

**ERIE COUNTY LEGISLATURE  
MEETING NO. 1  
JANUARY 5, 2012**

The Legislature was called to order by the Clerk of the Erie County Legislature.

The Roll being duly called by Mr. Robert M. Graber, Clerk of the Legislature, the following Legislators answered, to wit:

1 <sup>st</sup> District Timothy R. Hogues	2 <sup>nd</sup> District Betty Jean Grant
3 <sup>rd</sup> District Lynn M. Marinelli	4 <sup>th</sup> District Kevin R. Hardwick
5 <sup>th</sup> District Thomas A. Loughran	6 <sup>th</sup> District Edward A. Rath, III
7 <sup>th</sup> District Thomas J. Mazur	8 <sup>th</sup> District Terrence D. McCracken
9 <sup>th</sup> District Lynne M. Dixon	10 <sup>th</sup> District Joseph C. Lorigo
11 <sup>th</sup> District John J. Mills	

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

The Pledge of Allegiance was led by Mr. Mills.

Item 1 – MR. GRABER called for nominations and the election of Chair of the Legislature for 2012.

MR. HOGUES placed in nomination for Chair of the Legislature for 2012 BETTY JEAN GRANT. MR. LOUGHRAN, MS. MARINELLI, and MR. MAZUR seconded.

I, a duly elected Erie County Legislator for the term beginning January 1, 2012, do hereby support BETTY JEAN GRANT, for Chair of the Erie County Legislature:

Timothy R. Hogues 1 <sup>st</sup> District	Betty Jean Grant 2 <sup>nd</sup> District
Lynn M. Marinelli 3 <sup>rd</sup> District	Thomas A. Loughran 5 <sup>th</sup> District
Thomas J. Mazur 7 <sup>th</sup> District	Terrence D. McCracken 8 <sup>th</sup> District

MR. GRABER asked if there were any other nominations for the Office of Chair of the Erie County Legislature for 2012.

MS. MARINELLI moved to close nominations. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

MR. GRABER moved the question, and directed that a roll-call vote be taken.

VOTES for MS. GRANT: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, MS. GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCracken.

CARRIED UNANIMOUSLY.

MS. GRANT having received the required number of votes cast was declared duly elected CHAIR OF THE ERIE COUNTY LEGISLATURE for the year 2012.

Item 2 – CHAIR GRANT called for nominations and the election of Clerk of the Erie County Legislature for 2012.

MS. MARINELLI placed in nomination for Clerk of the Legislature for 2012 ROBERT M. GRABER. MR. MAZUR seconded.

I, a duly elected Erie County Legislator for the term beginning January 1, 2012, do hereby support ROBERT M. GRABER, for Clerk of the Erie County Legislature:

Timothy R. Hogues  
1<sup>st</sup> District

Betty Jean Grant  
2<sup>nd</sup> District

Lynn M. Marinelli  
3<sup>rd</sup> District

Thomas A. Loughran  
5<sup>th</sup> District

Thomas J. Mazur  
7<sup>th</sup> District

Terrence D. McCracken  
8<sup>th</sup> District

We, the undersigned, representing a majority of the members of the Minority Caucus in the Erie County Legislature, do hereby nominate ROBERT M. GRABER as Clerk of the Erie County Legislature for 2012.

Kevin R. Hardwick  
4<sup>th</sup> District

Edward A. Rath, III  
6<sup>th</sup> District

Lynne M. Dixon  
9<sup>th</sup> District

Joseph C. Lorigo  
10<sup>th</sup> District

John J. Mills

11<sup>th</sup> District

MS. MARINELLI moved to close nominations. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT moved the question.

CARRIED UNANIMOUSLY.

MR. GRABER, having received the required number of votes cast was declared duly elected CLERK OF THE ERIE COUNTY LEGISLATURE for the year 2012.

Item 3 – CHAIR GRANT called for the designation of Majority Leader of the Erie County Legislature for the year 2012.

MS. MARINELLI presented a petition designating THOMAS J. MAZUR as Majority Leader of the Erie County Legislature for 2012.

CHAIR GRANT directed that the petition be Received, Filed and Printed.

GRANTED.

I, a duly elected Erie County Legislator for the term beginning January 1, 2012, do hereby support THOMAS J. MAZUR, for Majority Leader of the Erie County Legislature:

Timothy R. Hogues  
1<sup>st</sup> District

Betty Jean Grant  
2<sup>nd</sup> District

Lynn M. Marinelli  
3<sup>rd</sup> District

Thomas A. Loughran  
5<sup>th</sup> District

Thomas J. Mazur  
7<sup>th</sup> District

Terrence D. McCracken  
8<sup>th</sup> District

Item 4 – CHAIR GRANT called for the designation of Minority Leader of the Erie County Legislature for the year 2012.

MR. RATH presented a petition designating JOHN J. MILLS as Minority Leader of the Erie County Legislature for 2012.

CHAIR GRANT directed that the petition be Received, Filed and Printed.

GRANTED.

We, the undersigned, pursuant to the Rules of the Erie County Legislature, do hereby designate JOHN J. MILLS as Minority Leader of the Erie Legislature.

John J. Mills  
11<sup>th</sup> District

Edward A. Rath III  
6<sup>th</sup> District

Lynne M. Dixon  
9<sup>th</sup> District

Kevin R. Hardwick  
4<sup>th</sup> District

Joseph C. Lorigo  
10<sup>th</sup> District

Item 5 – CHAIR GRANT directed that the Rules of the Legislature for 2012 be tabled.

GRANTED.

Item 6 – CHAIR GRANT directed that the Designation of Newspapers be Received, Filed and Printed.

GRANTED.

We, the undersigned, a Majority Caucus of the Erie County Legislature, do hereby designate the Front Page Newspaper, published in Lackawanna, New York, having general circulation in the County of Erie, as the official newspaper for the publication of local laws, notices and other matters required by law to be published for the County of Erie, effective January 1, 2012.

Timothy R. Hogues  
1<sup>st</sup> District

Betty Jean Grant  
2<sup>nd</sup> District

Lynn M. Marinelli  
3<sup>rd</sup> District

Thomas A. Loughran  
5<sup>th</sup> District

Thomas J. Mazur  
7<sup>th</sup> District

Terrence D. McCracken  
8<sup>th</sup> District

We, the undersigned, a Majority Caucus of the Erie County Legislature, do hereby designate the Buffalo Challenger Newspaper, published in Buffalo, New York, having general circulation in the County of Erie, for the publication of all Concurrent Resolutions of the New York State Legislature, required by law to be published for the year 2012, effective January 1, 2012.

Timothy R. Hogues  
1<sup>st</sup> District

Betty Jean Grant  
2<sup>nd</sup> District

Lynn M. Marinelli  
3<sup>rd</sup> District

Thomas A. Loughran  
5<sup>th</sup> District

Thomas J. Mazur  
7<sup>th</sup> District

Terrence D. McCracken  
8<sup>th</sup> District

We, the undersigned, a Majority of the Minority Caucus of the Erie County Legislature do hereby designate the Amherst Bee, published in Amherst, New York, having general circulation in

the County of Erie, as the official newspaper for the publication of local laws, notices and other matters required by law to be published for the County of Erie, effective January 1, 2012.

Kevin R. Hardwick  
4<sup>th</sup> District

Edward A. Rath, III  
6<sup>th</sup> District

Lynne M. Dixon  
9<sup>th</sup> District

Joseph C. Lorigo  
10<sup>th</sup> District

John J. Mills  
11<sup>th</sup> District

We, the undersigned, a Majority of the Minority Caucus of the Erie County Legislature do hereby designate the Orchard Park Bee, published in Amherst, New York, having general circulation in the County of Erie, as the official newspaper effective January 1, 2012 for the publication of concurrent resolutions.

Kevin R. Hardwick  
4<sup>th</sup> District

Edward A. Rath, III  
6<sup>th</sup> District

Lynne M. Dixon  
9<sup>th</sup> District

Joseph C. Lorigo  
10<sup>th</sup> District

John J. Mills  
11<sup>th</sup> District

Item 7 – No tabled items.

Item 8 – No items for reconsideration from previous meeting.

Item 9 – MR. MAZUR moved for the approval of minutes for Meetings Number 25, 26, and 27 of 2011. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 10 – No Public Hearings.

### **MISCELLANEOUS RESOLUTIONS**

Item 11 – MR. MAZUR presented a resolution Recognizing Damian D'Arcy, Orchard Park High School Student & EC American Legion Oratorical Contest Winner.

Item 12 – MS. MARINELLI presented a resolution Honoring & Congratulating Kathy Gellart Upon the Occasion of Her Retirement from ECMC.

Item 13 – MS. MILLER-WILLIAMS presented a memorial resolution Honoring the Life & Service of Buffalo Police Officer Anthony L. Douglas.

Item 14 – MR. MILLS presented a resolution Congratulating the Collins Center Fire Company on its Celebration of 120 Years of Service from 1892-2012.

Item 15 – MR. HARDWICK presented a memorial resolution Honoring the Lives of Victoria R. Strehlow, Elizabeth B. Sheuer, John S. Kadlubowski, Paricia Marino, Robert D. Papaj, Alexander Houenstein, Sherry Y. Luxenburg, Thomas A. Baillie, James H. LeBlanc, Henrietta Hunt, Franklin B. Pinzel, William W. Click, Eleanor Aylor, Martha Burngasser, Ruth Luther, Jeanne I. Snowman & Jay Robert Martin.

Item 16 – MR. HARDWICK presented a resolution Honoring Jason LaMonaco on Being Named 2011 Professional Manager of the Year-Administrative Management Award, by the NY Chapter, Western Branch of the American Public Works Association.

Item 17 – MR. HARDWICK presented a resolution Honoring the 85th Birthday of John Long.

Item 18 – CHAIR GRANT presented a memorial resolution Honoring the Life of Buffalo Police Officer, Anthony L. Douglas Sr.

MR. MAZUR moved to consider the above eight items. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above eight items by adding one for MS. MARINELLI, and by including Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to approve the above nine items as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 19 – CHAIR GRANT directed that Local Law No. 7 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 20 – CHAIR GRANT directed that Local Law No. 8 (Print #1) 2011 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 21 – CHAIR GRANT directed that Local Law No. 10 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 22 – CHAIR GRANT directed that Local Law No. 11 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

None.

**LEGISLATOR RESOLUTIONS**

Item 23 – CHAIR GRANT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 1-1 from KOZUB. Asking the State to Pass Legislation Restricting Employment of Sex Offenders.

Item 24 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 1

RE: Recertification of Agricultural  
District No. 14 - Clarence Newstead  
(INTRO 1-2)

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

WHEREAS, Agricultural District #14 – Clarence Newstead (the “district”) was initially created on April 9, 1980 pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303; and

WHEREAS, Agricultural District #14 – Clarence Newstead has been recertified every eight years thereafter pursuant to Agriculture and Markets Law Section 303-a(1); and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-a(2) the Erie County Legislature gave the required public notice, direct the Erie County Agricultural and Farmland Protection Board to prepare report on the district and set a public hearing for December 5, 2011; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(a) the Erie County Legislature published a public notice and hearing notice in a newspaper having a general circulation within the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(c) on December 5, 2011 at 7:00 pm a public hearing was held at the Cornell Cooperative Extension Offices in East Aurora, New York to consider recertification of the district; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-a(2)(b) the Erie County Agricultural and Farmland Protection Board reviewed the district, prepared a report to the Erie County Legislature and voted unanimously on December 5, 2011 to recommended that the district be continued without modification; and

WHEREAS, the district has been reviewed in accordance with the New York State Environmental Quality Review Act of 1975 and adopted review procedures and the criteria set forth in Part 617; and

WHEREAS, it has been determined that the continuation of the district will not have a significant effect on the environment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature finds that Agricultural District #14 – Clarence Newstead should be continued without modification as recommended by the Erie County Agricultural and Farmland Protection Board; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services and the Clarence and Newstead Town Supervisors; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board district review plan to the Commissioner of New York State Department of Agriculture and Markets for certification.

MR. MAZUR moved to amend the resolution by including Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to approve the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.



SUSPENSION OF THE RULES

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

GRANTED.

COMM. 1E-37 from the COUNTY EXECUTIVE Re: Executive Orders Signed by County Executive Poloncarz

Received & Filed.

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

GRANTED.

COMM. 1M-2 from the NIAGARA COUNTY LEGISLATURE Re: Letter to Legislator Marinelli Including Resolution Concerning Support for NYS Financial Assistance for the NFTA

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 1E-38 from CHAIR GRANT Re: Committee Assignments for 2012

Received, Filed and Printed.

2012 Committee Assignments

Finance & Management

Chair: Timothy R. Hogue  
Vice-Chair: Lynn M. Marinelli  
Members: Thomas A. Loughran  
John J. Mills  
Kevin R. Hardwick  
Clerk: Diana K. Cihak

Health, Human Services

Chair: Thomas J. Mazur  
Vice-Chair: Timothy R. Hogue  
Members: Lynn M. Marinelli  
John J. Mills  
Lynne M. Dixon  
Clerk: Paul P. Henderson

Government Affairs

Chair: Thomas J. Mazur  
Vice-Chair: Thomas A. Loughran  
Members: Terrence D. McCracken  
Edward A. Rath, III

Economic Development

Chair: Thomas A. Loughran  
Vice-Chair: Timothy R. Hogue  
Members: Lynn M. Marinelli  
Edward A. Rath, III

Clerk: Kevin R. Hardwick  
Andrew A. Kulyk

Clerk: Joseph C. Lorigo  
James C. Gambino

Energy & Environment

Public Safety

Chair: Terrence D. McCracken  
Vice-Chair: Timothy R. Hogues  
Members: Thomas J. Mazur  
John J. Mills  
Joseph C. Lorigo  
Clerk: James J. Cerroni

Chair: Timothy R. Hogues  
Vice-Chair: Thomas A. Loughran  
Members: Terrence D. McCracken  
Edward A. Rath, III  
Lynne M. Dixon  
Clerk: Sandra Rosenswie

Community Enrichment

Chair: Lynn M. Marinelli  
Vice-Chair: Thomas A. Loughran  
Members: Thomas J. Mazur  
Kevin R. Hardwick  
Joseph C. Lorigo  
Clerk: James J. Cerroni

**COMMUNICATIONS FROM ELECTED OFFICIALS**

FROM THE COMPTROLLER

Item 28 – (COMM. 1E-1) Letter to Secretary of U.S. Department of Transportation Concerning Buffalo's Main Street Multi-Modal Access & Revitalization Project

Item 29 – (COMM. 1E-2) Comptroller's Review of Overtime Costs in the Department of Public Works

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

FROM LEGISLATOR MILLER-WILLIAMS

Item 30 – (COMM. 1E-3) 2012 Budget Accountability Act Notification

Item 31 – (COMM. 1E-4) Letter to Buffalo Niagara Convention & Visitors Bureau/ Buffalo Convention Center Concerning 2012 Budget Accountability Act

The above two items were Received and Filed.

\*\*\*\*\*CHAIR GRANT directed that the Legislature enter into recess at 3:09 P.M.

\*\*\*\*\*CHAIR GRANT reconvened the Legislature at 3:52 P.M.

All members present.

FROM THE COMPTROLLER

Item 32 – (COMM. 1E-5) Judgment Bond Resolution for Morales v. County of Erie

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 33 – (COMM. 1E-6) Resignation of the Office of EC Comptroller

Received, Filed and Printed.

December 16, 2011

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

Re: Resignation of the Office of Erie County Comptroller

Dear Honorable Members:

Pursuant to my election as Erie County's next executive, please be advised that I hereby resign the office of Erie County Comptroller effective December 31, 2011 at 11:59 pm. Deputy Comptroller Lorne Steinhart will thereafter become acting county comptroller until such time as your Honorable Body appoints an interim comptroller pursuant to Erie County Charter § 2704.

It has been my pleasure to serve the people of Erie County as their comptroller for the past six years, and I look forward to continuing to work on their behalf as Erie County Executive.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Comptroller

MCP/nr

Cc: Erie County Fiscal Stability Authority  
Deputy Comptroller Lorne Steinhart

Item 34 – (COMM. 1E-7) Copy of External Auditor's (Deloitte & Touche LLP)  
Management Letter for EC, for the Year Ended 12/31/2010

Item 35 – (COMM. 1E-8) General Obligation Bond Rating Upgrade from Standard & Poor's

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

FROM LEGISLATOR MARINELLI

Item 36 – (COMM. 1E-9) Letter of Congratulations to Dr. Gale R. Burstein on Being Appointed to the Position of EC Health Commissioner

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 37 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 2

RE: 2012 Budget Personnel  
Adjustments  
(COMM. 1E-10)

RESOLVED, that the title Management Consultant County Executive (position 51003511) in the Division of Budget and Management is hereby authorized to be filled at a variable minimum step 5; and be it further

RESOLVED, that the position of Senior Budget Consultant in the Division of Budget and Management is hereby authorized to be filled at a variable minimum step 5; and be it further

RESOLVED, that the title Executive Assistant-County Executive in the Division of Information and Support Services is hereby reallocated to a job group 13 and re-titled as Junior Administrative Consultant-County Executive; and be it further

RESOLVED, that the position of Special Assistant to the Commissioner of Health is hereby deleted effective 15 days from the passage of this resolution and the position of Secretary to the Commissioner of Health (JG 10) is created; and be it further

RESOLVED, that the titles of Chief Information Officer and Commissioner of Health are hereby reallocated to job group 24 on the 2001 managerial-confidential pay scale upon the departure of the current incumbents; and be it further

RESOLVED, that following said departure of the current incumbent, the position of Commissioner of Health is authorized to be filled at a variable minimum step 2; and be it further

RESOLVED, that the position of County Attorney is hereby allocated to job group 22 on the 2001 managerial-confidential pay scale and the position is authorized to be filled at a variable minimum step 3; and be it further

RESOLVED, that the Director of Budget and Management is authorized to be filled at a variable minimum step E; and be it further

RESOLVED, that the Commissioner of Central Police Services is authorized to be filled at a variable minimum step 3; and be it further

RESOLVED, that the Commissioner of Labor Relations is authorized to be filled at a variable minimum step 4; and be it further

RESOLVED, that the Deputy Director of Labor Relations is authorized to be filled at a variable minimum step 2; and be it further

RESOLVED, that the Commissioner of Public Works is authorized to be filled at a variable minimum step 5; and be it further

RESOLVED, that the Deputy Commissioner of Environmental Control is authorized to be filled at a variable minimum step B; and be it further

RESOLVED, that the Director of Legal Affairs in the Department of Social Services is authorized to be filled at a variable minimum step 2; and be it further

RESOLVED, that the Commissioner of Emergency Services is authorized to be filled at a variable minimum step A; and be it further

RESOLVED, that the Deputy Director of Probation is authorized to be filled at a variable minimum step B; and be it further

RESOLVED, that the Director of Central Data Processing is authorized to be filled at a variable minimum step 3; and be it further

RESOLVED, that the Deputy Commissioner of Emergency Medical Services is authorized to be filled at a variable minimum step 5; and be it further

RESOLVED, that one Assistant County Attorney at Job Group 16 is deleted and one Job Group 17 Assistant County Attorney position is hereby created and authorized to be filled at step 4; and be it further

RESOLVED, that the position of Executive Administrative Secretary in the Department of Law is hereby downgraded from a job group 13 to a Job Group 10 and is authorized to be filled at a variable minimum step B; and be it further

RESOLVED, that two civil service Legal Secretary positions at Job Group 6 are hereby created within the Department of Law; and be it further

RESOLVED, that the titles of Junior Administrative Consultant in the County Executive's Office are hereby reclassified to Secretarial Assistant – County Executive at Job Group 9; and be it further

RESOLVED, that three positions of Junior Administrative Consultant – County Executive are created within the Executive’s Office at Job Group 13; and be it further

RESOLVED, that the position Junior Secretary - County Executive is hereby created in the County Executive’s Office at Job Group 3 and is authorized to be filled at variable minimum step 3; and be it further

RESOLVED, that one civil service position of Application Systems Specialist is created in the Division of Information and Support Services; and be it further

RESOLVED, that the positions of Senior Executive Assistant in the County Executive’s Office is authorized to be filled at a variable minimum step 3; and be it further

RESOLVED, that the position Director of Real Estate (position 51009920) in the Department of Public Works is hereby deleted and said funds are transferred to the County Executive’s Office to effectuate the above staffing changes; and be it further

RESOLVED, that the position Senior Executive Assistant CE (position 51005725) in the Division of Information and Support Services is hereby deleted and said funds are to be transferred to the County Executive’s Office to effectuate the above staffing changes; and be it further

RESOLVED, that the following staff additions are authorized in the 2012 Adopted Budget in the Division of the Sheriff to provide security services in the Rath Building associated with the Department of Social Services:

- (2) Deputy Sheriff Criminal (B-100 6728)

and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2012 Adopted Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE/ (DECREASE)</u>
911500	ID Sheriff Division Services	\$204,334
	Total Expenditure	<u>204,334</u>
411540	Federal Aid - Soc Services Administration	\$129,343
407540	State Aid – Soc Services Administration	<u>74,991</u>
	Total Revenue	<u>204,334</u>

Division of the Sheriff, Department 11510, Fund 110

500000	Full Time Salaries	\$110,016
500340	Line Up Pay	7,903

500320	Uniform Allowance	2,250
502000	Fringe	75,832
530000	Other Expenses	8,333
911500	ID Sheriff Division Services	<u>(204,334)</u>
	Total Expenditure	<u><u>-0-</u></u>

and be it further

RESOLVED, that all changes herein are retroactive to January 1, 2012; and be it further

RESOLVED, that the Budget Director, Comptroller and Personnel Commissioner are hereby authorized to make the necessary budgetary adjustments to effectuate these changes; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Budget Director, Comptroller and Commissioner of Personnel.

Item 38 – (COMM. 1E-11) Appointment of Deputy County Executive

Received, Filed and Printed.

January 1, 2012

Honorable Members  
Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, NY 14202

Re: Appointment of Deputy County Executive

Dear Honorable Members:

Pursuant to Article 3 of the Erie County Charter, I hereby appoint Richard M. Tobe as Deputy County Executive.

Sincerely yours,

Mark C. Poloncarz  
Erie County Executive

MCP/

Item 39 – (COMM. 1E-12) Appointment to EC Commissioner of Environment & Planning

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 40 – (COMM. 1E-13) Appointment of EC Attorney

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 41 – (COMM. 1E-14) Designation of Authority - Section 304 of the EC Charter

Received, Filed and Printed.

January 1, 2012

Robert M. Graber, Clerk  
Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, NY 14202

Re: Designation of Authority – Section 304 of the Erie County Charter

Dear Mr. Graber:

Pursuant to Section 304 of the Erie County Charter, I hereby designate and appoint the following department heads to perform the duties of County Executive during my absence and the absence of Deputy County Executive Richard Tobe.

The order of succession of such individuals to act for me as County Executive in the absence of me and Mr. Tobe shall be as follows:

1. Maria Whyte, Commissioner of Environment and Planning
2. Michael Siragusa, County Attorney

This designation shall remain in effect until revoked or modified by me and shall be effective upon its filing with your Honorable Body.

Sincerely yours,

Mark C. Poloncarz  
Erie County Executive

MCP/

cc: Maria Whyte  
Michael Siragusa

Item 42 – (COMM. 1E-15) Acting Commissioner of Central Police Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 43 – (COMM. 1E-16) Appointment of EC Commissioner of Labor Relations

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 44 – (COMM. 1E-17) Appointment of EC Commissioner of Parks & Recreation



Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 45 – (COMM. 1E-18) Appointment of EC Commissioner of Emergency Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 46 – (COMM. 1E-19) Appointment of Acting EC Commissioner of Senior Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 47 – (COMM. 1E-20) Reappointment of EC Commissioner of Public Advocacy

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 48 – (COMM. 1E-21) Appointment of EC Director of Budget & Management

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 49 – (COMM. 1E-22) Appointment of EC Director of Purchase

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 50 – (COMM. 1E-23) Appointment of EC Commissioner of Public Works

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 51 – (COMM. 1E-24) Reappointment of Member of EC Board of Ethics

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 52 – (COMM. 1E-25) Appointment of Member of Board of Trustees - Central Police Services

Received, Filed and Printed.

January 1, 2012

Honorable Members  
Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, NY 14202

Re: Appointment of Member of Board of Trustees – Central Police Services

Dear Honorable Members:

Pursuant to Section 1503 of the Erie County Charter, I hereby appoint David Zack, Chief of the Cheektowaga Police Department as my representative on the Board of Trustees of the Department of Central Police Services.

Thank you in advance for your courtesies.

Sincerely yours,

Mark C. Poloncarz  
Erie County Executive

MCP/

Item 53 – (COMM. 1E-26) Reappointment of EC Deputy Commissioner of Youth Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 54 – (COMM. 1E-27) Reappointment of EC Deputy Commissioner of Sewerage Management

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 55 – (COMM. 1E-28) Reappointment of EC Commissioner of Probation

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 56 – (COMM. 1E-29) Appointment of EC Veterans Service Officer

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 57 – (COMM. 1E-30) Appointment of EC Director of Office for the Disabled

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 58 – (COMM. 1E-31) Appointment of EC Director of Equal Employment Opportunity

Item 59 – (COMM. 1E-32) Appointment of EC Director of Central Data Processing

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

Item 60 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 3

RE: Acquisition of New Vehicle with  
Wheelchair Capability for the

Department of Senior Services  
Going Places Transportation  
Program  
(COMM. 1E-33)

WHEREAS, the Department of Senior Services (Department) has applied for and been awarded, by the New York State Department of Transportation (NYSDOT), Federal Transit Administration Section 5310 Program funding for the purchase of a new vehicle with wheelchair capability for the Department's Going Places Transportation Program; and

WHEREAS, the vehicle will provide transportation to ten additional frail elderly clients daily and 2,500 additional annual one way passenger trips to medical, nutrition services, socialization and group recreational activities; and

WHEREAS, terms of the agreement with NYSDOT require the Department to provide a 20% (\$8,516) local match towards the vehicle purchase price, with NYSDOT using Federal funds for the remaining 80% (\$34,064) of the vehicle purchase price; and

WHEREAS the Department is required, on or before February 1, 2012, to deposit the 20% local share monies into a Bank of America bank account from which NYSDOT will take the monies to buy the vehicle from a New York State purchasing contract and subsequently deliver the vehicle to the Department in late spring 2012; and

WHEREAS, the Department proposes to use local revenues, collected from the Independent Health Association (IHA) for wrapping existing Going Places vans with IHA advertising, to fund the 20% local share; and

WHEREAS, 2012 IHA revenue for the wrapping of the vans is currently budgeted for in the Areawide Agency of Aging (163III-B2012) grant, account #466330, Other Local Match, in the amount of \$57,000; and

WHEREAS, for the year 2012, IHA has actually agreed to pay the Department \$60,800 for wrapping the vans, \$3,800 more than the current budget amount; and

WHEREAS, the Department proposes to use this additional \$3,800 of revenue to fund part of the 20% local share, with the remaining \$4,716 of local share to be obtained by reductions in various appropriation accounts, initially intended to be funded out of the IHA van wrapping revenues, in the Areawide Agency of Aging (163III-B2012) grant; and

WHEREAS, the Areawide Agency of Aging (163III-B2012) grant budget is in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to contract with the New York State Department of Transportation to obtain the vehicle and pay the required 20% local match (\$8,516); and be it further

RESOLVED that the County is authorized to enter into the NYSDOT Local Funding Depository Agreement and deposit the local share monies into a Bank of America bank account; and be it further

RESOLVED, that the budget for the AAA grant, 163III-B2012, be revised as follows:

APPROPRIATIONS		CURRENT BUDGET	CHANGES	AMENDED BUDGET
Account	Description			
510000	Local Mileage Reimbursement	\$2,000	-\$200	\$1,800
510100	Out of Area Travel	3,000	-516	2,484
510200	Training & Education	9,500	-4,000	5,500
561440	Motor Vehicles (Total van price)	\$0	<u>+42,580</u>	42,580
	TOTAL APPROPRIATIONS		37,864	
REVENUES				
466330	Other Local Match	57,000	-4,716	52,284
417030	Other Local Match (County van share 20%)	0	+8,516	8,516
414010	Federal Aid – Other (State van share 80%)	0	<u>+34,064</u>	34,064
	TOTAL REVENUES		<u>\$37,864</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, and the Departments of Law and Senior Services.

Item 61 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 4

RE: Authorization for Empire Zone  
Sales Tax Exemptions  
(COMM. 1E-34)

WHEREAS, the State of New York has established an Empire Zone Program to revitalize economic development by providing financial inducements for businesses and industry to locate within Empire Zones; and

WHEREAS, the proposed amendment to section twelve of the County Sales and Use Tax Resolution will provide for refunds or credits of local sales and compensating use taxes applicable to qualified empire zone enterprises (QEZES); and

WHEREAS, pursuant to New York Tax Law Section 1210(d), this resolution must be submitted to the New York State Commissioner of Taxation and Finance with waiver request prior to January 31st, 2012 for a March 1, 2012, effective date; and

WHEREAS, Erie County has provided the former QEZE exemptions on an annual basis for a number of years and wants to continue to provide the QEZE refund/credit provisions that superseded those expired exemptions; and

WHEREAS, Erie County wishes to continue to participate in the Empire Zone Program established by New York State.

NOW, THEREFORE, BE IT ENACTED by the Legislature of the County of Erie, as follows:

Section 1. Subdivision (d) of section twelve of the Erie County Sales and Use Tax Resolution being a resolution adopted by the Board of Supervisors of the County of Erie being Item 8 of Meeting Number 31, held July 27, 1965, Supervisors Proceedings, Page 666, as amended; is amended to read as follows:

(d) For the period beginning March 1, [2011] 2012, and ending February [29, 2012] 28, 2013, the provision for credit or refund described in subdivision (d) of Section 1119 of the New York Tax Law, relating to Qualified Empire Zones Enterprises, shall apply to the taxes imposed by this enactment.

Section 2. This resolution shall take effect March 1, 2012, and shall apply to sales made, services rendered and uses occurring during the period March 1, 2012, through February 28, 2013, in accordance with the applicable transitional provisions in sections 1106, 1216 and 1217 of the New York Tax Law.

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget and Management; Commissioner of Environment and Planning; Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

FROM THE COMPTROLLER

Item 62 – (COMM. 1E-35) Letter to Legislature Concerning Apportionment & Distribution of Net Collection from the 4.75% Sales & Compensating Use Tax for EC for the Months of September, October & November 2011, as Received from NYS

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 63 – (COMM. 1D-1) Copy of Budget Monitoring Report for Period Ending 10/31/2011

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY ATTORNEY**

Item 64 – (COMM. 1D-2) Notice of Public Hearing: Local Law Intro. No. 9-2011

Received and Filed.

Item 65 – (COMM. 1D-3) Transmittal of New Claims Against EC

Item 66 – (COMM. 1D-4) Transmittal of New Claims Against EC

Item 67 – (COMM. 1D-5) Transmittal of New Claims Against EC

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

**FROM THE COMPTROLLER'S OFFICE**

Item 68 – (COMM. 1D-6) Letter to County Executive Including Audit Report of the EC Tow Path Park Development Project for Period of 11/18/2002 - 12/31/2009

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM EC REAL PROPERTY TAX SERVICES**

Item 69 – (COMM. 1D-7) OPEN ITEM - Finance & Management Committee - Correction of Errors/NYS Real Property Tax Law

Received and referred to the FINANCE & MANAGEMENT COMMITTEE

**FROM THE CLERK OF LEGISLATURE**

Item 70 – (COMM. 1D-8) Copy of Agenda Items Received & Filed as of 12/31/2011

Received, Filed and Printed.

Erie County Legislature

In accordance with Section 5.05 of the Legislature's 2011 Rules of Order  
Agenda Items Received & Filed as of 12/31/11

Listed by Legislature Committee

<u>ITEM NUMBER</u>	<u>FROM</u>	<u>SUBJECT</u>
<u>Energy &amp; Environment Committee:</u>		
INTRO 16-1 (2010)	RATH	Opposing a Moratorium on Conducting Hydraulic Fracturing for the Extraction of Natural Gas
INTRO 19-3 (2010)	LOUGHRAN	Calling Upon the EC Comptroller to Conduct a Full Audit of the County Parks Department's Rental of Caretaker Housing at the Various County Parks
COMM. 19D-6 (2010)	DEPUTY COMMISSIONER OF ENVIRONMENT & PLANNING	OPEN ITEM/ PLACEHOLDER - Re-Occurring Bond Authorization
INTRO 20-1 (2010)	KOZUB & LOUGHRAN	Opposing the Use of Hydraulic Fracturing to Extract Natural Gas from the Marcellus Shale Formation in NYS

Finance & Management Committee:

COMM. 4E-9 (2010)	COUNTY COMPTROLLER	Bond Resolution - Demolition of 120 / 134 West Eagle Street for the EC Holding Center Jail Expansion Project
COMM. 8D-3 (2010)	EC REAL PROPERTY TAX SERVICES	OPEN ITEM – Finance & Management Committee – Correction of Errors/NYS Real Property Tax Law
INTRO 24-3 (2010)	MARINELLI & WHYTE	A Resolution to Discuss the Amendments to the 2011 EC Budget

Government Affairs Committee:

INTRO 12-4 (2010)	DIXON, MILLS, RATH, WALTER & FUDOLI	Supporting NYS Senate Bill S.5247, Which Would Exclude Overtime Compensation in Pension Computation
COMM. 15D-19 (2010)	MAJORITY COUNSEL	Letter to Chair Miller- Williams Concerning Alcoholic Beverage Control Law
COMM. 19E-1 (2010)	WHYTE	Packet of Documents Concerning Updates to Equal Employment Opportunities (EEO) Policies in EC
COMM. 19E-18 (2010)	WHYTE	National Vacant Properties Campaign

Health & Human Services Committee:

LL INT. 1-1 (2010)	MAZUR, WHYTE, KENNEDY & MILLER- WILLIAMS	A LL in Relation to Requiring Chain Food Service Establishments to Display Calorie Content Values For Menu Items
INTRO 2-3 (2010)	WHYTE, MARINELLI, GRANT, KOZUB, LOUGHRAN & MAZUR	County Health Clinics
COMM. 6E-5 (2010)	MILLER-WILLIAMS	Memo to Legislature Clerk Including Constituent Letter Involving Health Insurance Enrollment/Change Form
COMM. 16D-4 (2010)	COMPTROLLER'S OFFICE	Performance Audit of the Department of Social Services' Special Investigation Division
COMM. 19E-4 (2010)	COMPTROLLER	Additional 2010 Disproportionate Share ("DSH") Payment – ECMCC
COMM. 21E-2 (2010)	WHYTE	Booklet Entitled "The Self- Sufficiency Standard for



NYS 2010

COMM. 27E-1 (2010)      COMPTROLLER      State Assumption of  
Medicaid Administrative  
Functions & Expenses

Public Safety Committee:

LL INT. 3-1 (2010)      MARINELLI, WHYTE,  
GRANT, LOUGHRAN,  
MILLER-WILLIAMS,  
MILLS, KENNEDY,  
MAZUR, BOVE,  
HARDWICK, DIXON  
& RATH      A LL Entitled The  
“Consumer Protection &  
Law Enforcement Assistance  
Act”

COMM. 6E-4 (2010)      MILLER-WILLIAMS      Memo to Legislature Clerk  
Including Constituent  
Complaint Involving EC  
Sheriff Deputy

COMM. 16E-11 (2010)      MARINELLI      Updates for the Consumer  
Protection & Law  
Enforcement Assistance Act  
& Request for Committee  
Work Session & Discussion

Community Enrichment Committee:      No Items

Economic Development Committee:      No Items

**FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING**

Item 71 – (COMM. 1D-9) Rush Creek Interceptor Project - SEQR Notification Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE EC CENTER FOR EMPLOYMENT OPPORTUNITIES**

Item 72 – (COMM. 1D-10) Letter to NFTA Chairman Concerning the Current Fee Structure  
& the Elimination of Service

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NYSDEC**

Item 73 – (COMM. 1M-1) Brownfield Cleanup Program Application from Strickler Development Group, LLC for a Site Known as the 129 Holden Street Redevelopment

Item 74 – (COMM. 1M-2) Fact Sheet: NYSDEC Certifies Cleanup Requirements Achieved at 2137 Seneca Street - Former Pizza Hut Site in Buffalo

Item 75 – (COMM. 1M-3) Fact Sheet: Cleanup Activities Begin at the Former Buffalo China Brownfield Site

Item 76 – (COMM. 1M-4) Fact Sheet: Remedy Proposed for Brownfield Site Contamination; Public Comment Period Announced

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

**FROM THE BUFFALO & EC PUBLIC LIBRARY**

Item 77 – (COMM. 1M-5) Copy of Proposed Agenda for Meeting Held 12/15/2011

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE PRESIDENT OF ECC**

Item 78 – (COMM. 1M-6) Copy of Letter Concerning SUNY Construction Fund - \$30 Million Academic Building at ECC North Campus

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE PRESIDENT, EC BOARD OF HEALTH**

Item 79 – (COMM. 1M-7) Meeting Notice for 1/19/2012

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE CHAUTAUQUA COUNTY LEGISLATURE**

Item 80 – (COMM. 1M-8) Copy of Resolution Urging Passage of Senate Bill S.5889-B & Assembly Bill A.8644 that Would Implement a Multi-Year State Takeover of Local Share of Medicaid

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM ELLICOTT DEVELOPMENT COMPANY**

Item 81 – (COMM. 1M-9) Copy of Letter Concerning Amanda Wienckowski

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM SENATOR PATRICK M. GALLIVAN

Item 82 – (COMM. 1M-10) Letter to Legislature Concerning Receipt of Resolution Dated for 11/17/2011

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM UJIMA COMPANY

Item 83 – (COMM. 1M-11) 2012 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO ARTS STUDIO

Item 84 – (COMM. 1M-12) 2012 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NFTA

Item 85 – (COMM. 1M-13) NFTA Board Minutes from Meeting Held 12/19/2011

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE BUFFALO PHILHARMONIC ORCHESTRA

Item 86 – (COMM. 1M-14) 2012 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM CORNELL COOPERATIVE EXTENSION

Item 87 – (COMM. 1M-15) 2011 Annual Report

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE AFRICAN AMERICAN CULTURAL CENTER INC.

Item 88 – (COMM. 1M-16) 2012 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE LEWIS COUNTY LEGISLATURE

Item 89 – (COMM. 1M-17) Copy of Resolution Calling Upon NYS Association of Counties' Executive Committee to Prepare & Disseminate an Action Plan to Bring Mandate Relief to NYS Counties

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE NFTA**

Item 90 – (COMM. 1M-18) Copy of Five Year Capital Plan for Fiscal Years Ending 3/31/2013-2017 & Annual Operating Budget for Fiscal Year Ending 2013

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE SPRINGVILLE CENTER FOR THE ARTS**

Item 91 – (COMM. 1M-19) 2012 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE ROYCROFT CAMPUS CORPORATION**

Item 92 – (COMM. 1M-20) 2012 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**ANNOUNCEMENTS**

None.

**MEMORIAL RESOLUTIONS**

Item 93 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Kenneth Krzykowski.

Item 94 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of former Legislator Daniel M. Kozub's father, John J. Kozub; and Salvatore V. "Sal" Mistretta.

Item 95 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Thomas M. Bluemle.

Item 96 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Scott Clayton Stryker, Claudette F. Carlin and Caroline M. Warren.

Item 97 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Terry D. Loretto.

Item 98 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Melvin F. Pauly.

Item 99 – Legislator McCracken requested that when the Legislature adjourns, it do so in memory of Michael J. Volpini.

Item 100 – Chair Grant requested that when the Legislature adjourns, it do so in memory of Anthony Lee Douglas Sr.

**ADJOURNMENT**

Item 101 – At this time, there being no further business to transact, CHAIR GRANT announced that the Chair would entertain a Motion to Adjourn.

MR. MAZUR moved that the Legislature adjourn until Thursday, January 26, 2012 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, January 26, 2012 at 2:00 p.m. Eastern Standard Time.

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