

**ERIE COUNTY LEGISLATURE  
MEETING NO. 3  
FEBRUARY 4, 2010**

The Legislature was called to order by Chair Miller-Williams.

All members present.

An Invocation was held, led by Mr. Fudoli, who said a short prayer.

The Pledge of Allegiance was led by Ms. Marinelli.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MS. WHYTE moved for the approval of the minutes for Meeting Number 2 from 2010. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – CHAIR MILLER-WILLIAMS presented a resolution Congratulating and Commending the Buffalo Police Reserves Upon the Occasion of Their Centennial Anniversary.

Item 6 – MR. MILLS presented a resolution Congratulating Brendan O’Hara on Becoming an Eagle Scout.

Item 7 – MR. MILLS presented a resolution Congratulating Austin Corbett on Becoming an Eagle Scout.

Item 8 – MR. MILLS presented a resolution Recognizing Daniel R. Gernatt Sr. on the Occasion of His Birthday.

Item 9 – MR. WALTER, MR. RATH & MR. LOUGHRAN presented a resolution Honoring Colleen DiPirro on Receiving an Interclub Council of Western New York Susan B. Anthony Award.

Item 10 – MR. WALTER presented a resolution Honoring Thomas Yaiko on Receiving the Clarence Chamber of Commerce Lifetime Achievement Award.

Item 11 – MR. WALTER presented a resolution Congratulating the Erie and Niagara Insurance Association on Receiving the Clarence Chamber of Commerce Business of the Year Award.

Item 12 – MR. WALTER presented a resolution Congratulating the Clarence-Newstead Meals on Wheels Task Force, Inc. on Receiving the Clarence Chamber of Commerce Organization of the Year Award.

Item 13 – MR. WALTER presented a resolution Honoring David M. Bissonette on Receiving the Clarence Chamber of Commerce Citizen of the Year Award.

Item 14 – MR. MILLS, MR. RATH, MR. WALTER, MS. DIXON, MR. FUDOLI & MR. HARDWICK presented a resolution Honoring Our Local Olympic Athletes for Representing the United States of America in the 2010 Winter Olympic Games in Vancouver.

Item 15 – MR. MILLS, MR. RATH, MR. WALTER, MS. DIXON, MR. FUDOLI & MR. HARDWICK presented a resolution Congratulating Charlie Sickler on Being Named the American Public Works Association 2010 Public Works Leader of the Year.

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

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above eleven items by adding one for MR. WALTER, and by including Et Al Sponsorship. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above twelve items as amended. MS. BOVE seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 16 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLER-WILLIAMS directed that Local Law No. 5 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLER-WILLIAMS directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLER-WILLIAMS directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLER-WILLIAMS directed that Local Law No. 9 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLER-WILLIAMS directed that Local Law No. 1 (Print #1) 2010 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 23 – MR. MAZUR presented the following report, moved to separate item Number 3, and moved to approve the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

January 28, 2010	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 11M-11 (2009)  
1199 SEIU - UNITED HEALTHCARE WORKERS EAST: “Elimination of Kaleida Health Early Childhood Program (ECP)”  
(5-0) Chair Miller-Williams did not vote.
  - b. COMM. 12M-6 (2009)  
KALEIDA HEALTH: “Elimination of Kaleida Health Early Childhood Program”  
(6-0)

- c. COMM. 17M-7 (2009)  
SENIORS AT NORTHWEST BUFFALO COMMUNITY CENTER: “Copy of Petition  
Protesting Action of EC Senior Services Relocating Two Caseworkers to the North Buffalo  
Community Center  
(6-0)
- d. COMM. 17M-19 (2009)  
LAUX SPORTING GOODS: “Letter Concerning Opposition To America's Affordable  
Health Choices Act”  
(6-0)
- e. COMM. 21D-3 (2009)  
DEPUTY COUNTY EXECUTIVE: “Letter Regarding the Discontinuation of Health  
Clinics”  
(6-0)
- f. COMM. 21M-2 (2009)  
BUFFALO COMMON COUNCIL PRESIDENT FRANCYK: “Keep County Health  
Clinics Open”  
(6-0)
- g. COMM. 21M-5 (2009)  
KATHLEEN KOWAL: “Keep County Health Clinics Open”  
(6-0)
- h. COMM. 21M-10 (2009)  
BUFFALO COMMON COUNCIL: “Keep County Health Clinics Open”  
(6-0)
- i. COMM. 22M-4 (2009)  
ELLICOTT NAC: “Information Regarding EC Health Clinics”  
(6-0)
- j. COMM. 22M-5 (2009)  
EC RESIDENTS: “Petition in Opposition to the Closing of EC Health Clinics”  
(6-0)
- k. COMM. 22M-6 (2009)  
EC RESIDENTS: “Petition in Opposition to the Closing of EC Health Clinics”  
(6-0)
- l. COMM. 22M-9 (2009)  
ELIZABETH FOOSE: “Letter in Opposition to the Closing of EC Health Clinics”  
(6-0)
- m. COMM. 22M-10 (2009)  
ALICE WACHOWIAK: “Letter in Opposition to the Closing of EC Health Clinics”  
(6-0)

- n. COMM. 22M-12 (2009)  
JERICHO RD. FAMILY PRACTICE: “Letter in Opposition to the Closing of EC Health Clinics”  
(6-0)
- o. COMM. 22M-14 (2009)  
MICHAEL W. CROPP, MD, PRESIDENT & CEO OF INDEPENDENT HEALTH: “Letter Regarding the Closing of EC Health Clinics”  
(6-0)
- p. COMM. 25M-8 (2009)  
MICHAEL GWATHNEY: “Letter Regarding the Closing of EC Health Clinics”  
(6-0)
- q. COMM. 1E-16 (2010)  
COUNTY EXECUTIVE: “Appointments to the EC Youth Services Board”  
(6-0)
- r. COMM. 1E-17 (2010)  
COUNTY EXECUTIVE: “Appointment to the EC Senior Services Advisory Board”  
(6-0)
- 2. COMM. 27E-32 (2009)  
COUNTY EXECUTIVE  
WHEREAS, Erie County has among the highest percentages of low birth weight babies and infant mortality rates in New York State; and

WHEREAS, the Erie County Department of Health has received a grant award for the Healthy Mom – Healthy Baby Prenatal and Postpartum Home Visiting Program from the New York State Department of Health in the amount of \$362,626 for the period October 1, 2009 through September 30, 2010; and

WHEREAS, the purpose of this grant is to ensure early identification of high-risk pregnant women and newborns through targeted community outreach, and provide or coordinate health education, health services and other supportive services including home visiting; and

WHEREAS, an additional one-time funding award in the amount of \$362,466, which must be expended by March 31, 2010, has been made by the New York State Department of Health to aid in the planning of systems of care; and

WHEREAS, the grant funds will be used to help Erie County develop an organized county system of health and home visiting services to identify at-risk pregnant women early in their pregnancies and newborns soon after birth, assess the women’s and infant’s need for health care and services, and help these families obtain appropriate services; and

WHEREAS, the Erie County Department of Health will serve as the fiscal intermediary of this program; and

WHEREAS, the County desires to subcontract with the Western New York Public Health Alliance, Inc. to implement and administer the programmatic activities of the program on the County's behalf.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with New York State Department of Health to accept a grant award budgeted as follows:

Healthy Mom – Healthy Baby Prenatal & Postpartum  
Home Visiting Program  
October 1, 2009 – September 30, 2010  
127HLTHYMOM0910

REVENUE

<u>Account</u>	<u>Description</u>	<u>Budget</u>
409000	State Aid Revenues	<u>\$725,092</u>
	TOTAL	<u>\$725,092</u>

APPROPRIATION

<u>Account</u>	<u>Description</u>	<u>Budget</u>
912700	ID Health Services	\$ 36,255
516020	Prof. Service Contracts & Fees	<u>688,837</u>
	TOTAL	<u>\$725,092</u>

and be it further

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into a subcontract with the Western New York Public Health Alliance, Inc. for an amount not to exceed \$725,092 for the period 10/01/09 – 9/30/10 for the purpose of performing administrative, programmatic, planning, and assessment activities on the County's behalf; and be it further

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

(6-0)

3. COMM. 1E-10 (2010)  
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment of Gregory J. Turner as the Director of the Erie County Department of Information and Support Services (CIO).

(5-0) Legislator Whyte absent for vote.

4. COMM. 2E-8 (2010)  
COUNTY EXECUTIVE

WHEREAS, the goal of the American Recovery and Reinvestment Act (ARRA) Section 317 Immunization Program grant funds is to increase the number of children and adults vaccinated for vaccine-preventable diseases; and

WHEREAS, the New York State Department of Health Bureau of Immunization has awarded a \$100,000 grant to support local immunization activities; and

WHEREAS, local health departments are the only authorized entities to receive and administer the ARRA grant, and the impact of not utilizing the funds could be an increase in the incidences of vaccine-preventable diseases; and

WHEREAS, this grant will improve availability and acceptance of influenza vaccines for children, and Zostavax, HPV, Tdap, PPSV23 and influenza vaccines for adults; and

WHEREAS, this grant will also improve vaccine storage and handling practices within the Health Department and off-site clinics.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Executive is hereby authorized to accept the grant from the New York State Department of Health which is budgeted as follows:

American Recovery and Reinvestment Act of 2009 Immunization  
October 1, 2009 – March 31, 2011  
SAP: 127ARRAIMM0911 Cost Center: 1273030

SAP	REVENUE	BUDGET
409000	STATE AID	<u>\$ 100,000</u>
	TOTAL	<u>\$ 100,000</u>
	EXPENSES	
501000	OVERTIME	\$ 5,412
502000	FRINGE BENEFITS	415
505000	OFFICE SUPPLIES	1,172
505800	MEDICAL SUPPLIES	12,000
516020	PROF SVC CNT & FEES	20,000
530000	OTHER EXPENSES	25,722
561410	LAB & TECH EQUIP	7,778
912790	ID – HLTH GRANT SVCS	<u>27,501</u>

TOTAL \$ 100,000

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Comptroller's Office, the Division of Budget and Management, the Department of Law and to Dr. Anthony J. Billittier, IV, Commissioner, in the Department of Health, Rath Building, 9<sup>th</sup> Floor.  
(6-0)

5. COMM. 2E-9 (2010)  
COUNTY EXECUTIVE

WHEREAS, immigrants and refugees are in need of specific mandated preventive services that are not readily available in traditional preventive services contracts; and

WHEREAS, International Institute has informed the Department of Social Services of the intention to discontinue a contract and the Department wishes to transfer funding to Catholic Charities to conduct this specialized program; and

WHEREAS, Catholic Charities has agreed to all the terms and conditions and has the capability, capacity and willingness to continue and fulfill the contract; and

WHEREAS, there is no fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, the immigrant/refugee preventive services contract appropriated to International Institute in Account 517174 in the amount of \$120,000 is transferred to Catholic Charities Account 517044 in the 2010 Budget; and be it further

RESOLVED, section 19.08 Request for proposal requirement is waived in execution of this contract; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2010 Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
517174	International Institute	(\$120,000)
517044	Catholic Charities	<u>\$120,000</u>
	Total Expenditure	<u>-0-</u>

and be it further



RESOLVED, that the County Executive and/or the Commissioner of Social Services are hereby authorized to execute or amend contracts to the above providers as necessary; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.  
(6-0)

**THOMAS J. MAZUR  
CHAIR**

MR. MAZUR moved to approve item Number 3. MR. WALTER seconded.

CHAIR MILLER-WILLIAMS directed that a roll-vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS & MS. WHYTE. NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

**LEGISLATOR RESOLUTIONS**

Item 24 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO 3-1 from MARINELLI. Extension & Sharing of Additional 1% Sales and Compensating Use Tax.

Item 25 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 3-2 from MARINELLI, WHYTE, KOZUB, GRANT, MAZUR & LOUGHRAN. Seeking Countywide Requirements of Secondhand Dealers and Pawnbrokers for Consumer Protection and Law Enforcement Assistance.

Item 26 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO 3-3 from WHYTE, MARINELLI, GRANT, MAZUR, KOZUB & LOUGHRAN.  
Child Care Subsidies.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

RE: Cultural Funding  
(INTRO 3-4)

**A RESOLUTION TO BE SUBMITTED  
BY LEGISLATORS WHYTE, GRANT, KOZUB,  
LOUGHRAN, MARINELLI & MAZUR**

WHEREAS, the Erie County Legislature amended and adopted the 2010 Erie County Budget in December 2009; and

WHEREAS, the Erie County Legislature, recognizing the role of cultural tourism in our region and valuing the cultural contribution to the local economy, saw fit to increase funding to cultural organizations as part of the amended 2010 County Budget; and

WHEREAS, the Erie County Legislature also approved a Budget Resolution requiring that the Administration send out contracts to organizations identified in the Budget by March 1, 2010; and

WHEREAS, March 1, 2010 is quickly approaching; and

WHEREAS, upon information and belief, some organizations have received their contracts and some have not and still others have received their contracts but not for the sum the Legislature allocated.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature call upon the Commissioner of the Department of Environment and Planning and the County Attorney to come before the Community Enrichment Committee to discuss which contracts have been sent out and for what dollar amounts and why; and be it further

RESOLVED, that any cultural organization having been awarded money in the 2010 Erie County Budget be invited to attend; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Attorney, the Commissioner of DEP, the Comptroller, and the cultural organizations awarded funding in the 2010 Erie County Budget.

MS. WHYTE moved to amend the resolution by adding CHAIR MILLER-WILLIAMS, MS. BOVE and MR. KENNEDY as Co-Sponsors. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to approve the resolution as amended. MS. MARINELLI seconded.

CHAIR MILLER-WILLIAMS directed that a roll-call vote be taken.

AYES: MR. HARDWICK, MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS & MS. WHYTE. NOES: MS. DIXON, MR. FUDOLI, MR. MILLS, MR. RATH & MR. WALTER. (AYES: 10; NOES: 5)

CARRIED.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 21

RE: Reappointment of Calvin Kohn to the  
EC Soil and Water Conservation District  
Board of Directors  
(INTRO 3-5)

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

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for appointment to the Erie County Soil and Water Conservation District Board of Directors; and

WHEREAS, the proper functioning of the Soil and Water Conservation District on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and

WHEREAS, pursuant to New York State Conservation District Law, of the seven-member District Board, two members are representatives of the County Legislature, one member represents the Grange, one member represents the Farm Bureau and three serve as At-Large Members; and

WHEREAS; in further accordance with New York State Law, the Erie County Legislature shall appoint members to the District Board, where presently the term limit of one current District Board member has expired.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby re-appoint Mr. Calvin Kohn residing at 11640 New Oregon Road, North Collins, NY 14111 to the Grange position on the Board

of Directors for the Erie County Soil and Water Conservation District for a 3-year term; and be it further

RESOLVED, that the aforementioned appointment shall be effective immediately and shall expire on December 31, 2012; and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Soil and Water Conservation District (50 Commerce Way, East Aurora, NY 14052), Mr. Calvin Kohn (11640 New Oregon Road, North Collins, NY 14111).

Item 29 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 3-6 from RATH. Requesting Changes to the Governor's Proposed "Excelsior Jobs" Program.

Item 30 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 3-7 from MILLS, RATH, WALTER, DIXON & FUDOLI. Convening the Citizens Budget Review Commission and Lowering the Salary of EC Legislators.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 22

RE: Appointment to County Jury Board  
(INTRO 3-8)

**A RESOLUTION TO BE SUBMITTED  
BY LEGISLATORS KENNEDY, BOVE & MILLS**

WHEREAS, past practice of the Legislature has been that the Chair of the Erie County Legislature serve on the County Board of Jurors representing the Erie County Legislature; and

WHEREAS, at the annual meeting of the County Jury Board, business conducted includes review and oversight of the enforcement of laws and rules relating to the drawing, selection summoning and impaneling of jurors within Erie County, with other meetings called as may be necessary; and

WHEREAS, pursuant to New York State Judiciary Law, Section 503, each County in the State shall establish a County Jury Board, comprised of one member of the County Legislature, designated by the Legislature providing the appointee does not engage in the practice of law; one

Justice of the State Supreme Court, designated by the appropriate Appellate Division; and one County Court Judge, or if there is more than one, then the Senior County Court Judge; and

WHEREAS, said designation of the Legislature is necessary, in accordance with Judiciary Law, Article 503, and is reasonable and appropriate for Chair Barbara Miller-Williams to serve as the Legislature's representative on the Erie County Jury Board, noting her leadership position in the Legislature and her willingness to serve her colleagues and her community in this capacity.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby designate Legislature Chair Barbara Miller-Williams as this Honorable Body's appointment to the Erie County Jury Board (pursuant to the New York State Judiciary Law, Section 503), effective immediately.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

Item 32 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3M-36 from the NYS LIQUOR STORE ASSOC. Re: Letter to Legislature Concerning Opposition to the Sale of Wine in Grocery or Convenience Stores

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 33 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

RESOLUTION NO. 23

RE: Supporting Our Local Businesses Who  
Oppose Sale of Wine in Grocery or  
Convenience Stores  
(INTRO 3-9)

**A RESOLUTION TO BE SUBMITTED  
BY LEGISLATORS MARINELLI, WHYTE,  
KOZUB, GRANT & MAZUR**

WHEREAS, Stefan Kalogrides, President of the New York State Liquor Store Association, along with local small business liquor store operators, have requested the Erie County Legislature

again goes on record to oppose the New York State Governor's proposal to allow the sale of wine in grocery or convenience stores; and

WHEREAS, New York State has about 2,600 liquor stores currently; and

WHEREAS, liquor stores are prohibited from becoming a chain of more than one store; and

WHEREAS, New York State also requires that liquor stores be owned by an on-premise single operator; and

WHEREAS, owners of liquor stores are prohibited from forming collective buying groups with other stores, which would increase their purchasing power; and

WHEREAS, liquor stores are not allowed to sell drink mixers, napkins or other items requested by its customers; and

WHEREAS, a liquor store in the Rochester area was fined \$10,000 for selling wine gift bags; and

WHEREAS, in New York State off-premises sale of wine and spirits is only allowed at liquor stores, and furthermore beer is not sold at liquor stores, it must be sold at supermarkets and convenience stores; and

WHEREAS, for a second year, New York State's Governor, in an effort to close a multi-billion dollar deficit, has proposed legalizing wine sales in grocery and convenience stores; and

WHEREAS, the Governor's proposal would allow the sale of wine in New York State's 19,000 grocery stores; and

WHEREAS, grocery stores would immediately bypass all the rules by making wine available in chains of stores giving chain stores a strong purchasing advantage; and

WHEREAS, small business retailers who would be affected by the Governor's proposal indicated that 65 to 80 percent of their overall sales is devoted to wine; and

WHEREAS, it's estimated that if wine is sold in grocery stores over 1,000 small businesses: wine sellers, liquor stores, and wineries would be forced to close; and

WHEREAS, a study commissioned by the trade group also found that the loss of wine sales would add 4,000 to 6,000 people to the unemployment rolls in New York State; and

WHEREAS, it has been estimated that New York State has the potential of collecting \$65 million in the form of one-time fees from grocery and convenience stores; and

WHEREAS, this proposal is only a "quick fix" which will bring an influx of cash for two years as a result of the new licensing only to cost the state more money in the long run due to unemployment, lost income tax and emptied retail space; and

WHEREAS, recently Massachusetts voters rejected a similar plan, no state has passed this kind of measure in 23 years; and

WHEREAS, in Florida, California and Texas, three states that sells wine everywhere, the number of alcohol related fatalities per 100,000 is more than double that of New York State; and

WHEREAS, alcohol related fatalities of those under the age of 21 are three times higher in these states where wine is sold ubiquitously, as compared to New York State where wine is sold at independently owned licensed stores; and

WHEREAS, last year the Erie County Legislature adopted Intro. 4-2 (2009), as amended.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature again goes on record against the New York State proposal to allow the sale of wine in grocery, convenience or drug stores; and be it further

RESOLVED, that the Erie County Legislature is concerned about the implications of any proposed or enacted legislation and believes that in is in the best interests of this community to have a public discussion regarding the real impact of this proposal at a future meeting of the Economic Development Committee of the Erie County Legislature; and be it further

RESOLVED, that the Erie County Legislature forward certified copies of this resolution to the WNY delegation of the New York State Legislature, L.E.A.D., NYS PBA 12270 State St. Albany, New York 12207, Marc Ressler, Midnight Liquors, Colvin-Eggert Plaza, Tonawanda, New York 14150 and Stefan Kalogrides, president of the New York State Liquor Store Association, 1450 Western Avenue, Albany, New York 12203.

MS. MARINELLI moved to approve the resolution. MR. KOZUB seconded.

CHAIR MILLER-WILLIAMS directed that a roll-vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS & MS. WHYTE. NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

Item 34 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3M-37 from ASSEMBLYMAN HOYT Re: Copy of Letter to ECFSA Concerning EC Four-Year Plan

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY COMPTROLLER**

Item 35 – (COMM. 3E-1) Suggested Bond Resolution on Behalf of the Department of Environmental and Planning, Division of Sewerage Management for Consideration and Approval

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM LEGISLATOR KOZUB**

Item 36 – (COMM. 3E-2) Letter to Commissioner Sentz from the Department of Public Works in Regards to the East Concord Highway Vehicle Storage Facility

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE COUNTY COMPTROLLER**

Item 37 – (COMM. 3E-3) Letter Regarding Information Concerning Funding for Health Clinics Owned and Operated by EC

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM LEGISLATOR GRANT**

Item 38 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded. MS. GRANT abstained.

CARRIED. (14-0-1)

RESOLUTION NO. 24

RE: Lease for Legislative Office Space  
(COMM. 3E-4)

RESOLVED, the Erie County Executive is hereby authorized to sign a Two (2) Year Lease Agreement with Richard C. Cummings for Legislative office space for Betty Jean Grant, located at 790 E. Delavan Ave., Buffalo, New York for a monthly rate of \$750.

\*\*\*CHAIR MILLER-WILLIAMS declared the Legislature in recess at 3:02 P.M.

GRANTED.

\*\*\*CHAIR MILLER-WILLIAMS reconvened the Legislature at 4:35 P.M.

All members present.

**FROM THE COUNTY COMPTROLLER**



Item 39 – MS. WHYTE presented the following resolution and moved for immediate consideration. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 25

RE: EC 2010 Consolidated Bond Resolution  
(COMM. 3E-5)

RESOLUTION NO. 25-2010

BOND RESOLUTION DATED FEBRUARY 4, 2010

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2010 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$74,629,139, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$29,429,139 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND THE EXPENDITURE OF \$4,200,000 IN COUNTY CURRENT FUNDS AVAILABLE OR TO BE AVAILABLE, AND AUTHORIZING THE ISSUANCE OF \$41,000,000 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) February 4, 2010

(Adopted) February 4, 2010

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

Section 1. The County of Erie, New York (herein called “County”), is hereby authorized to undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column G of the attached schedule and the duly adopted 2010 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2010 Capital Budget of the County, such Budget shall be deemed and is hereby amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column A-1 of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2010 Capital Budget for the County. The plan of financing includes the expenditure of \$29,429,139 in State and Federal aid expected to be received, the expenditure of \$4,200,000 County current funds available or to be available therefor, and the issuance of \$41,000,000 aggregate principal amount of bonds of the County to finance the balance of said appropriations, the levy and collection of taxes on all the

taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost of the applicable specific objects or purposes, classes of objects or purposes or combinations of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which said \$41,000,000 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column F of the attached schedule.

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

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

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

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

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

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

ATTACHMENT B:

2010 CAPITAL BUDGET BOND RESOLUTION - PROJECT COMPONENTS

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ. NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC OR CLASS	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPITAL BUDGET PAGE REFERENCE
1		2010 REHABILITATION OF RALPH WILSON STADIUM (ORCHARD PARK)	S	\$ 3,000,000	\$ 3,000,000			15 yrs. Par. 19(c)	The County must provide annual capital maintenance and repairs to the County owned stadium facilities pursuant to the terms of the Lease Agreement between the Erie County Stadium Corporation and the Buffalo Bills. Funding in the 2010 Capital Budget continues the rehabilitation program at the Stadium, including paving work, plumbing, electrical, HVAC and general construction work.	B-107, 109 & 118
2		2010 BOTANICAL GARDEN MASTER PLAN IMPLEMENTATION AND REHABILITATION (BUFFALO)	S	\$ 1,000,000	\$ 1,000,000			15 yrs. Par. 19(c)	As per the agreement signed by the County in 2004, the County is committed to provide capital funding to implement the Master Plan Implementation for the Gardens totaling \$9 million during the period of 2005-2013. Funding in the 2010 Capital budget continues funding the next but not limited to phase, construction of the Growing House and miscellaneous work	B-107, 109 & 118
3		2010 BUFFALO NIAGARA CONVENTION CENTER REHABILITATION (BUFFALO)	S	\$ 1,000,000	\$ 1,000,000			15 yrs. Par. 12(a)(2)	This phase of work is the continuation of County capital projects started in 1994. This phase will fund, but not be limited to, the renovations to the kitchen, marquee sign & front entrance, exhibition hall renovation and miscellaneous furniture, fixtures & equipment.	B-107, 109 & 118
4		2010 COURT FACILITY EXTERIOR ENVELOPE, WATERPROOFING AND REPAIRS (BUFFALO)	S	\$ 1,250,000	\$ 1,250,000			15 yrs. Par. 12(a)(2)	This project will continue to fund the next phase of the construction and design, but not be limited to, exterior waterproofing and sealant work at Erie County Court building and exterior masonry, waterproofing and sealant work at Old County Hall, site work & miscellaneous work.	B-107, 109 & 118

5		2010 ERIE COUNTY HOLDING CENTER JAIL EXPANSION (BUFFALO)	S	\$ 3,000,000	\$ 3,000,000			5 yrs. Par. 62 2nd	This project is the first phase of a multi-phased design and construction project to rehabilitate and expand or construct a new jail facility. This phase will fund, but not be limited to, the design for demolition of 120 / 134 West Eagle St buildings, design and construction documents for an expanded or new building and any necessary environmental reviews associated with the project.	B-107, 110 & 118
6		2010 CAPITAL OVERLAY PROGRAM (COUNTYWIDE)	C	\$ 6,000,000	\$ 1,800,000		\$ 4,200,000	15 yrs. Par. 20	The 2010 capital overlay program provides for rehabilitation work to include, but not limited to, pavement and shoulder widening, drainage improvements, sight distances and safety improvement. Completion of these projects will result in future operating and maintenance savings.	B-107, 110 & 118
7		2010 BRIDGE AND ROAD RECONSTRUCTION PROJECTS - FEDERAL AID PROGRAM (COUNTYWIDE)	C	\$ 30,036,549	\$ 3,962,330	\$ 26,074,219		15 yrs. Par. 91	This project provides \$3,962,330 to finance the County share of various road projects which are eligible for State and Federal aid. The State and Federal share of this project totals \$26,074,219. Total project cost is \$30,036,549. Roads and bridges scheduled include: Colvin Blvd. Signals; Como Park Blvd.; Wehrle Drive; Cemetery Road Bridges; Cedar Street Bridge; North Forest Road; Seneca Street Bridge; Pavement Road Bridges; Maple Road intersections; and bridge painting.	B-107, 110 & 118
8		2010 FEDERAL AID PROJECTS - DESIGN (COUNTYWIDE)	S	\$ 1,251,000	\$ 184,040	\$ 1,066,960		5 yrs. Par. 62(2nd)	Design work on Federal aid projects throughout the County. Federal aid totals \$1,066,960 making a total project of \$1,251,000. Roads and bridges scheduled include: Elmwood Avenue Signals; Cedar Street Bridge; Pavement Road Bridges; North Forest Road; and bridge painting.	B-107, 110 & 118
9		2010 FEDERAL AID PROJECTS - RIGHT-OF-WAY (COUNTYWIDE)	C	\$ 637,800	\$ 85,800	\$ 552,000		15 yrs. Par. 91	Right-of-Way work on Federal aid projects throughout the County: Federal aid totals \$552,000 making a total project of \$637,800. Roads and bridges scheduled include: Greiner-Shimerville Intersection Improvements; Seneca Street RR Bridge and North Forest Road.	B-107, 111 & 118

10-a	2010 ROAD RECONSTRUCTION - FEMA PROJECTS (COUNTYWIDE)	S	\$ 176,000	\$ 176,000		15 yrs. Par. 91	This will fund construction of two projects for roads previously damaged by severe storms: Vermont Street Site 9.	B-107, 111 & 118
10-b	2010 ROAD RECONSTRUCTION - FEMA PROJECTS (COUNTYWIDE)	S	\$ 106,000	\$ 106,000		15 yrs. Par. 91	This will fund construction of two projects for roads previously damaged by severe storms: Zoar Valley Site 2	B-107, 111 & 118
11	2010 ROAD RIGHT-OF-WAY - FEMA PROJECTS (COUNTYWIDE)	C	\$ 60,000	\$ 60,000		15 yrs. Par. 20	This will fund construction of various projects for roads previously damaged by severe storms: Blakeley Corners Road Site 2; Blakeley Corners Road Site 3; Zoar Valley Site 2 and Vermont Street Site 9.	B-107, 111 & 118
12	2010 PRESERVATION OF ROADS - CONSTRUCTION (COUNTYWIDE)	C	\$ 4,200,000	\$ 4,200,000		15 yrs. Par. 20	This is the third year of a fifteen year program to maintain our 1,188 centerline miles of roads. The plan is to rebuild or rehabilitate various roads throughout the County based on pavement condition rating needs. Roads have been evaluated and ranked based on conditions with specific estimates developed per road to address concerns.	B-107, 111 & 118
13	2010 PRESERVATION OF BRIDGES AND CULVERTS - CONSTRUCTION (COUNTYWIDE)	C	\$ 2,000,000	\$ 2,000,000		20 yrs. Par. 10	This is the third year of a fifteen year program to maintain the 278 bridges greater than 20' on County highways and 449 small bridges with a span greater than 5' to 20' that have to be maintained and replaced others.	B-107, 111 & 118
14	2010 PRESERVATION OF BRIDGES AND CULVERTS - RIGHT-OF-WAY (COUNTYWIDE)	C	\$ 500,000	\$ 500,000		20 yrs. Par. 10	This is the third year of a fifteen year program to maintain the 278 bridges greater than 20' on County highways and 449 small bridges with a span greater than 5' to 20' that have to be maintained and replaced.	B-107, 112 & 118
15	2010 PRESERVATION OF BRIDGES AND CULVERTS - DESIGN (COUNTYWIDE)	C	\$ 2,000,000	\$ 2,000,000		5 yrs. Par. 62 2nd	This is the third year of a fifteen year program to maintain the 278 bridges greater than 20' on County highways and 449 small bridges with a span greater than 5' to 20' that have to be maintained and replaced.	B-107, 112 & 118

16	2010 DAM SAFETY AND PRESERVATION - INSPECTION, DESIGN (COUNTYWIDE)	S	\$ 500,000	\$ 500,000		5 yrs. Par. 62(2nd)	This project will fund the inspection and potential design of the ten dams that are owned by the County. Inspections would be done on an as needed basis and necessary design of repairs made to meet the NYSDEC guidelines. Presently, the County owns one high hazard dam and one medium hazard dam with the remaining being low hazard dams.	B-107, 112 & 118
17	2010 USACE - DESIGN (AMHERST) BURDICK RD	S	\$ 225,000	\$ 225,000		5 yrs. Par. 62(2nd)	This project is the design of the stabilization and reconstruction of 200 LF of Burdick Road adjacent to Tonawanda Creek. This is a jointly funded project with the United States Army Corps of Engineers (USACE). USACE pays the first \$100,000 then the cost is split 50-50 between USACE and the County.	B-107, 112 & 118
18	2010 USACE - RIGHT OF WAY (AMHERST) HOPKINS RD	S	\$ 100,000	\$ 100,000		30 yrs. Par. 21	This project is the right-of-way needed for approximately one-half mile of Hopkins Road adjacent to Ransom Creek. This is a jointly funded project with the United States Army Corps of Engineers (USACE). The cost is split 65-35 between USACE and the County with a cap of \$1,500,000 on USACE participation.	B-107, 112 & 118
19	2010 USACE - CONSTRUCTION (AMHERST) HOPKINS RD	S	\$ 920,000	\$ 920,000		15 yrs. Par. 20	This project is the reconstruction of approximately one-half mile of Hopkins Road adjacent to Ransom Creek. This is a jointly funded project with the United States Army Corps of Engineers (USACE). The cost is split 65-35 between USACE and the County with a cap of \$1,500,000 on USACE participation.	B-107, 113 & 118
20	2010 ENVIRONMENTAL COMPLIANCE SPDES (COUNTYWIDE)	S	\$ 300,000	\$ 300,000		5 yrs. Par. 62 2nd	This project, State Pollutant Discharge Elimination System (SPDES), is mapping of storm water shed area, storm sewer system and receiving waters. New York State DEC MS4 permit held by the County requires that the mapping to the extent possible take place within the two year life of the permit with preliminary storm sewer shed mapping to be completed in 2010.	B-107, 113 & 118

21-a	2010 REPLACEMENT OF FLEET VEHICLES (COUNTYWIDE)	C	\$ 3,947,090	\$ 3,947,090		15 yrs. Par. 28	This project is the first year of a multi-year plan to replace the County's fleet of aging inefficient vehicles. A study recently completed for the Erie County Fiscal Stability Authority (ECFSA) documented the need to replace approximately \$32 million of the County's fleet. The efficiency grant to the ECFSA was the replacement of smaller vehicles in the County's fleet. This program is the planned replacement of the medium and heavy duty vehicles. There has been no formal replacement program in the County for the last five years. This phase will fund garbage packers, snow plows, medium and heavy trucks.	B-107, 113 & 118
21-b	2010 REPLACEMENT OF FLEET VEHICLES (COUNTYWIDE)	C	\$ 200,000	\$ 200,000		5 yrs. Par. 29	This project is the first year of a multi-year plan to replace the County's fleet of aging inefficient vehicles. A study recently completed for the Erie County Fiscal Stability Authority (ECFSA) documented the need to replace approximately \$32 million of the County's fleet. The efficiency grant to the ECFSA was the replacement of smaller vehicles in the County's fleet. This program is the planned replacement of the medium and heavy duty vehicles. There has been no formal replacement program in the County for the last five years. This phase will fund garbage packers, snow plows, medium and heavy trucks.	B-107, 113 & 118
22	2010 JAIL MANAGEMENT DIVISION SECURITY AND CONTROL SYSTEMS UPGRADE (COUNTYWIDE)	S	\$ 800,000	\$ 800,000		5 yrs. Par. 32	This project will replace the head end software for the door controls at the Holding Center and Correctional Facility. Currently, when the system breaks down the repair time frame diminishes the security of the facility to an unacceptable level.	B-107, 114, 118 & 119
23	2010 CIVIL PROCESS COMPUTER SYSTEM (COUNTYWIDE)	S	\$ 244,000	\$ 244,000		5 yrs. Par. 32	This project will replace the current civil process system that is housed on the County's mainframe. The current system is incompatible with DISS systems and protocols and is extremely inefficient.	B-107, 114, 118 & 119



24		2010 JAIL MANAGEMENT DIVISION FOOD SERVICE AND EQUIPMENT (COUNTYWIDE)	S	\$ 300,000	\$ 300,000			5 yrs. Par. 32	This project will replace the food preparation equipment at the Holding Center and Correctional Facility. Most of the equipment is twenty to thirty years old. The space is insufficient and the equipment is undependable when faced with the demand to produce approximately 4,200 meals daily.	B-107, 114, 118 & 119
25		2010 PUBLIC SAFETY 400MHZ COMMUNICATIONS SYSTEM PHASE 3 (COUNTYWIDE)	S	\$ 2,000,000	\$ 2,000,000			10 yrs. Par. 25	This project is Phase 3 of a three phase program to replace the County's communication system that was installed in the mid 1950's. The current system does not meet today's technology requirements or current needs. At completion the County will have a state-of-the-art County-wide emergency communications system	B-107, 114, 118 & 119
26		2010 COUNTYWIDE PARKS IMPROVEMENTS (COUNTYWIDE)	C	\$ 1,414,000	\$ 1,414,000			15 yrs. Par. 19(c)	In 2003 the "Erie County Parks System Master Plan" was completed. The Master Plan provides direction for repair, restoration and development of the Erie County Parks. This is a multi-year/multi-phase plan. This project seeks to address, but not be limited to, shelter and building rehabilitation; comfort station rehabilitation; HVAC replacement; signage; fall zone safety material and security & miscellaneous work.	B-108, 115, 118 & 119
27		2010 PARK AMENITIES (COUNTYWIDE)	C	\$ 115,000	\$ 115,000			15 yrs. Par. 19(c)	This project will replace grills, fire rings and picnic tables at the various County parks.	B-108, 115, 118 & 119
28		2010 PARK BRIDGES AND CULVERTS - DESIGN (COUNTYWIDE)	C	\$ 325,000	\$ 325,000			5 yrs. Par. 62 2nd	Erie County has 17 park bridges greater than 20' span, 1 park bridge with partial DOT maintenance and an unknown number of culverts in the County Park System. This project would fund the inspection of all the culverts along the park roads, along with the inspection of the pedestrian bridges in the various County parks.	B-108, 115, 118 & 119
29		2010 PARK BRIDGES AND CULVERTS RECONSTRUCTION (COUNTYWIDE)	C	\$ 133,000	\$ 133,000			20 yrs. Par. 10	Erie County has 17 park bridges greater than 20' span, 1 park bridge with partial DOT maintenance and an unknown number of culverts in the County Park System. This project would fund any reconstruction that would be necessary to bring the County parks bridges and culverts up to DOT compliance.	B-108, 115, 118 & 119

30	2010 ROADS, PATHWAYS AND PARKING LOT REPAIRS (COUNTYWIDE)	C	\$ 300,000	\$ 300,000			15 yrs. Par. 19(c)	This project will include the resurfacing and rebuilding of various roads, pathways and parking lots within the Park system using black top or oil and chip as necessary. This is the first year of a three-year program.	B-108, 116, 118 & 119
31	2010 BUFFALO & ERIE COUNTY LIBRARY REPLACE ESCALATORS WITH ADA COMPLIANT ELEVATORS AND ENTRY FOR NEW CULTURAL TOURISM AREA (BUFFALO)	S	\$ 2,700,000	\$ 2,335,000	\$ 365,000		10 yrs. Par. 13	This project will replace the original (1963) escalators with elevators. The Ellicott Street entrance of the Buffalo and Erie County Library building will be reconstructed to be ADA compliant. Asbestos abatement will also be done as needed. Federal aid of \$182,500 and State aid of \$182,500 is available for this project, bringing the total cost of this project to \$2,700,000	B-108, 116, 118 & 119
32	2010 SHERWOOD GREENWAY TRAIL (TONAWANDA)	S	\$ 1,088,700	\$ 217,740	\$ 870,960		15 yrs. Par. 19(c)	This project involves design and construction of a two mile pathway that will connect the Riverwalk at Sheridan Drive and River Road with the County's Two Mile Creek Trail in the Town of Tonawanda's Sheridan Park. Federal funding is available in the amount of \$870,960. The total cost of this project is \$1,088,700.	B-108, 116, 118 & 119
33	2010 ECC EQUIPMENT (COUNTYWIDE)	COMBO	\$ 1,800,000	\$ 1,800,000			5 yrs. Par. 89	This project provides for the acquisition of various pieces of equipment. This includes vehicles, buildings and grounds equipment, laboratory and technical equipment as well as furniture and fixtures.	B-108, 117, 118 & 120
34	2010 ECC EXTERIOR BUILDING RENOVATIONS AND RESTORATIONS (BUFFALO)	S	\$ 500,000	\$ 250,000	\$ 250,000		15 yrs. Par. 12(a)(2)	This project involves exterior work critically necessary to address the City campus Post Office building. Exterior work will involve masonry restoration, including, but not limited to, repair of all mortar joints, replacement of defective bricks and control joints, repair replacement of existing outside perimeter roofs and gutters, repair to ironwork over back loading dock and repair of exterior wall along Oak Street. The work will also include minor repairs to the building interior spaces as a result of water damage to the building. This project is eligible for State aid of \$250,000 making the total project \$500,000.	B-108, 117, 118 & 120

35	2010 ECC ELECTRICAL UPGRADES (AMHERST)	S	\$ 500,000	\$ 250,000	\$ 250,000	10 yrs. Par. 5	The existing (1950's) electrical system at North Campus cannot deal with current demands. Parts to make repairs/additions to substations are either not available or extremely costly. A professional electrical engineering firm will be engaged to evaluate the current system, design and prepare all needed project documents and then begin implementation of necessary upgrades. This project is eligible for State aid of \$250,000 making the total project \$500,000.	B-108, 117, 118 & 120
TOTALS			\$ 74,629,139	\$ 41,000,000	\$ 29,429,139	\$ 4,200,000		

MS. WHYTE moved to amend the item. MR. LOUGHRAN seconded. MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH & MR. WALTER voted in the negative.

CARRIED. (9-6)

Delete the Resolution in its Entirety and Replace with the Following:

RESOLUTION NO. 25-2010

BOND RESOLUTION DATED February 4, 2010

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2010 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$71,496,139 , APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF \$29,429,139 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID AND THE EXPENDITURE OF \$4,200,000 IN COUNTY CURRENT FUNDS AVAILABLE OR TO BE AVAILABLE, AND AUTHORIZING THE ISSUANCE OF \$37,867,000 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

(Introduced) February 4, 2010

(Adopted) February 4, 2010

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

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to undertake the various capital projects as described in column A of the attached schedule, each as more fully described in column G of the attached schedule and the duly adopted 2010 Capital Budget for the County. To the extent that the details set forth in this resolution are inconsistent with any details set forth in the 2010 Capital Budget of the County, such Budget shall be deemed and is hereby amended. For each of the specific objects or purposes, classes of objects or purposes and combinations of objects or purposes, as specified in column A-1 of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted 2010 Capital Budget for the County. The plan of financing includes the expenditure of \$29,429,139 in State and Federal aid expected to be received, the expenditure of \$4,200,000 County current funds available or to be available therefor, and the issuance of \$37,867,000 aggregate principal amount of bonds of the County to finance the balance of said appropriations, the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any amounts received by the County from the United States of

America and/or the State of New York are hereby authorized to be expended towards the cost of the applicable specific objects or purposes, classes of objects or purposes or combinations of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the County in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance said appropriations.

Section 3. The respective periods of probable usefulness for said specific objects or purposes, classes of objects or purposes and combinations of objects or purposes for which said \$37,867,000 bonds herein authorized are to be issued, within the limitations of §11.00 a. of the Law, is set forth in column F of the attached schedule.

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

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

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

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

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

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

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

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

ATTACHMENT B:

2010 CAPITAL BUDGET BOND RESOLUTION - PROJECT COMPONENTS

COLUMN #		A	A-1	B	C	D	E	F	G	
LINE NO.	SAP PROJ. NO.	PROJECT DESCRIPTION (object or purpose)	SPECIFIC OR CLASS	ESTIMATED MAXIMUM COST	AMOUNT OF BONDS AUTHORIZED	STATE or FEDERAL AID EXPECTED	LOCAL SOURCE REVENUE	PPU Sec. 11.00a reference	PROJECT DETAILS	CAPITAL BUDGET PAGE REFERENCE
1		2010 REHABILITATION OF RALPH WILSON STADIUM (ORCHARD PARK)	S	\$ 3,000,000	\$ 3,000,000			15 yrs. Par. 19(c)	The County must provide annual capital maintenance and repairs to the County owned stadium facilities pursuant to the terms of the Lease Agreement between the Erie County Stadium Corporation and the Buffalo Bills. Funding in the 2010 Capital Budget continues the rehabilitation program at the Stadium, including paving work, plumbing, electrical, HVAC and general construction work.	B-107, 109 & 118
2		2010 BOTANICAL GARDEN MASTER PLAN IMPLEMENTATION AND REHABILITATION (BUFFALO)	S	\$ 1,000,000	\$ 1,000,000			15 yrs. Par. 19(c)	As per the agreement signed by the County in 2004, the County is committed to provide capital funding to implement the Master Plan Implementation for the Gardens totaling \$9 million during the period of 2005-2013. Funding in the 2010 Capital budget continues funding the next but not limited to phase, construction of the Growing House and miscellaneous work	B-107, 109 & 118
3		2010 BUFFALO NIAGARA CONVENTION CENTER REHABILITATION (BUFFALO)	S	\$ 1,000,000	\$ 1,000,000			15 yrs. Par. 12(a)(2)	This phase of work is the continuation of County capital projects started in 1994. This phase will fund, but not be limited to, the renovations to the kitchen, marquee sign & front entrance, exhibition hall renovation and miscellaneous furniture, fixtures & equipment.	B-107, 109 & 118
4		2010 COURT FACILITY EXTERIOR ENVELOPE, WATERPROOFING AND REPAIRS (BUFFALO)	S	\$ 1,250,000	\$ 1,250,000			15 yrs. Par. 12(a)(2)	This project will continue to fund the next phase of the construction and design, but not be limited to, exterior waterproofing and sealant work at Erie County Court building and exterior masonry, waterproofing and sealant work at Old County Hall, site work & miscellaneous work.	B-107, 109 & 118

5				\$ -						
6		2010 CAPITAL OVERLAY PROGRAM (COUNTYWIDE)	C	\$ 6,000,000	\$ 1,800,000		\$ 4,200,000	15 yrs. Par. 20	The 2010 capital overlay program provides for rehabilitation work to include, but not limited to, pavement and shoulder widening, drainage improvements, sight distance and safety improvements. Completion of these projects will result in future operating and maintenance savings.	B-107, 110 & 118
7		2010 BRIDGE AND ROAD RECONSTRUCTION PROJECTS - FEDERAL AID PROGRAM (COUNTYWIDE)	C	\$ 30,036,549	\$ 3,962,330	\$ 26,074,219		15 yrs. Par. 91	This project provides \$3,962,330 to finance the County share of various road projects which are eligible for State and Federal aid. The State and Federal share of this project totals \$26,074,219. Total project cost is \$30,036,549. Roads and bridges scheduled include: Colvin Blvd. Signals; Como Park Blvd.; Wehrle Drive; Cemetery Road Bridges; Cedar Street Bridge; North Forest Road; Seneca Street Bridge; Pavement Road Bridges; Maple Road intersections; and bridge painting.	B-107, 110 & 118
8		2010 FEDERAL AID PROJECTS - DESIGN (COUNTYWIDE)	S	\$ 1,251,000	\$ 184,040	\$ 1,066,960		5 yrs. Par. 62(2nd)	Design work on Federal aid projects throughout the County. Federal aid totals \$1,066,960 making a total project of \$1,251,000. Roads and bridges scheduled include: Elmwood Avenue Signals; Cedar Street Bridge; Pavement Road Bridges; North Forest Road; and bridge painting.	B-107, 110 & 118
9		2010 FEDERAL AID PROJECTS - RIGHT-OF-WAY (COUNTYWIDE)	C	\$ 637,800	\$ 85,800	\$ 552,000		15 yrs. Par. 91	Right-of-Way work on Federal aid projects throughout the County. Federal aid totals \$552,000 making a total project of \$637,800. Roads and bridges scheduled include: Greiner-Shimerville Intersection Improvements; Seneca Street RR Bridge and North Forest Road.	B-107, 111 & 118
10-a		2010 ROAD RECONSTRUCTION - FEMA PROJECTS (COUNTYWIDE)	S	\$ 176,000	\$ 176,000			15 yrs. Par. 20	This will fund construction of a project for a road that was previously damaged by severe storms: Vermont Street Site 9.	B-107, 111 & 118



10-b	2010 ROAD RECONSTRUCTION - FEMA PROJECTS (COUNTYWIDE)	S	\$ 106,000	\$ 106,000		15 yrs. Par. 20	This will fund construction of a project for a road that was previously damaged by severe storms: Zoar Valley Site 2	B-107, 111 & 118
11	2010 ROAD RIGHT-OF-WAY - FEMA PROJECTS (COUNTYWIDE)	C	\$ 60,000	\$ 60,000		30 yrs. Par. 21	This will fund the acquisition of land for various projects for roads previously damaged by severe storms: Blakeley Corners Road Site 2; Blakeley Corners Road Site 3; Zoar Valley Site 2 and Vermont Street Site 9.	B-107, 111 & 118
12	2010 PRESERVATION OF ROADS - CONSTRUCTION (COUNTYWIDE)	C	\$ 4,200,000	\$ 4,200,000		15 yrs. Par. 20	This is the third year of a fifteen year program to maintain our 1,188 centerline miles of roads. The plan is to rebuild or rehabilitate various roads throughout the County based on pavement condition rating needs. Roads have been evaluated and ranked based on conditions with specific estimates developed per road to address concerns.	B-107, 111 & 118
13	2010 PRESERVATION OF BRIDGES AND CULVERTS - CONSTRUCTION (COUNTYWIDE)	C	\$ 2,000,000	\$ 2,000,000		20 yrs. Par. 10	This is the third year of a fifteen year program to maintain the 278 bridges greater than 20' on County highways and 449 small bridges with spans between than 5' to 20' that have to be maintained or replaced .	B-107, 111 & 118
14	2010 PRESERVATION OF BRIDGES AND CULVERTS - RIGHT-OF-WAY (COUNTYWIDE)	C	\$ 500,000	\$ 500,000		20 yrs. Par. 10	This is the third year of a fifteen year program to maintain the 278 bridges greater than 20' on County highways and 449 small bridges with spans between than 5' to 20' that have to be maintained or replaced.	B-107, 112 & 118
15	2010 PRESERVATION OF BRIDGES AND CULVERTS - DESIGN (COUNTYWIDE)	C	\$ 2,000,000	\$ 2,000,000		5 yrs. Par. 62 2nd	This is the third year of a fifteen year program to maintain the 278 bridges greater than 20' on County highways and 449 small bridges with spans between than 5' to 20' that have to be maintained or replaced.	B-107, 112 & 118
16	2010 DAM SAFETY AND PRESERVATION - INSPECTION, DESIGN (COUNTYWIDE)	S	\$ 500,000	\$ 500,000		5 yrs. Par. 62(2nd)	This project will fund the inspection and potential design of the ten dams that are owned by the County. Inspections would be done on an as needed basis and necessary design of repairs made to meet the NYSDEC guidelines. Presently, the County owns one high hazard dam and one medium hazard dam with the remaining being low hazard dams.	B-107, 112 & 118

17	2010 USACE - DESIGN (AMHERST) BURDICK RD	S	\$ 225,000	\$ 225,000		5 yrs. Par. 62(2nd)	This project is the design of the stabilization and reconstruction of 200 LF of Burdick Road adjacent to Tonawanda Creek. This is a jointly funded project with the United States Army Corps of Engineers (USACE). USACE pays the first \$100,000 then the cost is split 50-50 between USACE and the County.	B-107, 112 & 118
18	2010 USACE - RIGHT OF WAY (AMHERST) HOPKINS RD	S	\$ 100,000	\$ 100,000		30 yrs. Par. 21	This project is the right-of-way needed for approximately one-half mile of Hopkins Road adjacent to Ransom Creek. This is a jointly funded project with the United States Army Corps of Engineers (USACE). The cost is split 65-35 between USACE and the County with a cap of \$1,500,000 on USACE participation.	B-107, 112 & 118
19	2010 USACE - CONSTRUCTION (AMHERST) HOPKINS RD	S	\$ 920,000	\$ 920,000		15 yrs. Par. 20	This project is the reconstruction of approximately one-half mile of Hopkins Road adjacent to Ransom Creek. This is a jointly funded project with the United States Army Corps of Engineers (USACE). The cost is split 65-35 between USACE and the County with a cap of \$1,500,000 on USACE participation.	B-107, 113 & 118
20	2010 ENVIRONMENTAL COMPLIANCE SPDES (COUNTYWIDE)	S	\$ 300,000	\$ 300,000		5 yrs. Par. 62 2nd	This project, State Pollutant Discharge Elimination System (SPDES), is mapping of storm water shed area, storm sewer system and receiving waters. New York State DEC MS4 permit held by the County requires that the mapping to the extent possible take place within the two year life of the permit with preliminary storm sewer shed mapping to be completed in 2010.	B-107, 113 & 118

21-a	2010 REPLACEMENT OF FLEET VEHICLES (COUNTYWIDE)	C	\$ 3,947,090	\$ 3,947,090		15 yrs. Par. 28	This project is the first year of a multi-year plan to replace the County's fleet of aging inefficient vehicles. A study recently completed for the Erie County Fiscal Stability Authority (ECFSA) documented the need to replace approximately \$32 million of the County's fleet. The efficiency grant to the ECFSA was the replacement of smaller vehicles in the County's fleet. This program is the planned replacement of the medium and heavy duty vehicles. There has been no formal replacement program in the County for the last five years. This phase will fund garbage packers, snow plows, medium and heavy trucks.	B-107, 113 & 118
21-b	2010 REPLACEMENT OF FLEET VEHICLES (COUNTYWIDE)	C	\$ 200,000	\$ 200,000		5 yrs. Par. 29	This project is the first year of a multi-year plan to replace the County's fleet of aging inefficient vehicles. A study recently completed for the Erie County Fiscal Stability Authority (ECFSA) documented the need to replace approximately \$32 million of the County's fleet. The efficiency grant to the ECFSA was the replacement of smaller vehicles in the County's fleet. This program is the planned replacement of the medium and heavy duty vehicles. There has been no formal replacement program in the County for the last five years. This phase will fund garbage packers, snow plows, medium and heavy trucks.	B-107, 113 & 118
22	2010 JAIL MANAGEMENT DIVISION SECURITY AND CONTROL SYSTEMS UPGRADE (COUNTYWIDE)	S	\$ 800,000	\$ 800,000		5 yrs. Par. 32	This project will replace the head end software for the door controls at the Holding Center and Correctional Facility. Currently, when the system breaks down the repair time frame diminishes the security of the facility to an unacceptable level.	B-107, 114, 118 & 119
23	2010 CIVIL PROCESS COMPUTER SYSTEM (COUNTYWIDE)	S	\$ 244,000	\$ 244,000		5 yrs. Par. 32	This project will replace the current civil process system that is housed on the County's mainframe. The current system is incompatible with DISS systems and protocols and is extremely inefficient.	B-107, 114, 118 & 119

24	2010 JAIL MANAGEMENT DIVISION FOOD SERVICE AND EQUIPMENT (COUNTYWIDE)	S	\$ 300,000	\$ 300,000		5 yrs. Par. 32	This project will replace the food preparation equipment at the Holding Center and Correctional Facility. Most of the equipment is twenty to thirty years old. The space is insufficient and the equipment is undependable when faced with the demand to produce approximately 4,200 meals daily.	B-107, 114, 118 & 119
25	2010 PUBLIC SAFETY 400MHZ COMMUNICATIONS SYSTEM PHASE 3 (COUNTYWIDE)	S	\$ 2,000,000	\$ 2,000,000		10 yrs. Par. 25	This project is Phase 3 of a three phase program to replace the County's communication system that was installed in the mid 1950's. The current system does not meet today's technology requirements or current needs. At completion the County will have a state-of-the-art County-wide emergency communications system	B-107, 114, 118 & 119
26	2010 COUNTYWIDE PARKS IMPROVEMENTS (COUNTYWIDE)	C	\$ 1,414,000	\$ 1,414,000		15 yrs. Par. 19(c)	In 2003 the "Erie County Parks System Master Plan" was completed. The Master Plan provides direction for repair, restoration and development of the Erie County Parks. This is a multi-year/multi-phase plan. This project seeks to address, but not be limited to, shelter and building rehabilitation; comfort station rehabilitation; HVAC replacement; signage; fall zone safety material and security & miscellaneous work.	B-108, 115, 118 & 119
27	2010 PARK AMENITIES (COUNTYWIDE)	C	\$ 115,000	\$ 115,000		15 yrs. Par. 19(c)	This project will replace grills, fire rings and picnic tables at the various County parks.	B-108, 115, 118 & 119
28	2010 PARK BRIDGES AND CULVERTS - DESIGN (COUNTYWIDE)	C	\$ 325,000	\$ 325,000		5 yrs. Par. 62 2nd	Erie County has 17 park bridges greater than 20' span, 1 park bridge with partial DOT maintenance and an unknown number of culverts in the County Park System. This project would fund the inspection of all the culverts along the park roads, along with the inspection of the pedestrian bridges in the various County parks.	B-108, 115, 118 & 119
29			\$ -	\$ -				

30		2010 ROADS, PATHWAYS AND PARKING LOT REPAIRS (COUNTYWIDE)	C	\$ 300,000	\$ 300,000			15 yrs. Par. 19(c)	This project will include the resurfacing and rebuilding of various roads, pathways and parking lots within the Park system using black top or oil and chip as necessary. This is the first year of a three-year program.	B-108, 116, 118 & 119
31		2010 BUFFALO & ERIE COUNTY LIBRARY REPLACE ESCALATORS WITH ADA COMPLIANT ELEVATORS AND ENTRY FOR NEW CULTURAL TOURISM AREA (BUFFALO)	S	\$ 2,700,000	\$ 2,335,000	\$ 365,000		10 yrs. Par. 13	This project will replace the original (1963) escalators with elevators. The Ellicott Street entrance of the Buffalo and Erie County Library building will be reconstructed to be ADA compliant. Asbestos abatement will also be done as needed. Federal aid of \$182,500 and State aid of \$182,500 is available for this project, bringing the total cost of this project to \$2,700,000	B-108, 116, 118 & 119
32		2010 SHERWOOD GREENWAY TRAIL (TONAWANDA)	S	\$ 1,088,700	\$ 217,740	\$ 870,960		15 yrs. Par. 19(c)	This project involves design and construction of a two mile pathway that will connect the Riverwalk at Sheridan Drive and River Road with the County's Two Mile Creek Trail in the Town of Tonawanda's Sheridan Park. Federal funding is available in the amount of \$870,960. The total cost of this project is \$1,088,700.	B-108, 116, 118 & 119
33		2010 ECC EQUIPMENT (COUNTYWIDE)	COMBO	\$ 1,800,000	\$ 1,800,000			5 yrs. Par. 89	This project provides for the acquisition of various pieces of equipment. This includes vehicles, buildings and grounds equipment, laboratory and technical equipment as well as furniture and fixtures.	B-108, 117, 118 & 120
34		2010 ECC EXTERIOR BUILDING RENOVATIONS AND RESTORATIONS (BUFFALO)	S	\$ 500,000	\$ 250,000	\$ 250,000		15 yrs. Par. 12(a)(2)	This project involves exterior work critically necessary to address the City campus Post Office building. Exterior work will involve masonry restoration, including, but not limited to, repair of all mortar joints, replacement of defective bricks and control joints, repair replacement of existing outside perimeter roofs and gutters, repair to ironwork over back loading dock and repair of exterior wall along Oak Street. The work will also include minor repairs to the building interior spaces as a result of water damage to the building. This project is eligible for State aid of \$250,000 making the total project \$500,000.	B-108, 117, 118 & 120

35	2010 ECC ELECTRICAL UPGRADES (AMHERST)	S	\$ 500,000	\$ 250,000	\$ 250,000		10 yrs. Par. 5	The existing (1950's) electrical system at North Campus cannot deal with current demands. Parts to make repairs/additions to substations are either not available or extremely costly. A professional electrical engineering firm will be engaged to evaluate the current system, design and prepare all needed project documents and then begin implementation of necessary upgrades. This project is eligible for State aid of \$250,000 making the total project \$500,000.	B-108, 117, 118 & 120
	TOTALS		\$ 71,496,139	\$ 37,867,000	\$ 29,429,139	\$ 4,200,000			

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

CHAIR MILLER-WILLIAMS directed that a roll-vote be taken.

AYES: MS. DIXON, MR. FUDOLI, MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, MS. MILLER-WILLIAMS & MS. WHYTE. NOES: None. (AYES: 15; NOES: 0)

CARRIED UNANIMOUSLY.

Item 40 – (COMM. 3E-6) Potential Impact of EC Medical Center Agreement

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 41 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 26

RE: Agreement with the Town of Cheektowaga and a Personal Services Contract with NYS Certified Assessor (COMM. 3E-7)

WHEREAS, RPTL § 1537 authorizes municipalities which have adopted a resolution subject to permissive referendum providing a single appointed Assessor to enter into an agreement with a county for assessment service; and

WHEREAS, the TOWN OF CHEEKTOWAGA (“TOWN”) has duly adopted a resolution authorizing such agreement in accordance with RPTL § 1537; and

WHEREAS, the TOWN has requested that the COUNTY OF ERIE (“COUNTY”) enter into a Municipal Cooperation Agreement with the TOWN pursuant to General Municipal Law Article 5-G whereby the COUNTY is willing to provide such services through a Personal Services Contractor of the Erie County Real Property Tax Services Office, designated to act as the TOWN’s sole assessor for term of this agreement; and

WHEREAS, in consideration of the services to be provided by the COUNTY hereunder, the TOWN agrees to pay the COUNTY \$5,000.00 per month on or before the 15<sup>th</sup> date of the month in which services are rendered:

TOWN’s payment shall be based on the rate of \$55.00 per hour

If, at the end of any given month, the TOWN’s payment to the COUNTY exceeds the hourly rate times the number of hours of service provided, the TOWN shall be given a credit for the next month’s payment for any overage paid to the COUNTY.

If, at the end of any given month, the TOWN's payment to the COUNTY is less than the hourly rate times the number of hours of service provided, the TOWN will remit any additional payment to the COUNTY within 15 days after the end of said month.

Full payment shall be remitted by the TOWN to the COUNTY on or before September 15, 2010; and

WHEREAS, in order to provide assessment services to the TOWN, the COUNTY shall contract the services of a New York State certified Assessor. That New York State certified Assessor shall be an independent contractor of the County; and

WHEREAS, a Request for Proposal (RFP) #09133BC was sent to New York State Certified Assessors in Erie County; and

WHEREAS, two qualified candidates responded and Jeneen M. McSkimming was chosen.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is authorized to enter into a Municipal Cooperation Agreement with the TOWN, wherein the COUNTY will provide a New York State certified Assessor, and that the certified Assessor shall be an independent contractor of the County and accept the agreed sum of \$35,000; and be it further

RESOLVED, that the Erie County Executive is authorized to enter into a Personal Services Agreement with Jeneen M. McSkimming, an independent contractor and New York State certified Assessor, to assist the County in performing temporary assessment services for the TOWN; and be it further

RESOLVED, that the COUNTY shall pay Jeneen M. McSkimming for assessment services rendered hereunder the agreed rate of \$55.00 per hour, not to exceed a maximum aggregate of \$35,000.00; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Assistant County Attorney, Gregory Kammer of the Department of Law, the Erie County Real Property Tax Services Office, Office of Budget and Management, and the Office of the Comptroller.

Item 42 – (COMM. 3E-8) Preparation of the City of Tonawanda Tax Rolls & Bills

Received, Filed & Printed.

TO: THE ERIE COUNTY LEGISLATURE

2009 STATEMENT, MATERIALS AND LABOR IN PRODUCING CITY OF

TONAWANDA BILLS AND THE SPREADING OF ASSOCIATED COSTS:

Tax Bills

\$275.00



Tax Rolls, Assessment Roll & Worksheets	\$240.00
Wages	\$1,025.00
Data Processing Time	\$1,681.00
<hr/>	
Total Cost	\$3,221.00

Item 43 – (COMM. 3E-9) Preparation of Village Tax Rolls & Bills

Received, Filed & Printed.

TO: The Erie County Legislature - 2009-2010

**STATEMENT, MATERIALS AND LABOR IN PRODUCING  
VILLAGE BILLS AND THE SPREADING OF ASSOCIATED COSTS:**

Tax Bills/Paper Costs	\$4,000.00
Tax Rolls, Assessment Roll & Worksheets	\$1,000.00
Wages	\$4,648.38
Data Processing Time	\$6,493.38
<hr/>	
Total Cost	\$16,141.75

Cost per parcel \$ 0.451985

<u>Village</u>	<u>Parcels</u>	<u>Rate</u>	<u>Cost</u>
Akron	1237	\$ 0.451985	\$559.11
Alden	875	\$ 0.451985	\$395.49
Angola	944	\$ 0.451985	\$426.67
Blasdell	1161	\$ 0.451985	\$524.75
Depew	6685	\$ 0.451985	\$3,021.52
East Aurora	2603	\$ 0.451985	\$1,176.52
Farnham	207	\$ 0.451985	\$93.56
Gowanda	1201	\$ 0.451985	\$542.83
Hamburg	3731	\$ 0.451985	\$1,686.36
Kenmore	5670	\$ 0.451985	\$2,562.76
Lancaster	4327	\$ 0.451985	\$1,955.74
North Collins	549	\$ 0.451985	\$248.14
Orchard Park	1170	\$ 0.451985	\$528.82
Sloan	1593	\$ 0.451985	\$720.01
Springville	1641	\$ 0.451985	\$741.71

Williamsville	<u>2119</u>	\$ 0.451985	<u>\$957.76</u>
Total	35,713		\$16,141.75

Item 44 – (COMM. 3E-10) Preparation of School District Tax Rolls & Bills

Received, Filed & Printed.

TO: THE ERIE COUNTY LEGISLATURE 2009-2010

STATEMENT, MATERIALS AND LABOR IN PRODUCING SCHOOL DISTRICT TAX

BILLS AND THE SPREADING OF ASSOCIATED COSTS:

School District Costs	2009		
Tax Bills		\$11,500.00	
Tax Roll Paper		\$1,300.00	
Data Processing Charges		\$55,042.50	
Wages		\$67,783.25	
Total		\$135,625.75	
	265,903.00 parcels	0.510057239	Cost per parcel
Alden Out of County		\$50.00	
AKC1 Out of County		\$75.00	
City of Tonawanda		\$50.00	
ATT1 & SCC1 Flat Charge			
@ \$ 125.00 each		\$250.00	
Clarence 8 Cross - References		\$80.00	
Total to Spread: Cost per parcel			
and Flat Charge		\$136,130.75	

<u>School</u>	<u>Parcels</u>	<u>Rate</u>	<u>Amount Due</u>
Alden	4871	0.510057239	\$2,534.49
Akron	3729	0.510057239	\$1,977.00
Amherst	9134	0.510057239	\$4,658.86
Sweet Home	10893	0.510057239	\$5,556.05
Attica	0	0	\$125.00
East Aurora	5980	0.510057239	\$3,050.14

Cheektowaga	8227	0.510057239	\$4,196.24
Maryvale	7479	0.510057239	\$3,814.72
Cleveland Hill	4598	0.510057239	\$2,345.24
Sloan	5156	0.510057239	\$2,629.86
Clarence	11575	0.510057239	\$5,903.91
Springville	6633	0.510057239	\$3,383.21
Depew	6787	0.510057239	\$3,461.76
Eden	4822	0.510057239	\$2,459.50
Frontier	16667	0.510057239	\$8,501.12
Grand Is	8806	0.510057239	\$4,491.56
Gowanda	1439	0.510057239	\$733.97
Hamburg	10274	0.510057239	\$5,240.33
Holland	3483	0.510057239	\$1,776.53
Iroquois	8136	0.510057239	\$4,149.83
Lancaster	17532	0.510057239	\$8,942.32
Lake Shore	10321	0.510057239	\$5,264.30
North Collins	2596	0.510057239	\$1,324.11
Orchard Park	13650	0.510057239	\$6,962.28
Pioneer	941	0.510057239	\$479.96
Silver Creek	0	0	\$125.00
Ken-Ton	26558	0.510057239	\$13,546.10
Williamsville	27560	0.510057239	\$14,057.18
West Seneca	21603	0.510057239	\$11,018.77
City of Tonawanda	<u>6453</u>	0.510057239	<u>\$3,341.40</u>
Total	265,903		\$136,050.75

Item 45 – (COMM. 3E-11) ECSD No. 3 Engineer Term Agreement - Greenman-Pederson, Inc.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 46 – (COMM. 3E-12) Supplemental Agreement with NYSDOT Youngs Road and Aero Drive Intersection Improvements Town of Cheektowaga Erie County

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 47 – (COMM. 3E-13) Technical Amendments to Personal Services Items in 2010 Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 48 – (COMM. 3E-14) Appointment to EC Emergency Services Steering Committee

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 49 – (COMM. 3E-15) ECSD No. 1 & 4 Engineer Term Agreement - Liro Engineers, Inc.

Item 50 – (COMM. 3E-16) ECSD No. 2 & 6 Engineer Term Agreement - Dinato Associates

Item 51 – (COMM. 3E-17) Semi-Annual Attendance Records - Boards of Managers –  
ECSD

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

Item 52 – (COMM. 3E-18) Revise ARRA Congregate Dining Program Grant Budget

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE SHERIFF**

Item 53 – (COMM. 3E-19) EC Sheriff's Office - Personnel Adjustments

Item 54 – (COMM. 3E-20) EC Sheriff's Office - Asset Forfeiture Funded Program SAFS

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

**FROM THE COUNTY COMPTROLLER**

Item 55 – (COMM. 3E-21) Payment of Retirement Bill & Amortized Components - 2010  
Budget Impact

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM LEGISLATOR WHYTE**

Item 56 – (COMM. 3E-22) Letter to Chair Miller-Williams Concerning Items in GA  
Committee

Item 57 – (COMM. 3E-23) Request of Public Hearing on LL Intro 1-1

The above two items were Received and Filed.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

Item 58 – (COMM. 3D-1) Transmittal of New Claims Against Erie County

Item 59 – (COMM. 3D-2) Transmittal of New Claim Against Erie County

Item 60 – (COMM. 3D-3) Transmittal of New Claims Against Erie County

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

FROM THE ENVIRONMENT & PLANNING COMMISSIONER

Item 61 – (COMM. 3D-4) Copy of Completion Memos and Supporting Documentation Relating to the State Environmental Quality Reviews of the 2010 Capital Budget Projects

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 62 – (COMM. 3D-5) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 63 – (COMM. 3M-1) Agenda Items for Meeting Held 1/21/10

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE MARTIN HOUSE RESTORATION CORP.

Item 64 – (COMM. 3M-2) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE IRISH CLASSICAL THEATRE COMPANY

Item 65 – (COMM. 3M-3) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM BALLET ARTISTS OF WNY INC.

Item 66 – (COMM. 3M-4) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM ARTS STUDIOS OF WNY

Item 67 – (COMM. 3M-5) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM CORNELL COOPERATIVE EXTENSION OF EC

Item 68 – (COMM. 3M-6) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO PHILHARMONIC ORCHESTRA

Item 69 – (COMM. 3M-7) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE GRAYCLIFF CONSERVANCY, INC.

Item 70 – (COMM. 3M-8) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE HAMBURG NATURAL HISTORY SOCIETY, INC./PENN DIXIE

Item 71 – (COMM. 3M-9) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE AMERICAN LEGION BAND OF TONAWANDAS

Item 72 – (COMM. 3M-10) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE US DEPARTMENT OF ENERGY

Item 73 – (COMM. 3M-11) West Valley Demonstration Project - Final Environmental Impact Statement

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE THEODORE ROOSEVELT INAUGURAL SITE FOUNDATION

Item 74 – (COMM. 3M-12) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM GOVERNOR PATERSON

Item 75 – (COMM. 3M-13) Acknowledgement of Receipt of Certified Resolutions

Received and Filed.

FROM THE NYS DEPARTMENT OF AGRICULTURE & MARKETS

Item 76 – (COMM. 3M-14) Letter of Notice to Initiate the Review of Agricultural District No. 12

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC BAR ASSOC. - ASSIGNED COUNSEL PROGRAM

Item 77 – (COMM. 3M-15) Financial Report for the Period 7/1/09 - 12/31/09, Along With List of Attorneys Who Are Currently on the Panel

Item 78 – (COMM. 3M-16) Quarterly Report of the Assigned Counsel Program for the 4th Quarter of 2009

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

FROM THE ARTS IN EDUCATION INSTITUTE OF WNY, INC.

Item 79 – (COMM. 3M-17) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM VOICE - BUFFALO

Item 80 – (COMM. 3M-18) Statement Regarding Day Care Subsidies

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NYS OFFICE OF CHILDREN & FAMILY SERVICES

Item 81 – (COMM. 3M-19) Letter Confirming that the NYS Office of Children and Family Services will be Conducting a Review of the Child Care Subsidy Program in EC

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM CEPA GALLERY

Item 82 – (COMM. 3M-20) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE SPRINGVILLE CENTER FOR THE ARTS

Item 83 – (COMM. 3M-21) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NFTA

Item 84 – (COMM. 3M-22) Copy of the Minutes from the NFTA Board Meeting Held on 12/17/09

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 85 – (COMM. 3M-23) Copy of Erie County Water Authorities Unaudited Comparative Financial Statements for the Years Ended 12/31/09 & 08

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE WNY ARTISTS GROUP, INC.

Item 86 – (COMM. 3M-24) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM ERIE COUNTY RESIDENTS

Item 87 – (COMM. 3M-25) Petition to Restore Day Care Subsidies in EC

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE BUFFALO NIAGARA CONVENTION & VISITORS BUREAU

Item 88 – (COMM. 3M-26) EC Legislature Budget Accountability Act - 2009 Close-Out Report



Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO NIAGARA CONVENTION CENTER

Item 89 – (COMM. 3M-27) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO TRANSPORTATION/PIERCE - ARROW MUSEUM

Item 90 – (COMM. 3M-28) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO & EC HISTORICAL SOCIETY

Item 91 – (COMM. 3M-29) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ZOOLOGICAL SOCIETY OF BUFFALO

Item 92 – (COMM. 3M-30) 2010 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM MUSICAL FARE THEATRE

Item 93 – (COMM. 3M-31) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM BIG ORBIT GALLERY

Item 94 – (COMM. 3M-32) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE LANCASTER OPERA HOUSE, INC.

Item 95 – (COMM. 3M-33) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM EXPLORE & MORE CHILDREN'S MUSEUM

Item 96 – (COMM. 3M-34) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE EC PRISONERS' RIGHTS COALITION

Item 97 – (COMM. 3M-35) Request to Address the Public Safety Committee Concerning EC Holding Center & Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

**ANNOUNCEMENTS**

Item 98 – CHAIR MILLER-WILLIAMS announced that the Legislature will conduct Public Hearings on the four Local Law proposals to downsize the Legislature. The hearings are scheduled for Thursday, February 11, 2010 at 6:00 P.M.

Item 99 – CHAIR MILLER-WILLIAMS also announced that the committee schedule has been distributed for meetings scheduled for Monday, February 8, 2010 and Thursday, February 11, 2010.

**MEMORIAL RESOLUTIONS**

Item 100 – Legislator Kennedy requested that when the Legislature adjourns, it do so in memory of Elizabeth M. Higgins, Joanne E. Klee, Mark Francis Deacon, and Thomas J. Masterson.

Item 101 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Jack Canzoneri, Deloris Sullivan, and Karim J. Lewis of Philadelphia, PA.

Item 102 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Cary M. Speier and Sandy Perry.

Item 103 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Mark Rung and Marie Colley.

Item 104 – Chair Miller-Williams requested that when the Legislature adjourns, it do so in memory of Nora Clyburn and Virginia (Harper) Perrin.

Item 105 – Legislator Bove requested that when the Legislature adjourns, it do so in memory of Paul Pappas.

Item 106 – Legislator Whyte requested that when the Legislature adjourns, it do so in memory of Beverly Toughy.

Item 107 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of community activist Darnell Jackson’s mother.

**ADJOURNMENT**

Item 108 – At this time, there being no further business to transact, CHAIR MILLER-WILLIAMS announced that the Chair would entertain a Motion to Adjourn.

MR. WALTER moved that the Legislature adjourn until Thursday, February 25, 2010 at 2:00 p.m. Eastern Standard Time. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, February 25, 2010 at 2:00 p.m. Eastern Standard Time.

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