

ERIE COUNTY LEGISLATURE
MEETING NO. 8
APRIL 24, 2008

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Mr. Kennedy, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Kozub.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Number 7 from 2008. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. IANNELLO presented a resolution Recognizing Carol J. Horrigan – Grand Island Chamber of Commerce Citizen of the Year for Education.

Item 6 – MS. IANNELLO presented a resolution Recognizing Mary A. Dunbar-Daluisio – Grand Island Chamber of Commerce Citizen of the Year.

Item 7 – MS. IANNELLO presented a resolution Recognizing Dolly D’Orazio – Grand Island Chamber of Commerce Citizen of the Year for Community Service.

Item 8 – MS. IANNELLO presented a resolution Recognizing Sara Kurpiewski - On Being Named the Rotary/PTSA Student of the Month.

Item 9 – MS. IANNELLO presented a resolution Recognizing Rich Karpie - On Being Named the Rotary/PTSA Student of the Month.

Item 10 – MS. IANNELLO presented a resolution Recognizing Kristin Toellner - On Being Named the Rotary/PTSA Student of the Month.

Item 11 – MS. IANNELLO presented a resolution Recognizing Amanda Rundgren - Ken-Ton Family YMCA Employee of the Year.

Item 12 – MS. IANNELLO presented a resolution Recognizing Josh Kaplan - On Being Named the Rotary/PTSA Student of the Month.

Item 13 – MS. IANNELLO presented a resolution Recognizing Bonnie Parsons - Zonta Rose Day Awards on Women’s Day March 7, 2007.

Item 14 – MS. IANNELLO presented a resolution Recognizing Mary Dankovich - Zonta Rose Day Awards on Women’s Day March 7, 2007.

Item 15 – MS. IANNELLO presented a resolution Recognizing Mary Hoffman - Zonta Rose Day Awards on Women’s Day March 7, 2007.

Item 16 – MS. IANNELLO presented a resolution Recognizing Francis Warthling - 2007 Lackawanna Area Chamber of Commerce Person of the Year.

Item 17 – MS. IANNELLO presented a resolution Recognizing The Kenmore East Model United Nations Team.

Item 18 – MS. IANNELLO presented a resolution Recognizing Genevieve Wright on Her 100th Birthday Celebrated on April 10, 2008.

Item 19 – MS. IANNELLO presented a resolution Recognizing Vito Ferraro – Celebrating His 100th Birthday on April 6th.

Item 20 – MS. IANNELLO presented a resolution Recognizing Angeline Scalia on the Occasion of Her 100th Birthday.

Item 21 – MS. IANNELLO presented a resolution Recognizing Cannon Design – Grand Island Chamber of Commerce Business of the Year.

Item 22 – MS. IANNELLO presented a resolution Recognizing the Zonta Club of Grand Island – Grand Island Chamber of Commerce Organization of the Year.

Item 23 – MS. IANNELLO presented a resolution Recognizing Anthony A. Brindisi – Grand Island Chamber of Commerce Business Person of the Year.

Item 24 – CHAIR MARINELLI presented a resolution Congratulating Susan J. Grelick on Being Honored by Daemen College Associates.

Item 25 – MR. MAZUR & CHAIR MARINELLI presented a resolution recognizing that April is Alcohol Awareness Month.

Item 26 – MR. KENNEDY presented a resolution Recognizing All of the Rince Na Tiarna Irish Dancers, Their Supportive Families, Mary Kay Heneghan and the Rest of the Dance Instructors.

Item 27 – MR. LOUGHRAN presented a resolution recognizing the Ecology & Environment Earth Day 2008 Initiative - April 22, 2008.

Item 28 – CHAIR MARINELLI presented a resolution Honoring Justice Ann T. Mikoll, Founder of the Kosciuszko Foundation, on Its 20th Anniversary.

Item 29 – MS. IANNELLO presented a resolution Honoring Barry Arbogast for Saving the Lives of Brian Mahoney and Charles Faraci.

Item 30 – MS. IANNELLO presented a resolution Honoring Cory Arbogast for Saving the Lives of Brian Mahoney and Charles Faraci.

Item 31 – MS. IANNELLO presented a resolution Recognizing Beverly Kinney as the 2008 Ort Leadership Award/Woman of the Year.

Item 32 – MR. REYNOLDS presented a resolution Congratulating the Patchin Fire Company and Ladies Auxiliary on Their 75 Years of Service.

Item 33 – MR. REYNOLDS presented a resolution Proclaiming the Month of May 2008 as Motorcycle Awareness Month.

Item 34 – MR. REYNOLDS presented a resolution Proclaiming April 28, 2008 as Workers' Memorial Day in the County of Erie.

Item 35 – MR. REYNOLDS presented a resolution Raising Awareness to Improve Building Safety at Home and in the Community.

Item 36 – MR. REYNOLDS presented a resolution Recognizing April 27 Through May 3, 2008 as Municipal Clerks' Week.

Item 37 – MR. MAZUR presented a resolution Recognizing April as Cancer Control Month.

Item 38 – MR. MILLS presented a resolution Recognizing Saint Aloysius School in Springville on its 125th Anniversary.

Item 39 – MS. IANNELLO presented a resolution Honoring the Memory of Wilma Pohl.

Item 40 – MS. KONST presented a resolution of Congratulations on the 75th Anniversary of the Founding of the Alden Ladies Auxiliary.

Item 41 – CHAIR MARINELLI, MS. WHYTE, MR. MILLS, MR. KOZUB, MR. KENNEDY, MS. KONST, MS. GRANT, MR. MAZUR, MR. WROBLEWSKI, MS. IANNELLO, MR. REYNOLDS and MR. LOUGHRAN presented a resolution Recognizing the Erie County Comptroller's Office on Receiving the Bronze Knighton Award.

Item 42 – MS. MILLER-WILLIAMS presented a resolution In Memory of Bishop LeRoy Anderson.

Item 43 – MS. MILLER-WILLIAMS presented a resolution Honoring the 2008 Mary B. Talbert Civic and Cultural Club 35th Annual Scholarship Community Award Winners.

Item 44 – MR. LOUGHRAN presented a resolution Honoring Daemen College Associates 2008 Community Service Award Winner Former Amherst Supervisor Susan Grelick.

MS. WHYTE moved for consideration of the above fourty items. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above forty items by including Et Al Sponsorship and adding one from MR. REYNOLDS. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above forty-one items as amended. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 45 - CHAIR MARINELLI directed that Local Law No. 1 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 46 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 47 - CHAIR MARINELLI directed that Local Law No. 8 (Print #1) 2007 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 48 - CHAIR MARINELLI directed that Local Law No. 9 (Print #1) 2007 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 49 - CHAIR MARINELLI directed that Local Law No. 2 (Print #1) 2008 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 50 - CHAIR MARINELLI directed that Local Law No. 3 (Print #2) 2008 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 51 - MR. MAZUR presented the following report, moved to separate item Number 1-B and moved to approve the balance of the report. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136

APRIL 17, 2008	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 1M-18 (2008)
ECMC: ECMCC Audit by Comptroller Mark C. Poloncarz
(4-0)
 - b. COMM. 7E-18 (2008)
RATH: Letter to Health & Human Services Chair Thomas J. Mazur Concerning Project Sticker Shock
(4-0)
 - c. COMM. 7M-14 (2008)
ECMCC: Annual Audit Report Certification
(4-0)
 - d. COMM. 7M-15 (2008)
ECMCC: Annual Report Required by New York Public Authorities Law
(4-0)
2. COMM. 7E-6 (2008)
COUNTY EXECUTIVE
WHEREAS, New York State requires that the Medical Examiner's Toxicology Laboratory maintain forensic laboratory accreditation, and

WHEREAS, Federal funds have been appropriated through the State's Division of Criminal Justice Services, and

WHEREAS, the Medical Examiner's Division has received a grant award in March, 2008, in the amount of \$60,800 through the Division of Criminal Justice Services under the National

Forensic Sciences Improvement Act for the purchase of lab and technical equipment which includes a nitrogen generator and compressor and an autoinjector module.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services to accept a grant award which revises the FY08 budget in cost center no. 1274020 as follows:

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Change</u>	<u>Amended Budget</u>
561410	Lab & Technical Equip.	-0-	\$60,800	\$60,800

REVENUE

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Change</u>	<u>Amended Budget</u>
409000	State Aid Revenues	-0-	\$60,800	\$60,800

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Comptroller's Office, the County Executive's Office, the Division of Budget and Management and Finance, the department of Law and to Dr. Anthony J. Billittier, IV, Commissioner, in the Department of Health, Rath Building, 9th Floor.

(4-0)

3. COMM. 7E-7 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health operates the WIC Program, under a grant fully funded by the New York State Department of Health; and

WHEREAS, the purpose of this program is to provide nutrition related services to pregnant and breastfeeding women, infants and children; and

WHEREAS, we have received a revised grant award from the New York State Department of Health which increases funding for staff; and

WHEREAS, in order to efficiently meet the needs of the WIC Program and to increase caseload and patient services, it is necessary to create one regular part time position of Assistant Nutritionist, as indicated on B100 Control #3663.

NOW, THEREFORE, BE IT

RESOLVED, that one regular part time position, is hereby created on B100 Control # 3663 as outlined below:

Cost

<u>Center</u>	<u>No. of</u>	<u>Position</u>	<u>JG</u>	<u>Step</u>	<u>Action</u>	<u>FY08Budget</u>	<u>FY 08 Cost</u>
1271670	1	Ass't. Nutritionist RPT	8	0	Add	-0-	\$13,801

and be it further

RESOLVED, that the budget for Cost Center 1271670 Personal Wellness WIC Grant 127WIC070 for FY 2008 be revised as follows:

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Change</u>	<u>Amended Budget</u>
500020	Regular – PT Wages	-0-	\$13,801	\$13,801

REVENUE

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Change</u>	<u>Amended Budget</u>
409000	State Aid	\$2,887,271	\$13,801	\$2,897,072

The following personnel detail is hereby submitted:

Title: Assistant Nutritionist
Number of Hours to be Worked: 39
Hourly Wage: \$15.79
County's Share: 0
Manner in which position will be filled: Civil Service List
Fringe Benefits: \$6.72/hr.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Comptroller's Office, the County Executive's Office, Department of Personnel, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and Dr. Anthony J. Billittier, IV, Commissioner, Department of Health, Rath Building, 9th Floor.
(4-0)

4. **COMM. 7E-8 (2008)**

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has been awarded a total of \$14,900 for the purpose of encouraging health care providers to screen all sexually active females under 25 year for Chlamydia to prevent pelvic inflammatory disease, subsequent infertility and increased HIV infection risk and to offer through an educational intervention all young women up to 26 years a Human Papillomavirus vaccine to prevent cervical cancer and genital warts; and

WHEREAS, the Erie County Department of Health has committed staff and time to provide medical education to physician offices to identify females infected with Chlamydia to prevent sequelae such as pelvic inflammatory disease, infertility and increased HIV infection risk and to prevent Human Papillomavirus infection and cervical cancer and genital warts and to evaluate this educational intervention.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept an award funded by the New York State Health Department which revises the FY 08 Budget of the Health Division Funding Center No. 12700 as follows:

APPROPRIATIONS

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Change</u>	<u>Amended Budget</u>
516020	Professional Services Contracts & Fees	\$1,670,572	\$+14,900	\$1,685,472

REVENUES

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Change</u>	<u>Amended Budget</u>
409020	Miscellaneous State Aid	-0-	\$+14,900	\$14,900

and be it further

RESOLVED, that the County Executive is hereby authorized to provide medical education to physician offices to identify females infected with Chlamydia to prevent sequelae such as pelvic inflammatory disease, infertility and increased HIV infection risk and to prevent Human Papillomavirus infection and cervical cancer and genital warts and to evaluate this educational intervention to fulfill the work plan of the project; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Comptroller's Office, the County Executive's Office, the Division of Budget and Management, and the Department of Law, and to Dr. Anthony J. Billittier, IV, Commissioner, in the Department of Health, Rath Building, 9th Floor.
(4-0)

THOMAS J. MAZUR
CHAIR

CHAIR MARINELLI directed that item Number 1-B be returned to the HEALTH & HUMAN SERVICES COMMITTEE for further consideration.

GRANTED.

Item 52 – MS. GRANT presented the following report and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

	COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 1M-8 (2008)
BUFFALO COMMON COUNCIL: Copy of Letter to BECPL Executive Director Re: Calling Upon the Erie County Library Board to Restore Library Services to the City of Buffalo with its Additional Funding of \$1.6 Million
(7-0)
 - b. COMM. 7M-7 (2008)
THE LEGISLATURE OF ROCKLAND COUNTY: Certified Resolutions Concerning Base Student Aid and SUNY Retirement Plan Contributions
(7-0)

BETTY JEAN GRANT
CHAIR

Item 53 – MR. KENNEDY presented the following report, moved to separate item Number 2, and moved to approve the balance of the report. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

APRIL 17, 2008	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RATH. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 3-2 (2007)
RANZENHOFER, WEINSTEIN & MILLS: Calling on Governor Spitzer to Allow Already Appropriated Funds to be Used to Tear Down Memorial Auditorium
(4-0) Chair Marinelli not present for vote.
 - b. COMM. 7E-16 (2008)
COMPROLLER: Letter Concerning Wehrle Drive Project
(4-0) Chair Marinelli not present for vote.

2. COMM. 7E-14 (2008)

COUNTY EXECUTIVE

WHEREAS, we currently lack staff to adequately inspect and supervise Construction Inspection on Federal Aid Highway and Bridge Projects; and

WHEREAS, by adding the several positions including:

- (1) Assistant Deputy Commissioner – Highway Maintenance (Job Grade 13)
- (1) Assistant Civil Engineer (Job Grade 11)
- (1) Junior Civil Engineer (Job Grade 9)
- (2) Principal Engineer Assistant (Job Grade 8)

we can supervise the work with County personnel; and

WHEREAS, it is more cost effective to provide these services with County personnel instead of consultant forces; and

WHEREAS, to fund these new positions, FHWA will pay 80% of the cost of the personnel and the State will pay approximately 15 % of the salary costs (including benefits), with the 5% Erie County Share being available from the Wehrle Reconstruction Project – Federal Aid under SAP Account number B.00169; and

WHEREAS, should Consultant forces be used for this work, the same reimbursement would be applicable; and

WHEREAS, when construction on this project is complete and the funds are depleted, all positions will therefore be eliminated.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the creation of the following positions;

- (1) Assistant Deputy Commissioner – Highway Maintenance (Job Grade 13)
- (1) Assistant Civil Engineer (Job Grade 11)
- (1) Junior Civil Engineer (Job Grade 9)
- (2) Principal Engineer Assistant (Job Grade 8)

and be it further

RESOLVED, B-100's have been created in the SAP system being numbers 3616, 3617, 3618 and 3619 to accomplish this addition. Funding for the County share is contained within SAP Account B.00169 – Wehrle Reconstruction Project - Federal Aid, with the maximum amount budgeted at \$665,000.00; and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the

County Executive, the Commissioner of Personnel, the Director of Budget, Management & Finance, and the Office of the Comptroller.
(5-0)

TIMOTHY M. KENNEDY
CHAIR

MR. KENNEDY moved to amend item Number 2. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

Delete the second Resolve Clause in its entirety and insert the following:

RESOLVED, B-100's have been created in the SAP system being numbers 3616, 3617, 3618, and 3619 to accomplish this addition. Funding for the County share is contained within SAP Account B. 00169—Wehrle Reconstruction Project—Federal Aid, with the maximum amount budgeted at \$565,000.00; and be it further

RESOLVED, that when construction on this project is complete and the funds are depleted, all positions created by this resolution will be eliminated; and be it further

MR. KENNEDY moved to approve item Number 2 as amended. MR. RANZENHOFER seconded.

CARRIED UNIMOUSLY.

Item 54 - MS. KONST presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 139

APRIL 17, 2008	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. INTRO 6-17 (2008)
MILLS, RANZENHOFER, RATH & KONST: Directing the County Comptroller to Verify the Savings to Erie County Taxpayers by Issuing Mirror Bonds
(5-0)

Charge To : Acct. No. 132 \$1,839.91 Town/SpecialDist/School
144489 EVANS \$1,839.91
Relevy School \$1,839.91 144601 GRND ISLN CENTRAL

RPTL 550(2): ASSESSED VALUE CALCULATED INCORRECTLY
REFUND TO BE ISSUED TO: LUCY NOELLE, INC.

FISCAL YEAR 2008 Petition No. 208,139.00

ASSESSOR Refund \$589.08

S-B-L 113.20-3-12 143089 CHEEKTOWAGA

Charge To : Acct. No. 112 \$220.51 County
Acct. No. 132 \$368.57 Town/SpecialDist/School
143089 CHEEKTOWAGA \$368.57

RPTL 550(2): FAILED TO APPLY DISABLED VET EXEMPTION
REFUND TO BE ISSUED TO: JOSHUA BURCH

FISCAL YEAR 2007 Petition No. 208,140.00

ASSESSOR Refund \$683.90

S-B-L 250.06-1-39.1 144489 EVANS

Charge To : Acct. No. 112 \$0.00 County
Acct. No. 132 \$683.90 Town/SpecialDist/School
144489 EVANS \$683.90
Relevy School \$683.90 144401 LAKE SHORE CENTRAL

RPTL 550(2): FAILED TO APPLY AGED EXEMPTION
REFUND TO BE ISSUED TO: LUCILLE SCIOLINO
CANCEL THE RELEVIED SCHOOL AMOUNT ON 2008 TAX BILL

FISCAL YEAR 2008 Petition No. 208,141.00

ASSESSOR Cancel \$400.45

S-B-L 250.09-1-39.1 144489 EVANS

Charge To : Acct. No. 112 \$0.00 County
Acct. No. 132 \$400.45 Town/SpecialDist/School
144489 EVANS \$400.45

RPTL 550(2): INCORRECT FOOTAGE CHARGED
REFUND TO BE ISSUED TO: SYLVAN PARK COMM. ASSOCIATION

FISCAL YEAR	2008	Petition No.	208,145.00
	ASSESSOR	Refund	\$16.00
S-B-L	250.06-1-28.1	144489 EVANS	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$16.00	Town/SpecialDist/School
	44101 EC2 FOOTAGE	\$16.00	
<u>Charge To :</u>	144489 EVANS		\$0.00

RPTL 550(2): INCORRECT FOOTAGE CHARGED
REFUND TO BE ISSUED TO: SYLVAN PARK COMM. ASSOCIATION

FISCAL YEAR	2008	Petition No.	208,146.00
	ASSESSOR	Refund	\$2,176.74
S-B-L	159.16-1-1	144889 HAMBURG	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,176.74	Town/SpecialDist/School
	48183 HAMBURG NORTH TD ECSD	\$1,159.39	
	48184 HAMB NORTH TD ECSD	\$225.00	
	48185 HAMB NORTH ECSD USER	\$792.35	
<u>Charge To :</u>	144889 HAMBURG		\$0.00

RPTL 550(2): DUPLICATE CHARGES APPLIED TO TAX ROLL
REFUND TO BE ISSUED TO: HAMBURG IDA

FISCAL YEAR	2007	Petition No.	208,147.00
	ASSESSOR	Refund	\$150.18
S-B-L	65.84-4-22	146401 KENMORE	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$150.18	Town/SpecialDist/School
	64500 VILLAGE EX (KENMORE)	\$150.18	

Charge To : 146401 KENMORE \$0.00

WRONG AMOUNT CHARGED FOR RPTL 520
REFUND TO BE ISSUED TO: MICHAEL B WISEMAN

FISCAL YEAR 2006 Petition No. 208,148.00

ASSESSOR Refund \$144.00

S-B-L 220.00-2-4 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$144.00 Town/SpecialDist/School

Charge To : 144489 EVANS \$144.00

RPTL 550(2): GARBAGE FEE BILLED IN ERROR
REFUND TO BE ISSUED TO: JOSEPH NELSON JR

FISCAL YEAR 2007 Petition No. 208,149.00

ASSESSOR Refund \$146.00

S-B-L 220.00-2-4 144489 EVANS

Acct. No. 112 \$0.00 County
Acct. No. 132 \$146.00 Town/SpecialDist/School

Charge To : 144489 EVANS \$146.00

RPTL 550(2): GARBAGE FEE BILLED IN ERROR
REFUND TO BE ISSUED TO: JOSEPH NELSON JR.

FISCAL YEAR 2007 Petition No. 208,150.00

ASSESSOR Refund \$1,925.71

S-B-L 124.00-6-3.21 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,925.71 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$1,925.71
Relevy School \$1,925.71 143001 CHEEKTO. CENTRAL

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL
REFUND TO BE ISSUED TO: COSTANZO'S REALTY LLC

FISCAL YEAR 2008 Petition No. 208,151.00

ASSESSOR Refund \$2,311.27

S-B-L 124.00-6-3.21 143089 CHEEKTOWAGA

Acct. No. 112	\$593.66	County
Acct. No. 132	\$1,717.61	Town/SpecialDist/School
30097 FIRE 9 BELLEVUE	\$241.19	
30300 ERIE CO SEW DST 1	\$61.93	
30309 ERIE CO SEW FTGE O&M	\$74.40	
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$1,340.09

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL
REFUND TO BE ISSUED TO: COSTANZO'S REALTY LLC

FISCAL YEAR 2007 Petition No. 208,152.00

ASSESSOR Cancel \$10.30

S-B-L 555.00-15-1 144489 EVANS

Acct. No. 112	\$0.00	County
Acct. No. 132	\$10.30	Town/SpecialDist/School
<u>Charge To :</u>	144489 EVANS	\$10.30

RPTL 550(2): PROPERTY IS TAX EXEMPT, WATER WAS APPLIED
NEW TAX BILL TO BE ISSUED TO: NYS THRUWAY AUTHORITY

FISCAL YEAR 2007 Petition No. 208,153.00

ASSESSOR Refund \$456.82

S-B-L 157.00-10-1.1 145400 MARILLA

Acct. No. 112	\$0.00	County
Acct. No. 132	\$456.82	Town/SpecialDist/School
<u>Charge To :</u>	145400 MARILLA	\$456.82
Relevy School	\$456.82	144201 IROQUOIS CENTRAL

RPTL 550(2): FAILED TO APPLY BASIC STAR
REFUND TO BE ISSUED TO: HAWK HAVEN MOBIL COURT INC.

FISCAL YEAR 2008 Petition No. 208,154.00

 ASSESSOR Cancel \$6.24

S-B-L 555.00-15-1 144489 EVANS

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$6.24 Town/SpecialDist/School
Charge To : 144489 EVANS \$6.24

RPTL 550(2): PROPERTY IS TAX EXEMPT/WATER WAS APPLIED
NEW TAX BILL TO BE ISSUED TO: NYS THRUWAY AUTHORITY

FISCAL YEAR 2007 Petition No. 208,155.00

 ASSESSOR Cancel \$23.11

S-B-L 555.00-15-2 144489 EVANS

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$23.11 Town/SpecialDist/School
Charge To : 144489 EVANS \$23.11

RPTL 550(2): PROPERTY IS TAX EXEMPT/WATER WAS APPLIED
NEW TAX BILL TO BE ISSUED TO: NYS THRUWAY AUTHORITY

FISCAL YEAR 2008 Petition No. 208,156.00

 ASSESSOR Cancel \$13.99

S-B-L 555.00-15-2 144489 EVANS

 Acct. No. 112 \$0.00 County
 Acct. No. 132 \$13.99 Town/SpecialDist/School
Charge To : 144489 EVANS \$13.99

RPTL 550(2): PROPERTY IS TAX EXEMPT/WATER WAS APPLIED
NEW TAX BILL TO BE ISSUED TO: NYS THRUWAY AUTHORITY

FISCAL YEAR 2008	Petition No.	208,157.00
ASSESSOR	Refund	\$1,130.79
S-B-L 67.80-2-3	142289 AMHERST	
	Acct. No. 112	\$0.00 County
	Acct. No. 132	\$1,130.79 Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$1,130.79

RPTL 550(2): INCORRECT SEWER CHARGES APPLIED
REFUND TO BE ISSUED TO: RUSSELL MENDOLA

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(5-0)

3. INTRO 4-9 (2008)

RATH, MARINELLI, MILLS, KONST & RANZENHOFER

WHEREAS, the Erie County Charter was revised on November 7, 2006 via a public referendum, which was supported by 70% of voters; and

WHEREAS, among the Charter revisions was section 2603, "Tentative budget and capital program provided by County Executive," which requires that the public is presented a budget "which is both usable and understandable;" and

WHEREAS, the Erie County budget document will now be more transparent than ever through the utilization of the Internet and the implementation of language that is more easily understood; and

WHEREAS, according to Charter, the entire budget must be a "Programmatic Budget," which will require each department or office to submit a statement detailing the programs to be carried out in the upcoming year, a description of departmental goals, objectives and needs for the program and specific outcomes related to expenditures; and

WHEREAS, program measurements and performance standards are requisite to monitor and evaluate the delivery of Erie County services and the results of this monitoring and evaluation will be made readily available to the taxpayers and residents of Erie County; and

WHEREAS, true cost accounting of Erie County programs can best be obtained through a detailed description and analysis of revenues, funding sources and expenses incurred by county programs in order to facilitate a unit cost assessment of each program; and

WHEREAS, the use of “Programmatic Budgets,” in similar sized counties in other parts of the country, have enabled significant savings through a better managed county government by tying county funding to specific and measurable goals; the creation of more effective and efficient departments that prioritize services in a more fiscally stable manner; elimination of redundancies; and by shifting resources to the most valuable and cost effective services; and

WHEREAS, the proper implementation of Charter revisions requiring “Programmatic Budgeting” will require education, training and consultation with all County commissioners and department heads; and

WHEREAS, “Programmatic Budgeting” is a natural offshoot of established Six Sigma practices, as Six Sigma seeks to create cost savings through efficiency; and

WHEREAS, Erie County now has a Director for Six Sigma; and

WHEREAS, Erie County’s Director for Six Sigma will work with commissioners and department heads to extract efficiencies out of the processes regularly undertaken by County government to save the taxpayers money; and

WHEREAS, these projects and their goals will be easily identifiable in the budget document and, therefore, will meet the requirements of “Programmatic Budgeting;” and

WHEREAS, the “Programmatic Budgeting” requirement should be properly and effectively implemented as the budget document is crafted, submitted, and eventually approved.

NOW, THEREFORE BE IT

RESOLVED, that the Director of Six Sigma and the Erie County Budget Director appear before the Erie County Legislature’s Finance and Management Committee to discuss how the Charter’s requirement for “Programmatic Budgeting” is being addressed for the 2009 fiscal year and beyond; and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Erie County Executive, the Erie County Director of Six Sigma, the Erie County Comptroller and the Erie County Budget Director.

(5-0)

4. COMM. 7E-11 (2008)

COUNTY EXECUTIVE

WHEREAS, the Office of Real Property Tax Services received a request on behalf of N.R.C.C. Colony Inc. regarding the referenced parcel; and

WHEREAS, this parcel was reviewed and approved for sale by the Advisory Review Committee; and

WHEREAS, this parcel is a 50 foot wide strip running through the parcel that was purchased by NRCC in 2006 and was known as 801 Rice Road; and

WHEREAS, a quit claim deed to NRCC of the County owned parcel would clear the title to the parcel NRCC purchased as 801 Rice Road in 2006.

NOW, THEREFORE, BE IT

RESOLVED, that the following parcel of land be sold without public auction pursuant to Article 14, Section 14-1.0 of the Erie County Tax Act to N.R.C.C. Colony, Inc., 611 Chairfactory Road, Elma, New York 14059 for the sum of Two Thousand Five Hundred and 00/100 Dollars (\$ 2,500.00).

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Elma, County of Erie and State of New York being part of Lots 56 and 60, Township 10, Range 6 of the Buffalo Creek Reservation more particularly bounded and described as follows:

Being all that part or portion of lands acquired by the County of Erie in In Rem Action No. 74, Serial Nos. 37 & 38 and filed in the Erie County Clerk's office under Liber 4373, Page 333 on August 3, 1948. Bounded on the west by the west line of aforesaid farmlot 60 and bounded on the east by the east line of aforesaid farmlot 56; and be it further

RESOLVED, that the Erie County Executive is hereby authorized and directed to execute a quit claim deed conveying the interest of the County of Erie in the above described property to the aforesaid purchaser; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, the Office of the County Comptroller, the County Attorney and the Real Property Tax Service Office.
(5-0)

KATHY KONST
CHAIR

Item 55 – MR. KOZUB presented the following report, moved to separate item Number 4 and moved to approve the balance of the report. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 140

APRIL 17, 2008	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT. CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2M-14 (2008)
ERIE COUNTY SOIL & WATER CONSERVATION DISTRICT: Reply to

Comm. 1E-6
(6-0)

- b. COMM. 2M-17 (2008)
CORNELL UNIVERSITY COOPERATIVE EXTENSION: Reply to Comm. 1E-3
(6-0)
- c. COMM. 5E-17 (2008)
COUNTY EXECUTIVE: EC Sewer Construction Projects - Division of Water Quality Management - Annual Change Order Report
(6-0)
- d. COMM. 5E-25 (2008)
COUNTY EXECUTIVE: EC Sewer District No. 2 - Engineering Agreement - Change Order No. 7
(6-0)
- e. COMM. 7M-3 (2008)
PETER JOE CERTO: Letter Concerning New York State Budget Relating to State Parks
(6-0)
- f. COMM. 7M-11 (2008)
NYS FISH & WILDLIFE MANAGEMENT BOARD: Region 9 FWMA Board Minutes Held March 19, 2008
(6-0)

- 2. COMM. 5E-18 (2008)
COUNTY EXECUTIVE
WHEREAS, the Erie County Legislature has secured the services of Malcolm Pirnie, to provide engineering services for Erie County Sewer District No. 1, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management, has advised the Legislature that all engineering services are now complete, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management, has recommended the formal close-out of the Engineering Agreement with Malcolm Pirnie, Inc. dated July 15, 1999 at the final contract amount of \$236,482.00.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated July 15, 1999 between the County of Erie/Erie County Sewer District No. 1 and Malcolm Pirnie, Inc. be formally closed-out in the final contract amount of \$236,482.00 from the Erie County Business Site Development Fund (110 922 302 830 1030), and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to formally close-out the Engineering Agreement between the County of Erie/Erie County Sewer District No. 1 and Malcolm Pirnie, Inc., dated July 15, 1999, and be it further

RESOLVED, that the Clerk of Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning, and one certified copy each to Gregory Dudek, Assistant County Attorney and the Erie County Comptroller's Office.
(6-0)

3. COMM. 5E-23 (2008)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No. 4, Broadway & Pavement Sanitary Sewer Extension, Contract No. 39, at 2:00 P.M. on February 21, 2008.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 39	Tom Greenauer Development, Inc. P.O. Box 250 Springbrook, New York 14140	\$46,159.00

and

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

WHEREAS, there is adequate Fund Balance in Erie County Sewer District No. 4.

NOW, THEREFORE, BE IT

RESOLVED, that the Broadway & Pavement Sanitary Sewer Extension, Contract No. 39, be awarded to Tom Greenauer Development, Inc., P.O. Box 250, Springbrook, New York 14140, in the not-to-exceed amount of \$46,159.00; and be it further

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

RESOLVED, that the Budget Director is authorized and directed to increase appropriations in the amount of \$46,159.00 as follows: in account 516020 (Professional Services) in Fund 220 Business Area 181 and the Use of Fund Balance Account 402190 Fund 220 Business Area 1811040; and be it further

RESOLVED, that the Clerk of the Erie County Legislature be directed to send one certified copy each of this Resolution to the County Executive; Director of Budget; Erie County Comptroller's Office; Gregory Dudek, Assistant County Attorney and two (2) certified copies to Michael J. Quinn, P.E., Department of Environment and Planning, Rath Building, 10th Floor.
(6-0)

4. COMM. 7E-12 (2008)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature did pass a resolution on October 11, 2007 (17E-8) authorizing the County to apply for an Environmental Restoration Program grant of \$480,000 for the environmental investigation of 5335 River Road and committing \$50,000 in matching funds for the project; and

WHEREAS, the Riverview Industrial Center, 5335 River Road in the Town of Tonawanda is an abandoned petroleum tank farm and brownfield site that presents a blighting influence on the waterfront and a health and safety risk to the community; and

WHEREAS, the Town of Tonawanda and Erie County collaborated to obtain a U.S. Environmental Protection Agency grant to allow a Phase I environmental review to be performed for the site; and

WHEREAS, that Phase I environmental review documented an over fifty year usage of this property as a petroleum tank farm with 12 tanks in use at times and recommended further intrusive investigation into the site to determine levels and extent of contamination; and

WHEREAS, the County of Erie is interested in working together with the Town of Tonawanda to develop information on the condition of this site and costs of remediation for the 26-acre site; and

WHEREAS, after thorough consideration of the various aspects of the Riverview Industrial Center site and study of available data, the County of Erie has determined that certain work, as described in the application and attachments is desirable, is in the public interest and is required in order to implement the project; and

WHEREAS, the New York State Department of Environmental Conservation Environmental Restoration Grant Program provides a 90% reimbursement for eligible project costs for investigation and remediation of publicly owned brownfield sites; and

WHEREAS, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for environmental restoration projects by means of a contract and the Municipalities deem it to be in the public interest and benefit under this law to enter into a contract therewith; and

WHEREAS, the County may take title to the Riverview Commerce Center, 5335 River Road site in order to carry out the anticipated investigation, remediation and redevelopment activities; and

WHEREAS, the Town of Tonawanda has decided to be a co-applicant with Erie County for the grant request and has committed a minimum of \$10,000 towards investigation, remediation and demolition costs; and

WHEREAS, there will be additional demolition and site preparation costs that may not be covered by the New York State Department of Environmental Conservation program; and

WHEREAS, pursuant to a New York State Department of Environmental Conservation memorandum dated August 19, 2005, one of the applicants in a joint application must be identified as the lead agent in matters of reimbursement.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to act in behalf of the County in all matters related to State assistance under Article 56, Title 5. The County Executive is also authorized to make application, execute the State Assistance Contract, submit project documentation, and otherwise act for the County in all matters related to the Project and to State assistance; and be it further

RESOLVED, that the County Executive is authorized to place this property in a Temporary Incidence of Ownership status and to foreclose on the property if necessary for entering into the remediation phase of this project; and be it further

RESOLVED, that authorization is provided to carry forward available 2007 funding into 2008 within the Aid to Local Government Fund Center monitored by the Department of Environment and Planning, in the amount of \$49,385.09 for the Cheektowaga Golf Course project; and be it further

RESOLVED, that authorization is provided to carry forward available 2007 funding into 2008 within the Economic Development fund Center monitored by the Department of Environment and Planning, which has been reserved in the amount of \$50,000 authorized in Communication 17E-8 of 2007 for the Riverview Industrial Center; and be it further

RESOLVED, that said funding shall then be de-obligated from the Golf Course project and added in 2008 to the \$50,000 for costs associated with the investigation, remediation, demolition and site preparation of the Riverview Industrial Center at 5335 River Road, Town of Tonawanda; and be it further

RESOLVED, that Erie County and the Town of Tonawanda will be co-applicants for this project and that the Town of Tonawanda is authorized to be the lead in matters of reimbursement under the New York State Bond Act Program for this project; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the Town of Tonawanda in amounts not to exceed \$99,385.09 for the purpose of providing services and activities for the purpose of brownfield investigation, testing, remediation, demolition and site preparation; and be it further

RESOLVED, that the County agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation; and be it further

RESOLVED, that one (1) certified copy of this Authorization be prepared and sent to the Albany office of the New York State Department of Environmental Conservation together with the Application for State Assistance; and be it further

RESOLVED, that this Authorization take effect immediately; 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 Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(6-0)

DANIEL M. KOZUB
CHAIR

CHAIR MARINELLI directed that item Number 4 be returned to the ENERGY & ENVIRONMENT COMMITTEE for further consideration.

GRANTED.

Item 56 – MS. MILLER-WILLIAMS presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141

APRIL 17, 2008	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR KOZUB.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 7D-1 (2008)
BUFFALO & ERIE COUNTY PUBLIC LIBRARY: Agenda and Minutes for Meeting Held March 20, 2008
(4-0)
 - b. COMM. 7D-2 (2008)
COUNTY ATTORNEY: Transmittal of New Claims Against Erie County
(4-0)
 - c. COMM. 7M-13 (2008)
ECIDA: Notice of Joint Annual Board of Directors and Membership Meeting to be Held on April 14, 2008
(4-0)

BARBARA MILLER-WILLIAMS
CHAIR

LEGISLATOR RESOLUTIONS

Item 57 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

RE: Recognition of National Equal Pay Day
(INTRO 8-1)

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

WHEREAS, Americans live in a time of promise and women have contributed greatly to America's record of success in the economy, education, medicine, government and society in general; and

WHEREAS, even since President John F. Kennedy signed into law the NATIONAL EQUAL PAY ACT of 1963, women in America still suffer the consequences of inequitable pay differentials; and

WHEREAS, today women constitute a large segment of this nation's workforce and a vast majority of households are dependent upon the wages of working women; and

WHEREAS, fair and equal pay for women would go a long way towards strengthening the security of families today and enhancing the prospects of future retirement; and

WHEREAS, for a large portion of our history, women have served in a segregated workforce, enjoying fewer educational and training opportunities than their male counterparts; and

WHEREAS, we as a nation have made progress in the battle for equal pay, the average woman today must still work an additional 15 weeks a year to earn what a man earns in many areas of the workforce; and

WHEREAS, throughout the decades, working women have persevered in their struggle for equal pay, buoyed by an unshakable faith in their own skills; and

WHEREAS, equal pay for an individual's talent, experience, education or contribution is an ideal of American Democracy that must be attained without wage discrimination of any circumstance; and

WHEREAS, such organizations as the Equal Employment Opportunity Commission is funded by the Federal Government to identify more quickly and respond more effectively to wage discrimination; and

WHEREAS, other professional associations locally, specifically the Business and Professional Women's organizations from Grand Island, Kenmore, the Tonawandas, Amherst and throughout Erie County recognize the professions of our local women.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body, the Erie County Legislature does recognize the full value of the skills and contributions of women in the labor force; and be it further

RESOLVED, that we urge all employers in Erie County to review their wage practices in order to ensure that all their employees are paid equitably for their work; and be it further

RESOLVED, that as we observe NATIONAL EQUAL PAY DAY, we as government officials, employers and wage earners, must reaffirm our commitment to justice and equality in the workplace as we build a nation for the 21st Century where the talents and hard work of American women will be rightly appreciated and fairly rewarded; and be it further

RESOLVED, that we as elected officials of the County of Erie and employers of the County of Erie, honor all women in the local, state and national labor force; and be it further

RESOLVED, that after due diligence, we especially honor those women here and present with us today, and pay tribute to their contributions to the economy and social environment of Erie County and all of America.

Item 58 - CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 8-2 from KENNEDY. Supporting New York State's Legislation Relating to Insurance Coverage for the Cost of Hearing Aids.

Item 59 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 8-3 from KOZUB. Recruitment of Veterans for County Employment.

Item 60 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 8-4 from WROBLEWSKI. Purchase by the Buffalo City Cemetery, Inc. of the Assets of St. Matthew's Cemetery.

Item 61 - CHAIR MARINELLI directed that the following item be referred to the

GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 8-5 from REYNOLDS. Reinstating The Legislative Journal.

Item 62 - MR. REYNOLDS presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

RE: The Potential Extension of the Town of
Hamburg's Bike Path
(INTRO 8-6)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS REYNOLDS & KOZUB**

WHEREAS, the Town of Hamburg has been planning a bike path along Route 5 for over five years; and

WHEREAS, an extension of this potential bike path from the Town of Hamburg into Lackawanna's section of Route 5 and potentially into a newly refurbished Buffalo waterfront would serve as a tremendous tourist attraction and a great opportunity for family exercise; and

WHEREAS, with the Town of Hamburg and the City of Lackawanna working together with Phase II of the "Steelwinds" windmill project, a bike path along Route 5 would bring much welcomed tourists to visit our areas in admiration of their joint venture; and

WHEREAS, the State of New York and the Federal Government have been encouraging municipalities to share programs with one another and have been rewarding this spirit of cooperation with the proper funding for such projects; and

WHEREAS, extending this project, not just north of the Town of Hamburg, but also south into the Town of Evans, would create plenty of opportunities for families and friends to enjoy our best regional asset, Lake Erie, in a way that has never been utilized before.

NOW, THEREFORE, BE IT

RESOLVED, that it is recommended that the City of Lackawanna look at a potential extension of the Town of Hamburg's bike path to extend into Lackawanna's section of Route 5, and be it further

RESOLVED, that the City Council will contact the City's grant writers to search for grants for such a project, and be it further

RESOLVED, that the City of Lackawanna will contact all local, state, and federal officials, in search of additional financial opportunities to help bring this opportunity to fruition, and be it further

RESOLVED, that the Town of Hamburg continue the expansion of the current bike trail and accept the funding provided by state grants and include the trail extension to the Penn Dixie Site, and be it further

RESOLVED, that the Erie County Legislature encourages the City of Lackawanna, Town of Hamburg and the Town of Evans to continue the development of a continuous bike trail from the small boat harbor and continue west all along the Lake Erie Water front, and be it further

RESOLVED, that Clerk of the Erie County Legislature, Robert Graber, forward a copy of this resolution to NYS Assemblyman Jack Quinn, NYS Senator William Stachowski, Congressman Brian Higgins, Senators Charles Schumer and Hillary Clinton, Town of Evans Supervisor Fran Pordum, Town of Hamburg Supervisor Steven Walters, the Town Clerks, the City of Lackawanna Mayor Norman Polanski and Council President Charles Jaworski, in addition to the City of Buffalo Mayor Byron Brown, and City of Buffalo Common Council members Michael Kearns and Demone Smith.

Item 63 - CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 8-7 from REYNOLDS. Opposition to the County Executive's Termination of a 100% State-Funded Grant to Provide Substance Abuse Services for At-Risk Families.

Item 64 - MS. KONST presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

RE: County Endorsing Resolution for
Transportation Bond Act Projects for
Buffalo-Lancaster Airport
(INTRO 8-8)

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

WHEREAS, the County of Erie has received a request from Lancaster Airport, Inc., applicant, for Buffalo-Lancaster Airport, concerning the applicant's request for State grant funds under the NYS Transportation Bond Act, for the following projects:

- Under the Business Airport Development Program
- Corporate Hangar Build-Out

Under the General Aviation Airport Security Program

- Security and Commerce Center

and

WHEREAS, the New York State Department of Transportation, under Section 14-1 of the State Transportation Law, requires that project applications made by privately-owned airports be accompanied by a resolution from the governing body of the county in which the airport is located.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie endorses the projects identified above at Buffalo-Lancaster Airport for the purpose of making the projects eligible for State funding; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with the projects; and be it further

RESOLVED, that this Resolution shall take effect immediately.

STATE OF NEW YORK) SS:
COUNTY OF ERIE)

I, Robert M. Graber, Clerk of the Erie County Legislature, Erie County, New York do hereby certify that I have compared the foregoing copy of this resolution with the original on file in my office, and that the same is a true and correct transcript of said original resolution and of the whole thereof, as duly adopted by said Erie County Legislature at a meeting duly called and held at the Old Erie County Hall on April 24, 2008 by the required and necessary vote of the members to approve the resolution.

WITNESS My Hand and the Official Seal of the Legislature of Erie County, New York, this 24th day of April, 2008.

Robert M. Graber, Clerk
Erie County Legislature

Item 65 - MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. KONST seconded. MR. KOZUB and MR. RANZENHOFER voted in the negative.

CARRIED. (13-2)

RESOLUTION NO. 145

RE: Legislature Personnel
 Staffing Adjustment
 (INTRO 8-9)

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

WHEREAS, the Legislature included the new position of Executive Assistant – Legislature in the 2008 budget to establish an initiative to monitor and analyze the Erie County budget, providing the Legislature with analysis, reporting and counsel throughout the implementation of the budget, as well as during consideration of succeeding budgets; and

WHEREAS, it has been determined that in order to better administer this important initiative, a staffing adjustment of this position from one full-time position into two part-time positions is warranted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby make the following technical budget adjustments to the Legislature's 2008 Adopted Departmental Budget:

DELETE one (1) position of Executive Assistant - Legislature (Full Time), 2008 salary - \$54,921, Position Number 51004713, Fund Center 100, Cost Center 1003030, effective April 25, 2008;

REPLACE with two (2) positions titled Executive Assistant - Legislature (Part Time), JG 15; to Fund Center 100, Cost Center 1003030, at an annual salary not to exceed \$25,000, and a work schedule of up to 19 hours per week, also effective April 25, 2008; and be it further

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

Item 66 - CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 8-10 from RANZENHOFER, MILLS & RATH. Supporting Efforts to Find More Effective Use of Substance Abuse Prevention Grant.

Item 67 - MS. WHYTE presented the following resolution and moved for immediate consideration. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 146

RE: Amendment of Erie County
Sales and Use Tax Resolution
Which Imposes Taxes on Sales
and Uses of Tangible Personal

Property and on Certain
Services, and on Occupancy of
Hotel Rooms, Admissions
Charges, and Club Dues
(INTRO 8-11)

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

WHEREAS, the State of New York has amended the Tax Law, in relation to exempting the sale and installation of residential solar energy equipment from state sales and compensating use taxes and granting municipalities the option to elect such exemption from their sales and compensating use taxes; and

WHEREAS, the County of Erie recognizes that the use of clean, renewable energy sources, such as solar energy, has many benefits including in-state and in-county production opportunities such as use of local solar technology manufacturers and installers, minimal environmental impacts, increased income for local, in-state and in-county producers and retailers, economic development support, and dramatic air quality improvements; and

WHEREAS, the Erie County Legislature desires to encourage the purchase and installation of such residential solar energy systems equipment in order to promote the use of renewable energy sources and decreased reliance on fossil fuels in an effort to protect the environment; and

WHEREAS, the Erie County Legislature held a public hearing on March 27, 2008 to explore the effectiveness and fiscal implications of the local sales and compensating use tax exemption on the sale and installation of residential solar energy systems equipment on promoting those goals.

NOW, THEREFORE, BE IT

RESOLVED, Legislature of Erie County, amending the Erie County Sales and Use Tax Resolution which imposes taxes on the sales and uses of tangible personal property and on certain services, and on occupancy of hotel rooms, admission charges and club dues, pursuant to Article 29 of the Tax Law of the State of New York, to provide exemptions from sales and compensating use taxes for receipts from sales of, and consideration given or contracted to be given for, or the use of, property and services exempt from State sales and compensating use taxes pursuant to subdivision (ee) of section 1115 of the Tax Law of the State of New York.

Be it enacted by the Legislature of the County of Erie, as follows:

Section 1. Section six of the Erie County Sales and Use Tax Resolution, being a resolution adopted by the Board of Supervisors of the County of Erie as Item 8 of Meeting Number 31, held on July 27, 1965, Supervisors Proceedings, page 666, as amended, is hereby further amended by adding a new subdivision (j) to read as follows:

(j) Receipts from sales of and consideration given or contracted to be given for, or the use of, property and services exempt from state sales and compensating use taxes pursuant to subdivision

(ee) of section 1115 of the New York Tax Law shall also be exempt from sales and compensating use taxes imposed in this jurisdiction.

Section 2. This resolution shall take effect September 1, 2008, and shall apply to sales made, and services rendered and uses occurring on and after that date in accordance with applicable transitional provisions in sections 1106, 1216, and 1217 of the New York Tax Law.

And be it further

RESOLVED, that the Clerk of the Erie County Legislature is directed to transmit a certified copy of the resolution to the County Attorney for delivery to the appropriate New York State officials.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 68 - MS. WHYTE presented the following resolution and moved for immediate consideration. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 147

RE: In Support of the Erie County
SPCA, A Finalist in the
Zootoo.com Competition for a
Million Dollar Shelter Makeover
(INTRO 8-12)

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

WHEREAS, the SPCA (Society for the Prevention of Cruelty to Animals) of Erie County has entered the Zootoo.Com competition for a million dollar shelter makeover; and

WHEREAS, for more than five months, the SPCA has encouraged members of the community to help the Humane Society qualify for a makeover; and

WHEREAS, through the SPCA's popular website YourSPCA.org, as well as through direct e-mails, hundreds of supporters of the SPCA were prompted to visit the Zootto website, earning our local Humane Society a spot in the program; and

WHEREAS, the SPCA of Erie County has been named a finalist, one of twenty animal shelters across the country under consideration for this wonderful prize; and

WHEREAS, on April 16, 2008, the SPCA held an outdoor rally, press conference and public tour at its site on Ensminger Road in the Town of Tonawanda to both rally and demonstrate the enthusiastic community support for our local SPCA; and

WHEREAS, Zootoo officials were greeted at this rally by Western New Yorkers and witnessed the enormous outpouring of support for all the good work the SPCA does to save vulnerable animals and find them new homes; and

WHEREAS, an important component of this competition is the Zootoo team learning more about the community served by each SPCA that earned a Top 20 spot, which afforded Erie County the opportunity to showcase our unique challenges and limitless opportunities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature express its full support of the SPCA of Erie County, a finalist in the Zootoo.com competition for a million dollar shelter makeover; and be it further

RESOLVED, that this Honorable Body pause in its deliberations to recognize the SPCA of Erie County for its very important work in the community; and be it further

RESOLVED, that a certified copy of this resolution be conveyed to the SPCA of Erie County with deep appreciation for the positive difference this organization makes in the lives of helpless animals and those who love them.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 69 - CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 8-13 from GRANT, MILLER-WILLIAMS, KENNEDY, KOZUB & WHYTE.
Support for the Buffalo Urban Arts Center.

Item 70 - CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 8-14 from IANNELLO & KONST. Cap on Gas and Diesel Motor Fuel.

Item 71 - CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 8-15 from IANNELLO, KONST & REYNOLDS. U.S. Cool Counties Climate Stabilization Declaration.

Item 72 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 8-16 from IANNELLO & KONST. Resolution to Reform the Erie County Charter by Limiting the Term of Office that an Elected County Legislator Can Hold and Changing the Term to Four Years with a Limit of Twelve Consecutive Years.

Item 73 - CHAIR MARINELLI directed that the following item be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 8-17 from MILLS & RATH. Renegotiation of City and County Parks Agreement.

Item 74 - CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 8-18 from RANZENHOFER, MILLS & RATH. Supporting New York State Property Taxpayers Protection Act.

Item 75 - CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 8-19 from KOZUB, WHYTE, MAZUR & GRANT. Urging NYS Health Department's Immediate Approval of the Certificate of Need to Expand the Erie County Medical Center Emergency and Operating Rooms.

Item 76 - CHAIR MARINELLI directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 8-20 from WHYTE. Support of the Chief Petty Officers' Club.

Item 77 - CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 8-21 from KENNEDY, WHYTE & LOUGHRAN. Smoke-Free Movies.

Item 78 - CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 8-22 from KENNEDY, KOZUB, WHYTE, GRANT, WROBLEWSKI & REYNOLDS. Resolution in Support of New York State A.6796 and S.3942 Amending the Occupational Therapy Practice Act.

Item 79 - CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 8-23 from WHYTE, KENNEDY, GRANT, MAZUR & LOUGHRAN. Creation of Restore Erie County Fund.

Item 80 - CHAIR MARINELLI directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 8-24 from KENNEDY, WHYTE, GRANT & MAZUR. Capital Funds for Olmsted Parks

Item 81 - CHAIR MARINELLI directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 8-25 from IANNELLO. Support of the Committee on Open Governments and Its Findings Regarding the Commission on Health Care Facilities and Its Compliance with the Open Meetings Law.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 82 – MS. WHYTE moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE from further consideration of COMM. 6E-26 (2008). MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 148

RE: Social Services - Youth Detention –
Deputy Commissioner - Division of
Youth Services
(COMM. 6E-26)

WHEREAS, the Department of Social Services requests authorization to delete the vacant position of Deputy Commissioner – Detention and three part time Youth Detention Workers to create a more comprehensive leadership position of Deputy Commissioner – Division of Youth Services, JG16, 2001 scale, under the direction of the Commissioner of Social Services consistent with the new County Charter; and

WHEREAS, this leadership position is responsible for the supervision and administration of the Detention Center (secure and non-secure services), those ancillary services in support of juvenile justice consumers and their families, and for planning, organizing, and executing juvenile justice services and programs; and

WHEREAS, this position will assure compliance with State regulations governing the operation of Detention services and coordinate a Juvenile Justice System of Care with cross system organizations including but not limited to Mental Health, Probation, and Child Welfare to ensure the highest quality and most effective service delivery and outcomes on behalf of at-risk youth and their families; and

WHEREAS, responsibilities will include oversight and administration of the Family Services Team, the Juvenile Delinquency Services Team, and the Single Point of Accountability for residential placements.

NOW, THEREFORE, BE IT

RESOLVED, that authorization to delete the position of Deputy Commissioner – Detention (position # 2311) and three (3) part-time Youth Detention Workers, (position #'s 10539, 10541, and 10543) and to create the position of Deputy Commissioner – Division of Youth Services (B-100 # 3591) consistent with the new County Charter, under the direction of the Commissioner of Social Services is granted and, be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2008 Adopted Budget:

Youth Detention, Fund Center 12520, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
500000	Full-time Salaries	\$ 34,971

500010	Part-time Salaries		<u>(34,971)</u>
		Total Expenditure	<u>\$0</u>

and, be it further

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

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

CARRIED UNANIMOUSLY.

Item 83 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of INTRO 1-3 (2007) AS AMENDED. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 149

RE: Establishing an Employee
Suggestion Program
in Compliance With LL No.5 –
2004
(INTRO 1-3 AS AMENDED)

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

WHEREAS, the County of Erie adopted Local Law No. 5 to create an Employee Suggestion Program on July 15, 2004; and

WHEREAS, Local Law No. 5 was filed with the New York State Department of State in Albany, New York; and

WHEREAS, to date, this Program has not been implemented in the County of Erie for the benefit of employees of the County of Erie; and

WHEREAS, such programs historically have proven to have a positive effect on employees by encouraging them to generate ideas for organizational improvements; and

WHEREAS, such program shall provide a system for answering and recognizing those individuals whose ideas shall be adopted and implemented; and

WHEREAS, all full time and part time employees who are on the active payroll of Erie County government, with the exception of Department Heads, Supervisors, commissioners and Deputy Commissioners shall be eligible to participate; and

WHEREAS, all definitions and procedures of the Employee Suggestion Program as defined and adopted by Local Law No. 5 are attached hereto.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County personnel, Department Heads, Commissioners, Supervisors and Deputy Commissioners, take quick and assertive action to implement the Employee Suggestion Program in the spirit in which it was enacted; and be it further

RESOLVED, that the Employee Suggestion Review Committee and Employee Suggestion Award Committee be established as per Section 1, paragraphs C and D; and be it further

RESOLVED, that when the two required committees are established that the names of the members of both be forwarded to the Clerk of the Erie County Legislature; and be it further

RESOLVED, that the Director of Six Sigma Implementation appear before the Finance and Management Committee of the Erie County Legislature to advise the Legislature regarding the implementation of the Employee Suggestion Program; and be it further

RESOLVED, that the Clerk of the Erie County Legislature forward certified copies of this resolution to the County Executive, the County Attorney, the Commissioner of Personnel, the Budget Director and the Director of Six Sigma Implementation.

MS. WHYTE moved to amend the resolution by adding Et Al Sponsorship. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 84 – MS. WHYTE moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of INTRO 6-7 (2008). MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 150

RE: Ontario Street Boat Launch
Black Rock Canal Park
(INTRO 6-7)

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

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

CARRIED UNANIMOUSLY.

Insert the following resolution:

WHEREAS, the Ontario Street Boat Launch at the foot of Ontario Street in the heart of the City's historic Black Rock Riverside community, is owned by Erie County; and

WHEREAS, Erie County has a responsibility to maintain the property it owns and determine future plans for its properties; and

WHEREAS, the current condition of the Ontario Street Boat Launch is poor and is often the site for illegal activity making future security of the property a priority; and

WHEREAS, despite the poor condition of the property, the Ontario Street Boat Launch is the only boat launch in the City of Buffalo and is prime waterfront property ripe for development; and

WHEREAS, the Black Rock Riverside Good Neighbor Planning Alliance (GNPA), through the hard work of neighborhood residents and volunteers, has been working over the past five years to develop exciting, citizen-driven plans for the Ontario Street Boat Launch; and

WHEREAS, through the thousands of volunteer hours over the years, the Black Rock Canal Park Project has emerged as the leading concept for the future of the Ontario Street Boat Launch; and

WHEREAS, the Black Rock Canal Park Project conceives of creating a mix-used facility on the property to be used for concessions, community functions, park offices, as well as homeland security; and

WHEREAS, the Black Rock Canal Park Project also conceives of bringing people right to the water's edge by decking over the water to provide more green space and adding family friendly amenities such as a playground, a dog park, a bike path, and more; and

WHEREAS, the Black Rock Canal Park Project has widespread support in the community, especially among other business adjacent to the Boat Launch who currently struggle with the illegal behavior taking place on the property and the overall security of the area; and

WHEREAS, a feasibility study for this project is the next step and, once conducted, will open the doors to hundreds of thousands of dollars to implement various phases of the project; and

WHEREAS, the previous administration had committed \$100,000 for a feasibility study of the Black Rock Canal Park Project having identified money from a previous capital bond that can only be used for this purpose; and

WHEREAS, the City of Buffalo had graciously pledged an additional \$50,000 for the study, over and above the in kind services provided by the City's Office of Strategic Planning; and

WHEREAS, members of the WNY State Delegation have also indicated its support for the project, as has the NYS Parks Commissioner; and

WHEREAS, the Niagara Greenway Commission has accepted this project as part of its vision, opening the opportunity to apply for grant funding from the Commission for the implementation of the project; and

WHEREAS, acting on the previous administration's commitment the Department of Environment and Planning has already moved forward with an RFP process soliciting bids, evaluating respondents, and has, in fact, already identified the contractor to conduct the feasibility study; and

WHEREAS, this Energy and Environment Committee of this Honorable Body has already indicated its support for this project and has had representatives of the GNPA before the committee twice over the last year.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature applauds the work of the Black Rock Riverside GNPA for its dedication to the neighborhood and for its creativity in developing the Black Rock Canal Park Project and other future plans for one of our City's most historic districts; and be it further

RESOLVED, that this Honorable Body also applauds the work of the City of Buffalo, Office of Strategic Planning and Erie County Department of Environment and Planning, both of which have provided thousands of dollars worth of staffing and resources to the development of this project; and be it further

RESOLVED, that this Legislature recognizes that the Ontario Street Boat Launch is County owned property and part of the County Parks Master Plan; and be it further

RESOLVED, that this Honorable Body goes on record in support of a feasibility study for this project, which is minimally \$100,000; and be it further

RESOLVED, that this Legislature calls upon the Administration to expeditiously release the funds appropriated by the previous Executive for this study; and be it further

RESOLVED, that this Legislature supports the Administration's efforts to find additional sources of revenue from our other partners in State and City government, which might be used to expand the scope of the study; and be it further

RESOLVED, that certified copies of this resolution go to the County Executive, the City of Buffalo, and the WNY State Delegation.

MS. WHYTE moved to further amend the resolution by adding MR. WROBLEWSKI as a co-sponsor. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

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

CARRIED. (11-4)

SUSPENSION OF THE RULES

Item 85 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 8E-29 from the County Executive Re: Acceptance of Donations of Trees for Parks

RESOLUTION NO. 151

WHEREAS, The Erie County Department of Parks, Forestry, & Recreation has recently been approached by two companies asking them to accept a donation of trees to help reforest County parklands; and

WHEREAS, Damages caused by the "October Storm" in 2006 have depleted our region of many of its living assets and the Parks Department feels it is important to take advantage of community generosity, when it is offered, to assist in the reforesting of the Erie County park system, which is an asset important to our residents and taxpayers; and

WHEREAS, Praxair of Tonawanda has a Community Tree Planting Program that has committed to donating up to 40 1" caliper (in diameter) trees to the County for planting in our parks system; and

WHEREAS, Treehaven Evergreen Nursery of Elma has committed to donating up to 500 seedlings and up to 50 1" caliper (in diameter) saplings to the County for planting in our parks system this upcoming fall; and

WHEREAS, This donation will infuse nearly 600 trees into our parks system which was badly damaged two years ago and all of the trees will be planted and cared for by County parks workers.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body authorizes the Commissioner of the Department of Parks, Forestry, and Recreation to accept the donations of trees and saplings from Praxair and the Treehaven Evergreen Nursery; and be it further

RESOLVED, that a certified copy of this resolution be provided to the Commissioner of the Department of Parks, Forestry and Recreation.

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

CARRIED UNANIMOUSLY.

Item 86 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 8-26 from KENNEDY. Re: Supporting State Senate Bill 7202 and Complying with Green Building Principals on State Funded Construction Projects

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 87 – (COMM. 8E-1) Report Detailing the Apportionment and Distribution of 4.75% Sales and Compensating Use Tax for Period 1-1-08 to 3-31-08

Item 88 – (COMM. 8E-2) Real Property Transfer Tax and Road Repair Reserve Fund

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

Item 89 – (COMM. 8E-3) Appointment of Commissioner of Central Police Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR KOZUB

Item 90 – (COMM. 8E-4) Letter to County Executive Concerning Position of Commissioner of Central Police Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 91 – (COMM. 8E-5) Letter to Legislator Kozub Concerning Position of Commissioner of Central Police Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM LEGISLATOR RATH

Item 92 – (COMM. 8E-6) Letter to Chair Marinelli Concerning Absence from Committee Meetings Scheduled for April 17, 2008

Received and Filed.

FROM THE SHERIFF

Item 93 – (COMM. 8E-7) Erie County Sheriff's Office - Personnel Adjustments

Item 94 – (COMM. 8E-8) Erie County Sheriff's Office - Professional Services - Barber

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

FROM CHAIR MARINELLI

Item 95 – (COMM. 8E-9) Quarterly Committee Chairs' & Liaisons' Meeting Report

Received and Filed.

FROM THE COUNTY EXECUTIVE

Item 96 – (COMM. 8E-10) ECSD No. 1 - Authorization of Easement Acquisition -
Broadway West Pumping Station Elimination

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 97 – (COMM. 8E-11) Acceptance of Funds from Auction Proceeds to Individual
Departmental Budgets

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 98 – MR. KENNEDY presented the following resolution and moved for immediate
consideration and approval. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 152

RE: Services Necessary for
Acquisition of ROW -
Tonawanda Creek Road
Reconstruction - FEMA Disaster
1534-DR-NY - Town of
Clarence
(COMM. 8E-12)

WHEREAS, Erie County was included in a national declaration of disaster after the heavy rains
in Spring 2004, said disaster being designated as FEMA 1534-DR-NY; and

WHEREAS, the failed portion of Tonawanda Creek Road just west of Westphalinger Road,
in the Town of Clarence, Erie County, designated as FEMA Project Worksheet (PW) No.87 is one
of the sites identified as being eligible for federal assistance under FEMA 1534-DR-NY; and

WHEREAS, The Erie County Department of Public Works, Division of Highways, is planning to bid out and award a contract for the reconstruction of the referenced portion of Tonawanda Creek Road in 2008, such work hereinafter referred to as the Project; and

WHEREAS, Erie County through Communication 25E-40 of November 18, 2004 approved the local financing for the Department of Public Works to undertake the design and construction of the damaged site; and

WHEREAS, in order to facilitate the Project it will be necessary for the County to acquire, by fee, permanent easement or temporary easement, portions of real property on both sides of Tonawanda Creek Road in the Project area, such property to be acquired by the County hereinafter referred to as the Subject Properties; and

WHEREAS, should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for an amount not exceeding fair market value, it will be necessary for the County to acquire the Subject Properties by commencing eminent domain proceedings; and

WHEREAS, The Project is receiving funding from the Federal Emergency Management Agency (FEMA) and the New York State Emergency Management Office (SEMO) under disaster FEMA 1534-DR-NY as PW 87; and

WHEREAS, by federal rule the cost of acquiring the Subject Properties is not allowed to be paid for by the project funding provided by FEMA and SEMO; and

WHEREAS, the Subject Properties must be acquired prior to advertising the project for construction; and

WHEREAS, without acquisition of the Subject Properties the Project cannot proceed requiring Tonawanda Creek Road to remain closed and putting an effective end to the Project; and

WHEREAS, such termination of the Project endangers funding from FEMA and SEMO; and

WHEREAS, D&S Realty Consultants has previously been retained by the County to handle property acquisitions for individual FEMA projects under FEMA 1534-DR-NY; and

WHEREAS, having D&S Realty Consultants under contract for property acquisitions related to the Project will allow the project to proceed in a timely fashion; and

WHEREAS, D&S Realty Consultants has the necessary qualifications and experience to efficiently carry out such property acquisitions.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, or his authorized representative, is hereby authorized to negotiate with the owners of the following properties towards acquiring that portion of their real property, either by fee or by permanent or temporary easement, which is necessary for the Project, the real property involved being as follows;

<u>Parcel Number</u>	<u>Location</u>	<u>Township</u>
5.00-3-17	8270 Tonawanda Creek Road	Clarence
5.00-3-18	8300 Tonawanda Creek Road	Clarence
5.00-3-19	8335 Tonawanda Creek Road	Clarence

and be it further,

RESOLVED, that should one or more owners of the Subject Properties refuse to convey such portions of their real property to the County for a negotiated amount not exceeding fair market value the County will commence eminent domain proceedings to acquire the real property necessary to construct and maintain the Project; and be it further

RESOLVED, that the expenses of acquiring the Subject Properties shall be derived from Capital Project Fund B.00172 Tonawanda Creek Road Reconstruction; and be it further

RESOLVED, that the County Executive or his authorized representative be authorized to enter into an agreement with D&S Realty Consultants to provide such acquisition services as necessary for the Subject Properties, with the exception of those services required to be provided by the County Attorney; and be it further

RESOLVED, that actual acquisition of the Subject Properties will not take place until approved by the Erie County Legislature; and be it further

RESOLVED, that compensation to D&S Realty Consultants be fixed at \$1100.00 per parcel with a not to exceed aggregate fee of \$6,600.00; and be it further

RESOLVED, that three certified copies of this resolution shall be sent to the Department of Public Works, Office of the Commissioner and one copy each to the Office of the County Executive, the County Attorney, the Director of Budget, Management and Finance and the Office of the Comptroller.

Item 99 – (COMM. 8E-13) Approve ORT Grant, Amend RSVP and Add a Home Care Provider

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 100 – (COMM. 8E-14) Erie County Correctional Facility - 2008 - Roof Replacement

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 101 – (COMM. 8E-15) Position Transfers - Comptroller's Office to Department of Real Property Tax Services

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 102 – (COMM. 8E-16) Award of Contract & Supplemental for Construction Inspection Services - Reconstruction of Freeman Road Bridge, Village of Orchard Park

Item 103 – (COMM. 8E-17) Supplemental Agreement with NYSDOT - Reconstruction of Freeman Road Bridge - Village of Orchard Park

Item 104 – (COMM. 8E-18) Award of Contract & Supplemental for Design and Construction Inspection Services - Reconstruction of Como Park Blvd., Town of Cheektowaga

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

Item 105 – (COMM. 8E-19) Centralized Real Property Tax Administration Program

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 106 – (COMM. 8E-20) Social Services - WNY United Against Drug & Alcohol Abuse - Full Services Schools Contract Increase

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 107 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WROBLEWSKI seconded. MS. IANNELLO voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 153

RE: CPS - Forensic Laboratory:
2007-2008 Firearm Lab Capacity
Enhancement Initiative
(COMM. 8E-21)

WHEREAS, the Erie County Central Police Services Forensic Lab has been awarded a Firearm Lab Capacity Enhancement Initiative grant to be administered by the New York State Division of Criminal Justice Services; and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to expand its capacity to analyze evidence submitted from firearm/shooting related cases.

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 \$54,350 from the 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#165 FIREARMENHO708
Central Police Services
3/31/2007 to 5/31/2008

<u>Revenue</u>		<u>Increase</u>
Acct. 409000 State aid		\$54,350
Appropriation		
Account 500000	Personnel	\$33,400
Account 501000	Overtime	\$ 8,064
Account 502000	Fringe Benefits	\$11,896
Account 510100	Travel	<u>\$ 990</u>
Total Appropriation		\$54,350

and be it further

RESOLVED, that this grant will be used to continue funding the position of one (1) Firearms Examiner (Grade 10) and two (2) Firearms Examiners (PT – Grade 10) in the Department of Central Police Services; and be it further

RESOLVED, that the Director of Budget, Management and Finance 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, the Office of the Comptroller and the Department of Central Police Services.

Item 108 – (COMM. 8E-22) Executive Appointments to the Board of Directors of the Buffalo Niagara Convention & Visitors Bureau

Received, Filed & Printed.

April 4, 2008

Mr. Richard Geiger
President & CEO
Buffalo Niagara Convention & Visitors Bureau
617 Main St., Suite 200
Buffalo, NY 14203

Dear Mr. Geiger:

I hereby appoint the following individuals to the Board of Directors of the Buffalo Niagara Convention & Visitors Bureau. Their terms will expire December 31, 2008.

Mr. Robert Victoria

Ms. Florine Luhr

Senior VP of Marketing
Seneca Gaming Corp.
6000 Corinne Ln.
Clarence Center, NY 14032

Executive Director
Advancing Arts & Culture
413 Bulger Communications Center
1300 Elmwood Ave.
Buffalo, NY 14222

Mr. Jim Sandoro
Executive Director
Buffalo Transportation/Pierce Arrow Museum
24 Myrtle Ave.
Buffalo, NY 14204

Mr. Mark Stadler
CEO
BAV Services
5085 Meadowbrook Rd.
Williamsville, NY 14221

Mr. Drew Cerza
4595 Greenbriar Rd.
Williamsville, NY 14221

Sincerely,

CHRIS COLLINS
Erie County Executive

cc: Appointees
Erie County Legislature
Holly Sinnott, Commissioner, Department of Environment & Planning

Item 109 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB 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. NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 154

RE: Senate/Assembly Home Rule
Requests Pertaining to A-8345-C
and S-6677-B
(COMM. 8E-23)

WHEREAS, legislation has been introduced in the New York State Assembly and Senate to amend the Erie County Tax Act in relation to providing that the amount required to redeem real property affected by any tax sale certificate in foreclosure, or to be recovered by the plaintiff in foreclosure, shall include the aggregate amount of all tax sale certificates affecting such real property and shall also include amounts for attorneys' fees, abstracts of title, court costs, allowances and other disbursements; and

WHEREAS, Assembly Bill A. 8345-C and Senate Bill S. 6677-B now pending before the New York State Legislature would enhance the inherent value of Erie County tax sales certificates, whether offered for sale or retained by Erie County , by including foreclosure expenses such as reasonable and necessary attorneys' fees, abstract of title, court costs, allowances and other disbursements in the amount to be paid to redeem affected properties, and the amount to be recovered in foreclosure, thereby removing the financial burden of such reasonable and necessary expenses from the owners of Erie County tax sale certificates;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Assembly Bill A. 8345-C, entitled "AN ACT to amend the Erie County Tax Act, in relation to providing that the amount required to redeem real property affected by any tax sale certificate in foreclosure, shall include the aggregate amount of all tax sale certificates affecting such real property and shall include amounts in attorneys' fees, abstracts of title, court costs, allowances and other disbursements.

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

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

Such request is made by the local legislative body by a supermajority vote of its members.

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

WHEREAS, legislation has been introduced in the New York State Assembly and Senate to amend the Erie County Tax Act in relation to providing that the amount required to redeem real property affected by any tax sale certificate in foreclosure, or to be recovered by the plaintiff in foreclosure, shall include the aggregate amount of all tax sale certificates affecting such real property and shall also include amounts for attorneys' fees, abstracts of title, court costs, allowances and other disbursements; and

WHEREAS, Assembly Bill A. 8345-C and Senate Bill S. 6677-B now pending before the New York State Legislature would enhance the inherent value of Erie County tax sales certificates, whether offered for sale or retained by Erie County , by including foreclosure expenses such as reasonable and necessary attorneys' fees, abstract of title, court costs, allowances and other disbursements in the amount to be paid to redeem affected properties, and the amount to be recovered in foreclosure, thereby removing the financial burden of such reasonable and necessary expenses from the owners of Erie County tax sale certificates;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill S. 6677-B, entitled "AN ACT to amend the Erie County Tax Act, in relation to providing that the amount required to redeem real property affected by any tax sale certificate in foreclosure, shall include the aggregate amount of all tax sale certificates affecting such real property and shall include amounts in attorneys' fees, abstracts of title, court costs, allowances and other disbursements.

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

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

Such request is made by the local legislative body by a supermajority vote of its members.

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

Item 110 – (COMM. 8E-24) Award of Construction Contract & Supplemental Agreement for Design, Right-Of-Way and Construction Inspection Services - Reconstruction of Wehrle Dr., Town of Amherst

Item 111 – (COMM. 8E-25) Supplemental Agreement with NYSDOT - Wehrle Dr. Reconstruction from Bridge Over Ellicott Creek, Town of Amherst

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

FROM LEGISLATOR IANNELLO

Item 112 – (COMM. 8E-26) 2008 Legislative Development Package

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 113 – (COMM. 8E-27) Erie County 2008 Consolidated Bond Resolution

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR MILLS

Item 114 – (COMM. 8E-28) Re-Appointment of a Commissioner to the Erie County Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 115 – (COMM. 8D-1) County Attorney Memo of Succession

Received and Filed.

Item 116 – (COMM. 8D-2) Transmittal of New Claims Against Erie County

Item 117 – (COMM. 8D-3) Transmittal of New Claims Against Erie County

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

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 118 – (COMM. 8D-4) Agenda & Minutes of Board of Trustees Meeting Held on April 17, 2008

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 119 – (COMM. 8D-5) Letter to Comptroller Concerning Appointment of Commissioner of Central Police Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 120 – MS. WHYTE moved to reconsider COMM. 8D-5. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MR. KOZUB moved to send COMM. 8D-5 to the PUBLIC SAFETY COMMITTEE. MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

Item 121 – (COMM. 8D-6) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM ASSEMBLYMAN QUINN

Item 122 – (COMM. 8M-1) Acknowledgement of Receipt of Certified Resolution

Item 123 – (COMM. 8M-2) Acknowledgement of Receipt of Certified Resolution

The above two items were Received and Filed.

FROM THE NFTA

Item 124 – (COMM. 8M-3) NFTA Board Minutes for Meeting Held on February 25, 2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE LEGAL AID BUREAU OF BUFFALO, INC.

Item 125 – (COMM. 8M-4) Monthly Report and Monthly Activity Report for March 2008

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE ECIDA

Item 126 – (COMM. 8M-5) April 14, 2008 ECIDA Board Meeting(s) Change in Venue Notification

Received and Filed.

FROM COLUCCI & GALLAHER, P.C.

Item 127 – (COMM. 8M-6) Materials Distributed at the April 3, 2008 Regular Meeting of the Board of Directors of Erie County Medical Center Corporation

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM ASSEMBLYMAN QUINN

Item 128 – (COMM. 8M-7) Acknowledgement of Receipt of Certified Resolution

Item 129 – (COMM. 8M-8) Acknowledgement of Receipt of Certified Resolution

The above two items were Received and Filed.

FROM PROBATION OFFICER MICHAEL R. CANAZZI

Item 130 – (COMM. 8M-9) Letter to Legislator Iannello Concerning Erie County Cell Phone Policy

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE STATE COMPTROLLER

Item 131 – (COMM. 8M-10) Town of Boston - Extension No. 3 to Water District No. 2

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN OF HOLLAND

Item 132 – (COMM. 8M-11) Notification of Support of the 8-Year Review of the Sardinia Agricultural District

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM SENATOR RATH

Item 133 – (COMM. 8M-12) Acknowledgement of Receipt of Certified Resolution

Received and Filed.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 134 – (COMM. 8M-13) Audited Financial Statements for the Year Ended December 31, 2008

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN OF EVANS

Item 135 – (COMM. 8M-14) Notification of Support of the 8-Year Review of the Brant-Evans Agricultural District

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE PARTNERSHIP FOR THE PUBLIC GOOD

Item 136 – (COMM. 8M-15) Greening Buffalo: What Local Governments Can Do

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYSDEC

Item 137 – (COMM. 8M-16) Public Notice Concerning Brownfield Cleanup Program - Open Comment Period

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO COMMON COUNCIL

Item 138 – (COMM. 8M-17) Certified Copy of Resolution Titled, "Support the City of Buffalo to Receive 100% of Casino Revenue from NYS"

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ASSEMBLYMAN QUINN

Item 139 – (COMM. 8M-18) Acknowledgement of Receipt of Certified Resolution

Received and Filed.

FROM THE ECMCC

Item 140 – (COMM. 8M-19) Financial Measures Disclosure Statement Certification for the Year Ended December 31, 2007

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM KELLY M. VACCO

Item 141 – (COMM. 8M-20) Letter to Chair Marinelli Concerning Re-Appointment as a Commissioner of the Erie County Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 142 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Iraq War Veteran Jonathon Michael Cote, who had been missing in Iraq for over a year.

Item 143 - Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of all those people who have lost their lives on the job in recognition of Workers' Memorial Day.

Item 144 - Legislator Iannello requested that when the Legislature adjourns, it do so in memory of Wilma Pohl.

Item 145 - Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Vietnam Veteran John W. Weidmann, who was in the wedding party at Legislator Mazur's wedding and who also worked with the legislator in the Erie County Clerk's office.

Item 146 - Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Daniel J. "Danny" Summers, and labor leader Robert W. Godwin Sr., who led the way for working men and women to improve working conditions as local chairman of the Brotherhood of Locomotive Engineers and was later named district chairman before becoming general chairman in 1986.

Item 147 - Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of Bishop LeRoy Anderson, WNY Jurisdiction of the Church of God In Christ, and Mrs. Louise B. Moore, a leader in the Eastern Star and the oldest member of St. Philip's Episcopal Church.

ADJOURNMENT

Item 148 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. RANZENHOFER moved that the Legislature adjourn until Thursday, May 8, 2008 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, May 8, 2008 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE