

**ERIE COUNTY LEGISLATURE  
MEETING NO. 15  
SEPTEMBER 12, 2012**

The Legislature was called to order by Chair Grant.

All members present, except Ms. Marinelli.

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

The Pledge of Allegiance was led by Ms. Dixon.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Number 14 from 2013. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. MAZUR and MR. McCRACKEN presented a resolution Congratulating Ronald P. Kreamy on His Retirement from EC.

Item 6 – MS. MARINELLI presented a resolution Honoring Angeline Benevento Carriero on Her 100th Birthday.

Item 7 – MR. MILLS presented a resolution Congratulating Annette Gernatt on Retiring with 47 Years of Service in the Library System, 30 as Director of the Concord Public Library.

Item 8 – MR. LOUGHRAN presented a resolution Congratulating Rosemarie Dietschler on Her 100th Birthday - September 18, 2013.

Item 9 – MR. MAZUR presented a resolution Congratulating Adeline Wucikowski on Being Named Citizen of the Month for July 2013.

Item 10 – MR. MAZUR presented a resolution Honoring Eugene Kraft, USMC Veteran of the Battle of Iwo Jima, on His 90th Birthday & His Selection for the October 2013 Honor Flight to Washington, D.C.

Item 11 – MR. MILLS presented a resolution Congratulating Alex Rand, Boy Scout Troop 285, on Obtaining the Rank of Eagle Scout.

Item 12 – MR. HARDWICK presented a resolution Honoring William L. Strassburg III on Being Appointed City of Tonawanda Chief of Police.

Item 13 – MR. HARDWICK presented a resolution Honoring the YWCA of the Tonawandas on Its 100th Anniversary.

Item 14 – MR. MILLS presented a resolution Congratulating Stefanena Kyson of Gowanda on Her Outstanding Performance at the National Senior Games, Winning Six Medals.

Item 15 – CHAIR GRANT presented a resolution Congratulating the American Red Cross on the Centennial of the Clement Mansion & Commending Its Stewardship of this Buffalo Architectural Treasure.

Item 16 – CHAIR GRANT & MR. HOGUES presented a resolution Commemorating the 50th Anniversary of the March on Washington & Dr. Martin Luther King's "I Have a Dream" Speech.

Item 17 – CHAIR GRANT & MR. HOGUES presented a resolution Celebrating the 105th Birthday of Mamie Kirkland on September 3, 2013.

Item 18 – MR. LORIGO presented a resolution Honoring the West Seneca Historical Museum for Being Placed on the National Register of Historic Places.

MR. MAZUR moved for consideration of the above fourteen items. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above fourteen items by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above fourteen items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 19 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 20 – CHAIR GRANT directed that Local Law No. 3 (Print #1) 2012 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 21 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2013 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

None.

**LEGISLATOR RESOLUTIONS**

Item 22 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 196

RE: Surplus Authorization for the Lt. Col.  
Matt Urban VFW Post No. 7275  
(INTRO 15-1)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS MAZUR & McCRACKEN**

WHEREAS, veterans who are members of the Lt. Col. Matt Urban VFW Post No. 7275 approached the Erie County Legislature and conveyed their need for file cabinets; and

WHEREAS, this VFW Post has limited financial resources to purchase the needed file cabinets from an office supply store; and

WHEREAS, Erie County has an inventory of surplus items that are no longer required by various departments of Erie County government; and

WHEREAS, the reuse of office furniture and equipment by non-profit organizations based in Erie County is an effective strategy for county taxpayers' to maximize their return on investment; and

WHEREAS, authorization of the Erie County Legislature is necessary to effectuate the transfer of Erie County surplus property.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature finds it cost-effective that the Division of Purchase and the Lt. Col. Matt Urban VFW Post No. 7275 work together to employ a reuse strategy for certain surplus property no longer needed by Erie County; and be it further

RESOLVED, that three 4-drawer file cabinets be transferred to the Lt. Col. Matt Urban VFW Post No. 7275, 3741 Walden Avenue, Lancaster, NY 14086; and be it further

RESOLVED, that the Clerk of the Erie County Legislature is directed to forward copies of this resolution to the County Executive, the Director of the Division of Purchasing and to the Lt. Col. Matt Urban VFW Post 7275.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

Item 23 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 15E-33 from LEGISLATOR MARINELLI Re: Letter to Clerk of Legislature Concerning Absence from Session No. 15

Received, Filed and Printed.

September 12, 2013

Robert M. Graber, Clerk  
Erie County Legislature  
92 Franklin St., 4th Floor  
Buffalo, NY 14202

Dear Mr. Graber:

Please be advised that I will not be able to attend today's session of the Erie County Legislature. My absence is unavoidable due to a long-scheduled surgical procedure on my knee, and a requirement to avoid movement.

Should you need to contact me, I certainly will be available via cellular telephone, so please don't hesitate to call me if needed.

Thank you.

Sincerely,

Lynn M. Marinelli  
3rd District Legislator

Item 24 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 15E-34 from the COUNTY EXECUTIVE Re: Acceptance of Public Safety Answering Point (PSAP) Consolidation, Improvements & Enhancement Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 25 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 15E-35 from the COUNTY EXECUTIVE Re: Acceptance of FY12 Emergency Management Performance Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 26 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 15E-36 from the COUNTY EXECUTIVE Re: MJW Corporation, Inc. Contracts

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 27 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 15E-37 from the COUNTY EXECUTIVE Re: Sale of Tax Certificates

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 28 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 15E-38 from the COUNTY EXECUTIVE Re: Design Services Agreement - Black Rock Canal Park Improvements Project - Phase II

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 29 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 15D-30 from the COMPTROLLER Re: Letter to Legislature Concerning July 2013 Sales Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

#### **FROM CHAIR GRANT**

Item 30 – (COMM. 15E-1) Letter to Sheriff Concerning Telephone Funds Received, Deposited & Spent

Received and referred to the PUBLIC SAFETY COMMITTEE.

#### **FROM THE COMPTROLLER**

Item 31 – (COMM. 15E-2) Department of CPS - Audit of DNA Backlog Grant - 10/1/2010 - 12/31/2012

Received and referred to the PUBLIC SAFETY COMMITTEE.

#### **FROM LEGISLATOR DIXON**

Item 32 – (COMM. 15E-3) Letter to Comptroller Concerning Lock Up Agreement by & Between the City of Buffalo & EC

Received and referred to the PUBLIC SAFETY COMMITTEE.

#### **FROM THE COUNTY EXECUTIVE**

Item 33 – (COMM. 15E-4) Appointment of Member of EC Board of Ethics

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 34 – (COMM. 15E-5) Appointment to the Commission on the Status of Women

Received, Filed and Printed.

July 30, 2013

Erie County Legislature  
92 Franklin Street  
Buffalo, New York 14202

Re: Appointments to the Commission on the Status of Women

Dear Honorable Members:

Pursuant to the Erie County Charter Article XVI-E, I, Mark C. Poloncarz, Erie County Executive, do hereby appoint and submit for your confirmation the following individuals to the Erie County Commission on the Status of Women for terms which will end June 30, 2016:

Majority Caucus Recommendation  
Hope Hoetzer-Cook  
225 Highland Ave.  
Buffalo, New York 14222

Minority Caucus Recommendation  
Beth A. Holleran  
86 Enola Ave.  
Kenmore, New York 14217

Sincerely,

Mark C. Poloncarz, Esq.  
Erie County Executive

cc: Sawrie Becker, Commissioner, Erie County Office of Public Advocacy Appointees

**FROM THE COMPTROLLER**

Item 35 – (COMM. 15E-6) Interim Financial Report for the Second Quarter of 2013, Ended 6/30/2013

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 36 – (COMM. 15E-7) Notification of 2013 Bond & Revenue Anticipation Sales

Received and Filed.

**FROM THE SHERIFF**

Item 37 – (COMM. 15E-8) Letter to Chair of the Legislature Concerning Telephone Funds Received, Deposited & Spent

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 38 – (COMM. 15E-9) FEMA Findings on October 2006 Storm

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 39 – (COMM. 15E-10) Report of Secured Funds Relating to 2013 Revenue Anticipation Note & 2013 Ralph Wilson Stadium Bond Issues

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 40 – (COMM. 15E-11) ECSD Nos.1-6 & 8 - Section 270/271 Resolutions

Item 41 – (COMM. 15E-12) EC Soil & Water Conservation District Agreement - Technical Services & Stream Bank Maintenance, Bridge & Culvert Scour Maintenance Program

Item 42 – (COMM. 15E-13) License Agreement - Ellicott Creek Park - Bark Park - Town of Tonawanda

Item 43 – (COMM. 15E-14) ECSD No. 5 - Amherst Town Sewer District No. 16 - Amendment to Service Agreement - 10/26/2005

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

Item 44 – (COMM. 15E-15) Payment in Lieu of Taxes (PILOT) Agreements for Trinity Towers Senior Housing & Hertel Park Senior Housing - Affordable Housing Developments

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 45 – (COMM. 15E-16) Department of CPS - Authorization to Contract

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 46 – (COMM. 15E-17) OPEN ITEM/PLACEHOLDER - ECC Academic Building - Design & Construction

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 47 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.



CARRIED UNANIMOUSLY.

RESOLUTION NO. 197

RE: CSEA Local 815 Correction Officers  
Unit - Medical Staff  
(COMM. 15E-18)

WHEREAS, Erie County is a municipal corporation and is bound by the New York State Taylor Law to negotiate terms and conditions of employment with duly elected employee organizations; and

WHEREAS, the CSEA Local 815 is an employee union organization and represents employees in the Department of Health's Division of Correctional Health; and

WHEREAS, the employees in that division, as well as CSEA Local 815 and CSEA Local 815 Correctional Health Unit ("Unit") have agreed to transfer employees in the titles of Correctional Facility Medical Aide (LPN), Medical Office Assistant, Principal Clerk, Physician Assistant, Senior Clerk-Typist and Medical Record Administrator from CSEA proper to the Unit for collective bargaining purposes; and

WHEREAS, the adjustment will result in wage increases for the employees with cost-savings concessions to the County from health insurance payments and the ending of summer hours and two paid holidays.

NOW, THEREFORE, BE IT

RESOLVED, that all CSEA related titles which are budgeted for the provision of medical services in the Division of Correctional Health shall be represented by CSEA Local 815 Correctional Officers Unit, including the current positions of Correctional Facility Medical Aide (LPN), Medical Office Assistant, Principal Clerk, Physician Assistant, Senior Clerk-Typist and Medical Record Administrator the transfer of said collective bargaining unit taking effect on September 21, 2013; and be it further

RESOLVED, all terms and conditions of the CSEA Local 815 Corrections Officer Unit collective bargaining agreement shall be implemented in full for these medical employees upon passage of this resolution; and be it further

RESOLVED, that the following budgetary adjustments are hereby made in the 2013 Budget of the Department of Health's Division of Correctional Health and the Office of the Sheriff's Division of Jail Management where the cost of Jail Management medical services are billed:

Division of Jail Management - Fund Center 116			
Revenue			Increase
402190 Appropriated Fund Balance			\$58,210
Expense			
912760 ID Billing Correctional			
Health			\$58,210
Net Cost			0

Division of Correctional Health - Fund Center	
12760	
Expense	
500000 Full Time Salary	\$49,630
500020 Regular Part Time	1,180
501000 Overtime	7,400
912760 ID Billing Correctional	
Health	(58,210)
Total Expense	0

and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County Executive, Erie County Comptroller, Department of Budget and Management, Department of Labor Relations, Department of Personnel, Department of Health, and the Erie County Fiscal Stability Authority.

Item 48 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 198

RE: EC Sheriff Police Benevolent  
Association - 2009-2016 Successor  
Collective Bargaining Agreement  
(COMM. 15E-19)

WHEREAS, Erie County is a municipal corporation and is bound by the New York State Taylor Law to negotiate terms and conditions of employment with duly elected employee organizations; and

WHEREAS, the Erie County Sheriff Police Benevolent Association (“PBA”) is an employee union organization and represents employees in the Office of the Erie County Sheriff; and

WHEREAS, Erie County and the PBA have been operating pursuant to the terms and conditions of employment imposed by interest arbitration since December 31, 2004; and

WHEREAS, the existing terms and conditions of employment between Erie County and the PBA expired on December 31, 2008, but have remained binding pursuant to the Taylor Law; and

WHEREAS, Erie County and the PBA negotiated a successor collective bargaining agreement, covering the period between January 1, 2009 and December 31, 2016; and

WHEREAS, the PBA membership recently ratified the successor agreement.

NOW, THEREFORE, BE IT

RESOLVED, the successor agreement between Erie County and the PBA is hereby approved; and be it further

RESOLVED, all terms and conditions of the successor agreement shall be implemented in full; and be it further

RESOLVED, that authorization is provided to appropriate \$1.57 million in undesignated/unassigned fund balance into the 2013 Budget of the Sheriff's Office to cover the 2009-2013 costs of the successor agreement; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any and all required budgetary adjustments in the 2013 Budget to properly fund the increased costs associated with the PBA contract by utilizing \$1.57 million in appropriated fund balance; and be it further

RESOLVED, certified copies of this resolution be forwarded to the Erie County Executive, Erie County Comptroller, Department of Budget and Management, Department of Labor Relations, Department of Personnel, Office of the Sheriff, and the Erie County Fiscal Stability Authority.

Item 49 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

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

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MR. MAZUR and MR. McCracken. NOES: None. (AYES: 10; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 199

RE: Continued Imposition of Additional 1% & Additional .75% Sales & Compensating Use Tax for Period Ending November 30, 2015 (COMM. 15E-20)

#### RESOLUTION

of the

Legislature of Erie County, amending the 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, admission charges and club dues, pursuant to Article 29 of the Tax Law of the State of New York, to continue the imposition of the additional 1% rate of tax and the additional ¾% rate of tax, pursuant to Article 29 of the New York Tax Law.

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

Section 1. The first sentence of section two 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 July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

SECTION 2. Imposition of sales tax. On and after March first, nineteen hundred eighty-nine, there is hereby imposed and there shall be paid a tax of three percent upon, and for the period commencing March first, nineteen hundred eighty-nine and ending November thirtieth, two thousand [thirteen,] fifteen, there is hereby imposed and there shall be paid an additional tax of one percent upon:

Section 2. Subdivisions (h) and (i) of section three 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 July 27, 1965, Supervisors Proceedings, page 666, as amended, are amended to read as follows:

(h) With respect to the additional tax of 1 percent imposed for the period commencing March 1, 1989, and ending November 30, [thirteen] fifteen, the provisions of subdivisions (a), (b), (c), (d), (e), (f) and (g) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (a), (b), (d) and (e) to an effective date shall be read as referring to March 1, 1989, all references in said subdivision (a) to the date four months prior to the effective date shall be read as referring to November 1, 1988, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to February 28, 1989.

Nothing herein shall be deemed to exempt from tax at the rate in effect prior to March 1, 1989, any transaction which may not be subject to the additional tax imposed effective on that date.

(i) The taxes imposed under subdivisions (a), (c) and (d) of Section 2 shall be paid at the rate of 3 percent upon all sales made and services rendered on or after December first, two thousand [thirteen] fifteen. With respect to the tax rate of 3 percent effective December first, two thousand [thirteen] fifteen, the provisions of subdivisions (b), (c), (d), (e) and (f) of this section apply, except that for the purposes of this subdivision, all references in said subdivisions (b), (c), (d) and (e) to an effective date shall be read as referring to December first, two thousand [thirteen] fifteen, and the reference in subdivision (b) to the date immediately preceding the effective date shall be read as referring to November thirtieth, two thousand [thirteen] fifteen. Nothing herein shall be deemed to exempt from tax at the rate in effect prior to December first, two thousand [thirteen] fifteen, any transaction which may not be subject to the lowered tax rate in effect on that date.

Section 3. Section four 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 July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

SECTION 4. Imposition of compensating use tax.

(a) Except to the extent that property or services have already been or will be subject to the sales tax under this resolution, there is hereby imposed on every person a use tax for the use within this taxing jurisdiction on and after March first, nineteen hundred eighty-nine, except as otherwise exempted under this enactment, (A) of any tangible personal property purchased at retail, (B) of any tangible personal property (other than computer software used by the author or other creator) manufactured, processed or assembled by the user, (i) if items of the same kind of tangible personal

property are offered for sale by him in the regular course of business, or (ii) if items are used as such or incorporated into a structure, building or real property, by a contractor, subcontractor or repairman in erecting structures or buildings, or building on, or otherwise adding to, altering, improving, maintaining, servicing or repairing real property, property or land, as the terms real property, property or land are defined in the real property tax law, if items of the same kind are not offered for sale as such by such contractor, subcontractor or repairman or other user in the regular course of business, (C) of any of the services described in paragraphs (1), (7), and (8) of subdivision (c) of section 2, (D) of any tangible personal property, however acquired, where not acquired for the purposes of resale, upon which any of the services described under paragraphs (2), (3) and (7) of subdivision (c) of section 2 have been performed, (E) of any telephone answering service described in subdivision (b) of section 2, and (F) of any computer software written or otherwise created by the user if the user offers software of a similar kind for sale as such or as a component part of other property in the regular course of business.

(b) For purposes of clause (A) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after December first, two thousand [thirteen] fifteen, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for such property, or for the use of such property, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one, but excluding any credit for tangible personal property accepted in part payment and intended for resale.

(c) For purposes of subclause (i) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after December first, two thousand [thirteen] fifteen, the tax shall be at the rate of three percent, of the price at which items of the same kind of tangible personal property are offered for sale by the user, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him.

(d) For purposes of subclause (ii) of clause (B) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after December first, two thousand [thirteen] fifteen, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled into the tangible personal property the use of which is subject to tax, including any charges for shipping or delivery as described in paragraph three of subdivision (b) of section one.

(e) Notwithstanding the foregoing provisions of this section, for purposes of clause (B) of subdivision (a) of this section, there shall be no tax on any portion of such price which represents the value added by the user to tangible personal property which he fabricates and installs to the specifications of an addition or capital improvement to real property, property or land, as the terms real property, property or land are defined in the real property tax law, over and above the prevailing normal purchase price prior to such fabrication of such tangible personal property which a manufacturer, producer or assembler would charge an unrelated contractor who similarly fabricated and installed such tangible personal property to the specifications of an addition or capital improvement to such real property, property or land.

(f) For purposes of clauses (C), (D) and (E) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after December first, two thousand [thirteen] fifteen, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the

service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service and also including any charges for shipping and delivery of the property so transferred and of the tangible personal property upon which the service was performed as such charges are described in paragraph three of subdivision (b) of section one.

(g) For purposes of clause (F) of subdivision (a) of this section, the tax shall be at the rate of four percent, and on and after December first, two thousand [thirteen] fifteen, the tax shall be at the rate of three percent, of the consideration given or contracted to be given for the tangible personal property which constitutes the blank medium, such as disks or tapes, used in conjunction with the software, or for the use of such property, and the mere storage, keeping, retention or withdrawal from storage of computer software described in such clause (F) by its author or creator shall not be deemed a taxable use by such person.

Section 4. Section four-A of [T] 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 July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended [by amending section 4-A thereof] to read as follows:

**SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.**

In addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional three-quarters of one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2009 and ending November 30, [thirteen] fifteen. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section; provided that net collections from such additional rate shall be set aside for county purposes as provided in subdivision (f) of section 14 of this resolution.

Section 5. Subdivisions (D) and (E) of clause (1) of [S] section 11 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 July 27, 1965, Supervisors Proceedings, page 666, as amended, are amended to read as follows:

(D) With respect to the additional tax of one percent imposed by section 4 of this resolution for the period beginning March first, nineteen hundred eighty-nine, and ending November thirtieth, two thousand [thirteen] fifteen, in respect to the use of property used by the purchaser in this County prior to March first, nineteen hundred eighty-nine.

(E) With respect to the additional tax of three-quarters of one percent imposed by section 4-A of this resolution, for the period beginning December 1, 2009 and ending November 30, [thirteen] fifteen, in respect to the use of property used by the purchaser in this county prior to January 15, 2006.

Section 6. Subdivision (f) of section 14 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 July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

(f) Net collections from the additional three-quarters of one percent rate of taxes imposed during the period commencing December 1, 2009 and ending November 30, [thirteen] fifteen, by section 4-A of this resolution [shall be paid to] received by the county [and] shall be used by the county solely for county purposes and shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law. [Nor shall any part of such net collections, or other County revenues, be subject to the revenue sharing formula set forth in a resolution adopted by the Erie County Legislature on December 7, 2004, relative to twelve million five hundred thousand dollars.]

Section 7. Subdivision (g) of section 14 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 July 27, 1965, Supervisors Proceedings, page 666, as amended, is amended to read as follows:

(g) The County shall allocate each calendar year the first twelve million five hundred thousand dollars (\$12,500,000) of the net collections from the additional one percent rate of sales and compensating use taxes imposed during the period commencing December 1, [2011] 2013, and ending November 30, [2013] 2015, by sections 2 and 4 of this resolution to the cities of the County and the area in the County outside the cities and such net collections shall be applied or distributed in the same manner and proportion as the net collections for such cities and area are applied or distributed under the revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law in effect on January 1, 2006, and shall be subject to all provisions of such agreement governing the net collections for such cities and area, and the County shall retain the remainder of [such] net collections from such additional one percent rate which shall be used by the County for any County purpose and such remainder shall not be subject to any revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section 1262 of the Tax Law.

Section 9. This enactment shall take effect December first, two thousand thirteen.

Item 50 – (COMM. 15E-21) Acceptance of Grant Award - Integrated Cancer Services Program - Breast, Cervical and Colorectal Cancer Screening Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 51 – (COMM. 15E-22) Ralph Wilson Stadium Lease - Renovation Work & Annual Capital Maintenance Projects

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 52 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 200

RE: Miscellaneous Bridge Rehabilitation &  
Repair Project - Construction Award -  
Towns of Amherst, Aurora, Boston,  
Lancaster, Tonawanda & Wales  
(COMM. 15E-23)

WHEREAS, the Miscellaneous Bridge Rehabilitation and Repair Project BR-MISC 7-13 will be advertised, bid, and ready for award of construction contract to the responsible low bidder; and

WHEREAS, the Miscellaneous Bridge Rehabilitation and Repair Project BR-MISC 7-13 will rehabilitate or repair nine (9) County Owned Bridges. The following bridges are included in this contract: Colvin Blvd over Ellicott Creek BR 118-01; Hopkins Road over Ransom Creek 087-05; Bowen Road over Cayuga Creek BR 242-05; Schwartz Road over Little Buffalo Creek BR 337-01; Boston State Road over Irish Gulf BR 227-06; Centerline Road over Buffalo Creek BR 175-03; Mill Road over West Branch Cazenovia Creek BR 047-01; Girdle Road over Buffalo Creek BR 336-1; and Pontiac Road over Big Sister Creek BR 490-2; and

WHEREAS, funding for this Project was approved and is available in Fund 420 Business Area 123, as follows:

B.00191.3.2	2008 Preservation of Bridges, Culverts & Dams	\$122,911.71
B.11026.4	2011 Preservation of Bridges & Culverts – Construction	\$170,532.99
B.12008.2	2012 Preservation of Br & Culverts – Construction	\$ 47,401.38
B.21027.7	2010 Preservation of Bridges & Culverts – Construction	\$ 24,153.92
B.13013	2013 Preservation of Bridges & Culverts	\$500,000.00
B.13016	2013 Capital Overlay Program (PAYGO)	<u>\$300,000.00</u>
	TOTAL	\$1,165,000.00

and

WHEREAS, it is necessary that this approval be granted, so the contract can be awarded and allow the contractor to order material and begin work this summer; and

WHEREAS, in order to facilitate the Miscellaneous Bridge Rehabilitation and Repair Project BR-MISC 7-13 it will be necessary for the County to execute the construction contract with the responsible low bidder and establish a construction contingency; and

WHEREAS, a contract must be negotiated with Clough Harbour & Associates for construction inspection and engineering services during construction.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to award and execute a contract for the Miscellaneous Bridge Rehabilitation and Repair Project BR-MISC 7-13 between the County of Erie and the lowest responsible bidder, establish a construction contingency and execute a negotiated contract between the County of Erie and project engineers Clough Harbour Associates; and be it further



RESOLVED, that funding for the Miscellaneous Bridge Rehabilitation and Repair Project BR-MISC 7-13 be allocated from Fund 420, Business Area 123, as follows:

B.00191.3.2	2008 Preservation of Brides, Culverts & Dams	\$122,911.71
B.11026.4	2011 Preservation of Bridges & Culverts – Construction	\$170,532.99
B.12008.2	2012 Preservation of Bridges & Culverts – Construction	\$ 47,401.38
B.21027.7	2010 Preservation of Bridges & Culverts – Construction	\$ 24,153.92
B.13013	2013 Preservation of Bridges & Culverts	\$500,000.00
B.13016	2013 Capital Overlay Program (PAYGO)	<u>\$300,000.00</u>
	TOTAL	\$1,165,000.00

and be it further

RESOLVED, that the Department of Public Works will inform the Erie County Legislature, for information only, of the identity of the successful low responsible bidder for the Miscellaneous Bridge Rehabilitation and Repair Project BR-MISC 7-13; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward five (5) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 53 – (COMM. 15E-24) USEPA Great Lakes Restoration Initiative Grant: "Buffalo River RAP Project Management: Bailey/Smith Habitat Restoration Delisting Project" (10/1/2013 - 9/30/2016)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 54 – (COMM. 15E-25) Letter Concerning July 2013 Budget Monitoring Report

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 55 – (COMM. 15E-26) Authorization to be a Partner Organization to Receive Awards from QTAC

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 56 – (COMM. 15E-27) Acceptance of FY12 Emergency Management Performance Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 57 – (COMM. 15E-28) Establish New Freedom Grant Funding

Item 58 – (COMM. 15E-29) Child Protection Services Staffing & Reorganization of Management

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

Item 59 – (COMM. 15E-30) Buffalo Erie Niagara Land Improvement Corporation Preemptive Bid Powers & Subsequent Repayment Agreement

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE SHERIFF**

Item 60 – (COMM. 15E-31) Bomb Squad Grant for FY11 & FY12

Item 61 – (COMM. 15E-32) K9 Transfer

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

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COMMISSIONER OF SOCIAL SERVICES**

Item 62 – (COMM. 15D-1) Letter to Clerk of Legislature Concerning Quarterly Report of Social Services Contract Changes

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE COMPTROLLER'S OFFICE**

Item 63 – (COMM. 15D-2) Follow-Up Letter to Chair of EC Board of Ethics Concerning Review of EC Board of Ethics

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 64 – (COMM. 15D-3) Letter to Commissioner of Public Works Concerning Audit of the Maintenance & Inspection of County Elevators

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 65 – (COMM. 15D-4) Budget Monitoring Report for Period Ending June 2013

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COMMISSIONER OF CENTRAL POLICE SERVICES**

Item 66 – (COMM. 15D-5) Response Letter to Comptroller Concerning Audit of CPS DNA Backlog Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 67 – (COMM. 15D-6) Letter to Director of Budget & Management Concerning 2013/2014 IGT Payments & Impact on 2013 Revenue Anticipation Note

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 68 – (COMM. 15D-7) Notice of Claims

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 69 – (COMM. 15D-8) Letter to Commissioner of Parks, Recreation & Forestry Concerning Audit of Residences Operated by Department of Parks, Recreation & Forestry

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE DEPUTY COUNTY EXECUTIVE

Item 70 – (COMM. 15D-9) Presentation Concerning Investigating the Release of Confidential Information by the Department of Social Services

Item 71 – (COMM. 15D-10) Letter to Chair of Government Affairs Committee Concerning Investigating the Release of Confidential Information by the Department of Social Services

Item 72 – (COMM. 15D-11) Presentation Concerning Investigating the Release of Confidential Information by the Department of Social Services - Comptroller Obtained DSS Records

Item 73 – (COMM. 15D-12) Presentation Concerning Investigating the Release of Confidential Information by the Department of Social Services - Rebuttal Claim of Comptroller Concerning Records Security Issue

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

FROM THE COMPTROLLER'S OFFICE

Item 74 – (COMM. 15D-13) Letter to Commissioner of Parks, Recreation & Forestry Concerning Audit

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 75 – (COMM. 15D-14) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 76 – (COMM. 15D-15) 2013 Revenue Anticipation Note Sizing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMMISSIONER OF PUBLIC WORKS

Item 77 – (COMM. 15D-16) Letter to Chair of Legislature Concerning Mid-Block Crosswalk - 92 Franklin St., Buffalo, NY

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 78 – (COMM. 15D-17) Notice of Filing: Local Law 1-2013

Received and Filed.

FROM THE COMPTROLLER'S OFFICE

Item 79 – (COMM. 15D-18) June 2013 Sales Tax

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 80 – (COMM. 15D-19) Former Friendship House Demolition - SEQR Notification

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 81 – (COMM. 15D-20) Letter to County Executive Concerning External Auditor's Management Letter for EC for the Year Ended 12/31/2012

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 82 – (COMM. 15D-21) Letter to County Executive Concerning NYSDOT Single Audit Report for the Year Ended 12/31/2012

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 83 – (COMM. 15D-22) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER OF HEALTH

Item 84 – (COMM. 15D-23) Letter to Comptroller Concerning EC Comptroller's "Audit" of Correctional Health Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 85 – (COMM. 15D-24) Letter to Legislature Concerning County Pension Bill

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 86 – (COMM. 15D-25) Letter to Legislature Concerning 2013 Estimated Pension Payment & 2014 Pension Estimate

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 87 – (COMM. 15D-26) Letter to Legislature Regarding Receipt of Letter from Director of Budget & Management Concerning County Pension Bill

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 88 – (COMM. 15D-27) Budget Monitoring Report for Period Ending July 2013

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 89 – (COMM. 15D-28) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMMISSIONER OF PUBLIC WORKS

Item 90 – (COMM. 15D-29) Letter to Legislator Rath Concerning Snowplowing Contract Comments in Amherst & Clarence Bee

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE SECRETARY TO THE NYS GOVERNOR

Item 91 – (COMM. 15M-1) Letter to State Comptroller Concerning the Nomination of Wesley Hicks, Jr., MD as a Member of the NFTA Board

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS

Item 92 – (COMM. 15M-2) Letter to Clerk of Legislature Concerning the Extension of Review Date of Agricultural District No. 15

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NFTA

Item 93 – (COMM. 15M-3) Minutes from Meeting Held 6/27/2013

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 94 – (COMM. 15M-4) Copy of Quarterly Report for the 2nd Quarter of 2013

Item 95 – (COMM. 15M-5) Copy of Financial Report for the Period 1/1/2013 - 6/30/2013

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

FROM THE NYSDEC

Item 96 – (COMM. 15M-6) Fact Sheet: 432 Pearl St. Update - Remedy Proposed for Brownfield Site Contamination; Public Comment Period Announced

Item 97 – (COMM. 15M-7) Fact Sheet: 275 Franklin St. Update - Remedy Proposed for Brownfield Site Contamination; Public Comment Period Announced

Item 98 – (COMM. 15M-8) Notice: Comment Period for Site Known as Former Buffalo Forge Property

Item 99 – (COMM. 15M-9) Notice: Comment Period for Site Known as Kensington Heights Apartments

Item 100 – (COMM. 15M-10) Notice of Deletion: Spaulding Fibre - 310 Wheeler Street, City of Tonawanda

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

FROM THE EC MINORITY & WOMEN BUSINESS ENTERPRISES UTILIZATION ADVISORY BOARD

Item 101 – (COMM. 15M-11) Minutes of Meeting Held 6/24/2013

Received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

FROM THE NYSDEC

Item 102 – (COMM. 15M-12) Public Notice: Inactive Hazardous Waste Disposal Site Delist Notice for Site Known as Fourth Street MGP

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE SARDINIA TOWN BOARD

Item 103 – (COMM. 15M-13) Copy of Resolution Resolving Issues of Contract Between EC Department of Public Works & Various Towns in EC for Snowplowing & De-Icing Services

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE AURORA TOWN BOARD

Item 104 – (COMM. 15M-14) Copy of Resolution Concerning EC Snowplowing

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ELMA TOWN BOARD

Item 105 – (COMM. 15M-15) Copy of Resolution to Help Resolve Snow Removal & De-Icing Issues of County Roads

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NFTA

Item 106 – (COMM. 15M-16) Copy of 17A Report & Capital Expenditures Report for the First Quarter of Fiscal Year Ending 3/31/2014

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE HAMBURG TOWN BOARD

Item 107 – (COMM. 15M-17) Copy of Resolution Concerning Repair and Repaving of Sowles Road from McKinley Parkway to Southwestern Boulevard

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE PRESIDENT, EC BOARD OF HEALTH

Item 108 – (COMM. 15M-18) Letter Concerning Next Meeting & Minutes of Meeting Held 5/21/2013

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE EDEN TOWN BOARD

Item 109 – (COMM. 15M-19) Copy of Resolution Concerning Snow Removal & De-Icing Issues of County Roads

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EVANS TOWN BOARD

Item 110 – (COMM. 15M-20) Copy of Resolution Requesting EC to Remove Local Sales & Use Tax on Commercial Solar Energy Systems

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE KNOER GROUP, PLLC

Item 111 – (COMM. 15M-21) Letter to Clerk of Legislature Concerning Sheridan Park, Inc.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYSDEC

Item 112 – (COMM. 15M-22) Public Notice: Application, Draft Remedial Investigation & Alternative Analysis Work Plan from 847 Main Street, LLC for Site Known as the Former Trico Plant

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.



FROM THE LAW OFFICE OF W. JAMES SCHWAN

Item 113 – (COMM. 15M-23) Notice of Claim - Kaily Giardina-Geary

Received and referred to the the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NFTA

Item 114 – (COMM. 15M-24) Minutes of Meeting Held 7/25/2013

Item 115 – (COMM. 15M-25) Copy of Annual 17A Report

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

FROM THE EC CORRECTIONAL FACILITY NURSES GROUP

Item 116 – (COMM. 15M-26) Letter to County Executive Concerning Job Titles & Union Contracts

Received and referred to the the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE TOWN HIGHWAY SUPERINTENDENTS ASSOCIATION OF EC, INC.

Item 117 – (COMM. 15M-27) Letter to Commissioner of Public Works Concerning 2014-2016 Town/County Snow Plowing Contracts

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 118 – LEGISLATOR MAZUR announced that the next meeting of the Legislature's Valer 4 Valor Committee will be held on September 16, 2013, 2:30 P.M., at the Veterans' One Stop on Main St., downtown Buffalo.

Item 119 – CHAIR GRANT announced that the committee schedule for upcoming committee meetings has been distributed.

**MEMORIAL RESOLUTIONS**

Item 120 – Chair Grant requested that when the Legislature adjourns, it do so in memory of Lanasha Rollerson.

Item 121 – Legislator Hogues requested that when the Legislature adjourns, it do so in memory of Kayla Humphrey, Darrell Bailey, Bradley Kneitingner, Christopher Iverson, Ervin Maye, and Lanasha Rollerson.

Item 122 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Theodore C. “Ted” Donner, and Santo J. Gugliuzza.

Item 123 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of all those who died in the attacks on September 11, 2001.

Item 124 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Joseph Penvose, Joseph Rank, Donald Harms, Nancy Creasey, and William Oesterle.

**ADJOURNMENT**

Item 125 – At this time, there being no further business to transact, CHAIR GRANT announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, September 26, 2013 at 2:00 p.m. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, September 26, 2013 at 2:00 p.m. Eastern Standard Time.

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