

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 11**  
**JUNE 7, 2012**

The Legislature was called to order by Chair Grant.

All members present.

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

The Pledge of Allegiance was led by Mr. Loughran.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Number 10 from 2012. MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. MILLS presented a resolution Congratulating Damian J. D’Arcy, Boy Scout Troop 285, on Obtaining the Rank of Eagle Scout.

Item 6 – MS. DIXON presented a resolution Thanking Joseph Carubba & Carubba Collision for Their Dedication to Our Community.

Item 7 – MS. DIXON presented a resolution Congratulating the Honorable Dick Smith on Receiving the Carubba Collision - Profile in Courage Award.

Item 8 – MS. DIXON presented a resolution Congratulating the Honorable Louis P. Violanti for Being Awarded the 2012 Thomas M. Cooley Law School Distinguished Alumni Award.

Item 9 – MR. HARDWICK & MR. MILLS presented a resolution Honoring Sheila Benoit for Her Professional Achievements & Her Commitment.

Item 10 – MR. HARDWICK presented a resolution Proclaiming Saturday, June 12, 2012 “Chris Slauson Day.”

Item 11 – MR. RATH presented a resolution Recognizing Flag Day & Commemorating the Bicentennial of the War of 1812 and the Writing of the Star Spangled Banner.

Item 12 – MR. MAZUR presented a resolution Congratulating the Residents of Kensington Village Apartments on the Occasion of the Community Event "KV Celebrates Freedom - At Home, Across the Nation & Around the World" on June 9, 2012.

Item 13 – MR. MILLS presented a resolution Honoring NYS Trooper Christopher Sullivan on Saving the Life of a 23 Month-Old Girl.

Item 14 – MR. MILLS presented a resolution Honoring the Town of Boston Emergency Squad on Saving the Life of a 23 Month-Old Girl.

Item 15 – CHAIR GRANT, MS. MARINELLI, MR. MAZUR, MR. MILLS, MR. HOGUES, MR. HARDWICK, MR. LOUGHRAN, MR. RATH, MR. McCracken, MS. DIXON & MR. LORIGO presented a resolution Congratulating the Binational Alliance on the 10th Anniversary of Doors Open Niagara & the Launch of the War of 1812 Binational Heritage Peace Garden Trail.

MR. MAZUR moved for consideration of the above eleven items. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above eleven items by adding Et Al Sponsorship. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above eleven items as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 16 – CHAIR GRANT directed that Local Law No. 8 (Print #1) 2011 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 17 – CHAIR GRANT directed that Local Law No. 11 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 18 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 19 – CHAIR GRANT directed that Local Law No. 2 (Print #1) 2012 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 20 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 135

May 29, 2012	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.

1. COMM. 10E-2 (2012)  
COUNTY EXECUTIVE  
RESOLVED, the Erie County Legislature hereby confirms the appointment of Dr. Ellen Grant to serve as the EC Commissioner of Senior Services.  
(5-0)
2. COMM. 10E-9 (2012)  
COUNTY EXECUTIVE  
WHEREAS, the Erie County Department of Health’s Children with Special Needs Division currently contracts with several tuition based programs; and

WHEREAS, according to the New York State Education Department, if a Committee on Preschool Special Education places a child in a NYS Education Department approved program, the county must contract with that program at rates fixed by the NYS Department of Education; and

WHEREAS, the Alden School District Committee on Preschool Special Education has placed a child from Erie County in the Rainbow Preschool Arc of Orleans County for Preschool Tuition Based Services; and

WHEREAS, the Rainbow Preschool Arc of Orleans County for Preschool Tuition Based Services is a NYS Education Department approved program; and

WHEREAS, the Children with Special Needs Division must therefore enter into a contract with Rainbow Preschool Arc of Orleans County for Preschool Tuition Based Services; and

WHEREAS, estimated annual costs per child for such services average between \$35,000 and \$60,000 depending on the child’s needs; and

WHEREAS, funds are available in the Department of Health's Persons with Special Needs Division, Account 528000 Services to Handicapped Children.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with Rainbow Preschool Arc of Orleans County; and be it further

RESOLVED, that the term of this contract shall commence on May 1, 2012 through June 30, 2013 with funds coming from Account 528000 in Fund Center 12750; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, and to Dr. Gale R. Burstein, Commissioner of Health.

(4-0) Legislator Mills not present for vote.

3. COMM. 10E-10 (2012)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Sheriff is responsible for health care at the Erie County Correctional Facility and the Erie County Holding Center; and

WHEREAS, the Erie County Department of Health provides medical oversight and medical staffing to provide health care at the Erie County Correctional Facility and Erie County Holding Center under an Interdepartmental Agreement with the Erie County Sheriff; and

WHEREAS, the need for strong nursing leadership is crucial for correctional health; and

WHEREAS, correctional health experts, including Erie County's technical compliance consultants have advised the County that it should have a Director of Nursing-Jail Health role/title; and

WHEREAS, the position of Director of Correctional Health Services has been vacant since January 2012 and recruitment at step 0 has been unsuccessful; and

WHEREAS, as such, the Department of Health is requesting creation of a position of Director of Nursing-Jail Health at a variable minimum and requesting approval to establish a variable minimum for the vacant position of Director of Correctional Health Services; and

WHEREAS, funding for this restructuring will be furnished by the deletion of two vacant positions in the Division of Correctional Health, with no adverse 2012 budgetary impact.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes a variable minimum hiring level in order to facilitate the recruitment of a Director of Correctional Health Services for the Health Department's Division of Correctional Health as follows:

Number of Positions	Bargaining Unit	Title	Job Group	Current Budgeted Step	New Step Variable Minimum	New Annual Salary	2012 Budgeted Annual Salary
1	CSEA	Director of Correctional Health	16	Step 2	Step 4	84,949	76,452

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one full time position of Director of Nursing – Jail Health, Job Group 16, Step 4 (annual salary \$84,949); and be it further

RESOLVED, that funding to effectuate these personnel reallocations will be effectuated from deleting two vacant positions of Registered Nurse, Job Group 8, Step E, resulting in overall net annualized savings of \$19,739; and be it further

RESOLVED, that certified copies of this resolution will be forwarded to the Erie County Sheriff, the County Executive, the Office of the Comptroller, the Department of Personnel, the Director of Labor Relations, the Division of Budget and Management, the Department of Law and to Commissioner Gale R. Burstein in the Erie County Department of Health.

(4-0) Legislator Mills not present for vote.

4. COMM. 10E-12 (2012)  
COUNTY EXECUTIVE

WHEREAS, the 2012-2013 Public Health Emergency Preparedness/Response to Bioterrorism Grant, HS127BT1213, has been decrease by Federal Government, and will no longer be able to support all of the current grant funded positions after the current grant cycle ending August 9, 2012; and

WHEREAS, in order to prevent a serious decline in services, the Department of Health is seeking to transfer one full time grant funded position into the general fund, to be offset through the deletion of a currently vacant full time position; and

WHEREAS, the 2012-2013 Public Health Preparedness/Response to Bioterrorism grant budget will be adjusted to comply with the decrease in Federal funding.

NOW, THEREFORE, BE IT

RESOLVED, that the 2012-2013 Public Health Emergency Preparedness/Response to Bioterrorism Grant, HS127BT1213, will no longer be able to support all of the current grant funded positions after the current grant cycle ending August 9, 2012; and be it further

RESOLVED, that in order to stay within the decreased funding levels established by the Federal Government, that the position of Account Clerk Typist, in the 2012-13 Public Health Preparedness/Response to Bioterrorism grant be deleted, that the regular part-time position of Laboratory Technologist (PH), JG 7 be deleted from said grant, that the full time position of Laboratory Technologist (PH), JG 7 be created in the grant, that the position of Administrative Clerk, JG 7 be deleted, that the position of Assistant Epidemiologist, JG 11, be transferred from the 2012-2013 Public Health Preparedness/Response to Bioterrorism grant to the operating budget of the Division of Health, and that funding for this transfer shall be obtained in the operating budget through the deletion of the Epidemiologist position, JG 15, in the Division of the Medical Examiner; and be it further

RESOLVED, that the 2012-2013 Public Health Preparedness/Response to Bioterrorism grant budget shall be adjusted as follows:

Public Health Preparedness/Response to Bioterrorism  
 HS127BT1213  
 07/01/12 - 06/30/13

<u>ACCT</u>	<u>REVENUE</u>	<u>CURRENT BUDGET</u>	<u>INCREASE (DECREASE)</u>	<u>REVISED BUDGET</u>
414000	FEDERAL AID	\$709,678	\$(119,408)	\$ 590,270
	TOTAL	<u>\$709,678</u>	<u>\$(119,408)</u>	<u>\$ 590,270</u>
	EXPENSES			
500000	FULL TIME - SALARIES	\$416,529	(\$123,956)	\$292,573
500010	PART TIME – WAGES	14,990	5,232	20,222
500020	REGULAT PT - WAGES	19,522	(19,522)	0
501000	OVERTIME	20,000	(5,000)	15,000
502000	FRINGE BENEFITS	197,837	(25,993)	171,844
505000	OFFICE SUPPLIES	10,000	(6,000)	4,000
505400	FOOD & KITCHEN SUPPLIES	0	3,000	3,000
505800	MEDICAL SUPPLIES	0	16,144	16,144
506200	MAINTENANCE & REPAIR	0	2,000	2,000

510000	LOCAL MILEAGE	4,000	6,000	10,000
510100	OUT OF AREA TRAVEL	8,000	(3,000)	5,000
510200	TRAINING AND EDUCATION	0	3,000	3,000
516020	PROF SVCS CONTRACTS	0	12,500	12,500
530000	OTHER EXPENSES	6,000	4,385	10,385
561410	LAB & TECH EQUIP	0	5,987	5,987
912700	ID HEALTH SERVICES	10,000	0	10,000
980000	DISS	<u>2,800</u>	<u>5,815</u>	<u>8,615</u>
	TOTAL	<u>\$ 709,678</u>	<u>\$ (119,408)</u>	<u>\$ 590,270</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, the Department of Personnel, and to Dr. Gale R. Burstein, Commissioner in the Erie County Department of Health, 9th Floor, Rath Building.

(4-0) Legislator Mills not present for vote.

**THOMAS J. MAZUR  
CHAIR**

Item 21 – MS. MARINELLI presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 136

May 29, 2012	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.  
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, all items are hereby tabled.

**LYNN M. MARINELLI**  
**CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 137

May 29, 2012	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR McCRACKEN.  
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 10D-1 (2012)  
COUNTY ATTORNEY: “Notice of Claim”  
(5-0)
  - b. COMM. 10M-3 (2012)  
MICHAEL J. LOMBARDO: “Letter to Legislature Concerning Closing Room Dedication in Memory of Joseph C. Visipi”  
(5-0)

**THOMAS J. MAZUR**  
**CHAIR**

Item 23 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 138

May 29, 2012	PUBLIC SAFETY COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR McCRACKEN.  
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:

- a. COMM. 2E-7 (2012)  
GRANT: "Information Materials from the Center for Employment Opportunities Entitled "CEO Breaks Down Barriers to Employment""  
(5-0)
- b. COMM. 5M-8 (2012)  
LATISHA M. BAKER: "Letter to Legislature Concerning the EC Holding Center"  
(5-0)

**TIMOTHY R. HOGUES**  
**CHAIR**

Item 24 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 139

May 29, 2012	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 7
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ALL MEMBERS PRESENT.  
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 5M-11 (2012)  
SUPERVISOR, TOWN OF AMHERST: "Letter with Attached Resolution Entitled "Raising the Threshold for Property Tax Exemption for Persons with Disabilities & Limited Incomes""  
(6-0)
  - b. COMM. 10M-8 (2012)  
ECFSA: "Letter to Chair of Legislature Concerning Capital Borrowing"  
(6-0)
  - c. COMM. 10M-10 (2012)  
FULTON COUNTY BOARD OF SUPERVISORS: "Copy of Resolution Calling Upon the Governor's Mandate Relief Council to Submit a Package of Mandate Relief Proposals to State Legislators"  
(6-0)

**TIMOTHY R. HOGUES**  
**CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 25 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 140

RE: Expressing Support for State Legislation to Effectuate a Real-Time Electronic Prescription Drug Tracking System to Combat Opioid Abuse & Diversion (INTRO 11-1)

**A RESOLUTION TO BE SUBMITTED  
BY LEGISLATORS GRANT, MAZUR, HOGUES,  
MARINELLI, LOUGHRAN & McCracken**

WHEREAS, according to the New York State Office of Alcoholism & Substance Abuse Services, Western New York has the highest percentage of “admissions with opioid pain reliever” of any region in New York State; and

WHEREAS, opioids are routinely prescribed for pain management and can be safe and effective when used appropriately; and

WHEREAS, the potential for misuse is caused, in some part, by the feeling of euphoria and well-being that opioids can induce in some individuals; and

WHEREAS, prescription drugs that induce this morphine-like effect are more likely to be abused by individuals who become addicted, or are more prone to diversion, theft and re-sale on the streets; and

WHEREAS, New York State ranks 11<sup>th</sup> in the nation for admissions to chemical dependency treatment programs for opioids other than heroin; and

WHEREAS, a centralized, electronic reporting and tracking system for prescription drugs that is accessible to not only physicians, but pharmacists as well, is essential to flagging incidences of “doctor shopping” by persons addicted to prescription pain relievers, as well as flagging dangerous “cocktails” of drugs prescribed by multiple providers and presented for filling at multiple pharmacies; and

WHEREAS, the advocacy efforts of Avi and Julie Israel – who founded “Save the Michaels of the World” following the tragic loss of their son, Michael, one year ago have brought the attention of the media and policymakers to this crisis and highlighted the need to take prompt action to avoid similar tragedies caused by prescription drug addiction coupled with the inadequate capacity within the mental health/substance abuse treatment system to effectively treat patients addicted to opioids; and

WHEREAS, currently, pharmacists are not allowed to access Controlled Substance Information (CSI) on Dispensed Prescriptions, Confidential Drug Utilization Report as this system is only accessible to physicians and others who prescribe, rather than dispense, medication; and

WHEREAS, the Pharmacists' Association of Western New York and New York State is to be commended for their efforts to address this societal problem so detrimental to those addicted, their families and the pharmacy community that itself has become vulnerable to violence perpetrated by desperate addicts or thieves in search of prescription pain killers; and

WHEREAS, the Pharmacists' Association recognizes and advocates the need for proper, continuing education for all health care providers involved in prescribing and dispensing of narcotics; and

WHEREAS, the Pharmacists' Association also urges that public policy be developed to not only stop diversion of prescription drugs, but also to have in place adequate programs for the rehabilitation of persons who become addicted to prescription drugs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its support for a real-time prescription drug tracking system to provide immediate feedback to those involved in prescribing as well as dispensing highly addictive medications; and be it further

RESOLVED, that this Honorable Body express its support for continuing, proper education for health care providers – whether they prescribe or dispense prescription drugs – in order to stay up-to-date on emerging trends in the community regarding abuse and/or diversion of prescription drugs; and be it further

RESOLVED, that the epidemic of prescription drug abuse, diversion and re-sale demonstrates an unmet need for the expansion of drug abuse rehabilitation services, particularly more in-patient beds, without delay; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor Andrew Cuomo, Attorney General Eric Schneiderman, Speaker of the Assembly Sheldon Silver, Senator Majority Leader Dean Skelos and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 141

RE: Standard Work Day for Appointed  
Officials for Retirement Reporting  
Purposes  
(INTRO 11-2)

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

WHEREAS, the New York State and Local Employees' Retirement System requires that a standard work day be established for retirement credit purposes; and

WHEREAS, in order to be in full compliance with Regulation 315.4, legislative action is warranted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby establish the following as standard work days for appointed officials and will report the following Standard Work Day to the New York State and Local Employees' Retirement System based on the Erie County Personnel Department's time-keeping system that shows hours worked:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System  (Y/N)
Erie County Clerk – Appointed Officials				
First Deputy County Clerk	Peggy LaGree	7	01/01/2012 to 12/31/2014	Y
Deputy County Clerk – Finance	Thomas Christy	7	01/01/2012 to 12/31/2014	Y
Assistant Deputy County Clerk Admin	Camille Brandon	7	01/01/2012 to 12/31/2014	Y
Deputy County Clerk – Legal	Patricia Fulwiler	7	01/01/2012 to 12/31/2014	Y
Second Deputy County Clerk – Auto Bureau	Carl Szarek	7	01/01/2012 to 12/31/2014	Y
Deputy County Clerk – Auto Bureau	Joseph Wolf	7	01/01/2012 to 12/31/2014	Y

Erie County Legislature – Appointed Officials				
Clerk of Legislature	Robert Graber	7	01/01/2012 to 12/31/2013	Y
Chief of Staff – Legislature	Jeremy Zellner	7	01/01/2012 to 12/31/2013	Y
Chief of Staff – Minority	Bryan Fiume	7	01/01/2012 to 12/31/2013	Y
Counsel (Legislature)	Jerome Schad	6	01/01/2012 to 12/31/2013	Y
Erie County District Attorney – Appointed Officials				
First Assistant District Attorney	Michael Flaherty Jr.	7	01/01/2009 to 12/31/2012	Y
Deputy for Administration	Amy Hughes	7	01/01/2009 to 12/31/2012	Y
Erie County Comptroller – Appointed Officials				
Deputy Comptroller	Lorne Steinhart	7	01/01/2010 to 12/31/2013	Y
Deputy Comptroller	Michael Szukala	7	01/01/2010 to 12/31/2013	Y

Erie County Sheriff – Appointed Officials				
Under Sheriff	Mark Wipperman	7	01/01/2010 to 12/31/2013	Y
Chief Deputy – Civil	John Anthony	7	01/01/2010 to 12/31/2013	Y
Superintendent – Holding Center	Robert Koch	7	01/01/2010 to 12/31/2013	Y
Erie County Board of Elections – Appointed Officials				
Commissioner, Board of Elections	Ralph Mohr	7	01/01/2009 to 12/31/2012	Y
Commissioner, Board of Elections	Dennis Ward	7	01/01/2009 to 12/31/2012	Y
Deputy Commissioner of Elections	Arthur O. Eve Jr.	7	05/08/2009 to 12/31/2012	Y
Deputy Commissioner of Elections	Grant Loomis	7	01/01/2009 to 12/31/2012	Y
Assistant Deputy Commissioner – Board of Elections	Paul Tarapacki	7	05/11/2009 to 12/31/2012	Y
Assistant Deputy Commissioner – Board of Elections	Melvin Domagalski	7	02/28/2009 to 12/31/2012	Y

Erie County Executive – Appointed Officials				
Deputy County Executive	Richard Tobe	7	01/01/2012 to 12/31/2015	Y
Commissioner of Environment and Planning	Maria Whyte	7	01/01/2012 to 12/31/2015	Y
Deputy Commissioner of Environ Control	Thomas Hersey	7	01/01/2012 to 12/31/2015	Y
Deputy Commissioner of Plan & Econ Dev	Thomas Dearing	7	01/01/2012 to 12/31/2015	Y
Deputy Commissioner – Sewerage Management	Joe Fiegl	7	01/01/2012 to 12/31/2015	Y
Assistant Deputy Commissioner – Sewerage Management	James Carr	7	01/01/2012 to 12/31/2015	Y
Assistant Deputy Commissioner – Sewerage Management	David Millar	7	01/01/2012 to 12/31/2015	Y
Assistant Deputy Commissioner – Sewerage Management – Admin	Charles Katra	7	01/01/2012 to 12/31/2015	Y
Commissioner of Public Advocacy	Sawrie Becker	7	01/01/2012 to 12/31/2015	Y
Commissioner of Health	Gale Burstein	7	01/01/2012 to 12/31/2015	Y
Purchasing Director	Vallie Ferraraccio	7	01/01/2012 to 12/31/2015	Y

Commissioner of Labor Relations	David Palmer	7	01/01/2012 to 12/31/2015	Y
Deputy Director of Labor Relations	Mary Thomas Scott	7	01/01/2012 to 12/31/2015	Y
Commissioner of Senior Services	Ellen Grant	7	01/01/2012 to 12/31/2015	Y
Commissioner of Social Services	Carol Dankert	7	07/13/2009 to 07/13/2015	Y
Assistant Commissioner – Administration – Department of Social Services	Mary Brockmyre	7	01/01/2012 to 12/31/2015	Y
Assistant Commissioner – Administration – Department of Social Services	Frank DeCarlo	7	01/01/2012 to 12/31/2015	Y
Assistant Commissioner – Administration – Department of Social Services	Vastye Gillespie	7	01/01/2012 to 12/31/2015	Y
First Deputy Commissioner of Social Services	Judy Shanley	7	01/01/2012 to 12/31/2015	Y
Assistant Deputy Commissioner – Social Services	Gavin Kasper	7	01/01/2012 to 12/31/2015	Y

Assistant Deputy Commissioner – Social Services RPT	Ricky Paulson	6	01/01/2012 to 12/31/2015	Y
Deputy Commissioner – Division Youth Services - Department of Social Services	David Rust	7	01/01/2012 to 12/31/2015	Y
Commissioner of Mental Health	Philip Endress	7	01/01/2012 to 12/31/2015	Y
Assistant Commissioner, Planning & Analys – Department of Mental Health	Peter Curtis	7	01/01/2012 to 12/31/2015	Y
Commissioner of Personnel	John Greenan	7	10/01/2008 to 10/01/2014	Y
Commissioner of Parks and Recreation	Troy Schinzel	7	01/01/2012 to 12/31/2015	Y
Deputy Commissioner of Parks	Dan Glowacki	7	01/01/2012 to 12/31/2015	Y
Director of Budget and Management	Robert Keating	7	01/01/2012 to 12/31/2015	Y
Director of Equal Employment Opportunity	Jesse Burnett	7	01/01/2012 to 12/31/2015	Y
Director of Real Property Tax Services	Joseph Maciejewski	7	10/01/2007 to 10/01/2013	Y

Commissioner of Probation	Brian McLaughlin	7	01/01/2012 to 12/31/2015	Y
Veterans' Service Officer	Carlos Benitez	7	01/01/2012 to 12/31/2015	Y
Commissioner of Public Works	John Loffredo	7	01/01/2008 to 12/31/2011	Y
Deputy Commissioner, Buildings & Grounds – Department of Public Works	Dan Rizzo	7	01/01/2012 to 12/31/2015	Y
Commissioner of Emergency Services	Dan Neaverth Jr.	7	01/01/2012 to 12/31/2015	Y
Deputy Commissioner, Fire Safety – Department of Emergency Services	John Adolph	7	01/01/2012 to 12/31/2015	Y
Deputy Commissioner, Civil Defense & Disaster Preparedness – Department of Emergency Services	Greg Butcher	7	01/01/2012 to 12/31/2015	Y
Commissioner of Central Police Services	John Glascott	7	01/01/2012 to 12/31/2015	Y

and be it further

RESOLVED, that a certified copy of this resolution be posted on the Legislature's website pursuant to rules promulgated by the New York State Comptroller, and a copy shall be transmitted by the Clerk of the Legislature to the Erie County Commissioner of Personnel and the State Comptroller.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

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

GRANTED.

COMM. 11E-15 from the COUNTY EXECUTIVE Re: Budget Monitoring Report for Period Ending April, 2012

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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

GRANTED.

COMM. 11E-16 from the COUNTY EXECUTIVE Re: EC Medical Examiner Staffing

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

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

GRANTED.

INTRO 11-3 from LEGISLATORS LORIGO, MILLS, RATH, DIXON & HARDWICK Re: Determining Which Party Conducts Borrowing Pursuant to the 2012 Consolidated Bond Resolution

MR. RATH moved to approve the resolution. MR. LOUGHRAN seconded.

MS. MARINELLI objected.

CHAIR GRANT directed that the resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 30 – (COMM. 11E-1) Letter Concerning 2012 Capital Borrowing

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 31 – (COMM. 11E-2) ECC 2012-2013 Budget Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE SHERIFF

Item 32 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 142

RE: Asset Forfeiture Funded Program SAFS  
(COMM. 11E-3)

WHEREAS, procedures have been established by Resolution #Int. 23-3 adopted on December 1, 1994; and

WHEREAS, there are currently \$683,890 in funds available for distribution to the Sheriff's Office in the Asset Forfeiture Trust Account; and

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

NOW, THEREFORE, BE IT

RESOLVED, that \$45,000 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program SAFS; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE  
ASSET FORFEITURE FUNDED PROGRAM SAFS

<u>REVENUE</u>		<u>Increase</u>
421550	Forfeiture Crime Proceeds	<u>\$ 45,000</u>
	Total Revenue	<u>\$ 45,000</u>
<u>APPROPRIATION</u>		<u>Increase</u>
561410	Lab & Technical Equipment	<u>\$ 45,000</u>
	Total Appropriations	<u>\$ 45,000</u>

and be it further

RESOLVED, that these expenditures meet the criteria established by the U.S. Department of Justice for the use of equitable shared funds; 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.

FROM LEGISLATOR HARDWICK

Item 33 – (COMM. 11E-4) Letter to County Executive Concerning Capital Borrowing  
Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 143

RE: EC Holding Center - Second Floor  
Reception Housing Units  
(COMM. 11E-5)

WHEREAS, the County of Erie is required to continue its current plan to develop and implement policies and procedures to create a reception housing unit in the Erie County Holding Center pursuant to the “Stipulated Order of Dismissal” agreed to by the County of Erie and the United States of America and as ordered by the Honorable William M. Skretny, United States District Judge; and

WHEREAS, the New York State Commission of Correction approved the County’s plan to construct the Reception Housing Units in the Erie County Holding Center at their meeting on October 18, 2011; and

WHEREAS, your Honorable Body has previously authorized the County Executive to enter into contracts with the lowest responsible bidders on February 16, 2012; and

WHEREAS, the lowest responsible bidders for the Plumbing and HVAC contracts would not extend their bid proposals beyond the original expiration date of March 14, 2012.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the second lowest responsible bidders for the Plumbing and HVAC contracts as follows:

Plumbing & Fire Protection Work

Numarco, Inc.	Base Bid	\$123,700.00
	<u>Alt #1</u>	<u>\$ 19,900.00</u>
Total Plumbing & Fire Protection Contract		\$143,600.00

Mechanical Construction Work

MKS Plumbing Corporation	Base Bid:	<u>\$116,000.00</u>
Total Mechanical Contract		\$116,000.00

Total Award of Construction Contracts

\$259,600.00

and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP project: A.11001 – 2011 – Erie County Holding Center Improvements for an amount not to exceed \$259,600.00; and be it further

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 144

RE: EC Tree Inventory & Emerald Ash  
Borer Policy Project  
(COMM. 11E-6)

WHEREAS, New York State Department of Environmental Conservation (NYSDEC) has recently issued a solicitation for project proposals for its Urban and Community Forestry (U&CF) Grant Program; and

WHEREAS, the Erie County Department of Parks, Recreation & Forestry has decided to lead by example by conducting a tree inventory in at least one County Park and creating a county-wide Emerald Ash Borer policy and strategy; and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry would benefit from the aforementioned work as it will allow the County to prepare for the anticipated liabilities associated with the Emerald Ash Borer, an invasive species that destroys ash trees; and

WHEREAS, it is estimated that more than 10% of all trees in Erie County are Ash Trees; and

WHEREAS, the proposed grant funding will not exceed \$50,000 and the required 50% grant match will be met through in-kind services by Erie County personnel; and

WHEREAS, New York State Department of Environmental Conservation (NYSDEC) application requires a resolution of support from the applicant's governing body.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Parks, Recreation and Forestry is authorized to submit an application for the New York State Department of Environmental Conservation Urban and Community Forestry (U&CF) Grant Program; and be it further

RESOLVED, that the Clerk of the Legislature send certified copies of this resolution 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.

Item 36 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. McCRACKEN seconded.

MR. LOUGHRAN moved to send the item to committee for further consideration. No second.

FAILED.

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

AYES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS, MR. RATH, CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCRACKEN. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

RESOLUTION NO. 145

RE: Arctic Edge Exhibit at the Buffalo Zoo  
(COMM. 11E-7)

WHEREAS, the County of Erie desires to improve the exhibits at the Buffalo Zoo as it is an important public recreational facility and tourist destination in the County; and

WHEREAS, the Buffalo Zoological Society reported that it is at risk of losing its Polar Bear Exhibit if it does not build a new habitat for the bears; and

WHEREAS, construction of the Arctic Edge Exhibit is necessary to retain the Polar Bears; and

WHEREAS, through its Bear Necessities Campaign, the Buffalo Zoo has worked to raise money for the Arctic Edge Exhibit; and

WHEREAS, total costs for the Arctic Edge Exhibit are estimated at \$14 million; and

WHEREAS, the Bear Necessities Campaign has successfully raised millions of dollars from many different private and public sector donors including the John R. Oishei Foundation, the NYS Environmental Protection Fund, the City of Buffalo, and Erie County; and

WHEREAS, the New York State Environmental Quality Review Act (SEQRA) review and requirements were completed in July 2006 and a negative declaration has been issued; and

WHEREAS, on December 8, 2011 the Erie County Legislature approved a Bond Resolution authorizing the issuance of \$3,000,000 Bonds of the County to pay part of the cost of the above mentioned recreational improvements to the Zoo (Resolution No. 212-2011, Comm. 27E-1); and

WHEREAS, in order to provide the bond proceeds, the County is required to enter into a contract with the Zoo because the Zoo is not a County-owned facility.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is authorized to enter into a contract not to exceed \$3,000,000 with the Buffalo Zoological Society and other involved agencies, including the City of Buffalo and New York State for the purpose of funding costs for the Arctic Edge Exhibit, with the funds available from the forthcoming 2012 County bond sale; and be it further

RESOLVED, that the County of Erie is authorized to accept a Cultural and Recreational Easement from the City of Buffalo for the land on which the Arctic Edge Exhibit will be constructed for the purpose of protecting the cultural viability of the Zoo; and be it further

RESOLVED, that the source of the funds will be \$3,000,000 available from the forthcoming 2012 sale of bonds to be utilized for the Zoo's Arctic Edge Exhibit; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this Resolution to the County Executive, the Budget Director, the Comptroller, the Commissioner of the Department of Environment and Planning, the Commissioner of the Department of Public Works, the County Attorney, and the Buffalo Zoological Society.

Item 37 – (COMM. 11E-8) Rath County Office Building - Fire Protection/Sprinkler Standpipe

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 38 – (COMM. 11E-9) Department of Social Services - Employee Education & Training

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 39 – (COMM. 11E-10) Payment in Lieu of Taxes (PILOT) Agreement for True Bethel Townhomes - Affordable Housing Development

Item 40 – (COMM. 11E-11) Amendatory Agreements to Two Affordable Housing Contracts: (1) New Opportunities Community Housing Development Corp., & (2) The Service Collaboration of WNY, Inc. - Housing Rehabilitation School Street Neighborhood, West Seneca

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

Item 41 – (COMM. 11E-12) Interoperable Communications Consultant Contract

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 42 – (COMM. 11E-13) ECSD No. 8 - Geneva Road Pumping Station & Sanitary Sewer Extension Project Contract No. 11 - Bid Opening

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM LEGISLATOR LORIGO**

Item 43 – (COMM. 11E-14) Letter Concerning Western Regional OTB

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE COUNTY ATTORNEY**

Item 44 – (COMM. 11D-1) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 45 – (COMM. 11D-2) Opinion Regarding COMM. 19D-5 (2011), EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE SHERIFF'S DEPARTMENT**

Item 46 – (COMM. 11D-3) Letter Concerning Operation Safe Child

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM THE DEPARTMENT OF HEALTH**

Item 47 – (COMM. 11D-4) Letter to Legislator Mazur Concerning Recreational Use of Dextromethorphan by Adolescents

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NYSDEC**

Item 48 – (COMM. 11M-1) Fact Sheet: Notice of Deletion from Registry - Site Known as Lehigh Valley Railroad Site - 110 Fuhrmann Blvd., Buffalo, NY

Received and referred to the the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NFTA**

Item 49 – (COMM. 11M-2) Minutes from Meeting Held 4/23/2012

Received and referred to the the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE ECFSA**

Item 50 – (COMM. 11M-3) Copy of Resolution Approving the 2011 ECFSA Annual Financial Audit Passed Unanimously by the ECFSA at Its Meeting on 4/16/2012

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM ROSWELL PARK CANCER INSTITUTE**

Item 51 – (COMM. 11M-4) Letter Concerning Establishing a Smoke-Free Policy for EC-Owned Parks, Playgrounds, Beaches, Golf Courses & Recreational Areas

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**FROM THE NYSDOT**

Item 52 – (COMM. 11M-5) Petition for the At-Grade Crossing for the Sherwood Trail

Received and referred to the the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NYSDEC**

Item 53 – (COMM. 11M-6) Fact Sheet: Cleanup Requirments Achieved at Brownfield Site Known as 330 Maple Road, Williamsville, NY

Received and referred to the the ENERGY & ENVIRONMENT COMMITTEE.

**ANNOUNCEMENTS**

Item 54 – CHAIR GRANT announced that the schedule of upcoming Legislature committee meetings has been distributed.

**MEMORIAL RESOLUTIONS**

Item 55 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Dora Benderson.

Item 56 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Alice Kryzan.

Item 57 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Dr. Anthony Federico, Alice Kryzan, John Anthony Sheeran Jr., Lillian E. Nichter, Sheriff Deputy Daryl J. DeMari, and upon the anniversary of the death of Robert Vacanti.

Item 58 – Chair Grant requested that when the Legislature adjourns, it do so in memory of Deacon Herschel Chapman Sr.

**ADJOURNMENT**

Item 59 – 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, June 21, 2012 at 2:00 p.m. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, June 21, 2012 at 2:00 p.m. Eastern Standard Time.

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