 72 – (COMM. 2D-2) Letter of Resignation

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 73 – (COMM. 2D-3) Changing Dates Legislature Sessions

Received, Filed and Printed.

DATE: January 9, 2008
 TO: All Members of the Erie County Legislature
 FROM: Robert M. Graber, Clerk
 RE: CHANGING DATES OF LEGISLATURE SESSIONS

Please be advised that Legislature Chair Lynn M. Marinelli has changed the dates of the sessions of the Erie County Legislature scheduled for January 17, 2008 at 2:00 PM to January 24, 2008 at 2:00 PM; and October 9, 2008 at 2:00 PM to October 2, 2008 at 2:00 PM.

Pursuant to Section 2.01 of the Rules of Order for the Erie County Legislature, the Chairperson is authorized to establish the schedule for regular sessions of the Legislature.

Thank you.

FROM THE DEPARTMENT OF LAW

Item 74 – (COMM. 2D-4) Transmittal of New Claims Against Erie County

Received and filed.

FROM THE CLERK OF THE GOVERNMENT AFFAIRS COMMITTEE

Item 75– (COMM. 2D-5) Refiling of the Fact-Finding Report Between Erie County and AFSCME Local 1095

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Item 76 – (COMM. 2M-1) Notice of Rescheduling of January Board Meeting(s)

Received and filed.

FROM THE ERIE CANAL HARBOR DEVELOPMENT CORPORATION

Item 77 – (COMM. 2M-2) Memorial Auditorium and Donovan Office Building –
Segmentation Findings and Determination of No Significant Effect on the Environment

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM COLUCCI & GALLAGHER, P.C.

Item 78 – (COMM. 2M-3) Erie County Medical Center Corporation

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CATTARAUGUS COUNTY

Item 79 – (COMM. 2M-4) Copy of Certified Resolution Re: Supporting Completion of
Route 219 Project

Received and filed.

FROM MEALS ON WHEELS FOR WNY

Item 80 – (COMM. 2M-5) Reply to Comm. 1E-4

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NYS DEC

Item 81 – (COMM. 2M-6) Appointments to the Region 9 Fish and Wildlife Management
Board

FROM THE NYS COMPTROLLER

Item 82 – (COMM. 2M-7) Establishment of the EC Sewer District No. 8

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

FROM OPERATION PETS

Item 83 – (COMM. 2M-8) Reply to Comm. 1E-2

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE TOWN OF TONAWANDA TOWN BOARD

Item 84 – (COMM. 2M-9) Requesting Direct Payment of Erie County Sales Tax to the Town

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO NIAGARA CONVENTION & VISITORS BUREAU

Item 85 – (COMM. 2M-10) Reply to Comm. 1E-11 and Comm. 1E-9

FROM THE BUFFALO NIAGARA CONVENTION CENTER

Item 86 – (COMM. 2M-11) Reply to Comm. 1E-10

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE LEGAL AID BUREAU OF BUFFALO, INC.

Item 87 – (COMM. 2M-12) Monthly Report and Monthly Activity Report for December 2007

FROM NYS DEC

Item 88 – (COMM. 2M-13) Roblin Steel (formerly Wickwire Spencer) – Site No. 915056

The above two items were received and filed.

FROM THE ERIE COUNTY SOIL & WATER CONSERVATION DISTRICT

Item 89 – (COMM. 2M-14) Reply to Comm. 1E-6

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

FROM ALTERNATIVE CARE SERVICES OF WNY (ALDEN'S MEALS ON WHEELS)

Item 90 – (COMM. 2M-15) Reply to Comm. 1E-7

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

FROM THE NIAGARA ERIE REGIONAL COALITION

Item 91 – (COMM. 2M-16) Reply to Comm. 1E-12

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM CORNELL UNIVERSITY COOPERATIVE EXTENSION

Item 92 – (COMM. 2M-17) Reply to Comm. 1E-3

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM VIVE – LA CASA

Item 93 – (COMM. 2M-18) Reply to Comm. 1E-8

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

MEMORIAL RESOLUTIONS

Item 94 - Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Lena (Monaco) Podoba.

Item 95 - Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Pearl C. Wonsiensi.

Item 96 - Legislator Grant requested that when the Legislature adjourns, it do so in memory of Aviva L. Merritt.

Item 97 - Legislator Ranzenhofer requested that when the Legislature adjourns, it do so in memory of Fred Friedman.

Item 98 - Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Brian Hansen.

Item 99 - Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Eda Valli Quigley.

ADJOURNMENT

Item 100 - At this time, there being no further business to transact, Chair Marinelli announced that the Chair would entertain a Motion to Adjourn.

MR. MILLS moved that the Legislature adjourn until Thursday, February 7, 2008 at 2 p.m. Eastern Standard Time. MS. WHYTE seconded.

**MEETING NO. 2
JANUARY 24, 2008**

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

Chairperson Marinelli declared the Legislature adjourned until Thursday, February 7, 2008 at 2 p.m. Eastern Standard Time.

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