

ERIE COUNTY LEGISLATURE
MEETING NO. 7
APRIL 22, 2010

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

All members present, except Legislators Dixon and Fudoli.

An Invocation was held, led by Ms. Bove, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Rath.

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 6 from 2010. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. BOVE presented a resolution Recognizing John A. Heck Upon the Occasion of Achieving the Rank of Eagle Scout, Boy Scout Troop #409, West Seneca.

Item 6 – MR. MAZUR presented a memorial resolution In Memory of the Life of John C. Norton.

Item 7 – MS. DIXON presented a resolution Honoring Bobbie Kagle on Her Installation as President of the Buffalo Niagara Association of Realtors.

Item 8 – MR. MAZUR presented a resolution Congratulating Ryan Carr Upon His Achievement of Earning the Rank of Eagle Scout, Boy Scout Troop #54.

Item 9 – MR. MAZUR presented a resolution Congratulating David P. Queeno, Jr. Upon His Achievement of Earning the Rank of Eagle Scout, Boy Scout Troop #54.

Item 10 – MS. DIXON presented a resolution Honoring Matt DePeters for Competing in the 2010 Winter Olympics.

Item 11 – MR. HARDWICK presented a resolution Congratulating Judge Joseph J. Cassata on the Opening of a Mental Health Court in the City of Tonawanda.

Item 12 – MS. MARINELLI presented a resolution Congratulating Sue Agos Quinn Upon the Occasion of Her Retirement After 33 Years of Service to the Residents of EC.

Item 13 – MR. HARDWICK presented a resolution Congratulating Taylor Dawidowicz for Being a Hero in Getting Emergency Medical Attention for Her Mother.

Item 14 – CHAIR MILLER-WILLIAMS presented a resolution On the Occasion of the First Annual Banquet of the Buffalo United Front.

Item 15 – CHAIR MILLER-WILLIAMS presented a resolution On the Occasion of the Celebration of Earth Day in EC, April 22, 2010.

Item 16 – CHAIR MILLER-WILLIAMS presented a resolution Recognizing the Work of the Joan A. Male Family Center in Preventing Child Abuse & Neglect.

Item 17 – MR. MILLS presented a resolution Arthur Popiel for 50 Years of Outstanding Service as a Fireman in the East Aurora Volunteer Fire Company.

Item 18 – MR. MILLS presented a resolution Congratulating M. Donald Pritchard on Being the Recipient of the 2010 Willis G. Gregory Memorial Award in Recognition of His Outstanding Contributions to the Profession of Pharmacy & to His Community.

Item 19 – MR. MILLS presented a resolution Congratulating Donald Holmwood on Being Named Republican of the Year by the Orchard Park Republican Committee.

Item 20 – MS. WHYTE presented a resolution Recognizing April 28, 2010 as National Workers' Memorial Day.

Item 21 – CHAIR MILLER-WILLIAMS presented a resolution Recognizing April 18, 2010 as Days of Remembrance in Memory of the Victims of the Holocaust.

Item 22 – CHAIR MILLER-WILLIAMS presented a resolution Honoring the 2010 Mary B. Talbert Civic & Cultural Club Scholarships Community Award Winners.

Item 23 – MS. GRANT presented a resolution Honoring St. Augustus Scholars Program Award Winners.

Item 24 – CHAIR MILLER-WILLIAMS presented a resolution Honoring St. Augustus Scholars Program Award Winners.

Item 25 – CHAIR MILLER-WILLIAMS presented a memorial resolution In Memory of Sgt. Frank J.A. World.

Item 26 – CHAIR MILLER-WILLIAMS presented a resolution Honoring Buffalo's Middle College High School Upon Winning the Class C Championship in Glen Falls.

Item 27 – CHAIR MILLER-WILLIAMS presented a resolution Recognizing the 10th Anniversary for Choppers for Charity & Hogs Against Hunger Food Bank of WNY Motorcycle RUN-CAR & Bike Show.

MS. WHYTE moved for consideration of the above twenty-three items. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the above twenty-three items by adding Et Al Sponsorship. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved for approval of the above twenty-three items as amended. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 28 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 29 – CHAIR MILLER-WILLIAMS directed that Local Law No. 6 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 30 – CHAIR MILLER-WILLIAMS directed that Local Law No. 7 (Print #1) 2009 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 31 – 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 32 – CHAIR MILLER-WILLIAMS directed that Local Law No. 2 (Print #1) 2010 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 33 – CHAIR MILLER-WILLIAMS directed that Local Law No. 3 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 34 – CHAIR MILLER-WILLIAMS directed that Local Law No. 4 (Print #1) 2010 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 35 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 75

April 1, 2010	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10E-23 (2009)
WHYTE: “Concerning Restaurants Displaying Caloric Content”
(5-0)
 - b. COMM. 27M-3 (2009)
EC BOARD OF HEALTH: “Copy of Letter Concerning Calorie Count”
(5-0)
 - c. COMM. 3E-6 (2010)
COUNTY COMPTROLLER: “Potential Impact of EC Medical Center Agreement”
(5-0)
 - d. COMM. 4M-3 (2010)
NYS DEPARTMENT OF HEALTH: “Letter Concerning Legislature Resolution Expressing Opposition to Decision of County Executive to Stop Participating in WIC Program”
(5-0)
 - e. COMM. 4M-47 (2010)
BUFFALO PUBLIC SCHOOLS: “Letter in Relation to the Buffalo Public Schools Health Related Services Department Supporting Calorie Posting”
(5-0)

- f. COMM. 4M-55 (2010)
LAW OFFICES OF JOSEPH G. MAKOWSKI, L.L.C.: “Agreement Between EC Medical Center Corporation & HLM Holdings, L.L.C.”
(5-0)
- g. COMM. 6M-8 (2010)
PROFESSOR OF SOCIAL & PREVENTIVE MEDICINE, UB: “Letter to Legislator Whyte Concerning Obesity”
(5-0)
- h. COMM. 6M-9 (2010)
PRESIDENT & CEO OF GATEWAY-LONGVIEW FOUNDATION: “Letter to Legislator Whyte Concerning Gateway-Longview's Residential Treatment Program”
(5-0)
- i. COMM. 6M-10 (2010)
DIRECTOR, R.N., M.S.N., BUFFALO PUBLIC SCHOOLS: “Letter to Legislator Whyte Concerning Calorie Posting”
(5-0)

THOMAS J. MAZUR
CHAIR

Item 36 – MS. BOVE presented the following report and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 76

April 13, 2010	PUBLIC SAFETY COMMITTEE REPORT NO. 4
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ALL MEMBERS PRESENT.

- 1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-19 (2010)
SHERIFF: “EC Sheriff's Office - Personnel Adjustments”
(5-0)
 - b. COMM. 4E-5 (2010)
DIXON: “Letter to Legislator Bove Concerning 2010 EC Holding Center Jail Expansion (Buffalo) - Capital Project”
(5-0)
 - c. COMM. 5E-1 (2010)

DIXON: "Letter to CPS Commissioner Concerning the CPS' Website Regarding 911 Calls from Cell Phones"
(5-0)

2. COMM. 6E-15 (2010)
COUNTY EXECUTIVE

WHEREAS, Central Police Services requests the services of two new Jr. Programmer Analysts to perform the computer programming work required to accomplish several upgrades; and

WHEREAS, Erie County's Medical Emergency Response System (MERS) dispatch function operates on an outdated, stand alone computer platform and would benefit by integrating with the Central Police Services CHARMS dispatch system; and

WHEREAS, consolidating to a single, shared CHARMS platform would increase efficiency among all law enforcement agencies in Erie County; and

WHEREAS, implementing automatic map lookups upon receipt of a 911 emergency call will save time, money, and most importantly lives; and

WHEREAS, hiring two new Jr. Programmer Analysts is far more cost effective than hiring outside computing consultants.

NOW, THEREFORE, BE IT

RESOLVED, that authorizations are hereby provided to create two (2) positions of Jr. Programmer Analyst-RPT (Grade 11) in the Department of Central Police Services (B-100 # 5365); and be it further

RESOLVED, that the budget of Central Police Services E-911 Fund 230 is adjusted as follows:

<u>Revenue</u>	<u>Increase</u>
Account 402190 Appropriated Fund Balance	\$97,182
<u>Appropriation</u>	<u>Increase</u>
Account 500020 Regular PT – Wages	\$62,538
Account 502000 Fringe Benefits	30,644
Account 980000 ID DISS Services	<u>4,000</u>
	\$97,182

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Department of Personnel and the Department of Central Police Services, c/o Kathy Gumulak.
(5-0)

3. COMM. 6E-17 (2010)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature's authorization is required for the Department of Emergency Services to partner with Erie Community College to provide college credit for firefighter training; and

WHEREAS, a reliable force of volunteer firefighters is essential to the safety and security to the residents of Erie County; and

WHEREAS, Erie Community College will reimburse the Department of Emergency Services \$400 per student for the cost of using the Fire Training Academy; and

WHEREAS, the Training Academy reimbursement shall be recorded as revenue in the Department of Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Department of Emergency Services is hereby authorized to enter into a partnership with Erie Community College; and be it further

RESOLVED, that the Department of Emergency Services is hereby authorized to charge Erie Community College \$400 per student as reimbursement for the cost of using the Fire Training Academy; and be it further

RESOLVED, that Training Academy reimbursement shall be recorded as revenue in the Department of Emergency Services; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to appropriate actual revenue received to cover expense associated with the Fire Training Program, within the budget of the Department of Emergency Services; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Personnel, the Department of Emergency Services c/o Melissa Calhoun, the Department of Central Police Services, the County Comptroller, and the County Attorney.

(5-0)

4. COMM. 6E-18 (2010)
COUNTY EXECUTIVE

WHEREAS, the Erie County Central Police Services Forensic Lab has been awarded a 2008 Aid to Labs Grant to be administered by the New York State Division of Criminal Justice Services; and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to re-analyze 158 felony controlled substance cases, as requested by the New York State Inspector General's Office, and support training needs for quality assurance measures.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a contract and accept funding in the amount of \$20,000 with the New York State Division of Criminal Justice Services; and be it further

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund SAP #165AIDCRLABF0810
Central Police Services
04/01/2010 to 12/31/2010

<u>Revenue</u>	<u>Increase</u>
Acct. 409000 State Aid	\$20,000
 <u>Appropriation</u>	
Account 516020 Professional Services Contracts	\$15,000
Account 510100 Out of Area Travel	<u>\$ 5,000</u>
 Total Appropriation	 \$20,000

and be it further

RESOLVED, that authorization is hereby provided to contract with Mark Shaw, 5519 Hallmark Lane, Lockport, New York, 14094, a qualified Forensic Chemist, in the amount of \$15,000 to provide forensic laboratory testing services for the re-analysis of 158 felony controlled substance cases; and be it further

RESOLVED, that the Directory of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required to comply with State-approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Central Police Services, c/o Kathy Gumulak, 45 Elm Street, Buffalo, New York, 14203.
(5-0)

5. COMM. 6E-20 (2010)
COUNTY EXECUTIVE

WHEREAS, NYS Homeland Security provides equipment, vehicles and trailers for many purposes; and

WHEREAS, three F-350 Ford pickup were purchased in 2004 by NYS Homeland Security and given to Erie County; and

WHEREAS, the City of Buffalo does not have a vehicle of this nature with which to haul their WMD response trailer; and

WHEREAS, NYS Homeland Security officials requested Erie County transfer one vehicle to the City of Buffalo for their needs.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature authorizes the transfer of a 2004 F-350 pickup, VIN number 1FTWW33S44ED81674 to the City of Buffalo; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Public Works, the Department of Emergency Services c/o Melissa Calhoun, and the County Comptroller.
(5-0)

6. COMM. 6E-23 (2010)
SHERIFF

WHEREAS, the New York State Unified Court System has requested to renew their contract with the Erie County Sheriff's Office to provide six (6) Court Officers for the courts of the Eighth Judicial District; and

WHEREAS, the New York State Unified Court System will reimburse the County of Erie for the entire cost of these positions; and

WHEREAS, the positions and related revenues were included in the County of Erie adopted budgets for fiscal years 2009 and 2010.

NOW, THEREFORE, BE IT

RESOLVED, that the Sheriff is hereby authorized to extend the contract with the New York State Unified Court System for the one year period commencing April 1, 2009 to March 31, 2010; and be it further

RESOLVED, that this contract can be extended for a period up to four additional years extending to March 31, 2014; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the Office of the Comptroller and the Office of the Sheriff for implementation.
(5-0)

7. COMM. 6E-24 (2010)
SHERIFF

WHEREAS, Erie County must maintain inmate master summary records permanently as required by Arts and Cultural Affairs Law, Art 57-A (57.25), Schedule CO-2 and New York State Corrections Law 500-f; and

WHEREAS, the State of New York Education Department has awarded \$53,435 to the Erie County Sheriff's Office Jail Management Division specifically allocated to provide for the secure storage of these inmate master summary records by transferring them to microfilm or digital form; and

WHEREAS, these funds will be used to cover the cost of converting existing records and to purchase a scanner and software to continue the conversion of files on an ongoing basis; and

WHEREAS, there will be no impact on County tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is hereby authorized to accept funding in the amount of \$53,435 from the State of New York Education Department; and be it further

RESOLVED, that authorization is hereby provided to establish a grant and budget those funds as follows:

Local Records Management Grant - Fund Center 11610

<u>REVENUE</u>	<u>Increase</u>
409000 – State Aid Revenues	<u>53,435</u>
TOTAL REVENUE	<u>53,435</u>
<u>APPROPRIATIONS</u>	<u>Increase</u>
516020 - Professional Services	51,651
561410 - Lab & Technical Equipment	<u>1,784</u>
TOTAL APPROPRIATIONS	<u>53,435</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the Office of the Comptroller, the Erie County Clerk's Office and the Office of the Sheriff.
(5-0)

8. COMM. 6E-25 (2010)
SHERIFF

WHEREAS, Sheriff Howard due to recent retirements has reassigned duties within the ranks of his management staff; and

WHEREAS, the Sheriff wishes to upgrade the Chief of Technology & Technical Criminal Services and to downgrade the position of Chief Deputy – Civil to reflect these changes in responsibility; and

WHEREAS, funding for this upgrade will be offset by the position downgraded and result in a savings in 2010, and, as such require no additional county funds.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office be authorized to upgrade the Chief of Technology & Criminal Services from Job Group XIV to XV; and be it further

RESOLVED, that the Erie County Sheriff's Office be authorized to downgrade the Chief Deputy – Civil from Job Group XV to XIV; and be it further

RESOLVED, that these pay adjustments be effective 01/02/10; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, Department of Personnel and the Office of the Sheriff.
(5-0)

9. COMM. 6E-26 (2010)
SHERIFF

WHEREAS, procedures have been established by Resolution #Comm. 6E-13 adopted on April 29, 1999; and

WHEREAS, there are adequate funds available for distribution to the Sheriff's Office in the K-9 Unit Trust Account; and

WHEREAS, there will be no impact on county tax dollars.

NOW, THEREFORE, BE IT

RESOLVED, that \$17,960 in available balances in the K-9 Unit Trust Fund is hereby transferred to the Erie County Sheriff's Office 2010 Operating Budget; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE- Fund Center 11510

<u>REVENUE</u>		<u>Increase</u>
466130	Other Unclassified Revenue	<u>17,790</u>
	Total Revenue	<u>17,960</u>
<u>APPROPRIATION</u>		<u>Increase</u>
506200	Maintenance & Repair	2,960
516020	Professional Services & Fees	3,000
530000	Other Expenses	<u>12,000</u>
	Total Appropriations	<u>17,960</u>

and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the Erie County Comptroller, and the Office of the Sheriff for implementation.
(5-0)

CHRISTINA W. BOVE
CHAIR

Item 37 – MR. KENNEDY presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 77

April 13, 2010	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 3
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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. 6D-3 (2010)
DEPARTMENT OF ENVIRONMENT & PLANNING: “DPW - Demolition of Buildings at the ECMCC Grider Campus”
(6-0)
 - b. COMM. 6M-12 (2010)
UNIVERSITY AT BUFFALO REGIONAL INSTITUTE: “Article Entitled, "Playing an Insecure Hand””
(6-0)
2. COMM. 6E-8 (2010)
COUNTY EXECUTIVE
WHEREAS, bids were taken for the Capital Project for the Rehabilitation of Cayuga Creek Road Bridge at William Street, in the Town of Cheektowaga, on February, 25, 2010, and the low bidder was Nichols, Long and Moore Construction Company of Lancaster, New York at a low bid amount of \$173,440.00; and

WHEREAS, a Contract for construction inspection services for the above noted project to the engineering firm of Clough Harbour Associates LLP, of Buffalo, New York is required at a cost not to exceed \$30,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Erie County Project No. BR 165-1-09 for the Rehabilitation of Cayuga Creek Road Bridge at William Street, between the County of Erie and the low bidder, Nichols, Long and Moore Construction Company, of Lancaster, New York at a low bid amount of \$173,440.00; and be it further

RESOLVED, that an amount of \$146,658.53 be allocated from 2003 Bridge Design and Construction Program (SAP Account B.00058), and an amount of \$26,781.47 be allocated from 2008 Preservation of Bridges, Culverts and Dams Program (SAP Account B.00191), and an additional amount of \$10,000.00 be allocated for a Department of Public Works, Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed \$10,000.00, also to be allocated from 2008 Preservation of Bridges, Culverts and Dams Program (SAP Account B.00191); and be it further

RESOLVED, that an amount of \$30,000.00 be allocated from 2008 Preservation of Bridges, Culverts and Dams Program (SAP Account B.00191) for a Contract for services during construction, construction reimbursables, and construction inspection with Clough Harbour Associates LLP, of Buffalo, New York; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

3. COMM. 6E-10 (2010)
COUNTY EXECUTIVE

WHEREAS, on May 28, 2004 an Intermunicipal Exchange Agreement was entered into, by and among the State of New York, the State University of New York, the Frank Lloyd Wright Rowing Boathouse Corporation and the County of Erie to facilitate construction of a new rowing boathouse in the City of Buffalo on the Niagara River in the immediate vicinity of the West Side Rowing Club; and

WHEREAS, pursuant to the Intermunicipal Exchange Agreement the County of Erie is to provide the New York State Division of Military and Naval Affairs (NYS-DMNA) with a replacement parcel of land and construct a motor vehicle storage facility; and

WHEREAS, the NYS-DMNA and the Valley Community Association have requested several changes to enhance the site; and

WHEREAS, in order for the County to proceed with the site enhancements, the construction contingency account must be increased.

NOW, THEREFORE, BE IT

RESOLVED, that the construction contingency account be increased by \$80,557.44 from \$100,000.00 to \$180,557.44; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.20912 – 2009 – Frank Lloyd Wright Boathouse for an amount not to exceed \$80,557.44; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

4. COMM. 6E-16 (2010)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Capital Project for the Seneca Creek Road Culvert Replacement, in the Town of West Seneca, on February, 25, 2010, and the low bidder was Concrete Applied Technologies Corporation (CATCO), of Alden, New York at a low bid amount of \$214,315.09; and

WHEREAS, a Contract for construction inspection services for the above noted project to the engineering firm of Greenman Pedersen, Inc., of Buffalo, New York is required at a cost not to exceed \$30,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Erie County Project No. BR 325-1-09 for the Seneca Creek Road Culvert Replacement, between the County of Erie and the low bidder, Concrete Applied Technologies Corporation (CATCO), of Alden, New York at a low bid amount of \$214,315.09; and be it further

RESOLVED, that an amount of \$214,315.09 be allocated from 2008 Preservation of Bridges, Culverts and Dams Program (SAP Account B.00191), and an additional amount of \$10,000.00 be allocated for a Department of Public Works, Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed \$10,000.00, also to be allocated from 2008 Preservation of Bridges, Culverts and Dams Program (SAP Account B.00191); and be it further

RESOLVED, that an amount of \$30,000.00 be allocated from 2008 Preservation of Bridges, Culverts and Dams Program (SAP Account B.00191) for a Contract for services during construction, construction reimbursables, and construction inspection with Greenman Pedersen, Inc. of Buffalo, New York; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.
(6-0)

5. COMM. 6E-22 (2010)
COUNTY EXECUTIVE

WHEREAS, bids were taken for the Capital Project for the Replacement of Rapids Road Bridge over Beeman Creek, in the Town of Clarence, on February, 25, 2010, and the low bidder was Nichols, Long and Moore Construction Company of Lancaster, New York at a low bid amount of \$708,000.00; and

WHEREAS, a Contract for design construction services for the above noted project to the engineering firm of Foit-Albert Associates, of Buffalo, New York is required at a cost not to exceed \$10,000.00; and

WHEREAS, a Contract for construction inspection services for the above noted project to the engineering firm of Nussbaumer & Clarke, Inc., of Buffalo, New York is required at a cost not to exceed \$90,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized and is hereby directed to execute a Contract for Erie County Project No. BR 43-1-09 for the Replacement of Rapids Road Bridge over Beeman Creek, between the County of Erie and the low bidder, Nichols Long and Moore Construction Company, of Lancaster, New York at a low bid amount of \$708,000.00; and be it further

RESOLVED, that an amount of \$708,000.00 be allocated from 2008 Preservation of Bridges, Culverts and Dams Program (SAP Account B.00191), and an additional amount of \$50,000.00 be allocated for a Department of Public Works, Division of Highways construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed \$50,000.00, also to be allocated from 2008 Preservation of Bridges Culverts and Dams Program (SAP Account B.00191); and be it further

RESOLVED, that an amount of \$10,000.00 be allocated from 2008 Preservation of Bridges, Culverts and Dams Program (SAP Account B.00191) for a Contract for design services during construction with Foit-Albert Associates, of Buffalo, New York; and be it further

RESOLVED, that an amount of \$90,000.00 be allocated from 2008 Preservation of Bridges, Culverts and Dams Program (SAP Account B.00191) for a Contract for services during construction, construction reimbursables, and construction inspection with Nussbaumer & Clarke, Inc., of Buffalo, New York; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

(6-0)

TIMOTHY M. KENNEDY
CHAIR

Item 38 – MR. KOZUB presented the following report, moved to separate item Number 4 and moved to approve the balance of the report. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 78

April 13, 2010	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 3
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MAZUR.
CHAIR MILLER-WILLIAMS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3M-14 (2010)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: “Letter of Notice to Initiate the Review of Agricultural District No. 12”
(5-0)
 - b. COMM. 4E-20 (2010)
COUNTY EXECUTIVE: “Appointments to the Board of Managers for EC Sewer District Nos. 3, 5 & 8”
(5-0)
 - c. COMM. 4M-8 (2010)
NYSDEC: “Notice of Certification - Brownfield Cleanup Program - NOCO #S41 BCP Site”
(5-0)
 - d. COMM. 4M-11 (2010)
EC WATER AUTHORITY: “Copy of Letter to Buffalo Council Member Concerning Resolution to Merge the Buffalo Water Authority with the EC Water Authority”
(5-0)
 - e. COMM. 4M-15 (2010)
EMPIRE STATE DEVELOPMENT CORP.: “Canal Side Project - NYS Environmental Quality Review Act and Final Generic Environmental Impact Statement”
(5-0)
 - f. COMM. 4M-39 (2010)
NYSDEC: “Notice of Certification - Brownfield Cleanup Program - Niagara Street & Pennsylvania Avenue”
(5-0)
 - g. COMM. 4M-50 (2010)
NYS FISH & WILDLIFE MANAGEMENT BOARD: “Minutes of the Meeting Held 2/4/2010”

(5-0)

- h. COMM. 4M-56 (2010)
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION: "Fish & Wildlife
Monthly Highlights - 12/16/2009 - 1/15/2010"
(5-0)
- i. COMM. 5D-3 (2010)
COMMISSIONER OF ENVIRONMENT & PLANNING: "Demolition of Buildings at the
ECMCC Grider Campus"
(5-0)
- j. COMM. 5M-7 (2010)
NYSDEC: "Notice of Certification - Brownfield Cleanup Program - Remedial Investigation
Work Plan for Former Scott Aviation Facility"
(5-0)
- k. COMM. 6E-9 (2010)
COUNTY EXECUTIVE: "EC Sewer District No. 3 - Contract 36 - Change Order No. 1"
(5-0)
- l. COMM. 6E-13 (2010)
COUNTY EXECUTIVE: "EC Sewer District No. 4 - Contract 36 - Change Order No. 1"
- m. COMM. 6M-3 (2010)
NYSDEC: "Notice of Certification - Brownfield Cleanup Program - Cleanup Activities to
Begin at Union Ship Canal"
(5-0)
- n. COMM. 6M-13 (2010)
THOMAS MARKS: "Letter to Legislator Rath Concerning Wind Turbine Projects"
(5-0)
- 2. COMM. 4E-11 (2010)
COUNTY EXECUTIVE
WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an
agreement with the New York State Office of Parks, Recreation and Historic Preservation for
Snowmobile Trail Development during the 2009-2010 snowmobile season for funding in an amount
not to exceed \$178,325.00; and

WHEREAS, the sum of \$5,000.00 is budgeted as a state revenue for snowmobile
development in the 2010 Adopted Budget of the Division of Parks; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by
the Erie County Department of Parks, Recreation and Forestry within the County parks and forest
lots, as well as similar work performed by the individual Snowmobile Clubs of Erie County on club
trails located outside County-owned lands.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$178,325.00 as pertains to snowmobile trail maintenance performed during the 2009-2010 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$172,240.00 for the purpose of snowmobile trail maintenance on club trails during the 2009-2010 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$18,985.00
Eden Trail Blazers Inc.	\$11,610.00
Grand Island Snowmobile Club Inc.	\$ 5,760.00
Hamburg Snowmobile Club Inc.	\$18,175.00
Holland Sno-Rascals Inc.	\$20,475.00
Marilla Sno-Mob Inc.	\$15,665.00
Northern Erie Snowseekers Inc.	\$19,680.00
Pioneer Sno-Surfers Inc.	\$ 9,550.00
Southern Tier Snowdrifters Inc.	\$21,290.00
WNY Snowmobile Club of Boston Inc.	\$31,050.00

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account 409010, in the amount of \$178,325.00, of which \$6,085.00 will be Park revenue, and an increase in appropriations in the amount of \$172,240.00, in the Division of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of snowmobile Clubs; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget and Management, the Office of the County Comptroller, and Assistant County Attorney, Stephanie Calhoun, of the Law Department.

(5-0)

3. COMM. 5E-8 (2010)
COUNTY EXECUTIVE

WHEREAS, Erie County provides technical and other assistance to residents to reduce the cancer risks associated with naturally-occurring, odorless radon gas through the New York State Department of Health (NYSDOH), State Indoor Radon Grant (SIRG) Program; and

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) has provided, and wishes to continue to provide, assistance to two local Solid Waste Management

Boards through a Memorandum of Understanding (MOU) in which the local Boards provide funding to offset expenses associated with that assistance; and

WHEREAS, staff associated with the Integrated Pest Management (IPM) Project provided services to the Solid Waste Management Boards; and

WHEREAS, funds associated with providing that assistance were placed in the IPM Project grant budget (162INTEGPESTMG0810); and

WHEREAS, solid waste management responsibilities will be transferred to staff currently managing the SIRG grant; and

WHEREAS, to make best use of existing resources and staff, the transfer of those funds to the SIRG grant budget (162SIRG-120810) is necessary; and

WHEREAS, transfer of these funds will necessitate the execution of a contract extension for the SIRG Grant Program to extend the term of the contract from June 30, 2010, to June 30, 2011.

NOW, THEREFORE, BE IT

RESOLVED, that the current grant budget for the Erie County Integrated Pest Management Project (162INTEGPESTMG0810) be revised as follows:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>		
<u>REVENUE</u>		<u>Current</u>	<u>Revision</u>	<u>Revised</u>
414000	Federal Aid	\$ 98,340		\$ 98,340
420499	Other Local Source Revenue	<u>\$ 40,500</u>	(\$18,562)	<u>\$ 21,938</u>
TOTAL REVENUES		\$138,840	(\$18,562)	\$120,278
<u>APPROPRIATIONS</u>				
500000	Personnel/Salaries	\$ 80,520	(\$13,986)	\$ 66,534
502000	Fringe Benefits	\$ 33,820	(\$ 4,576)	\$ 29,244
505000	Office Supplies	\$ 1,000		\$ 1,000
510000	Local Mileage Reim.	\$ 1,500		\$ 1,500
516020	Pro. Svcs. Contr. & Fees	<u>\$ 22,000</u>		<u>\$ 22,000</u>
TOTAL APPROPRIATIONS		\$138,840	(\$18,562)	\$120,278

and be it further

RESOLVED, that the current grant budget for the NYSDOH Indoor Radon Grant Program (162SIRG-120810) be revised as follows:

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>BUDGET</u>		
<u>REVENUE</u>		<u>Current</u>	<u>Revision</u>	<u>Revised</u>

409000	State Aid	\$131,300		\$131,300
420499	Other Local Source Revenue	\$ 0	\$18,562	\$ 18,562
422010	Minor Sales	<u>\$ 5,000</u>		<u>\$ 5,000</u>
TOTAL REVENUES		\$136,300	\$18,562	\$154,862
<u>APPROPRIATIONS</u>				
500000	Personnel/Salaries	\$ 84,300	\$13,986	\$ 98,286
502000	Fringe Benefits	\$ 43,000	\$ 4,576	\$ 47,576
505000	Office Supplies	\$ 1,000		\$ 1,000
505800	Medical & Health Supplies	\$ 2,500		\$ 2,500
510000	Local Mileage Reim.	\$ 500		\$ 500
510100	Out of Area Travel	\$ 500		\$ 500
510200	Training and Education	\$ 2,700		\$ 2,700
516020	Pro. Svcs. Contr. & Fees	\$ 800		\$ 800
545000	Rental Charges	<u>\$ 1,000</u>		<u>\$ 1,000</u>
TOTAL APPROPRIATIONS		\$136,300	\$18,562	\$154,862

and be it further

RESOLVED, that the County Executive is authorized to execute a contract amendment with the New York State Department of Health to extend the SIRG Program (Contract # C-022167) contract period to June 30, 2011; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to implement any related budget adjustments as required to comply with Federal and State approved funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget and Management; the Commissioner of Personnel; Kathy Konst, Commissioner of Environment and Planning; Darren E. Kempner, Deputy Commissioner of Environment and Planning; Paul B. Kranz, P.E., Department of Environment and Planning, the County Comptroller; and the County Attorney.

(5-0)

4. INTRO 6-6 (2010)
FUDOLI, DIXON, MILLS, AS AMENDED
RATH, WALTER & KOZUB

WHEREAS, the Second Amendment to the Constitution of the United States clearly states that “the right of the people to keep and bear Arms, shall not be infringed;” and

WHEREAS, Article XII of the Constitution of the State of New York clearly states, “The defense and protection of the state and of the United States is an obligation of all persons within the state;” and

WHEREAS, Assembly Bill A. 1093A and Senate Bill S. 1715A create undue burdens on civilians renewing and applying for licenses and imposes extreme financial obligations on merchants who legally sell firearms; and

WHEREAS, Assembly Bills A.1275 and A. 2884, and Senate Bill S. 1712 unfairly make the otherwise legal sale of firearms a misdemeanor if the sales venue is located on public property; and

WHEREAS, the County of Erie is home to a thriving sporting industry, as evidenced by the presence of the Alden Rod & Gun Club, Allied Sportsmen of WNY, Bassmasters, Bison City Rod & Gun Club, Blasdell Rod & Gun Club, Boston Valley Conservation Society, Bow, Rod & Gun Conservation Club, Buffalo Bowhunter's, Buffalo Rod & Gun Club, Collin's Conservation Club, Crow's Nest Fishing Club, Deer Search, Inc., Depew Rod & Gun Club, East Aurora Fish & Game Club, Inc., Eastern Lake Erie Charter Boat Association, Eden-North Collin's Gun Club, Elks Head Hunting & Fishing Club, Elma Conservation Club, Inc., Erie County Bassmaster's, Erie County Conservation Society, Erie County Trapper's, Erie Fish & Game Protective Association, Evan's Rod & Gun Club, Finger Lakes & WNY Waterfowl Association, Friends & Neighbors Rod & Gun Club, George Washington Fishing & Camping Club, Inc., Glen Coe Conservation Club, Hamburg Rod & Gun Club, Inc., Hawkeye Bowmen, Inc., Holland Rod & Gun Club, Inc., Horn & Fin Sportsmen, Lackawanna Conservation Club, Lake Shore Fire Co. Exempt's Sportsmen's Club, Leo's Archery, Mark IV Fishing & Hunting Club, Millgrove Sportsmen's Club, Mohawk Rifle & Pistol Club, Inc., Niagara Musky Association, Inc., Niagara River Angler's Association, Niagara River Station Fishing Club, NWTF-Niagara Chapter, New York Bowhunters, Inc., NY Walleye Association, Pheasant's Forever of WNY, Safari Club International, Inc., SCOPE - WNY Chapter, Simon Girty Long Rifles, Southtowns Walleye Association of W.N.Y. Inc., Springville Field & Stream, Trailblazer's R & D Club, West Falls Conservation Society, Inc., Winchester Rifle & Gun Club, Wincrest Sportsmen Association, WNY Bassmasters, WNY Sportsmen's Association, WNY Trout Unlimited, Wood & Brook Sportsman's Club, Inc, among others; and

WHEREAS, it is the right of the citizens of Erie County to take measures necessary to be secure in their homes against criminals and other dangerous trespassers, which may include the use of a firearm for protection; and

WHEREAS, the United States Supreme Court affirmed that the Second Amendment meant the right to keep and bear arms is an individual right and not a collective right; and

WHEREAS, the most basic of rights is the right of self-defense; and

WHEREAS, a primary reason for obtaining a handgun and permit to carry concealed is for self-protection outside the home.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby oppose the enactment of any legislation by the New York State Legislature that fundamentally alters or abridges the right to keep and bear arms; and be it further

RESOLVED, that the Erie County Legislature calls upon our elected representatives in New York State government to reject Assembly Bills 1093A, 1275 and 2884, and Senate Bills S.1715A and S. 1712; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Majority Leader Pedro Espada, Jr. and the local delegation to the New York State Legislature.

(3-2) Chair Miller-Williams and Legislator Grant voted in the negative.

5. COMM. 6E-12 (2010)
COUNTY EXECUTIVE

WHEREAS, the New York State Department of Environmental Conservation Rules and Regulations under 6 NYCRR Part 617 – State Environmental Quality Review (SEQR) allow agencies to adopt their own list of Type II actions to supplement the actions contained in subdivision (c) of Section 617.5 of said state regulations; and

WHEREAS, Erie County is desirous of adopting a Type II action list as described on the attachment to this resolution; and

WHEREAS, the sole addition to the Type II action list contained in Section 617.5 is the following project

1. Preservation of Erie County owned Bridges/Culverts and Ancillary Actions including minor right-of-way acquisition; and

WHEREAS, the projects under this category, as described on the attachment to this resolution, are deemed not to have a significant impact on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to provisions contained in 6 NYCRR Part 617.5 Subdivision (b), the List of Type II Actions described on the attachment to the resolution is hereby adopted for use in future environmental reviews required under the New York State Environmental Quality Review Act; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; and the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor.

(5-0)

6. COMM. 6E-21 (2010)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 1ST – G, General to C.O. Falter Construction Corp. for the refurbishing of the sand filters at the Southtowns Sewerage Treatment Plant; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 1ST – G, General, Southtowns Sand Filter Process and Secondary Clarifier Modifications, in the final contract amount of \$2,934,450.57 which includes Change Order No. 3 (final), a decrease of \$80,244.85 in Sewer Capital, Erie County Sewer District No. 3, Account No. C.00038.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 1ST – G, General, Southtowns Sand Filter Process and Secondary Clarifier Modifications between the County of Erie and C.O. Falter Construction Corp. is accepted in the amount of \$2,934,450.57 which includes Change Order No. 3 (final), a decrease of \$80,244.85 in Sewer Capital, Erie County Sewer District No. 3, Account No. C.00038 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 1ST – G, General, Southtowns Sand Filter Process and Secondary Clarifier Modifications between the County of Erie and C.O. Falter Construction Corp., 403 West Bear Street, Syracuse, New York 13204 in the amount of \$2,934,450.57 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one (1) certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney, and the Erie County Executive.
(5-0)

DANIEL M. KOZUB
CHAIR

MR. KOZUB moved to approve item Number 4. MR. MILLS seconded.

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

AYES: MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI and MR. MAZUR. NOES: MS. GRANT, CHAIR MILLER-WILLIAMS and MS. WHYTE. (AYES: 10; NOES: 3)

CARRIED.

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 79

RE: Resolution in Support of UB 2020 & the
Public Higher Education Empowerment
& Innovation Act
(INTRO 7-1)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLER-WILLIAMS, BOVE, LOUGHRAN, MILLS, KOZUB,
KENNEDY, WALTER, FUDOLI, WHYTE, MARINELLI, DIXON & RATH**

WHEREAS, the Governor's budget proposal includes a bill entitled the *Public Higher Education Empowerment and Innovation Act* (PHEEIA) that is modeled after "UB 2020 Flexibility and Economic Development Act" and would give the University at Buffalo (UB) and the entire State University of New York (SUNY) the tools it needs to compete in the 21st century; and

WHEREAS, this body previously went on record in support of the UB 2020 Flexibility and Economic Growth Act proposal last January, 29 2009 to give UB more freedom from state regulations which in turn will allow the university to make significant progress in its ambitious strategic plan, UB 2020; and

WHEREAS, specifically, this legislation will provide regulatory relief to UB and other SUNY schools in the areas of tuition policy, capital project financing, construction delivery, land acquisition and disposition, public-private partnerships and procurement of goods and services to enhance UB's academic standing as a world class higher education institution and serve as a catalyst to stimulate the Western New York economy; and

WHEREAS, UB 2020 is UB's plan to become a leading research and academic institution. Under this plan the university population could increase by as much as 40%, including an additional 13,000 new students and workers in downtown Buffalo. Further, the plan promises that all three campuses would undergo expansion and renovation; and

WHEREAS, the State Senators and Assembly members of Western New York unanimously and without reservation supported the proposed the "UB 2020 Flexibility and Economic Development Act" in the past; and

WHEREAS, the Governor, SUNY Chancellor Nancy Zimpher and the SUNY Board of Trustees all support the reforms, and

WHEREAS, the reforms were included in the State Senate's budget resolution, but not in the Assembly's version, and

WHEREAS, this legislature can advance this important cause by adding its voice to the growing movement to tell Albany that we want common sense reforms in state policies that will unshackle our university and release its full potential as an economic engine for all of Western New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature enthusiastically supports the *Public Higher Education Empowerment and Innovation Act* (PHEEIA); and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Paterson and to the leadership of the New York State Senate and Assembly; and be it further

RESOLVED, that this resolution be intended to invite all interested individuals to lend their voice to a movement that must succeed if Western New York is to succeed by joining UB Believers at URL <http://ubbelievers.buffalo.edu/ubbelievers/home.html>.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 40 – MS. MARINELLI presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

MR. HARDWICK moved to send the resolution to committee for further consideration. MR. RATH seconded.

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

AYES: MR. HARDWICK, MR. MILLS, MR. RATH and MR. WALTER. NOES: MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. (AYES: 4; NOES: 9)

FAILED.

CHAIR MILLER-WILLIAMS moved the previous question and directed that a roll-call vote be taken.

AYES: MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS and MS. WHYTE. NOES: MR. HARDWICK, MR. MILLS, MR. RATH and MR. WALTER. (AYES: 9; NOES: 4)

CARRIED.

RESOLUTION NO. 80

RE: Running County Government in
Accordance with Legal Requirements &

Budget & Management Practices
(INTRO 7-2)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MARINELLI, WHYTE, MILLER-WILLIAMS,
KOZUB, GRANT, BOVE & LOUGHRAN**

WHEREAS, the Erie County Legislature approved Local Law 4-2005, signed into law by the Erie County Executive, which amended the Erie County Charter and Administrative Code with the following:

Section 3 (C) The County Executive, or his appointed director of budget and management, shall prepare a monthly report which shall include a summary of revenues and expenditures for the preceding month. The report shall be detailed as to the appropriations and funds in such manner as to show the current financial condition and financial future of the county by department and shall compare projected revenues and expenditures with actual and accrued revenues and expenditures. Monthly budget reports filed after the month of May shall include year-end forecasts. Monthly budget reports, containing comprehensive fiscal details set forth herein, shall be filed with the County Legislature monthly, on or before the last calendar day of the subsequent calendar month; and

WHEREAS, there have been no monthly Budget Monitoring Reports filed in 2010 to date (April 19, 2010), which is legally required and fiscally necessary for the proper fiscal stability and budget management; and

WHEREAS, a recent Erie County Comptroller's audit of the Department of Public Works cited the need for close-out reporting and better tracking of past bonded capital projects, a subject raised before by the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Legislature calls upon the County Executive and the County's Director of Budget and Management to file the monthly Budget Monitoring reports, which are required by law and for proper fiscal practice; and be it further

RESOLVED, the Erie County Legislature calls upon the Department of Public Works, the Director of Budget and Management, and the Erie County Comptroller, to file the close-out and tracking of the capital projects that have been completed; and be it further

RESOLVED, that certified copies be sent to the Erie County Executive, the Erie County Director of Budget and Management, the Commissioner of the Erie County Department of Public Works, the Erie County Comptroller and the Erie County Fiscal Stability Authority.

Item 41 – MS. WHYTE moved to send INTRO 7-3 to committee for further consideration. MS. GRANT seconded.

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

AYES: MS. GRANT, MR. KENNEDY, MR. KOZUB, MS. MARINELLI, MR. MAZUR and MS. WHYTE. NOES: MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MR. LOUGHRAN and CHAIR MILLER-WILLIAMS. (AYES: 6; NOES: 7)

FAILED.

MR. RATH presented the following resolution and moved for immediate consideration and approval. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 81

RE: Opposing the Repeal of NYS Tax Law
Section 1115(n)
(INTRO 7-3)

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS RATH, MILLS, WALTER, FUDOLI,
BOVE, MARINELLI & DIXON**

WHEREAS, the New York State Assembly is currently considering proposals to fill its multi-billion dollar budget deficit; and

WHEREAS, among the proposals currently being considered in New York State Assembly Bill A. 9710 is the repeal of New York State Tax Law section 1115(n); and

WHEREAS, New York State Tax Law section 1115(n) exempts certain promotional materials produced in New York State which are then delivered outside of New York State and promotional materials distributed by the US Postal Service from a tax on retail sales; and

WHEREAS, these exemptions from sales tax were created in the late 1980's and 1990's in an effort to make the New York State graphic communications industry more competitive with its peers across the United States in jurisdictions with less onerous regulations; and

WHEREAS, repealing the exemption will increase the cost of business for producers of these materials by 8 – 10 percent, the cost of sales tax; and

WHEREAS, such an increase in cost will drive business to out-of-state competitors and cripple the industry within New York State; and

WHEREAS, such a move will result in severe cuts to the 75,000 skilled individuals in the industry in New York State; and

WHEREAS, while the increase in revenue from repealing section 1115(n) is speculative, a decrease in income tax receipts from individuals laid-off due to the repeal is certain; and

WHEREAS, the repeal of New York State Tax Law is counter to the goal of economic development in New York State.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby oppose the repeal of New York State Tax Law section 1115(n); and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor David Paterson, Assembly Speaker Sheldon Silver, Senate Majority Leader Pedro Espada Jr. and the local delegation to the New York State Legislature.

Item 42 – CHAIR MILLER-WILLIAMS directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

INTRO 7-4 from WALTER, MILLS, RATH, DIXON & FUDOLI. Opposing the Imposition of a Community Benefits Agreement on the Canal Side Project.

Item 43 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 82

RE: Appointments to the Erie County
Fisheries Advisory Board
(INTRO 7-5)

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

WHEREAS, the Erie County Legislature has been advised that legislative action is warranted for appointments to the Erie County Fisheries Advisory Board; and

WHEREAS, pursuant to Erie County Local Law 2-1997, Section 1, 9.07 “there shall be within the department a fisheries advisory board, consisting of twelve members. The County executive shall make the appointments for eight positions, the Chair of the Erie County Legislature shall make the appointment for one position, the enrolled members of each of the two political parties which have the greatest number of members seated in the Erie County Legislature shall by majority vote make the appointment of each for one position, and the Chair of the Energy and Environment Committee shall make the appointment for one member, and all such appointments shall be subject to confirmation by the Erie County Legislature;” and

WHEREAS, the appointments in question are to be made by the Chairperson of the Legislature’s Energy and Environment Committee and by the Majority Party in the Erie County Legislature.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint Mr. Charles Godfrey, of 29 Yvette Drive, Cheektowaga, New York 14227, to serve a term of three years on the Erie County Fisheries Advisory Board; and be it further

RESOLVED, that the Erie County Legislature does hereby appoint Mr. Thomas R. Marks, 7004 Waring Circle, Derby, New York 14047, to serve a term of three years on the Erie County Fisheries Advisory Board; and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to Mr. Spencer Schofield, Secretary of the Erie County Fisheries Advisory Board and to Mr. Charles Godfrey and Mr. Thomas R. Waring.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

Item 44 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 7-6 from WHYTE, GRANT, MARINELLI, LOUGHRAN, KOZUB & MAZUR
Re: Empowering Citizen Voice in Effective Public Safety

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 45 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 7M-22 from the EC PRISONER'S RIGHTS COALITION Re: Letter to Legislature Concerning Community Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 46 – (COMM. 7E-1) Opening of Medicaid Health Clinic in Chemung County

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 47 – (COMM. 7E-2) Copy of Report Detailing the Apportionment & Distribution of Net Collections from the Local (4.75%) Sales and Compensation Use Tax for EC for the Months of 12/2009 - 1/2010 & 2/2010

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIR MILLER-WILLIAMS

Item 48 – (COMM. 7E-3) Letter to Legislator Kozub Concerning Appointment/Re-Appointment of Commissioner to the EC Water Authority

Item 49 – (COMM. 7E-4) Letter to Clerk Regarding the Expiration of the Term of Commissioner of the EC Water Authority

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

FROM LEGISLATOR DIXON

Item 50 – (COMM. 7E-5) Letter to Clerk Concerning Absence From Session No. 7, 4/22/2010

Received, Filed and Printed.

April 5, 2010

Mr. Robert Graber, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Graber,

I regret that I am unavoidably unable to attend session on April 22nd 2010. I am scheduled to be out of town on that date. By copy of this letter, I have notified the Chair of the Legislature of my unavailability during this time period.

Thank you.

Yours Truly,

Lynne Dixon
Erie County Legislator – 12th District

cc: Barbara Miller Williams, Chair
Erie County Legislature

FROM LEGISLATOR FUDOLI

Item 51 – (COMM. 7E-6) Letter to Clerk Concerning Absence From Session No. 7,
4/22/2010

Received, Filed and Printed.

April 13, 2010

Hon. Robert Graber
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Hon. Graber,

I regret that I am unavoidably unable to attend the session on April 22nd, 2010. I am scheduled to be out of town on that date. By copy of this letter, I have notified the Chair of the Legislature of my unavailability during this time period.

Thank you.

Sincerely,

Dino J. Fudoli
Erie County Legislator – 5th District

Cc: Barbara Miller-Williams, Chair
Erie County Legislature

FROM CHAIR MILLER-WILLIAMS

Item 52 – (COMM. 7E-7) Letter to Assemblyman Schimminger Regarding 1% Sales Tax
Rate Extension

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 53 – (COMM. 7E-8) Review of the 2010 Cultural & Public Benefit Funding Process

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 54 – (COMM. 7E-9) Energy Efficiency & Conservation Grant - US Department of
Energy Comptroller Investigation into Whistleblower Reports

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 55 – (COMM. 7E-10) Medicaid Waiver for Traumatic Brain Injury Program

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 56 – (COMM. 7E-11) Establishment of Fee-for-Service Rates & Medical Malpractice Coverage

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

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

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

AYES: MR. HARDWICK, MR. MILLS, MR. RATH, MR. WALTER, MS. BOVE, MS. GRANT, MR. KENNEDY, MR. KOZUB, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR, CHAIR MILLER-WILLIAMS & MS. WHYTE. NOES: None. (AYES: 13; NOES: 0)

CARRIED.

RESOLUTION NO. 83

RE: \$110 Million Refunding Bond
Resolution - County Executive Request
for Authorization for Refunding by
ECFSA
(COMM. 7E-12)

RESOLUTION NO. 83-2010

BOND RESOLUTION DATED APRIL 22, 2010

REFUNDING BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK,
AUTHORIZING THE REFUNDING OF ALL OR A PORTION OF VARIOUS OUTSTANDING
BONDS OF SAID COUNTY, STATING THE PLAN OF REFUNDING, APPROPRIATING AN
AMOUNT NOT TO EXCEED \$110,000,000 THEREFOR, AUTHORIZING THE ISSUANCE OF
\$110,000,000 REFUNDING BONDS OF SAID COUNTY, OR SO MUCH THEREOF AS MAY
BE NECESSARY, TO FINANCE SAID APPROPRIATION, AND MAKING CERTAIN
DETERMINATIONS ALL RELATIVE THERETO.

(Introduced) April 22, 2010

(Adopted) April 22, 2010

WHEREAS, the County of Erie, New York (herein called "County"), has heretofore issued: on August 12, 1993 its \$15,615,000 General Obligation Bonds, 1993 Series C (Current Interest Bonds) (herein called the "1993 Bonds"), now outstanding in the principal amount of \$270,000; on October 30, 1997 its \$20,000,000 Public Improvement Serial Bonds-1997 Series A (herein called the "1997 Bonds"), now outstanding in the principal amount of \$3,300,000; on November 12, 1998 its \$29,000,000 General Obligation Bonds-1998 (herein called the "1998 Bonds"), now outstanding in the principal amount of \$3,875,000; on October 6, 1999 its \$2,560,000 Sewer District Serial Bonds-1999-B (herein called the "1999 Bonds"), now outstanding in the principal amount of \$1,595,000; on July 6, 2000 its \$24,530,000 Public Improvement Bonds-2000A (herein the "2000A Bonds"), now outstanding in the principal amount of \$7,700,000; and its \$670,000 Sewer District Serial Bonds-2000D (herein called the "2000D Bonds"), now outstanding in the principal amount of \$390,000; on October 18, 2001 its \$35,205,000 Public Improvement Serial Bonds - Series 2001A (herein called the "2001A Bonds"), now outstanding in the principal amount of \$19,240,000 and its \$920,000 Sewer District Serial Bonds - Series 2001-B (herein called the "2001B Bonds"), now outstanding in the principal amount of \$570,000; on September 18, 2002 its \$59,390,000 Public Improvement Serial Bonds - Series 2002A (herein called the "2002A Bonds"), now outstanding in the principal amount of \$38,410,000 and its \$1,200,000 Sewer District Serial Bonds - Series 2002-B (herein called the "2002B Bonds"), now outstanding in the principal amount of \$920,000; and on June 24, 2003 its \$79,135,000 Public Improvement Serial Bonds - Series 2003A (herein called the "2003 Bonds"), now outstanding in the principal amount of \$56,290,000; such bonds bearing interest at the rates and on the dates, and being subject to prior redemption as set forth in each such respective bond; and

WHEREAS, Section 90.10 of the Local Finance Law, constituting Chapter 33 a of the Consolidated Laws of the State of New York (herein called "Law"), permits the County to refund all or a portion of the outstanding unredeemed maturities of such bonds by the issuance of new bonds, the issuance of which will result in present value debt service savings for the County;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (BY THE FAVORABLE VOTE OF NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS OF SAID LEGISLATURE), AS FOLLOWS:

Section 1. In this resolution, the following definitions apply, unless a different meaning clearly appears from the context:

a. "Bond To Be Refunded" or "Bonds To Be Refunded" means all or a portion of the outstanding and unredeemed 1993 Bonds, 1997 Bonds, 1998 Bonds, 1999 Bonds, 2000A Bonds, 2000D Bonds, 2001A Bonds, 2001B Bonds, 2002A Bonds, 2002B Bonds, and 2003 Bonds of the County of Erie, New York.

b. "Escrow Contract" means the contract to be entered into by and between the County and the Escrow Holder pursuant to Section 9 hereof.

c. "Escrow Holder" means the bank or trust company designated as such pursuant to Section 9 hereof.

d. "Present Value Savings" means the dollar savings which result from the issuance of the Refunding Bonds computed by discounting the principal and interest payments on both the Refunding Bonds and the Bonds To Be Refunded from the respective maturities thereof to the date of issue of the Refunding Bonds at a rate equal to the effective interest cost of the Refunding Bonds. The effective interest cost of the Refunding Bonds shall be that rate which is arrived at by doubling the semi-annual interest rate (compounded semi-annually), necessary to discount the debt service payments on the Refunding Bonds from the maturity dates thereof to the date of issue of the Refunding Bonds and to the bona fide initial public offering price including estimated accrued interest, or, if there is no public offering, to the price bid including estimated accrued interest.

e. "Redemption Date" means, as applicable: August 1, 2003 and any interest payment date thereafter with respect to the 1993 Bonds, August 15, 2007 and any interest payment date thereafter with respect to the 1997 Bonds, November 1, 2008 and any interest payment date thereafter with respect to the 1998 Bonds, October 1, 2009 and any interest payment date thereafter with respect to the 1999 Bonds, July 1, 2010 and any interest payment date thereafter with respect to the 2000A Bonds and 2000D Bonds, October 1, 2011 and any date thereafter with respect to the 2001A Bonds and 2001B Bonds, September 1, 2012 and any date thereafter with respect to the 2002A Bonds and 2002B Bonds, and March 15, 2013 and any date thereafter with respect to the 2003 Bonds.

f. “Refunding Bond” or “Refunding Bonds” means a portion or all of the \$110,000,000 bonds of the County of Erie, authorized pursuant to Section 2 hereof.

g. “Refunding Bond Amount Limitation” means an amount of Refunding Bonds sufficient to pay the sum of the principal amount of Bonds To Be Refunded plus the aggregate amount of unmatured interest payable on each Bond To Be Refunded to and including the applicable Redemption Date, plus redemption premiums payable on such Bonds To Be Refunded as of such applicable Redemption Date, as hereinabove referred to in the Recitals hereof, plus costs and expenses incidental to the issuance of the Refunding Bonds including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all fees and charges of the Escrow Holder as referred to in Section 9 hereof.

Section 2. The Legislature of the County (herein called “Legislature”), hereby authorizes the refunding of the Bonds To Be Refunded of the County, more particularly described and referred to in the Recitals hereof, and appropriates an amount not to exceed \$110,000,000 therefor to accomplish such refunding. The plan of financing said appropriation includes the issuance of not to exceed \$110,000,000 Refunding Bonds and the levy and collection of a tax upon all the taxable real property within the County to pay the principal of and interest on said Refunding Bonds as the same shall become due and payable. Bonds of the County in the maximum principal amount of \$110,000,000, are hereby authorized to be issued pursuant to the provisions of the Law. The proposed financial plan for the refunding in the form attached hereto as Exhibit A (the “refunding financial plan”) prepared for the County by Roosevelt & Cross, Inc. and hereby accepted and approved, includes the deposit of all the proceeds of said Refunding Bonds with an Escrow Holder pursuant to an Escrow Contract as authorized in Section 9 hereof, the payment of all costs incurred by the County in connection with said refunding from such proceeds, and the investment of a portion of such proceeds by the Escrow Holder in certain obligations, the principal of and interest, together with the balance of such proceeds to be held uninvested, shall be sufficient to pay (1) the principal of and interest on the Bonds To Be Refunded becoming due and payable on and prior to each applicable Redemption Date and (2) the principal of and premium on the Bonds To Be Refunded to be called for redemption prior to maturity on each applicable Redemption Date.

Section 3. The Bonds To Be Refunded referred to in Section 1 hereof are the aggregate unmatured outstanding balances of twelve issues of bonds, each originally issued pursuant

to various bond resolutions of the County, adopted on their respective dates authorizing various capital improvements for the County. In accordance with the refunding financial plan, the Refunding Bonds have been allocated to the component issues of the Bonds To Be Refunded, and shall mature in amounts and at dates to be determined. The Comptroller, the chief fiscal officer of the County, is hereby authorized to approve all details of the refunding financial plan not contained herein.

Section 4. The issuance of the Refunding Bonds will not exceed the Refunding Bond Amount Limitation. The maximum period of probable usefulness (“PPU”) of each issue comprising the Bonds to be Refunded, commencing at the date of issuance of the first bond anticipation notes issued in anticipation of the sale of said bonds, is set forth in the following table:

1993 Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
2-15-90 amended 6/3/93	ECMC Management System	10
3-7-91 amended 6/3/93	Riverwalk	10
2-15-90 amended 6-3-93	1987 Chp Highway	15
4-2-92 amended 6-3-93	A/C Home	10
4-2-92 amended 6-3-93	ECMC Emergency Generators	10
3-7-91 amended 6-3-93	1991 Roads	15
5-21-87 amended 6-3-93	1987 Bridges	20
4-2-92 amended 6-3-93	1992 Roads	15
7-2-92 amended 6-3-93	1992 Dodge Road	15
2-15-90 amended 6-3-93	1990 Ridge Road	15
4-2-92 amended 6-3-93	1992 Equipment	15
5-5-88 amended 6-3-93	1988 Bridges	20
2-15-90 amended 6-3-93	1989 Bridges	20
2-15-90 amended 6-3-93	1985 Bridges	20

1993 Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
5-10-90 amended 6-3-93	1984 Bridges	20
3-7-91 amended 6-3-93	1991 Bridges	20
3-7-91 amended 6-3-93	ECMC Roof	20
5-31-92 amended 6-3-93	Court Facility Project	20
4-2-92 amended 6-3-93	1992 Bridges	20
4-2-92 amended 6-3-93	ECC Roof	20
2-15-90 amended 6-3-93	1990 ROW	30
4-2-92 amended 6-3-93	Rich Stadium Improvements	40

1997 Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
4/10/97	Thompson Road Highway Reconstruction	15
4/10/97	Highway Equipment & Vehicles Replacement	5
2/15/96	Whitehaven Road Highway Reconstruction	15
2/15/96	Various Highways/1996 Planning & Design	15
4/10/97	Jewett Holmwood Road Reconstruct	15
2/15/96	Various Improvements to HVAC System (County Home)	10
2/15/96	Various Improvements to Rich Stadium	15
2/15/96	Various Bridges/1996 Planning & Design	5
2/15/96	Rapid Road Bridge Reconst.	20
5/9/96	Winspear Road Bridge Reconst.	20
5/9/96	Borden Road Highway Reconst.	15
6/9/97	Purchase Vehicle Tech Turn Center Land Acq.	20

<u>1997 Bonds</u>		
6/9/97	Purchase Vehicle Tech Turn Center Building Acq.	20
2/15/96	Buffalo & Erie Library Projects On-Line Public Access	15
2/15/96	ECC Sidewalk Roadway Improvement	15
3/9/95	ECMC Code Compliance	15
2/15/96	ECMC Expansion SNF Psych	15
3/9/95	Riverwalk Niagara View Section	15
2/15/96	Asbestos Abatement Reconst.	15
5/9/96	Chestnut Ridge Water Park Lines Installation	40
2/15/96	Buffalo & Erie Library Projects On-Line Public Access Catalog	15
2/15/96	ECC Partial Building Reconst./Exterior Masonry	15
2/15/96	Convention Ctr Renovations	15
2/15/96	ECC Door & Window Renovations	15
2/15/96	ECC Improve to HVAC System	10
2/15/96	ECC North Dry Memorial Library	15
2/15/96	ECC North Improve to HVAC System (Steam Line)	10
2/15/96	ECC Partial Reconst. To City Atrium	15
2/15/96	ECC Equipment Acq./Improve to Security System	5
5/26/94	ECMC Elevator Reconst.	10
4/10/97	Asbestos Abatement Reconst.	15
4/10/97	ECMC Ambulatory Care Renovations	15

<u>1998 Bonds</u>		
<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
9/29/98	Acquisition & Installation of a Computerized Hospital Information System	5
4/10/97	Various Improvements to Rich Stadium	15

1998 Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
2/15/96	County Home Improvements to HVAC System	10
5/26/94	Various Highways/1996 Planning & Design	10
4/10/97	County Medical Center Hospital Information Systems	5
4/10/97	Various Bridge Reconstruction	20
4/30/98	County Med. Center Movable Equipment Replacement	15
4/10/97	County Medical Movable Equipment Replace.	5
4/10/97	On-Line Public Access Catalog	15
4/10/97	Darling Road Bridge Recon.	20
4/10/97	Botanical Gardens Various Improv.	15
5/26/94	Various Bridge Recons.	20
4/30/98	Code Compliance Recons. (Alden).	15
4/30/98	Parks Comfort Station Improv.	15
4/30/98	Medical Center Movable Equipment Replacement	15
4/19/97	Ambulatory Care Renovations	15
2/15/96	Riverwalk Niagara View Section	15
4/30/98	Various Bridge Design	5
4/30/98	Var. Road Recon.	15
4/30/98	Var. Bridge Recon.	20
5/26/94	Highway Road Recon.	15
3/9/95	Highway Design & Recon.	5
4/10/97	Highway Design & Recon.	15
4/10/97	Code Compliance Recon.	15
(3)		
4/10/97	Oil Tank Replace. (Alden)	10
(10)		
3/9/95	ECMC Various Building Renov.	15
(18)		
4/10/97	Central Library Mechanics Equipment	10
(24)		
3/9/95	Highway Recon.	15
(20)		
4/10/97	HVAC Improv. (Alden)	10
(9)		

1998 Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
4/10/97 (21)	ECC North Campus (Amherst Recon.)	15
5/26/94 (15)	Highway Recon. Planning & Design Overlay Rehab.	5
4/10/97 (16)	Wehrle Dr. Recon. Plan & Design	5
4/10/97 (22)	ECC HVAC Improv.	15
4/10/97 (5)	Expansion of Erie Records Center	15
4/30/98 (1)	ECC Child Care Center	20
4/10/97 (11)	County Home Parking Lot Improv.	15
4/10/97 (17)	Bridge Design & Recons. (Countywide)	20
4/10/97 (14)	Various Bridge Recon. Planning & Design Federal Aid Program	5
9/28/95 (12)	Public Safety Radio Systems Study	5
10/22/94	Sewer District No. 1 Increase & Improvement	40
6/6/85	Sewer District No. 1 Increase & Improvement	40
2/4/92	Sewer District No. 2 Increase & Improvement	40
12/22/77	Sewer District No. 3 Armour McKinley Extension	40
3/24/77	Sewer District No. 3 Increase & Improvement	40
4/17/80	Sewer District No. 3 Increase & Improvement	40
9/5/85	Sewer District No. 4 Increase Maximum Amount	40
5/17/79	Sewer District No. 5 Increase & Improvement	40
6/2/83	Sewer District No. 6 Lackawanna Facilities	40
3/6/97	Sewer District No. 6 Bethlehem Steel Tax Cert.	40

1999A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
3/9/95	EC Medical Center Various Building Renovations	15
4/30/98	Rich Stadium Various Improvements (Phase V)	15
4/30/98	Botanical Gardens Various Improvements	15
4/30/98	Chestnut Ridge Water Park	40
4/30/98	EC Medical Center Ambulatory Care/Oper. Room/Trauma/ICU Renovation	15
4/30/98	Various Highway Design	5
4/30/98	McKinley Pkwy Highway Recon.	15
4/30/98	Various Bridge Design	5
4/30/98	Various Bridge Reconstruction	20
4/30/98	East Creek Rd. Bridge Reconstruction	20
4/30/98	Various Road Reconstruction	15
4/30/98	Sweet Home Road Highway Reconstruction	15
4/30/98	ECC Improvements to Roadways, Parking Lots and Sidewalks (Phase II and III)	10
4/30/98	ECC Spring Student Center Building Reconstruction	15
4/30/98	Buffalo and Erie County Public Library Roof Reconstruction	15
3/18/99	Convention Center Building Reconstruction (Phase VI)	15
3/18/99	Sweet Home Road Highway Reconstruction	15
3/18/99	ECC Dental Hygeine Lab Building Reconstruction	15
3/18/99	Buffalo and Erie County Public Library Roof Reconstruction	15
3/18/99	EC Medical Center Cardiac Catherization Laboratory Renovations	15

1999A Bonds

3/18/99	EC Medical Center Meyer Site Demolition	15
3/18/99	EC Home Brick Pointing and Masonry Restoration (Phase II)	15
3/5/98 amended 4/29/99	County Courthouse Building Construction and Land Acquisition	30

1999B Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
6/20/96	ECSD#2 Inc. & Imp. Of Facilities	40
12/22/77	ECSD#3 Inc. & Imp. Of Facilities	40
9/3/74 amended 4/26/79, 7/2/81, and 9/5/85	ECSD#4 Original Improvements	40
12/18/97	ECSD#5 Inc. & Imp. Of Facilities	40
9/22/94	ECSD#4 Inc. & Imp. Of Facilities	40
6/20/96	ECSD#6 Inc. & Imp. Of Facilities	40
1/8/76 amended 5/17/79	ECSD#5 Inc. & Imp. Of Facilities	40
6/2/83	ECSD#6 Acquisition of Facilities	40

2000A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
3/5/98 as amended 4/29/99 and 4/6/2000	County Courthouse Building Construction & Land Acquisition	30
4/13/2000	County Court Existing Buildings Reconstruction	20
4/13/2000	Highway Equipment and Vehicles Replacement	5
3/18/99	Various Highway Design	5
3/18/99	Various Road Reconstruction	15
3/18/99	Various Bridge Design	5
3/18/99	Various Bridge Reconstruction	20

2000A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
3/18/99	Botanical Gardens Improvements	15
3/18/99	Asbestos Abatement – County Buildings (Phase VII)	15
3/18/99	Chestnut Ridge Park Water Lines (Phase III)	40
9/9/99	Ellicott Creek Park Recreational Area Improvements	15
9/9/99	Two Mile Creek Bicycle Path	15
9/9/99	Scajaquada Creek Pathway	15
4/6/2000	Bennett Beach Park Improvements – Planning	5
4/13/2000	Capital Overlay Program (Road Rehabilitation)	15
3/18/99	Central Library Mechanical Equipment and Building Imp.	10
4/10/97	Highway Building Rehabilitation (Phase III)	15
3/18/99	ECMC – Cardiac Catherization Lab Renovations	15
4/13/2000	ECMC – Fuel Tank Replacement	10
4/13/2000	ECMC – Water Backflow Prevention	15
4/13/2000	ECMC – Toxicology Bldg. HVAC Unit Replacement	10
4/13/2000	ECMC – Nurse Call System Replacement	5
4/13/2000	ECMC – Video Surveillance Upgrade	5
4/13/2000	ECMC – Acquisition of Various Equipment	5
4/13/2000	ECMC – Cardiac Catherization Lab Suites (Phase II)	5
4/13/2000	ECMC – Angiography & Digital Fluoroscopy Suites - Equipment	5
4/13/2000	ECMC – Angiography & Digital Fluoroscopy Suites – Reconstruction	15

2000D Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
9/8/94	ECSD #2 Inc. & Imp. of Facilities	40
6/20/96	ECSD #2 Inc. & Imp. of Facilities	40
4/25/96	ECSD #4 Imp. of Facilities	40
9/22/94	ECSD #4 Imp. of Facilities	40

2001A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
4/13/2000 amended	Partial Reconstruction of Existing Courthouse Buildings	20
6/21/2001	Rich Stadium Various Improvements (Orchard Park)	15
4/13/2000	Botanical Gardens Dome Project	15
3/18/1999 amended	City River Walk - Parks (Buffalo)	15
7/6/2000	County Medical Center Various Facility Renovations	15
4/13/2000	Planning for Various Highway and Bridge Projects	5
4/13/2000	North Forest Road Bridge Construction - County Road Fund Federal Aid Program	20
10/19/2000	Reconstruction of Aldrich Street Bridge in the Village of Gowanda	20
10/5/2000	Acquisition of computer hardware and software to replace the County's Unisys Mainframe System	5
7/12/2001	Acquisition of machinery and apparatus for the County Highway Department	15

2001B Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
7/6/2000	ECSD #3 Inc. & Imp. of Facilities	40
7/6/2000	ECSD #3 Inc. & Imp. of Facilities	40
7/6/2000	ECSD #3 Imp. of Facilities	40

2001B Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
5/21/1998	ECSD #3 Southtowns Improvements	40
7/15/1999	ECSD #6 '98 Increase & Imp. of Facilities	40
6/6/1991	ECSD #6 Increase & Imp. of Facilities	40

2002A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
4/5/2001	01 GIS Diffusion Project	5
4/5/2001	01 Comprehensive Plan for the Erie County Park System	5
4/5/2001	01 Emery Park Waterlines - Phase 1	5
6/21/2001	Site Investigation and Design Phase of the 2001 Urban Brownfield Project	5
12/6/2001	Acquisition and Installation of Computer Hardware	5
4/11/2002	02 Planning Erie County Regional Public Safety Campus Study	5
4/5/2001	01 Design for Various Intersection Improvements - County Road Fund (Countywide)	5
4/5/2001	01 ECC Improvements to Roadways, Parking Lots & Sidewalks	10
3/18/1999	00 Partial Reconstruction ECC - North Campus Dental Lab	15
7/11/2002 & 11/8/2001	00 Additions & Improvements to the Fire Training Academy	15
4/5/2001	01 Convention Center Renovations and Improvements	15
4/5/2001	01 Rath Bldg. Fire Alarm System Replacement & Security Controls	15
4/5/2001	01 Rehabilitation of Rath Bldg. and Site	15
4/5/2001	01 Code Compliance and Reconstruction of County Bldgs. & Equip. (Countywide)	15

2002A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
4/5/2001	01 Roof Replacement & Waterproofing of Bldg. Enclosures - Various County Buildings (Countywide)	15
4/5/2001	01 Renovation of "BB" Building at ECMC for use by Health Department	15
4/5/2001	01 Botanical Gardens Dome & Misc. Reconstruction (Buffalo)	15
4/11/2002	02 Renovations to Ralph Wilson Stadium (Orchard Park)	15
4/11/2002	02 Improvements to Various Rd./Br. (Countywide)	15
4/11/2002	02 Partial Reconstruction of Various County Buildings (Countywide)	15
4/11/2002	02 Recreational Area Improvements to Various County Parks (Countywide)	15
4/11/2002	02 Recreational Area Improvements/Parks Equipment (Countywide)	5
4/5/2001	01 Highway Reconstruction Program (Countywide)	15
4/5/2001	01 Capital Overlay Program - County Road Fund (Countywide)	15
4/5/2001	01 Highway Safety Enhancements - County Road Fund (Countywide)	15
4/5/2001	01 Pavement Life Enhancements - County Road Fund (Countywide)	15
7/12/2001	01 Acquisition of Machinery & Apparatus for the County Highway Department	15
7/12/2001	01 Construction of Intersection Improvements	15
3/21/2002	01 Construction of Intersection/Signal Improvements at Wiliam St. (CR 338) & Aurora St. (CR 243)	15

2002A Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
4/11/2002	02 Road Improvements - County Road Fund - DPW (Countywide)	15
4/11/2002, 4/5/2001, 4/13/2000	00 Partial Reconstruction ECC - North Campus Dental Lab	15
4/5/2001	01 ECC Electrical Feeders Renovation	15
9/20/2001	Acquisition of the Former Ticor Building	20
3/21/2002 & 6/21/2001	01 Construction of the Erie County Secure Youth Detention Facility	30
4/5/2001 & 11/8/2001	01 Various Park Water Lines Improvements	40

2002B Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
10/20/1994	ECSD #1 Inc. & Imp. of Facilities	40
12/17/1998	ECSD #2 Inc. & Imp. of Facilities	40
6/20/1996	ECSD #2 Inc. & Imp. of Facilities	40
5/21/1998	ECSD #3 Inc. & Imp. of Facilities	40
9/22/1994	ECSD #4 Inc. & Imp. of Facilities	40
7/6/2000	ECSD #5 Inc. & Imp. of Facilities	40
9/24/1998	ECSD #5 Inc. & Imp. of Facilities	40
6/20/1996	ECSD #6 Inc. & Imp. of Facilities	40

2003 Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
4/3/2003	00 Courthouse Renovations	20
7/11/2002	01 Enterprise Resource Planning System	5
3/21/2002	01 Youth Detention Facility Construction	30
7/12/2002	01 Dick Road Culvert	20
7/12/2001	01 DPW Highway Equipment	15

2003 Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
4/11/2002	02 Renovations to Ralph Wilson Stadium	15
9/19/2002	02 Existing Convention Center Renovations & Improvements	15
4/11/2002	02 ECC Improvements to Roads, Parking & Walkways	10
4/11/2002	02 Rath Building Garage - Partial Reconstruction	15
4/11/2002	02 Partial Reconst. Exterior Bldg. & Envelope Rehabilitation	15
4/11/2002	02 Partial Reconstr. of Erie County Correctional Facility - Brick Repair	15
4/11/2002	02 Betterment & Improvement to Indoor Air Quality	5
4/11/2002	02 Roof Replacement & Waterproofing - Various Buildings	15
4/11/2002	02 Recreational Area Improvements to Various County Parks	15
4/11/2002	02 Recreational Area Improvements - Parks Roadways	15
4/11/2002	02 Comprehensive Master Plan - Erie County Regional Master Plan	5
4/11/2002	02 Planning - Erie County Regional Public Safety Campus	5
7/11/2002	02 Como Park Lake Reconstruction	30
7/18/2002	02 Central Police Services Training Facility - Acquisition of Land & Constr.	30
11/7/2002	02 Sheriff's Department - Acquisition of Helicopter	15
5/8/2003	03 Improvements to Various Buildings	15
5/8/2003	03 Network & Server Upgrade	5
2/24/2003	01 Design for Various Streets	5

2003 Bonds

<u>Reso. Date</u>	<u>Project</u>	<u>Maximum Life</u>
4/5/2001	01 Salt Road Culverts Reconstruction - County Road Fund (Clarence)	20
4/11/2002	02 Capital Overlay Project - County Road Fund	15
4/11/2002	02 Highway Improvements (Countywide)	15
4/11/2002	02 Pavement Life Enhancements	15
4/11/2002	02 Bridge Reconstruction Program	20
4/11/2002	02 Culvert Reconstruction - Various Locations	20
4/11/2002	02 Culvert Inspection, Load Rating and Design	5
4/11/2002	02 Highway Reconstruction Program (Countywide)	15
4/11/2002	02 Central Library Mechanical Equipment & Building Improvements	10
7/11/2002	02 Central Library - Implement Energy Saving Facility Improvements	10
4/5/2001	01 Erie County Home - Elevator Upgrade	15
4/5/2001	01 Erie County Home - Fire Alarm System	15
4/11/2002	02 Erie County Home - Elevator Upgrade	15
4/11/2002	02 Erie County Home - Kitchen Equipment Replacement	5

The aggregate amount of estimated Present Value Savings as set forth in the proposed refunding financial plan attached hereto as Exhibit A, computed in accordance with subdivision two of paragraph b of Section 90.10 of the Law, is \$3,829,059.03.

(a) Said Refunding Bonds shall be sold at private sale and the Comptroller, the chief fiscal officer of the County, is hereby authorized to execute a purchase contract on behalf of the County for the sale of said Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller, and further providing that prior to the issuance of the

Refunding Bonds the Comptroller shall have filed with the Legislature a certificate approved by the State Comptroller setting forth the Present Value Savings to the County resulting from the issuance of the Refunding Bonds; (b) in connection with such sale, the County hereby authorizes the preparation of an Official Statement if any, or other appropriate disclosure materials, and approves their use in connection with such sale, and, further, consents to the distribution of a Preliminary Official Statement, if any, prior to the date said Official Statement is executed and available for distribution; (c) the Comptroller is hereby further authorized and directed to take any and all actions necessary to accomplish said refunding, and to execute any contracts and agreements for the purchase of and payment for services rendered or to be rendered the County in connection with said refunding including the preparation of the refunding financial plan referred to in Section 2.

Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Law and said Refunding Bonds shall be general obligations of the County payable as to both principal and interest by a 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 Refunding Bonds and provision shall be made annually in the budget of the County for (a) the amortization and redemption of the Refunding Bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Sections 21.00, 50.00, 56.00, 90.10 and 168.00 of the Law, the powers and duties of the Legislature relative to providing for substantially level or declining annual debt service, prescribing the terms, form and contents and as to the sale and issuance of the Refunding Bonds, executing agreements for credit enhancement, and to executing any arbitrage certification relative thereto, as well as to executing the Escrow Contract described in Section 9 and the Official Statement referred to in Section 6, are hereby delegated to the Comptroller, the chief fiscal officer of the County.

Prior to the issuance of the Refunding Bonds, the County shall contract with a bank or trust company located and authorized to do business in this state, for the purpose of having such bank or trust company act as the Escrow Holder of the proceeds, inclusive of any premium from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds.

The Escrow Contract shall contain such terms and conditions as shall be necessary in order to accomplish the refunding financial plan, including provisions for the Escrow Holder without further authorization or direction from the County, except as otherwise provided therein, (a) to make all required payments of principal, interest and redemption premiums to the appropriate paying agent with respect to the Bonds To Be Refunded, (b) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the refunding financial plan, and of executing and performing the terms and conditions of the Escrow Contract and all of its fees and charges as the Escrow Holder, (c) at the appropriate time or times to cause to be given on behalf of the County the notices of redemption authorized to be given pursuant to Section 12 hereof, and (d) to invest the moneys held by it consistent with the provisions of the refunding financial plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the holders of the Refunding Bonds.

The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the County with the Escrow Holder in accordance with the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America or in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, which obligations shall mature or be subject to redemption at the option of the holder thereof not later than the respective dates when such moneys will be required to make payments in accordance with the refunding financial plan. Any such moneys remaining in the custody of the Escrow Holder after the full execution of the Escrow Contract shall be returned to the County and shall be applied by the County only to the payment of the principal of or interest on the Refunding Bonds then outstanding.

That portion of such proceeds from the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Bonds To Be Refunded, including any redemption premiums, in accordance with the refunding financial plan, shall be irrevocably committed and pledged to such purpose and the holders of the Bonds To Be Refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided for herein shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the County

irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Law, the Legislature hereby elects to call in and redeem all the Bonds To Be Refunded which are subject to prior redemption according to their terms on each applicable Redemption Date. The sum to be paid therefor on each applicable Redemption Date shall be the par value thereof, the accrued interest to each applicable Redemption Date and the redemption premiums. The Escrow Holder is hereby authorized and directed to cause notices of such calls for redemption to be given in the name of the County by mailing such notice to the registered holder at least thirty and not more than sixty days prior to such applicable Redemption Date. Upon the issuance of the Refunding Bonds, the election to call in and redeem the Bonds To Be Refunded subject to prior redemption and the direction to the Escrow Holder to cause notices thereof to be given as provided in this Section shall become irrevocable and the provisions of this Section shall constitute a covenant with the holders, from time to time, of the Refunding Bonds, provided that this Section may be amended from time to time as may be necessary to comply with the publication requirements of paragraph a of Section 53.00 of the Law, as the same may be amended from time to time.

This resolution shall take effect immediately upon approval of the County Executive.

*** SEE ATTACHED REFUNDING FINANCIAL PLAN.

FROM THE COUNTY EXECUTIVE

Item 58 – (COMM. 7E-13) 2009 Year-End Designations

Item 59 – (COMM. 7E-14) 2009 Year-End Reserve Fund for Payment of Bonded Indebtedness

Item 60 – (COMM. 7E-15) 2009 Year-End Tax Stabilization Reserve Fund

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

Item 61 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 84

RE: Declaration of Need
(COMM. 7E-16)

RESOLVED, the Erie County Legislature hereby approves the following Declaration of Need:

**FORM OF COUNTY OF ERIE
DECLARATION OF NEED**

I, Chris Collins, County Executive of the County of Erie (the "County"), a municipal corporation of the State of New York, acting pursuant to Title 3 of Article 10-D of the New York Public Authorities Law (the "Act"), and further pursuant to the Financing Agreement dated as of May 1, 2009, as amended, between the Erie County Fiscal Stability Authority, a public benefit corporation of the State of New York (the "Authority") and the County (the "Agreement) HEREBY DETERMINE AND CERTIFY as follows:

1. A need for financing assistance, as described in Section 3961(1) of the Act, is hereby determined and declared to exist. The amounts of the Financeable Costs hereby requested to be refinanced are set forth on Appendix I hereto, which Appendix I is incorporated herein as an integral part of this Declaration of Need.

2. The County represents and affirms that the foregoing refinancing of Financeable Costs by the Authority is authorized by the Act and is consistent with the current adopted County budget and that such Financeable Costs could be refinanced by the County by the issuance of its bonds or notes as of the date of this Declaration of Need, there being in effect with respect to each capital project constituting such a Financeable Cost (i) findings or other proceedings meeting the requirements of the State Environmental Quality Review Act and (ii) all proceedings necessary under the County Charter and all other applicable State law necessary to authorize the appropriation and expenditure of County funds for such purposes.

3. The County reaffirms the provisions of the Agreement, including but not limited to each of the covenants, agreements and indemnities therein and agrees herein to provide prompt notice of any fact or circumstances which would with the passage of time or otherwise give rise to any violation or contravention of the terms of this Declaration of Need, the Agreement or any refunding financial plan submitted to or approved by the Authority.

4. Pursuant to the Act, the refinancing plan reflected in this Declaration of Need and the Agreement, the Authority is hereby requested to refinance, in whole or in part, the Financeable Costs set forth in Appendix I hereto, including the County capital projects identified therein or as may be designated in the County's capital budget, if any, as in effect from time to time. In no event shall the amount of such refinancing in any fiscal year exceed the amount of the Declaration of Need for such year, as it may be amended from time to time by an amended Declaration of Need.

5. The County understands and agrees to provide the Authority with any supporting data, descriptions or materials which the Authority requests in connection with any Financeable Costs referred to in this Declaration of Need.

All terms in this Declaration of Need not otherwise defined herein shall have the meanings set forth in the Agreement.

*** SEE ATTACHED REFUNDING FINANCIAL PLAN.

Item 62 – (COMM. 7E-17) Department of Emergency Services - Acceptance of FY09 Citizen Corps Grant Program

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 63 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 85

RE: ECC City Campus - HVAC Equipment,
Controls, Lighting & Plumbing
Renovations
(COMM. 7E-18)

WHEREAS, your honorable body has previously authorized the County Executive to enter into a General Architectural/Engineering Services Agreement with Buffalo Engineering, P.C. for providing professional design services on Erie County projects; and

WHEREAS, New York State has approved all of the above projects and will reimburse the County for 50% of the total costs; and

WHEREAS, Buffalo Engineering, P.C. has the necessary expertise and manpower to provide professional design services for renovations to HVAC Equipment, Controls, Lighting and Plumbing for the Erie Community College Old Post Office Building and Burt Flickinger Athletic Center.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to execute a Contract Amendment with the firm of Buffalo Engineering, P.C. for providing Professional Architectural/Engineering Services for replacing the HVAC Equipment, Controls, Lighting and Plumbing systems for the Erie Community College Old Post Office Building and Burt Flickinger Athletic Center for an amount not to exceed \$195,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project E.20904 – ECC Energy Performance Contract/City Campus for an amount not to exceed \$195,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, Erie Community College – Chief Financial Officer, and the Office of the Comptroller.

Item 64 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 86

RE: ECC - City Campus - Masonary, Roof &
Exterior Restoration
(COMM. 7E-19)

WHEREAS, your honorable body has approved funding in the 2006, 2007, 2008, 2009 and 2010 adopted, as amended, capital budgets for exterior restoration work, including but not limited to roofing, masonry, brick, trim and iron work at the Erie Community College – City campus main building (old Post Office); and

WHEREAS, New York State has approved all of the above projects and will reimburse the County for 50% of the total costs; and

WHEREAS, your honorable body has previously approved Phase 1 of the ECC Exterior Masonry Restoration Work and General Architectural/Engineering Agreements for Professional Services with the firm of Flynn Battaglia Architects, PC via Communication 10E-17 (2009).

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an Agreement Amendment for Professional Architectural/Engineering Services for the bidding and construction administration phases of the project with the firm of Flynn Battaglia Architects, PC for an amount not to exceed \$150,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payments for all the above from SAP accounts E.20902 – 2009 – Exterior Building Renovations ECC for a total amount not to exceed \$150,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, Erie Community College – Chief Financial Officer, and the Office of the Comptroller.

Item 65 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 87

RE: Buffalo & EC Botanical Gardens - New
Growing House - Contract Amendments
(COMM. 7E-20)

WHEREAS, the Erie County Division of Real Estate and Asset management received bids for the Botanical Gardens – New Growing House work on July 2, 2009 and your honorable body has

previously authorized the County Executive to enter contracts with the lowest responsible bidders;
and

WHEREAS, due to funding limitations at the time the construction contracts were awarded, alternate bids were taken to construct greenhouse space in 2010 when funding becomes available;
and

WHEREAS, the New Growing House design program requires sufficient greenhouse space to be constructed prior to the demolition of the old growing house and associated greenhouse buildings; and

WHEREAS, additional design work is needed to design a new sewer system that was exposed during evacuation for the new building foundations and design of the greenhouses; and

WHEREAS, your honorable body has previously authorized a Professional Services Agreement with the A/E firm of Foit-Albert Associates for providing professional design services on this project.

NOW, THEREFORE, BE IT

RESOLVED, that the construction contingency account be increased by \$925,000.00 to fund the Contract Amendments for the required greenhouse space and miscellaneous construction changes; and be it further

RESOLVED, that the County Executive be authorized to issue an Agreement Amendment to the A/E firm of Foit-Albert Associates for the design work for an amount not to exceed \$75,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project account – 2010 – Botanical Gardens Master Plan Reconstruction for an amount not to exceed \$1,000,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 66 – (COMM. 7E-21) Copy of Six Sigma Status Report

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 67 – (COMM. 7E-22) Highway Fuel Tank Spill Prevention Control & Countermeasure (SPCC) Plans, Phase II - Wendel Duchscherer

Item 68 – (COMM. 7E-23) Application to NYS Affordable Housing Corporation (AHC) - Housing Rehabilitation - City of Lackawanna & Town of Evans

Item 69 – (COMM. 7E-24) NYSDOT Federal Aid Bridge Painting Project; Five (5) Bridges, Various Towns, EC

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

Item 70 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. GRANT seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 88

RE: Authorization to Allow the EC Department of Mental Health to Establish a 2010 Contract Agency Appropriation & Contract Agency Account for Hope of Buffalo, Inc., in the Amount of \$70,000 (COMM. 7E-25)

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health and chemical dependency services for the residents of Erie County; and

WHEREAS, the Erie County Department of Mental Health has been awarded an additional \$70,000 by the New York State Division of Criminal Justice Services (NYS DCJS) as part of its renewal grant to provide re-entry services to individuals re-entering the local community following incarceration; and

WHEREAS, the New York State Division of Criminal Justice Services has identified Hope of Buffalo, Inc., as the recipient of this award to develop a housing/case management program for individuals re-entering Erie County after incarceration who are affected by homelessness, chemical dependency issues, and lack of social skills; and

WHEREAS, no County funds will be necessary for Erie County to accept these State Aid dollars to serve individuals returning to Erie County following incarceration.

NOW, THEREFORE, BE IT

RESOLVED, that the following 2010 appropriation, contract and GL accounts hereby be established by the Division of Budget, Management and Finance in the Operating Fund accounts of the Erie County Department of Mental for the period January 1, 2010 through December 31, 2010:

(GL 517655) Hope of Buffalo, Inc. \$70,000

The source of these funds being (GL 406830) NYS Office of Mental Health and NYS Division of Criminal Justice State Aid dollars in the amount of \$70,000; and be it further

RESOLVED, that the County Executive and the Erie County Department of Budget, Management and Finance be authorized to amend and increase the 2010 appropriation, revenue

source and contract account for the period January 1, 2010 through December 31, 2010, with Hope of Buffalo, Inc., by an amount not to exceed \$70,000; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance.

Item 71 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 89

RE: ECMCC - 2010 - Demolition of Certain Existing Buildings (COMM. 7E-26)

WHEREAS, the County of Erie and the Erie County Medical Center Corporation (ECMCC) have entered into a Sale, Purchase and Operating Agreement (SPOA) effective January 1, 2004 providing for the Corporation's purchase of several buildings and improvements owned by the County and for financial independence and other considerations; and

WHEREAS, pursuant to the SPOA, the two Parties were unable to resolve certain issues that had given rise to litigation between the Parties; and

WHEREAS, on February 24, 2006 the Parties entered into a Consent Decree as ordered by Honorable Joseph Makowski, JSC to resolve the Parties disputes; and

WHEREAS, several meetings have taken place between the Parties and the New York State Supreme Court to negotiate a settlement and Honorable John M. Curran, JSC issued a "So Ordered" Settlement Agreement on December 30, 2009 outlining the agreed upon settlement between the Parties; and

WHEREAS, the Settlement Agreement requires that a number of transactions take place; and

WHEREAS, it is the County's obligation to demolish several of the old buildings on the ECMCC campus (462 Grider Street) as more fully described in the Settlement Agreement as buildings 5A, 5B, 5D, 5E, 8, 10, 12 and 15; and

WHEREAS, the Settlement Agreement has an ambitious schedule requiring the above mentioned buildings to be completely demolished and the ground restored to a "shovel ready condition" by November 30, 2010; and

WHEREAS, EI Team, Inc. has a General Architectural/Engineering Professional Services Agreement previously authorized by this honorable body on July 17, 2008; and

WHEREAS, the County finds that the firm of EI Team, Inc. has the necessary expertise and manpower to complete the project by November 30, 2010.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into an agreement with the firm of EI Team, Inc. for providing Professional Architectural/Engineering Services for preparing the demolition construction documents for an amount not to exceed \$115,000.00; and be it further

RESOLVED, the Comptroller's Office be authorized to make payment for all the above from SAP project – 2010 – Demolition of ECMCC Buildings for an amount not to exceed \$115,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 72 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KENNEDY seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 90

RE: Fire Training Academy - Phase 3 - New Storage / Training Building & Concrete Cover Over Retention Basin (COMM. 7E-27)

WHEREAS, your honorable body has previously agreed to fund a \$5,000,000.00 Capital Improvements program to upgrade the fire training facilities located at the Fire Training Academies throughout Erie County; and

WHEREAS, the approved 2007, 2008 and 2009 Capital budgets fund the \$5 million in Capital Improvements; and

WHEREAS, the Commissioner of Emergency Services has requested that we proceed with the design work for Phase 3 of the Capital Improvements; and

WHEREAS, the Division of Emergency Services is replacing the old County-wide radio system with a new state-of-the-art 400 MHz County-wide radio communications system that requires structural analysis of the existing communication towers due to additional antennas and communication dishes being added; and

WHEREAS, DiDonato Associates has previously performed the structural analysis of the towers and now additional analysis is required for the added antennas and communication dishes; and

WHEREAS, your honorable body previously authorized the County Executive to enter into a General Architectural/Engineering Agreement with DiDonato Associates for providing Professional Design Services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue an Agreement Amendment to DiDonato Associates General Architectural/Engineering Agreement for an amount not to exceed \$104,850.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project A.20908 – 2009 Renovations to Training Center Complex for an amount not to exceed \$98,000.00 and A.00324 – 2008 – Emergency Services Communication System (400 MHz) for an amount not to exceed \$6,850.00; and be it further

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

Item 73 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 91

RE: Ralph Wilson Stadium - 2010 - Site
Work Improvements
(COMM. 7E-28)

WHEREAS, the County is required pursuant to the Lease Agreement between the Buffalo Bills and Erie County to provide capital improvements to Ralph Wilson Stadium on an annual basis; and

WHEREAS, the Erie County Division of Real Estate and Asset Management received bids for the Ralph Wilson Stadium – 2010 Site Work Improvements on February 25, 2010; and

WHEREAS, the Erie County Division of Real Estate and Asset Management is recommending award of contract to the lowest responsible bidder.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to enter into a contract with the lowest responsible bidder for the Ralph Wilson Stadium – 2010 – Site Work Improvements with Occhino Corporation for an amount not to exceed \$512,949.00; and be it further

RESOLVED, that the sum of \$75,000.00 be allocated to a construction contingency fund with authorization for the County Executive to approve change orders in an amount not to exceed the contingency; and be it further

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

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project accounts A.21002 – 2010 – Rehabilitation of Ralph Wilson Stadium for an amount not to exceed \$587,949.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Division of Real Estate and Asset Management, and one copy each to the Office of the County Executive, the Division of Budget and Management, and the Office of the Comptroller.

Item 74 – (COMM. 7E-29) MJW Corporation, Inc. Contracts - Homeland Security

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 75 – (COMM. 7E-30) Medical Reserve Corps Grant - 1/22/10 - 7/31/10

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 76 – (COMM. 7E-31) Agreement - ECSD No. 8 - NYS Office of Parks, Recreation & Historic Preservation, Knox Farm State Park

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 77 – (COMM. 7E-32) Establish Omnibus Senior Employment Program Grant Budget

Item 78 – (COMM. 7E-33) Amend III-C-1 Grant Budget

Item 79 – (COMM. 7E-34) Amend Title III-B, III-D & III-E Grant Budgets

Item 80 – (COMM. 7E-35) Amend CSE & EISEP Grant Budgets

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

Item 81 – (COMM. 7E-36) EC Record Storage & Surplus Warehouse Currently Located on ECMCC Campus

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 82 – (COMM. 7E-37) Request for Proposals - South Buffalo (Hillview) Pumping Station Relocation Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 83 – (COMM. 7E-38) Acceptance of Donated Equipment

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 84 – (COMM. 7E-39) Grant Programs - Authorization to Contract - EC Budget Book
"B"

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 85 – (COMM. 7E-40) Water Quality Management Planning, 4/1/09 - 3/31/14

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 86 – (COMM. 7D-1) Transmittal of New Claims Against EC

Item 87 – (COMM. 7D-2) Transmittal of New Claims Against EC

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

FROM THE COMPTROLLER'S OFFICE

Item 88 – (COMM. 7D-3) EC Department of Public Works - Highway Division Audit of Road & Bridge Related Construction Contracts for the Period 1/1/2005 - 12/31/2008

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 89 – (COMM. 7D-4) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 90 – (COMM. 7D-5) Legislature General Matters (Public Safety Committee Request)

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE EC BOARD OF ELECTIONS

Item 91 – (COMM. 7D-6) Letter to Legislature Regarding Election Law, Section 3 - 420

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DIRECTOR OF REAL ESTATE

Item 92 – (COMM. 7D-7) Copy of Quarterly Update - Real Estate/Space Utilization Initiative - March 2010

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE BUFFALO SOCIETY OF NATURAL SCIENCES

Item 93 – (COMM. 7M-1) EC Legislature Budget Accountability Act - 2009 Close-Out Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM DORETHA FANNING

Item 94 – (COMM. 7M-2) Letter to Legislature Concerning Health Care Cuts & Sugar Tax

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM HON. JOHN M. CURRAN, J.S.C.

Item 95 – (COMM. 7M-3) Copy of Settlement Agreement Between ECMCC and EC

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM FRANK SWIATEK

Item 96 – (COMM. 7M-4) Letter Expressing Interest in Position of Commissioner of EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECMCC

Item 97 – (COMM. 7M-5) Copy of Annual Report

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE NFTA

Item 98 – (COMM. 7M-6) Copy of Revised Five Year Capital Plan for Fiscal Years Ending 3/31/2011 - 2015 & the Annual Operating Budget for Fiscal Year End 2011

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM PATRICK HOOKER

Item 99 – (COMM. 7M-7) Letter to Legislature Regarding Funds in the Sum of \$50,000 Awarded to Assist in its Agricultural & Farmland Protection Planning Program

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE EC BAR ASSN. - AID TO INDIGENT PRISONERS SOCIETY INC. -
ASSIGNED COUNSEL PROGRAM

Item 100 – (COMM. 7M-8) Quarterly Report for the 1st Quarter of 2010

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYSDEC

Item 101 – (COMM. 7M-9) Fact Sheet - Brownfield Cleanup Program - Phase IA Business Park Site Available for Public Comment

Item 102 – (COMM. 7M-10) Fact Sheet - Brownfield Cleanup Program - Phase II Business Park Site in Lackawanna

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

FROM HALLWALLS, INC.

Item 103 – (COMM. 7M-11) 2010 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ESSEX COUNTY BOARD OF SUPERVISORS

Item 104 – (COMM. 7M-12) Copy of Resolution Calling on Governor Paterson to Enforce the Collection of Sales Tax on Tobacco Sold on Indian Land

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 105 – (COMM. 7M-13) Minutes of Meeting held 4/5/2010

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM ROBIN SCHIMMINGER

Item 106 – (COMM. 7M-14) Letter to Chair Miller-Williams Acknowledging the Receipt of a Certified Resolution

Received and Filed.

FROM JOHN ELMORE

Item 107 – (COMM. 7M-15) Letter Expressing Interest in Position of Commissioner of EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM DAVID BUXTON

Item 108 – (COMM. 7M-16) Letter Expressing Interest in Position of Commissioner of EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM JOHN O'DONNELL

Item 109 – (COMM. 7M-17) Letter Expressing Interest in Position of Commissioner of EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM HORMOZ MANSOURI

Item 110 – (COMM. 7M-18) Letter Expressing Interest in Position of Commissioner of EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE NYS PUBLIC SERVICE COMMISSION

Item 111 – (COMM. 7M-19) Notice of Public Hearings Concerning Electric & Gas Rates

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM HILLARY CLARKE

Item 112 – (COMM. 7M-20) Letter of Appreciation to Legislator Whyte for Showing Support of Calorie Posting in EC

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM JOANNE HORTMAN

Item 113 – (COMM. 7M-21) Letter Expressing Interest in Position of Commissioner of EC Water Authority

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 114 – MS. GRANT announced that she will be conducting an Informational Community Meeting concerning the referendum to downsize the Erie County Legislature, to be held on Thursday, April 29, 2010 from 6:00 to 8:00 P.M. at the Frank E. Merriweather Library (1324 Jefferson Ave., Buffalo, NY 14208).

Item 115 – MS. WHYTE announced that there will be a march for children in recognition of Child Abuse & Neglect Prevention Month, scheduled for Wednesday, April 28, 2010 at 11:30 A.M. at Lafayette Square.

Item 116 – CHAIR MILLER-WILLIAMS announced that the committee schedule for upcoming meetings has been distributed.

MEMORIAL RESOLUTIONS

Item 117 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Bernard L. Obletz, Stephen Vukelic, and Dr. Raymond S. Rosedale Jr.

Item 118 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of civil rights leader Dorothy Height.

Item 119 – Legislator Whyte requested that when the Legislature adjourns, it do so in recognition of Workers' Memorial Day, April 28, 2010.

Item 120 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of John C. Norton.

Item 121 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Marion E. (Gay) Francavilla.

Item 122 – Legislator Kozub requested that when the Legislature adjourns, it do so in memory of Theodore 'Ted' Katra.

ADJOURNMENT

Item 123 - At this time, there being no further business to transact, CHAIR MILLER-WILLIAMS announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, April 29, 2010 at 2:00 p.m. Eastern Standard Time. MR. WALTER seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLER-WILLIAMS declared the Legislature adjourned until Thursday, April 29, 2010 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE