

ERIE COUNTY LEGISLATURE
MEETING NO. 8
APRIL 27, 2006

The Legislature was called to order by Chairman Marinelli.

All members present.

A Moment of Silence was held.

The Pledge of Allegiance was led by Legislator Kennedy.

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 from Meeting No. 7. MR. KENNEDY seconded. MR. RANZENHOFER voted in the negative.

CARRIED.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – WEINSTEIN, LOUGHRAN & RANZENHOFER presented a resolution Honoring the Amherst Senior Center Volunteers for Providing Comprehensive Services to the Senior Citizens of Amherst.

Item 6 - WEINSTEIN, LOUGHRAN & RANZENHOFER presented a resolution Recognizing Amherst Drug Treatment Court for Ten Years of Service to the Residents of Amherst.

Item 7 - WEINSTEIN, LOUGHRAN & RANZENHOFER presented a resolution Honoring Deep Govindaraj for Receiving the SUNY School's Chancellor Award for Spring 2006.

Item 8 – THE MAJORITY CAUCUS presented a resolution Honoring the Ukrainian Cultural Center Dnipro Upon Celebrating Their 50th Golden Anniversary on April 29, 2006.

Item 9 - THE MAJORITY CAUCUS presented a resolution Recognizing May 7 Through May 13, 2006 as Armed Forces Week in Erie County.

Item 10 – MS. KONST presented a resolution Recognizing Kimberly Stribing for Her Heroism in Saving the Life of Lancaster Resident Daniel Gabamonte.

Item 11 – MR. HOLT presented a resolution In Memory of Sister Karen Klimczak.

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Item 12 - SMITH & HOLT presented a resolution Recognizing April 24 Through April 29, 2006 as National Crime Victims Week In Erie County.

Item 13 – MR. SMITH presented a resolution Recognizing May 2 Through May 8, 2006 as Boys & Girls Club Week in Erie County.

Item 14 – HOLT & SMITH presented a resolution Recognizing Patricia Ann Ragin as WNY's #1 Gospel Personality "The Gospel Queen" On WBLK 93.7 FM.

Item 15 - WHYTE & SMITH presented a resolution Recognizing "Taste of Diversity Day Festival" On April 29, 2006 at Lafayette and Grant Streets.

Item 16 - WHYTE & REYNOLDS presented a resolution Honoring our Communities' Workers on Workers Memorial Day.

Item 17 - MARINELLI, WHYTE, HOLT, KENNEDY, KOZUB & MAZUR presented a resolution Recognizing "Kids Day" On April 27, 2006 in the City of Buffalo.

Item 18 – MS. IANNELLO presented a resolution Recognizing 2005 Grand Island Chamber of Commerce Award Winners.

LOCAL LAWS

Item 19 - CHAIRMAN MARINELLI directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 20 – CHAIRMAN MARINELLI directed that Local Law No. 12 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 21 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. REYNOLDS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 112

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ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 7

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

ALL ITEMS WERE TABLED.

THOMAS J. LOUGHRAN
CHAIRMAN

LEGISLATOR RESOLUTIONS

Item 22 – MR. HOLT presented the following resolution and moved for immediate consideration. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 113

RE: Standing With The Buffalo Bills As Out
Hometown Team (INTRO 8-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS HOLT, MARINELLI, WHYTE, KOZUB,
KENNEDY, KONST, SMITH, MAZUR, LOCKLEAR,
IANNELLO, REYNOLDS AND LOUGHRAN**

WHEREAS, On September 4, 1959, Ralph C. Wilson Jr. made Western New York history by announcing his intent to own an American Football League franchise to be located in Buffalo, New York; and

WHEREAS, On July 29, 1960, more than 10,000 residents welcomed The Buffalo Bills with a parade on Main Street in downtown Buffalo, followed by the July 30, 1960 first-ever preseason game in the AFL held at Buffalo War Memorial Stadium to a packed crowd of over 16,000 fans; and

WHEREAS, Upon bringing The Buffalo Bills to Western New York, Mr. Wilson single-handedly strengthened the very fabric of life for area residents for generations, enhanced the spirit of a community, helped countless local businesses prosper with the resulting revenue directly linked to the Bills, and has always stood tall in his steadfast determination to keep the Bills right here; and

WHEREAS, Over the many years that The Buffalo Bills have been our hometown team, Western New York residents have supported the Bills regardless of the outcome of league games, statistics or standings; and

WHEREAS, Due to the commitment, perseverance, and integrity of pioneering team owners like Mr. Wilson, history clearly shows that such hard work forged the National Football League into the premier American institution that it is today; and

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WHEREAS, Recently the NFL has proposed changes to its collective bargaining agreement that are problematic for the long-term viability of teams like The Buffalo Bills that reside in smaller markets than teams located in larger metropolitan areas; and

WHEREAS, One example of a competitive disadvantage for The Buffalo Bills in the new collective bargaining agreement would be the very support given to the Bills franchise by the people of Erie County, in that any tax dollars spent on upkeep and improvements to Ralph Wilson Stadium would be counted as revenue, thus hurting the Bills financial bottom line when NFL revenue is divided between league teams; and

WHEREAS, Another disadvantage would result from the sale or transfer of ownership of the Bills to a new local owner, as any new owner would be barred from receiving any revenue sharing from the NFL, resulting in a much lower value for the franchise as well as the loss of critical revenue needed to keep the team financially viable; and

WHEREAS, In light of a frustrating new collective bargaining agreement and the challenges it presents, it is heartening for area residents to note that Mr. Wilson has passionately expressed his continued intent to keep The Buffalo Bills in Western New York after a proud legacy of 46 years of contributing to our community.

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby go on record in support of the continued strong relationship between The Buffalo Bills and the people of Western New York, with The Buffalo Bills remaining as our hometown team; and be it further

RESOLVED, That this Legislature notes that a proposed new NFL collective bargaining agreement would be financially problematic for the future viability of small franchise teams like The Buffalo Bills, The Jacksonville Jaguars, and The Cincinnati Bengals; and be it further

RESOLVED, That this Legislature respectfully requests that the NFL reconsider this proposed new collective bargaining agreement to ensure that small franchise teams are held financially harmless in light of the very real contributions they have made to the NFL as a whole; and be it further

RESOLVED, That this Legislature strongly encourages the NFL to appoint Ralph C. Wilson Jr. as a member of the NFL Qualifying Committee to ensure that the interests and concerns of small market teams will be represented as the details of the new collective bargaining agreement are finalized; and be it further

RESOLVED, That this Legislature urges an "Open Dialogue" with all the parties involved to ensure that all NFL teams remain viable, are encouraged to grow and prosper, and that professional football remains a sport that touches the very soul of a community's consciousness and esteem; and be it further

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RESOLVED, That this Legislature further notes that teams like The Buffalo Bills - one of the original AFL teams - helped to build the NFL, and as such should have special consideration to make certain that they continue to be a source of pride and a spirit of hope for all residents; and be it further

RESOLVED, That certified copies of this resolution be forwarded to National Football League Commissioner Paul Tagliabue, Buffalo Bills owner Ralph C. Wilson Jr., New York Governor George A. Pataki, the Western New York delegations to Congress and the New York State Legislature, and Erie County Executive Joel A. Giambra.

Item 23 - CHAIRMAN MARINELLI directed the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 8-2 from LEGISLATOR REYNOLDS Re: NYS Senate Bill S6821 and Assembly Bill A9329.

Item 24 - CHAIRMAN MARINELLI directed the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED

INTRO 8-3 from LEGISLATORS RANZENHOFER, MILLS & WEINSTEIN Re: Resolution to Terminate Sales Tax Revenue Distribution Agreement of December 30, 1977.

Item 25 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded. MR. KOZUB voted in the negative.

CARRIED. (14-1)

RESOLUTION NO. 113

RE: Requesting Charter Revision Commission Include Legislative Oversight in County's Retention of Counsel, Consultant or Lobbyist (INTRO 8-4)

WHEREAS, on the 20th Session of 2005, held on July 14th, this honorable body approved the “Erie County Counsel, Consultant and Lobbyist Responsibility Law,” (Local Law Intro No. 11-1 2005) which required that:

“No special or outside counsel, consultant, or lobbyist retained by Erie County or by any of its elected officials, officers, appointed officials or any employee, for the purpose of consulting, engaging in professional, technical or consultant services, lobbying or advocacy of legal representation or any legal matter for the County or any official, regardless of the dollar amount, value or cost for said contracts, shall be retained until such person or persons has first responded to a request for proposal (RFP) initiated by Erie County, and the response and award of contract or payments has been evaluated and approved by the Erie County Legislature prior to such

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person or persons entering into any consulting, professional, technical or consultant services, lobbying, lobbying activates, advocacy, legal representation or legal work upon behalf of Erie County or any official, officer of employee.”

and

WHEREAS, the County Executive, on August 11, 2005 vetoed the Erie County Counsel, Consultant and Lobbying Responsibility Law (Comm. 23E-9). On the 23rd Session of 2005, held September 15th, this honorable body overrode the County Executive’s veto by a vote of 12-1. The County Attorney informed the Legislature, in a communication received September 27, 2005 (Comm. 24D-5) that the Erie County Counsel, Consultant and Lobbyist Responsibility Law could not be certified absent its approval at a mandatory referendum within 60 days of its approval; and

WHEREAS, the communication from the County Attorney informing the Legislature of the necessity of a mandatory referendum was not received in adequate time for the Local Law to be put on the ballot for referendum; and

WHEREAS, the County Attorney informed this Honorable Body that the Local Law could not be enforced as it diminished the Executive’s authority pursuant to the Erie County Charter, and that this could only be done by referendum; and

WHEREAS, there presently is a Charter Revision Commission working on updating and revising the Erie County Charter.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature hereby requests the Erie County Charter Revision Commission include in its final recommendations limitations on Erie County or by any of its elected officials, officers, appointed officials or any employee to retain special or outside counsel, consultant, or lobbyist as outlined by the Erie County Counsel, Consultant and Lobbyist Responsibility Law; and be it further

RESOLVED, certified copies of this resolution are to be presented to the County Executive, County Attorney, District Attorney and the Erie County Charter Revision Commission.

MS. WHYTE moved to amend the item by including Legislators Mills, Ranzenhofer, Weinstein and Holt as co-sponsors. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the item as amended. MR. KENNEDY seconded. MR. KOZUB voted in the negative.

CARRIED. (14-1)

Item 26 – MS. LOCKLEAR presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 115

RE: Improvements at the Buffalo Airfield
(INTRO 8-5)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LOCKLEAR, MARINELLI, WHYTE, KOZUB,
KENNEDY, HOLT, KONST, SMITH, MAZUR,
IANNELLO, REYNOLDS AND LOUGHRAN**

WHEREAS, the County of Erie has received a request from Aviation Consultants of W.N.Y., Inc., applicant for the Buffalo Airfield, concerning its application for State grant funds under the Transportation Bond Act, for the following projects:

Under the Airport Improvement and Revitalization Grant Program (AIR '99):

- Installation of a Self-Service Aircraft Fueling Facility
- Construction of a New T-Hanger
- Rehabilitation of an Existing T-Hanger

Under the General Aviation Airport Security Programs

- Installation of Area Lighting and Security Cameras; and

WHEREAS, pursuant to Section 14-1 of the New York Transportation Law, the New York State Department of Transportation requires that privately owned airports seeking approval for improvement projects 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 the Buffalo Airfield 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; and be it further

RESOLVED, that this resolution shall be effective immediately.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 116

RE: Urging the NYS Legislature to Provide for
Tax Credits to Volunteer Firefighters (INTRO
8-6)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS KOZUB, MARINELLI, WHYTE, WEINSTEIN,
KENNEDY, HOLT, RANZENHOFER, KONST,
SMITH, MAZUR, LOCKLEAR AND IANNELLO**

WHEREAS, Volunteer Fire and Rescue Departments provide untold value in public service to their communities by their selfless dedication in responding at all hours to the needs of their community; and

WHEREAS, Volunteer Firefighters and Rescue Members must undergo countless hours of training and practice to become certified in the various aspects and skills necessary for firefighting and rescue; and

WHEREAS, this dedication to service to others is given freely to this community by the 5,500 members of the 94 volunteer Fire Departments; and

WHEREAS, this ever changing and busy world the recruitment and retention of volunteer department members is becoming increasingly challenging and it is difficult to maintain adequate numbers of trained and qualified volunteers to respond to the community's needs; and

WHEREAS, it would be fitting recognition and a reward for the selfless dedication of the members of volunteer fire and rescue departments for New York State to provide a credit against personal income tax for members in good standing of a volunteer fire and/or rescue department.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby urge the New York State Assembly and Senate pass a bill that would provide such a benefit; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno and the Western Delegation to the State Legislature.

MS. WHYTE moved to amend the resolution by adding Legislators Mills, Ranzenhofer and Weinstein as Co-Sponsors. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the item as amended. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 117

RE: Efficiency in the Fire Safety Division
(INTRO 8-7)

A RESOLUTION SUBMITTED BY
LEGISLATORS REYNOLDS, KOZUB, MARINELLI, WHYTE,
KONST, HOLT, LOUGHRAN, MAZUR, KENNEDY AND IANNELLO

WHEREAS, the Erie County Fire Safety Division is an organization dedicated to working in alliance with the New York State Office of Fire Prevention and Control to provide firefighters in the Buffalo-Niagara region with essential firefighting training; and

WHEREAS, the Erie County Fire Safety Division serves over 5500 volunteer firefighters in 94 volunteer fire departments throughout Erie County; and

WHEREAS, public safety is the number one mandate of the Erie County Legislature as stated in the County's Organizational Charter; and

WHEREAS, the Erie County Fire Safety Division is also responsible for tracking all firefighting training programs offered in the Buffalo-Niagara region and verifying firefighters who undertake and successfully complete such programs, as mandated by the New York State Office of Fire Prevention and Control; and

WHEREAS, as a result of the current Erie County budget crisis, the clerical staff of the Erie County Fire Safety Division has been so drastically cut that filing essential documenting paperwork required by the New York State Office of Fire Prevention and Control has become an impossible task; and

WHEREAS, without the timely filing of such essential and required paperwork the future of all state sponsored firefighting training courses will be jeopardized, which in turn will negatively impact the proficiency of Erie County's extensive volunteer firefighters; and

WHEREAS, the Division of Fire Safety's Personnel Budget has been reduced by \$124,145 since 2004, including the loss of one receptionist, at a salary of \$25,542.

NOW, THEREFORE, BE IT

RESOLVED, the Deputy Commissioner of Fire Safety is requested to appear before the Public Safety Committee to discuss the impact budget cuts have had on the Department's ability to provide training to our communities volunteer firefighters; and be it further

RESOLVED, certified copies of this resolution be forwarded to the County Executive, and the Deputy Commissioner of Fire Safety.

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Item 29 - CHAIRMAN MARINELLI directed the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 8-8 from LEGISLATOR WHYTE Re: Resolution in Support of NYS Assembly Bill A9807 / Senate Bill S6787.

Item 30 – MS. KONST presented the following resolution and moved for immediate consideration and approval. MR. HOLT seconded. MR. RANZENHOFER abstained from voting.

CARRIED UNANIMOUSLY. (14-0-1)

RESOLUTION NO. 118

RE: Designation of Provider for Erie
 Community College Audit Services (INTRO 8-10)

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

WHEREAS, the contract for the audit of Erie Community College (“College”) expired with the completion of the audit for the fiscal year ended 2005; and

WHEREAS, the Audit Committee for Erie County prepared and forwarded requests for proposal (RFP) to national and regional certified public accounting firms requesting proposals for the audits of the College for fiscal years August 31, 2006 through August 31, 2009; and

WHEREAS, the Audit Committee’s RFP and evaluation of the responses was in full compliance with paragraph C, Section 1813 of the Erie County Charter; and

WHEREAS, the following eight firms responded to the RFP:

Drescher & Malecki; Toski Schaefer; Bonadio Group; Dopkins & Company;
 Lumsden McCormick; Lloyd & Co.; Tronconi Segarra; Clifton Gunderson

and

WHEREAS, the Erie County Audit Committee has recommended award of the contract to Drescher & Malecki, LLP.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature, in accordance with the provisions of Section 1813 of the Erie County Charter and Section 6304, subdivision 6 of the New York State Education Law, does hereby authorize and direct the Board of Trustees and the President of Erie Community College to enter into contract with Drescher & Malecki, LLP for the annual auditing of ECC’s financial statements for the period August 31, 2006 through August 31, 2009; and be it further

RESOLVED, the contract for the audit of Erie Community College’s financial statements shall be paid by the College; and be it further

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RESOLVED, that Drescher & Malecki shall be paid \$121,900 for audit of the College's financial statements for the years starting August 31, 2006, and ending August 31, 2009; and be it further

RESOLVED, that certified copies of this resolution be provided to the County Executive, Budget Director, Comptroller, County Attorney, and the President and Chief Administrative and Financial Officer of Erie Community College.

Item 31 – MS. WHYTE moved to receive and file INTRO 8-10. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

INTRO 8-10 from MS. MARINELLI Re: Appointment to the Erie County Water Authority

Item 32 - CHAIRMAN MARINELLI directed the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 8-11 from LEGISLATOR MAZUR Re: Improving Economic Services in Erie County

Item 33 – CHAIRMAN MARINELLI directed the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 8-12 from HOLT & IANNELLO Re: Support for Erie Community College

Item 34 – MR. REYNOLDS presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 119

RE: Workers Memorial Day - April 28, 2006
(INTRO 8-13)

A RESOLUTION SUBMITTED BY
 LEGISLATORS REYNOLDS, MARINELLI, WHYTE, KOZUB,
 KENNEDY, HOLT, KONST, SMITH, MAZUR,
 LOCKLEAR, IANNELLO AND LOUGHRAN

WHEREAS, On Friday, April 28, 2006, the international community will commemorate Workers Memorial Day to honor working men and women who have lost their lives or have been injured while on the job; and

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WHEREAS, Workers Memorial Day in the United States was first introduced in 1989, with April 28th chosen because it is the anniversary of the creation of the Occupational Safety and Health Administration (OSHA), whose duty is to ensure the health and safety of the American workforce; and

WHEREAS, Internationally, trades unions throughout the world mark April 28th as an “International Day of Mourning,” marked by remembrance for the dead while fighting for the living, to ensure that worksite tragedies are not repeated; and

WHEREAS, Worksite deaths and injuries in the United States are heartbreaking tragedies that cost the lives of more than 60,000 people annually, while another 6 million are injured on the job, representing a staggering loss to America, the American economy, the families of those killed or hurt, along with the continuing struggles and burdens of caregivers for those injured while on the job; and

WHEREAS, The 2006 Workers Memorial Day takes on added meaning with the continued loss of life and injury of our men and women in the armed forces – especially our troops serving in Iraq and Afghanistan, the disaster at the Sago mine in West Virginia and five other mines claiming the lives of 18 people, and locally with the recent tragedies of people killed while doing their jobs, including the deaths of Sister Karen Klimczak and restaurateur George Pitliangas; and

WHEREAS, Nationally, a very real way to ensure the health and safety of working men and women is to get the word out to workers about existing laws that protect people in the workforce, mandate strict enforcement of those laws, and strengthen laws to give worksite safety representatives the rights they need to do their jobs; and

WHEREAS, Rather than address serious safety and health problems faced by American working men and women, unfortunately the Bush Administration has moved to weaken protections that aim to ensure worker safety, blocked or withdrawn dozens of important safety rules, and has relied upon promoting voluntary compliance instead of real enforcement. Such reversals, along with the gutting of OSHA enforcement, has resulted in less protection for workers in 2006 than before, and regrettably puts more workers at risk for injury, disease and loss of life.

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby go on record in support of working men and women in recognizing and appreciating efforts to strengthen worker safety by commemorating Workers Memorial Day this Friday, April 28, 2006; and be it further

RESOLVED, That this Legislature pauses to honor those who have lost their lives or were injured on the job due to accident, illness, crime, or while serving their country in the military; and be it further

RESOLVED, That this honorable body acknowledges that the most effective way of improving workplace health and safety is to enforce and strengthen existing workplace safety regulations, give more rights to safety representatives and to punish employers that break the law resulting in injury or death; and be it further

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RESOLVED, That this Legislature encourages the Federal government to strengthen worksite safety, empower and fully fund OSHA, and move to pass the Protecting America's Workers Act (S944 and HR2004); and be it further

RESOLVED, That the Erie County Legislature encourages people to be proactive in promoting Workers Memorial Day by promoting activities that highlight worker safety, including:

- Encouraging employers to allow some form of recognition of Workers Memorial Day, such as a moment of silence at work to remember people who have died or were injured on the job;
- Organize a meeting on worksite health and safety or corporate/government responsibility to all workers;
- Arrange an event to honor workers who have died by planting a memorial tree, installing a plaque or bench in a public place;
- Request local religious organizations to include Workers Memorial Day in their weekly services;
- Distribute ribbons to workers to symbolize Workers Memorial Day;

and be it further

RESOLVED, That certified copies of this resolution be forwarded to the Western New York delegation to Congress, New York State Legislature, Governor George Pataki, and President George W. Bush.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 120

RE: Rate of Pay for Election Inspectors for
Special Election

**A RESOLUTION SUBMITTED BY
LEGISLATORS MARINELLI AND HOLT**

WHEREAS, on October 29, 2002, President George W. Bush signed the "Help America Vote Act" (HAVA), a Federal mandate, which provided for sweeping changes in voting systems and for the administration of the electoral process, from voter registration to the casting of the ballot. In New York State, HAVA was implemented by the Election Consolidation and Improvement Act of 2005, which was signed into law by George Pataki on July 12, 2005; and

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WHEREAS, prior to the implementation of HAVA each municipality in Erie County was responsible for hiring and setting all terms of employment for election inspectors; and

WHEREAS, HAVA forces Erie County hire and compensate all election inspectors and set a rate of compensation which is uniform throughout Erie County; and

WHEREAS, the Board of Elections are able to recover the costs of compensating the election inspectors from the municipalities where the elections are held; and

WHEREAS, the hiring and establishment of the rate of pay for election inspectors must be completed prior to the May 2, 2006 special election called by Governor Pataki to fill the vacancy in the 142nd Assembly District.

NOW, THEREFORE, BE IT

RESOLVED, the daily rate of pay, including travel and any other cost, for all Erie County election inspectors for the May 2, 2006 special election is \$132. per day with a \$15. stipend for the captain; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Budget Director, Comptroller and the Board of Elections.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 36 – MS. WHYTE moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of COMM. 7E-13. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 121

RE: Increase in Fee for Issuance of New
Plasticard Pistol Permits

WHEREAS, the Erie County Clerk's Office was awarded a grant through New York State Senator Dale Volker for purposes of purchasing a Plasticard Gunkeeper ID/Tracking System for the Erie County Clerk's Office Pistol Permit Department, and

WHEREAS, on March 14, 2005, the Erie County Legislature adopted a resolution accepting the grant for said purpose, and

WHEREAS, the Plasticard Gunkeeper ID/Tracking System will create an efficient means of processing pistol permit applications and storage of applicant data, while producing a plastic pistol permit card to replace the existing paper permits, and

WHEREAS, the Plasticard includes a digitized image capture of the applicant, as well as a digitized fingerprint image, thus resulting in a savings for permit applicants who now are required to purchase a photograph prior to applying, and

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WHEREAS, the Memorandum of Understanding (MOU) effective April 13, 1987 between the County of Erie and the New York State Unified Court System “for the purpose of transferring to the County...clerical functions...with respect to the issuance and processing...applications for firearms licenses and for renewals, and for the collection of fees for...photographic services as may be established by the County,” the Clerk has the authority to charge for photographic services.

NOW, THEREFORE BE IT

RESOLVED, that the following fee structure which includes a fee for photographic services authorized by the April, 1987 MOU between the County and the Unified Court System be adopted as follows to be effective on the day following approval of this resolution:

New Permits	\$20	(\$10 existing fee and \$10 fee for digitized image capture and fingerprint image)
Duplicates	\$15	(\$5 existing fee and \$10 fee for digitized image capture and fingerprint image)
Transfers	\$15	(\$5 existing fee and \$10 fee for digitized image capture and fingerprint image)
Amendments	\$13	(\$3 existing fee per amendment application and \$10 fee for each new digitized image capture and fingerprint image card)

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the County Attorney, the Office of the Comptroller, and the Erie County Clerk’s Office.

MS. WHYTE moved to amend the item. MR. HOLT seconded. MR. RANZENHOFER voted in the negative.

CARRIED. (14-1)

DELETE THE FIRST (1ST) RESOLVED CLAUSE AND REPLACE WITH THE FOLLOWING:

New Permits	\$20	(\$10 existing fee and \$10 fee for digitized image capture and fingerprint image)
Duplicates (first time)	\$15	(\$5 existing fee and \$10 fee for digitized image capture and fingerprint image)
(after first time)	\$7	

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Transfers (first time)	\$15	(\$5 existing fee and \$10 fee for digitized image capture and fingerprint image)
(after first time)	\$7	
Amendments	\$15	(treated as a duplicate, see above)
(after first time)	\$5	(\$3 existing fee and \$2 processing fee)

MS. WHYTE moved for approval of the item. MS. LOCKLEAR seconded. MR. RANZENHOFER voted in the negative.

CARRIED. (14-1)

Item 37 – MS. WHYTE moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of COMM. 7E-31. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 122

RE: DPW - Buffalo Niagara Convention Center
 - Roof Replacement

WHEREAS, the Department of Public Works received bids on March 16, 2006 for the Buffalo Niagara Convention Center, Roof Replacement project, and

WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder for the Buffalo Niagara Convention Center, Roof Replacement project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract for the Buffalo Niagara Convention Center, Roof Replacement project as follows:

GENERAL CONSTRUCTION WORK

Weaver Metal & Roofing, Inc.

Base Bid:	\$383,165.00
Alternate Bid #1 – Add (SBS-Modified Bitumen membrane roofing system)	\$457,000.00
Alternate Bid #3 – Add (Energy Star Finished Roof Coating System)	\$ 47,000.00
Alternate Bid #4 – Add (Roof Walk Pads)	<u>\$ 3,400.00</u>
Total with alternates:	\$890,565.00

and, be it further,

RESOLVED, that the sum of \$75,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency. The Commissioner of Public works will report back to the Legislature on if and how the \$75,000.00 construction contingency fund was utilized; and be it further

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RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further

RESOLVED, that upon authorization by this Honorable Body of the 2006 bond authorization, the Commissioner of Public Works is hereby authorized to issue a change order to Weaver Metal & Roofing, Inc. for acceptance of add Alternate Bids Nos. 1, 3 & 4 for a total sum of \$507,400.00, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the following SAP accounts:

A.00078 – '03 Existing Convention Center	\$ 553,165.00
A.00292 – '06 Convention Center	\$ 412,400.00
Total:	\$ 965,565.00

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 and Finance, and the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

DELETE the 2nd RESOLVED clause and **REPLACE** with the following:

RESOLVED, that the sum of \$75,000.00 be allocated for a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders not to exceed the amount of the contingency. The Commissioner of Public works will report back to the Legislature on if and how the \$75,000.00 construction contingency fund was utilized; and be it further

DELETE the 5th RESOLVED clause and **REPLACE** with the following:

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the following SAP accounts:

A.00078 – '03 Existing Convention Center	\$ 553,165.00
A.00292 – '06 Convention Center	\$ 412,400.00
Total:	\$ 965,565.00

and be it further

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

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CARRIED UNANIMOUSLY.

Item 38 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 5E-15. MR. KOZUB seconded. MS. KONST voted in the negative.

CARRIED (14-1)

RESOLUTION NO. 138

RE: Probation & Youth Detention Services -
Delete a Probation Supervisor Position &
Recreate the Principal Probation Officer
Position

WHEREAS, the Erie County Department of Probation and Youth Detention Services suffered a reduction in senior management staff by elimination of the Principal Probation Officer position, and

WHEREAS, such a position is needed to provide representation and oversight to supervisory and line officers, and

WHEREAS, the position is also very critical to complying to the changing demands of both state and county initiatives, and

WHEREAS, the position ensures a greater degree of consistency in the delivery of juvenile justice related services, and

WHEREAS, the position will ensure a greater degree of compliance with requirements of juvenile justice grants, and

WHEREAS, the said personnel services adjustment (B-100 1789) will have no fiscal impact on the county budget due to vacancy savings already achieved and reimbursement eligibility.

NOW, THEREFORE, BE IT

RESOLVED, that personal services budget of the Department of Probation and Youth Detention Services be hereby adjusted to delete the position of Probation Supervisor, JG 12, (position number 7554), and that the position of Principal Probation Officer, JG 13, be created, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Personnel and the Department of Probation and Youth Detention Services.

MS. WHYTE moved for approval of the item. MR. KOZUB seconded. MS. IANNELLO and MS. KONST voted in the negative.

CARRIED (13-2).

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Item 39 – MS. WHYTE moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of COMM. 7E-20. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 124

RE: CPS Forensic Laboratory - Proposed
 Resolution for Acceptance of Operation Impact
 II Grant

WHEREAS, the Erie County CPS Forensic Lab has the ability to receive an award grant from the City of Buffalo in the amount of \$40,000, and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to improve the delivery of analytical services in shooting related investigations and decrease the backlog in the firearms section.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby given to the County Executive to enter into a contract, and accept funding in the amount of \$40,000.00 from the City of Buffalo, 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:

Central Police Services
Forensic Laboratory - Operation Impact II - Assistance Grant
01/01/2006 to 06/30/2006

<u>Revenue</u>	<u>Increase</u>
SAP Account #: 479100 Revenue	<u>\$40,000</u>
Total Local Revenue	\$40,000.
Appropriation	Increase
SAP Account # 500010 Part Time Salaries	\$37,000
SAP Account # 502000 Fringe Benefits	<u>\$ 3,000</u>
Total Appropriation	\$40,000.

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

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

MS. WHYTE moved for approval of the item. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

None.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 40 – (COMM. 8E-1) Audit of Wireless Devices

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 41 – (COMM. 8E-2) Economic Impact of the Proposed Seneca Buffalo Creek Casino

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 42 – (COMM. 8E-3) Salary Changes

Received and filed.

FROM LEGISLATOR SMITH

Item 43 – (COMM. 8E-4) Copy of Letter to ECDC Chair Re: Erie County Water Authority
Chairperson

Received and filed.

FROM LEGISLATOR MARINELLI

Item 44 – (COMM. 8E-5) Appointment of Commissioner of Erie County Water Authority

Received, Filed and Printed.

April 18, 2006

Hon. Kevin M. Kelley
Clerk, Erie County Legislature
92 Franklin Street
4th Floor
Buffalo, NY 14202

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Re: Appointment of Commissioner to the Erie County Water Authority

Dear Mr. Kelley:

I wish to notify you that I plan to make an appointment to the Erie County Water Authority at the upcoming Session at the upcoming Session on Thursday, April 27, 2006. The appointment is to fill a vacancy which will occur when a Commissioner's term expires on April 27, 2006.

Please make sure that Legislature Tom Loughran schedules a meeting of the Energy and Environment Committee on the morning of April 27th to interview prospective candidates.

Sincerely Yours,

Lynn Marinelli
 Chairman
 Erie County Legislature

FROM LEGISLATOR KENNEDY

Item 45 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded. MR. KENNEDY abstained.

CARRIED UNANIMOUSLY (14-0).

RESOLUTION NO. 125

RE: Legislative Office Space (COMM. 8E-6)

RESOLVED, the Erie County Executive is hereby authorized to sign a Two (2) Year Lease Agreement with Richard Guard for Legislative Office space for Timothy Kennedy, located at 1928 South Park Ave., North Office, Buffalo, NY for a monthly rate of \$650.

FROM THE DISTRICT ATTORNEY

Item 46 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. WEINSTEIN seconded. MS. IANNELLO voted in the negative.

CARRIED (14-1).

RESOLUTION NO. 126

RE: District Attorney's Office - Salary Change
 (COMM. 8E-7)

WHEREAS, the District Attorney desires to upgrade fourteen positions within their Office as to make the salary level commensurate with the duties required of that position, as well as to better retain experienced personnel within these positions, and

WHEREAS, the funds necessary to effectuate the following changes are available through the savings to be realized in the personal services line of the operating budget as a result of the

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vacancy and elimination of the Senior Chief, Target Crimes Initiative Bureau, which has been vacant since November, 2005.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby provides authorization to eliminate one Senior Chief, Target Crimes Initiative Bureau position, Job Group 18, (B 1 00 #1937); one Paralegal position, Job Group 5 (BI00#1929); and seven (7) Assistant District Attorney III positions Job Group 14 (BI00#1919), and be it further

RESOLVED, that the Erie County Legislature hereby provides authorization to upgrade four positions, namely one Second Deputy District Attorney/Executive Assistant to Job Group 19 (BI00#1927); one Chief of Justice Courts to Job Group 17 (BI00#1928); one Chief, Confidential Criminal Investigator-Accountant to Job Group 14 (B 1 00#1930); one position of Chief, Confidential Criminal Investigator to Job Group 13 (BI00#1920); and be it further

RESOLVED, that the Erie County Legislature hereby provides authorization to create one (1) new Job Group 17 position, Chief of City Court Bureau (BI00#1931); and promote an Assistant District Attorney V, Job Group 16 into new position, and be it further

RESOLVED, that the Erie County Legislature hereby provides authorization to promote one ADA IV, Job Group 15 into the Assistant District Attorney V, Job Group 16 vacancy, and be it further

RESOLVED, that the Erie County Legislature hereby provides authorization to promote one ADA II, Job Group 14 to the Assistant District Attorney IV, Job Group 15 vacancy, and be it further

RESOLVED, that the Erie County Legislature hereby provides authorization to create six (6) new ADA IV, Job Group 15 positions (BI00#1951); and promote six (6) ADA III, Job Group 14 into these positions, and be it further

RESOLVED, that the Erie County Legislature hereby provides authorization to create one (1) new Senior Paralegal, Job Group 7 and promote one (1) Paralegal, Job Group 5 (BI00#1929) into this position, and be it further

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

FROM THE SHERIFF

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

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 127

RE: Erie County Sheriff's Office - Sheriff's
Dispatchers (COMM. 8E-8)

WHEREAS, Comm. 1E-10 provided for the transfer of the following positions from Central Police Services to the Sheriff's Division for the period of January 1, 2006 through May 1, 2006:

Seven (7) Dispatcher (Sheriff)
Three (3) Dispatcher (Sheriff) 55A, and

WHEREAS, as of the date the Communications Center is not complete and ready for occupancy.

NOW, THEREFORE, BE IT

RESOLVED, that the 7 (seven) Dispatcher (Sheriff) and the 3 (three) Dispatcher (Sheriff) 55A remain in the Erie County Sheriff's Office and be administered under their budget until such a time as superseding legislation is approved; and be it further

RESOLVED, that Central Police Services shall assign a minimum of three (3) Police Complaint Writers to the Erie County Sheriff's Office 911 Communications Center located at Patrol Headquarters in Chestnut Ridgert Park so long as that is used as the primary dispatch center of the Sheriff's Office; and be it further

RESOLVED, that the Department of Central Police Services shall fill any Police Complaint Writer vacancies from the list created by the reduction in force of the Dispatchers in the Sheriff's Office pursuant to Civil Service Law, and be it further

RESOLVED, that certified copies be forwarded to the Office of the County Executive, the Division of Budget, Management and Finance, the Department of Personnel, the Office of the Comptroller, the Department of Central Police Services and the Office of the Sheriff for implementation.

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

CARRIED UNANIMOUSLY.

WHEREAS, Comm. 1E-10 provided for the transfer of the following positions from Central Police Services to the Sheriff's Division for the period of January 1, 2006 through May 1, 2006:

Seven (7) Dispatcher (Sheriff)
Three (3) Dispatcher (Sheriff) 55A, and

WHEREAS, these transfers were contingent on the Public Safety Communications Center being ready for occupancy in April of 2006, and

WHEREAS, as of this date the Communications Center is not complete and ready for occupancy, and

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WHEREAS, the Commissioner of Central Police Services has agreed to provide positions for displaced Sheriff's Dispatchers as Police Complaint Writers once vacancies in that title are filled.

NOW, THEREFORE, BE IT

RESOLVED, that the 7 (seven) Dispatcher (Sheriff) and the 3 (three) Dispatcher (Sheriff) 55A remain in the Erie County Sheriff's Office and be administered under their budget effective May 1, 2006 until December 31, 2006, and be it further,

RESOLVED, the Director of the Division of Budget, Management and Finance is authorized to transfer sufficient funds from the Personnel Services Budget of the Department of Central Police Services to Sheriff's Office as required to implement this Resolution, and be it further

RESOLVED, that certified copies be forwarded to the Office of the County Executive, the Division of Budget, Management and Finance, the Department of Personnel, the Office of the Comptroller, the Department of Central Police Services and the Office of the Sheriff for implementation.

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

CARRIED UNANIMOUSLY.

FROM THE COUNTY EXECUTIVE

Item 48 - (COMM. 8E-9) Erie County's Plan under Article 18-B of the County Law for the Representation of Indigent Persons Entitled to Counsel

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 49 – (COMM. 8E-10) Amendment Number 2 to Erie County & NYS Canal Corporation Agreement Regarding Erie Canal Way Trail

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 50 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 128

RE: Ralph Wilson Stadium - 2006 - General
Construction Work Re-Bid, Phase 2

WHEREAS, the Department of Public Works received bids on April 6, 2006, for the Ralph Wilson Stadium – 2006 – General Construction Work Re-Bid, Phase 2, and

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WHEREAS, the Department of Public Works is recommending award to the lowest responsible bidder for the Ralph Wilson Stadium – 2006 – General Construction Work Re-Bid, Phase 2, and

WHEREAS, the County of Erie is required to provide annual Capital Lease Improvements to the stadium facilities pursuant to the new Lease Agreement.

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive be authorized to enter into a contract for the Ralph Wilson Stadium – 2006 – General Construction Work – Re-Bid, Phase 2, as follows:

GENERAL CONSTRUCTION WORK

DiPizio Construction Co., Inc.

Base Bid	\$ 766,500.00
Alternate Bid G-1 (Add)	\$ 175,100.00
Alternate Bid G-2 (Add)	<u>\$ 36,100.00</u>
Total for General Construction Work	<u>\$ 977,700.00</u>

and be it further

RESOLVED, that the sum of \$75,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works 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 being returned to the contingency fund, and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from the following SAP accounts:

A.09004-'01 Ralph Wilson Stadium Lease Improvements	\$ 17,395.00
A.00259-'05 Ralph Wilson Stadium	<u>\$1,035,305.00</u>
Total Payments:	<u>\$1,052,700.00</u>

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, and the Office of the Comptroller.

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

CARRIED UNANIMOUSLY.

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DELETE the 2nd RESOLVED clause in its entirety and REPLACE with the following:

RESOLVED, that the sum of \$75,000.00 be allocated to a construction contingency fund with authorization for the Commissioner of Public Works to approve change orders in an amount not to exceed the contingency. The Commissioner of Public Works will report back to the Legislature on if and how the \$75,000,000 construction contingency fund was utilized; and be it further

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

CARRIED UNANIMOUSLY.

Item 51 – (COMM. 8E-12) DEP - Award of Contract - Comm. 6E-24 (2006) - ECSD No. 4 - Didion Road and Brunck Rd. Sewer Extension - Contract 37

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 52 – (COMM. 8E-13) CPS/Emergency Services - RF Systems Backup and Inbuilding Coverage - Authorization to Award Bid and Enter Into Contract

Item 53 – (COMM. 8E-14) CPS - Acceptance of Award from the NYS Emergency Management Office to Establish Citizens Corps Council for Erie County

Item 54 – (COMM. 8E-15) CPS 2006-2007 - Firearm Lab Capacity Enhancement Initiative

Item 55- (COMM. 8E-16) License Agreement Between COE and NYSOT - Entry and Testing Agreement with NYSOT and MA/Com 800 MHz Radio System

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

Item 56 – (COMM. 8E-17) Erie County Dept. of Senior Services - Authorization to Enter into Contracts

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 57 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CHAIRMAN MARINELLI directed a roll-call vote be taken.

AYES: MILLS, WEINSTEIN, HOLT, KENNEDY, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: RANZNEHOFER, IANNELLO and KONST. (AYES 12; NOES 3)

CARRIED.

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RESOLUTION NO. 129

RE: Authorization to Impose \$5.00 Surcharge
on Clerk's Fees; Home Rule Request Resolution
(COMM. 8E-18)

AUTHORIZATION TO IMPOSE AN ADMINISTRATIVE SURCHARGE - ASSEMBLY

WHEREAS, the Erie County budget for 2006 was adopted in anticipation of the receipt of \$300,000 in revenue from the imposition of a \$5.00 administrative surcharge on certain fees collected by the Erie County Clerk, and

WHEREAS, Assembly Bill No. A.10674, now pending before the New York State Legislature, would authorize the Erie County Legislature to adopt a resolution imposing a \$5.00 administrative surcharge on certain fees collected by the Erie County Clerk;

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 No. A.10674, entitled "AN ACT authorizing the Erie County Legislature to impose an administrative surcharge on certain fees collected by the Erie County Clerk as clerk of court"

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

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

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

Failure to authorize the imposition of a \$5.00 administrative surcharge on certain fees collected by the Erie County Clerk will result in an estimated shortfall of more than \$300,000 in the 2006 Erie County budget and will jeopardize Erie County's Four-Year Financial Plan.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER

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

AUTHORIZATION TO ESTABLISH AN ADMINISTRATIVE SURCHARGE - SENATE

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WHEREAS, the Erie County budget for 2006 was adopted in anticipation of the receipt of \$300,000 in revenue from the imposition of a \$5.00 administrative surcharge on certain fees collected by the Erie County Clerk, and

WHEREAS, Senate Bill No. S.7311, now pending before the New York State Legislature, would authorize the Erie County Legislature to adopt a resolution imposing a \$5.00 administrative surcharge on certain fees collected by the Erie County Clerk;

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

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the County of Erie requests the enactment of Senate Bill No. S.7311, entitled "AN ACT authorizing the Erie county legislature to impose an administrative surcharge on certain fees collected by the Erie county clerk as clerk of court"

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

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

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

Failure to authorize the imposition of a \$5.00 administrative surcharge on certain fees collected by the Erie County Clerk will result in an estimated shortfall of more than \$300,000 in the 2006 Erie County budget and will jeopardize Erie County's Four-Year Financial Plan.

Such request is made by the chief executive officer of such municipality concurred in by a majority of the total membership of the local legislative body.

AND BE IT FURTHER

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

Item 58 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 130

RE: Board of Elections Special Election for
142nd Assembly District (COMM. 8E-19)

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WHEREAS, the Governor of New York State has called for a special election in the 142nd Assembly District, and

WHEREAS, the Help America Vote Act (HAVA) makes it the responsibility of the County to run all Federal, State and Local Election.,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive appropriate the following cost to the Board of Elections:

Account #	Account Title	Amount
501000	Personal Services/Overtime	\$13,600
506020	Professional Service Fee	\$45,690
545000	Rental Charges	\$ 2,500
530000	Other Expenses	\$ 3,588
516020	Contract Expenses	\$ 1,337

And be it further

RESOLVED, that the Director of Budget, Management & Finance, and the County Comptroller be authorized to modify the 2006 Budget and transfer \$66,715 Account # 598900 County Contingency to fund these accounts, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the Director of the Division of Budget, Management and Finance, the Comptroller, the Department of Law, the Commissioners of the Board of Elections and the County Executive.

Item 59 – (COMM. 8E-20) Erie County Water Authority

Received and filed.

Item 60 – (COMM. 8E-21) ECSD No. 6 - Contract No. 41-G & 41-E - Wilmuth Avenue Pump Station - Mechanical Bar Screen and Roof Replacement Project - Bid Opening

Item 61 – (COMM. 8E-22) ECSD No. 2 - Engineer Term Agreement - Work Order:MPI-5

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

Item 62 – (COMM. 8E-23) Reconstruction of Maple Road (CR 192) - Intersection at Flint, North Forest and Hopkins Roads - Town of Amherst, NYSDOT PIN 5755.33 - Property Acquisition @ Maple/Hopkins Intersection

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 63 – (COMM. 8E-24) Reallocation of Budget Funds in the Division of Building & Grounds

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Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 64 – (COMM. 8E-25) Erie County Probation and Youth Detention Services - United State Dept. of Justice - Violence Against Women Grant

Item 65 – (COMM. 8E-26) Probation and Youth Detention Services - Contract with the City of Buffalo

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

Item 66 - (COMM. 8E-27) Health - Prevention of Type 2 Diabetes in Children - 4/1/0 - 3/31/07

Item 67 – (COMM. 8E-28) Health - LEADSAFE Erie County 11/1/05 - 10/31/08 - SAP127LEADHAZARD0508

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

Item 68 – (COMM. 8E-29) Appointment to the Erie County Cultural Resource Advisory Board

Received, Filed and Printed.

April 25, 2006

The Honorable
 Erie County Legislature
 25 Delaware Avenue
 Buffalo, New York 14202

Re: Appointment to the Erie County Cultural Resources Advisory Board (CRAB)

Honorable Members:

Pursuant to Article III, Section 3.02 (f) of the Erie County Charter and Article 19, Section 19.01 of the Erie County Administrative Code, I hereby appoint the following individual to the Erie County Cultural Resources Advisory Board for the terms noted below.

NAME & ADDRESS

TERM EXPIRATION

Dr. Francisco Vazquez
 15 Onondago Avenue
 Buffalo, New York 14220

December 31, 2007

Very truly yours,

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JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG/jdl

Cc: Appointee
Commissioner Drew Eszak
Chairman Hal Payne

FROM LEGISLATOR MARINELLI

Item 69 – MS. WHYTE presented the following item and moved for immediate consideration. MR. HOLT seconded. MS. KONST, MS. LOCKLEAR and MR. SMITH voted in the negative.

CARRIED (12-3).

RESOLUTION NO. 131

RE: Appointment of Commissioner to the
ECWA (COMM. 8E-30)

April 25, 2006

Hon. Kevin M. Kelley
Clerk, Erie County Legislature
92 Franklin Street
4th Floor
Buffalo, New York 14202

RE: Appointment of Commissioner to the Erie County Water Authority

Dear Mr. Kelley:

There will be a vacancy at the Erie County Water Authority on April 27, 2006 as a term of office for a current Commissioner is expiring. According to Section 1053 of the Public Authorities Law, I must appoint a Commissioner to fill the vacancy.

The Energy and Environment Committee, pursuant to our Rules of Order, will interview all candidates who submitted a letter of interest on April 25, 2006.

I will submit a nominating petition supporting my appointment to the Erie County Water Authority at our April 27, 2006 session. I request legislative confirmation of my appointment at the April 27, 2006 session.

Please contact me if you have any questions.

Sincerely Yours,

Lynn Marinelli

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Chairman
 Erie County Legislature

Enc.

MR. KOZUB moved to amend the item with the following petition. MR. LOUGHRAN seconded. MR. WEINSTEIN, MS. KONST, MS. LOCKLEAR and MR. SMITH voted in the negative.

CARRIED. (11-4)

We, the undersigned, representing a majority of the members of the Democratic Party in the Erie County Legislature, do hereby nominate FRANCIS WARTHUNG of 346 Willett Road, Blasdel, New York 14219, for appointment as Commissioner of the Erie County Water Authority, to fill a three-year term commencing April 28, 2006 and expiring on April 27, 2009:

Daniel Kozub
 1st District

Timothy Kennedy
 2nd District

Maria Whyte
 6th District

Thomas Mazur
 8th District

Michele Iannello
 10th District

Lynn Marinelli
 11th District

Robert Reynolds
 12th District

Thomas Loughran
 14th District

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

CHAIRMAN MARINELLI moved to approve the item as amended.

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KENNEDY, KOZUB, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS and WHYTE. NOES: KONST, LOCKLEAR and SMITH. (AYES:12; NOES:3)

CARRIED.

FROM THE SHERIFF

Item 70 – (COMM. 8E-31) Sheriff's Office – Personnel Adjustments

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE OFFICE OF THE COMPTROLLER

MEETING NO. 8
APRIL 27, 2006

ERIE COUNTY LEGISLATURE

Item 71 – (COMM. 8D-1) Notice That Steven V. Suneson, Esq. is Unable to Serve on the Erie County Audit Committee

Received, Filed and Printed.

April 10, 2006

The Honorable
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Honorable Members:

At your legislative session on April 6, 2006, your Honorable Body approved Intro. 7-6, appointing Steven V. Suneson, Esq. as the Erie County Bar Association's representative on the Erie County Audit Committee.

I regret to inform you that Mr. Suneson has advised this Office that he will be unable to accept the appointment.

Accordingly, further discussions will be necessary concerning another potential Bar Association appointee to the Audit Committee, subject to your approval.

I will keep you apprised of developments and forward names and information to your Honorable Body as they become available. If you have any questions, please do not hesitate to contact me at 858-8430.

Sincerely,

Michael R. Szukala
Secretary, Erie County Audit Committee
Deputy Erie County Comptroller – Audit

FROM BUDGET, MANAGEMENT & FINANCE

Item 72 – (COMM. 8D-2) 2006 Adopted Budget

Received and filed.

FROM THE COUNTY ATTORNEY

Item 73 – (COMM. 8D-3) Copy of State Supreme Court Justice Lanes Decision in the Warren v. County Legislature, County of Erie, Et Al matter

Received and filed.

MEETING NO. 8
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ERIE COUNTY LEGISLATURE

FROM THE PERSONNEL DEPT.

Item 74 – (COMM. 8D-4) Hires/Fires/Separations March 2006

Received and filed.

FROM PARKS, RECREATION & FORESTRY

Item 75 – (COMM. 8D-5) Erie County Parks Department - Wendt Beach - Comm. 24E-8

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE OFFICE OF THE COMPTROLLER

Item 76 – (COMM. 8D-6) ECC Annual Financial Audit

Received and filed.

FROM THE HEALTH DEPARTMENT

Item 77 – (COMM. 8D-7) Letter to Weinstein, Konst, Locklear & Mills Re: Intro 6-1

Received and referred to the HEALTH COMMITTEE.

FROM BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 78 – (COMM. 8D-8) Agenda for Meeting to be Held 4/27/06

Received and filed.

FROM THE PUBLIC WORKS DEPARTMENT

Item 79 – (COMM. 8D-9) Rath Building 14th Floor Asbestos Abatement

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ERIE COUNTY WATER AUTHORITY

Item 80 – (COMM. 8M-1) Audited Financial Statements for FY Ending 12/31/2005

Received and filed.

FROM THE NYS DEPT. OF STATE

MEETING NO. 8**APRIL 27, 2006****ERIE COUNTY LEGISLATURE**

Item 81 – (COMM. 8M-2) Copy of Filing of LL NO. 1-2006

Received, filed and printed.

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APRIL 27, 2006

ERIE COUNTY LEGISLATURE

Local Law Filing

RFP

NEW YORK STATE DEPARTMENT OF STATE
RECEIVED STATE STREET, ALBANY, NY 12231
ERIE COUNTY LEGISLATURE

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

~~City~~

~~Town~~

~~Village~~

of Erie

Local Law No. 1 of the year 2006

A local law imposing a surcharge on wireless communications service
(Insert Title)
in the County of Erie.

Be it enacted by the Legislature of the

County

~~City~~

~~Town~~

~~Village~~

of Erie

as follows:

Section 1

Pursuant to the authority of Section 308-t of the County Law, the County of Erie hereby imposes a surcharge of thirty cents per month on wireless communications service in the County of Erie. The surcharge shall be imposed on each wireless communications device and shall be reflected and made payable on bills rendered for wireless communications service that is provided to a customer whose place of primary use is within the county. For purposes of this local law, the term "place of primary use" shall mean the street address that is representative of where the customer's use of the wireless communications service primarily occurs, which address must be (a) the residential street address or the primary business street address of the customer and (b) within the licensed service area of the wireless communications service supplier. A wireless communications service supplier may treat the address used by such supplier for any wireless communications customer under a service contract or agreement in effect on March 29, 2006 as that customer's place of primary use for the remaining term of such service contract or agreement, excluding any extension or renewal of such service contract or agreement, for purposes of determining the taxing jurisdiction with respect to taxes on wireless communications service. Such surcharge shall be added by such wireless communications service suppliers to the billings of their customers as of May 15, 2006.

Section 2

Each wireless communications service supplier serving the County of Erie shall act as collection agent for the county and shall remit the funds collected pursuant this local law to the Chief Fiscal Officer of the County of Erie. Such funds shall be remitted no later than thirty (30) days after the last business day of the month. Each wireless communications service supplier shall be entitled to retain, as an administrative fee, an amount equal to two percent (2%) of its collections of the surcharge imposed by this local law. The surcharge required to be collected by such wireless communications service suppliers shall be added to and separately stated in their billings to customers.

Section 3

Each wireless communications service customer who is subject to the provisions of this local law shall be liable to the County of Erie for such surcharge until it has been paid to the county, except that payment to a wireless communications service supplier is sufficient to relieve such customer from further liability for such surcharge.

Section 4

No wireless communications service supplier shall have a legal obligation to enforce the collection of the surcharge imposed by this local law; provided, however, that whenever the wireless communications service supplier remits the funds collected to the County of Erie, it shall also provide the county with the name and address of any customer refusing or failing to pay the surcharge imposed by this local law and shall state the amount of such surcharge remaining unpaid.

Section 5

Each wireless communications service supplier shall annually provide to the County of Erie an accounting of the surcharge amounts billed and collected.

Section 6

This local law shall take effect upon filing with the office of the NYS Secretary of State.

8m-2

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ERIE COUNTY LEGISLATURE

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2006 of the (County)(City)(Town)(Village) of Erie was duly passed by the Erie County Legislature on March 16, 2006, and was (approved)(not approved)(repassed after disapproval) by the Erie County Executive and was deemed duly adopted on March 30, 2006 in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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ERIE COUNTY LEGISLATURE

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____, of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____, of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the counties of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ 2____, above.

Kevin M. Kelley
Clerk of the County legislative body, Erie County
~~Professional Seal Required~~

(Seal)

Date: 4-3-06

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Brian D. White
Signature

Assistant County Attorney
Title

County
~~City~~ of Erie
~~Town~~
~~Village~~

Date: 4/3/06

MEETING NO. 8
APRIL 27, 2006

ERIE COUNTY LEGISLATURE

A Public Hearing was held on the foregoing Local Law Intro. No. 2-2006 on Wednesday March 30, 2006 at 10:00 a.m., due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 30th day of March, 2006.



A Public Hearing was held on the foregoing Local Law Intro. No. 2-2006 on Wednesday March 30, 2006 at 10:00 a.m., due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this ____ day of _____, 2006.

FROM THE ERIE COUNTY FISCAL STABILITY AUTHORITY

Item 82 – (COMM. 8M-3) Copy Notice of Deposit of \$42 Million in Their RAN Withholding Fund Account for the Repayment of the \$80 Million RAN

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM BUFFALO PLACE

Item 85 – (COMM. 8M-4) 2005 Buffalo Place Annual Notice

Received and filed.

FROM THE TOWN OF EDEN

Item 86 – (COMM. 8M-5) Copy of Certified Resolution Re: Removal of NYS Thruway Tolls

Received and filed.

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ERIE COUNTY LEGISLATURE

FROM FRANCIS WARTHLING

Item 87 – (COMM. 8M-6) Request for Consideration as Commissioner of ECWA

Received and filed.

FROM ERIE COMMUNITY COLLEGE

Item 88 – (COMM. 8M-7) Notice of Board of Trustees Meeting Held 4/17/06

Received and filed.

FROM TIMOTHY J. DRURY – ERIE COUNTY COURT JUDGE

Item 89 – (COMM. 8M-8) Conditions of Erie County Holding Center and Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE NYS DEPT. OF MOTOR VEHICLES

Item 90 – (COMM. 8M-9) 2006 STOP-DWI Plans for Erie County

Received and filed.

FROM THE ERIE COUNTY BAR ASSN. – AID TO INDIGENT PRISONERS SOCIETY –
ASSIGNED COUNSEL PROGRAM

Item 91 – (COMM. 8M-10) Quarterly Report of the Assigned Counsel Program for the 1st Quarter of 2006

Received and filed.

FROM THE LEGAL AID BUREAU

Item 92 – (COMM. 8M-11) Unaudited Financial Statements for the 10-Months Ending 10/31/05

Received and filed.

FROM DANIEL J. AMATURA

Item 93 – (COMM. 8M-12) Request for Appointment - Commissioner of ECWA

Received and filed.

FROM JOHN V. ELMORE

Item 94 – (COMM. 8M-13) Erie County Water Authority

Received and filed.

MEMORIAL RESOLUTIONS

Item 95 – Mr. Holt requested that when the legislature adjourns, it do so in memory of Sister Karen Klimczak.

Item 96 – Mr. Kennedy requested that when the Legislature adjourns, it do so in memory of Bruce Brandy.

Item 97 – Mr. Reynolds requested that when the Legislature adjourns, it do so in memory of all the workers who have lost their lives on the job.

ADJOURNMENT

Item 98 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. WHYTE moved that the Legislature adjourn until Thursday, May 11, 2006 at 2 p.m. Eastern Standard Time. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, May 11, 2006 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK