

**ERIE COUNTY LEGISLATURE
MEETING NO. 16
SPECIAL MEETING
HELD AT THE ERIE COUNTY FIRE TRAINING AND OPERATIONS CENTER
3359 BROADWAY, CHEEKTOWAGA, NY 14227
SEPTEMBER 4, 2008**

The Legislature was called to order by Chair Marinelli.

All members present.

An Invocation was held, led by Mr. Rath, who invited Reverend Lisa Kistner from Starfish Ministries, who read 'The Touch of the Master's Hand' by Myra Brooks Welch, followed by her own words about character, and words of encouragement for our community leaders.

The Pledge of Allegiance was led by Mr. Wroblewski.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 1 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 14E-7 (2008). MR. WROBLEWSKI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 276

RE: Fire Training Academy - 2008 – New
Live Burn Building
(COMM. 14E-7)

WHEREAS, the Department of Public Works received bids on June 20, 2008 for construction of a new live burn building to be located at the Fire Training Academy in Cheektowaga and is recommending award, along with the Engineer, to the lowest responsible bidders; and

WHEREAS, Weydman Electric and EdBauer Construction are the lowest responsible bidders for the work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into contracts for the Fire Training Academy – 2008 – New Live Burn Building with the following:

GENERAL CONSTRUCTION WORK

EdBauer Construction

Base Bid: \$548,800.00

Total Award: \$548,800.00

ELECTRICAL CONSTRUCTION WORK

Weydman Electric

Base Bid: \$ 90,800.00

Total Award: \$ 90,800.00

Total Award of Contracts: \$639,600.00

and be it further

RESOLVED, that the sum of \$84,400.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

RESOLVED, that deduct change orders will result in these funds returned to the contingency fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Projects as follows:

A.00311 – 2007 – Renovations to Training Center Complex	\$523,149.00
A.00321 – 2008 – Renovations to Training Center Complex	<u>\$200,851.00</u>
Total Payments not to Exceed	\$724,000.00

and be it further

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

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

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

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

CARRIED UNANIMOUSLY.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 2 – MS. WHYTE presented the following resolution and requested immediate consideration and approval. MS. KONST seconded.

RESOLUTION NO. 277

RE: 2008 Revenue Anticipation Note
Resolution
(COMM. 16E-1)

RESOLUTION NO. 277 - 2008

RESOLUTION DELEGATING TO THE COUNTY COMPTROLLER THE POWERS TO AUTHORIZE THE ISSUANCE OF \$75,000,000 REVENUE ANTICIPATION NOTES OF THE COUNTY OF ERIE, NEW YORK, OR SO MUCH THEREOF AS MAY BE NECESSARY, IN ANTICIPATION OF THE RECEIPT OF CERTAIN REVENUES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2008, AND TO PRESCRIBE THE TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENT OF SUCH NOTES.

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the County of Erie, in the State of New York (the "County" and "State", respectively), in the aggregate principal amount of not to exceed \$75,000,000, and any notes in renewal thereof, is hereby delegated to the County Comptroller, as chief fiscal officer of the County.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due to the County in the 2008 fiscal year from (i) State Social Services aid, (ii) Social Services aid

from the United States government, and (iii) the collection or receipt of revenues due and payable to the County in the 2008 fiscal year from sales and compensating use taxes; and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the County for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the County, and the faith and credit of the County shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the County and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. Subject to the provisions of this resolution and the Law, and pursuant to Sections 50.00, 56.00, 60.00, and 168.00 of the Law, inclusive, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, including the power to determine the respective amounts of Notes to be issued in anticipation of said respective revenues specified in Section 2 hereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Comptroller, as chief fiscal officer of the County.

Section 5. This resolution shall take effect immediately.

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

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 3 – (COMM. 16E-2) Request for Special Session of the EC Legislature

Received and Filed.

FROM CHAIR MARINELLI

Item 4 – (COMM. 16E-3) Letter Calling Special Session of the Legislature on September 4, 2008

Received, Filed and Printed.

August 28, 2008

Mr. Robert M. Graber
Clerk, Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, N.Y. 14202

Dear Mr. Graber:

Pursuant to Rule 2.02 of the Rules of Order of the Erie County Legislature, you are hereby directed to call a Special Meeting of the Erie County Legislature to be held on THURSDAY, SEPTEMBER 4, 2008 at 12 O’CLOCK NOON of that day at the Erie County Fire Training and Operations Center, located at 3359 Broadway, Cheektowaga, NY 14227.

The Legislature is asked to immediately consider a request of the Comptroller to consider a 2008 Revenue Anticipation Notes Resolution, as well as a request of the County Executive to consider discharging the Public Safety Committee of further consideration of Comm. 14E-7, RE: Fire Training Academy - 2008 - New Live Burn Building, and consideration of legislative action on this item.

Thank you.

Sincerely,

Lynn M. Marinelli
Chair, Erie County Legislature

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 5 – (COMM. 16D-1) Special Session Notice

Received, Filed and Printed.

August 28, 2008

To: All Members of the Erie County Legislature
From: Robert M. Graber, Clerk
Subject: SPECIAL MEETING NOTICE

PLEASE TAKE NOTICE that, pursuant to Rule 2.02 of the RULES OF ORDER of the Erie County Legislature, and under the direction of Chair Lynn M. Marinelli, there will be a SPECIAL MEETING of the Erie County Legislature on THURSDAY, SEPTEMBER 4, 2008 at 12 O'CLOCK NOON of that day at the Erie County Fire Training and Operations Center, located at 3359 Broadway, Cheektowaga, NY 14227.

This meeting will entail:

- Immediate Consideration of a request of the Comptroller to consider a 2008 Revenue Anticipation Notes Resolution.
- Consideration of Discharging the Public Safety Committee of further consideration of Comm. 14E-7, RE: Fire Training Academy - 2008 - New Live Burn Building, and consideration of legislative action on this item.

The items on the agenda will include Immediate Consideration of a request of the Comptroller to consider a 2008 Revenue Anticipation Notes Resolution; Consideration of Discharging the Public Safety Committee of further consideration of COMM. 14E-7; as well as a letter from County Executive Chris Collins to Legislature Chair Marinelli requesting the Special Meeting, the letter from Chair Marinelli calling the Special Meeting; and my Memo as Clerk to Members of the Legislature.

Thank you.

ANNOUNCEMENTS

Item 6 – CHAIR MARINELLI reminded members of the Legislature of dates for the next two sessions of the Legislature, those being September 11th and 18th, as the session that had been scheduled for later in the month had to be moved up to accommodate members who wanted to attend the NYS Association of Counties' fall meeting in Niagara Falls.

Item 7 – MS. KONST announced an Informational Meeting of the Finance & Management Committee on September 11, 2008, at 9:00 A.M. The purpose of the meeting is to discuss Erie County's financial situation as the County moves forward for the balance of 2008, as well as to discuss the situation concerning borrowing for Capital projects.

Item 8 – MS. WHYTE reminded members of the Legislature of the Informational Meetings scheduled to hear public comment concerning a proposed reestablishment of a planning board for Erie County. The meetings are scheduled for tonight at ECC City Campus, September 10th at the Harlem Road Community Center, and September 15th at the Hamburg Town Hall. All meetings are scheduled to begin at 7:00 P.M.

Item 9 – MR. REYNOLDS announced that Dennis Allen, former Evans Center Fire Chief and an Angola native is recovering after receiving two new lungs following surgery at the Cleveland Clinic.

MEMORIAL RESOLUTIONS

Item 10 – Chair Marinelli requested that when the Legislature adjourns, it do so in memory of her mother’s aunt: Maxine (Markowski) Brodzik, and she asked those in attendance to remember in their thoughts John Davis’ niece, who was recently wounded in a shooting in Buffalo.

Item 11 - Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Attorney Samuel C. Perla, and Kenneth C. Carlucci, Sr. of the Painter’s Union and an Active Volunteer Fireman.

Item 12 - Legislator Grant requested that when the Legislature adjourns, it do so in memory of 14-year-old Nancylia Salter, who was tragically shot and killed while playing with her friends in Buffalo. Legislator Grant also implored the community in a plea to end the violence that has been all too common this summer.

Item 13 - Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Charles Joseph Wilson, his grandfather, who died on this day: September 4, 1971. Legislator Kennedy also requested that when the Legislature adjourns, it do so in memory of Daniel R. Fulcher, a former business agent for Local #210 in Buffalo.

Item 14 - Legislator Kozub requested that when the Legislature adjourns, it do so in memory of World War II veteran Stanley Chmielowiec, and in memory of his Grandmother: Mary Kozub.

Item 15 - Legislator Reynolds requested that when the Legislature adjourns, it do so in memory of 14-year-old Collin Renaldo, who tragically died in an auto accident.

Item 16 - Legislator Miller-Williams requested that when the Legislature adjourns, it do so in memory of James D. Prude Jr., who was active as a community leader in the third legislative district, and also in memory of Leonard Pleasant, a retired Erie County Sheriff Deputy.

Item 17 - Legislator Konst requested that when the Legislature adjourns, it do so in memory of Harmon Benzee Jr., who was active in the Town of Elma Fire Company.

ADJOURNMENT

Item 18 - At this time, there being no further business to transact, CHAIR MARINELLI announced that the Chair would entertain a Motion to Adjourn.

MR. MILLS moved that the Legislature adjourn until Thursday, September 11, 2008 at 2:00 p.m. Eastern Standard Time. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

CHAIR MARINELLI declared the Legislature adjourned until Thursday, September 11, 2008 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE