

ERIE COUNTY LEGISLATURE
MEETING NO. 19
NOVEMBER 8, 2012

The Legislature was called to order by Chair Grant.

All members present.

An Invocation was held, led by Ms. Dixon, who offered a short prayer.

The Pledge of Allegiance was led by Ms. Marinelli.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Number 18 from 2012. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MAZUR presented a memorial resolution Honoring the Memory of Minot H. Ortolani.

Item 6 – MR. MAZUR presented a memorial resolution Honoring the Memory of Jeanette C. Collins.

Item 7 – MR. HARDWICK presented a resolution Honoring Matthew F. Piorkowski on Being Awarded the Lifetime Achievement Award by the Chamber of Commerce of the Tonawandas.

Item 8 – MR. LORIGO presented a resolution honoring Honoring Marykate Hoffman for Receiving the Innovator Award as Outstanding Teacher for 2012 from the International Multisensory Structured Language Education Council.

Item 9 – MR. LORIGO presented a resolution Honoring Daniel F. Kelley for Receiving the award as Outstanding School Administrator for 2012 from the International Multisensory Structured Language Education Council.

Item 10 – CHAIR GRANT presented a resolution Congratulating the Buffalo Urban League on 85 Years of Standing in the Gap for the Disenfranchised.

Item 11 – MS. MARINELLI presented a resolution Commending Amanda Sullivan & Gbemi Aregbesola on Their Work with the Women, Children & Social Justice Clinic at SUNY Buffalo Law School.

MR. MAZUR moved for consideration of the above seven items. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above seven items by including Et Al Sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 12 – CHAIR GRANT directed that Local Law No. 8 (Print #1) 2011 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 13 – CHAIR GRANT directed that Local Law No. 11 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 14 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 15 – CHAIR GRANT directed that Local Law No. 3 (Print #1) 2012 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 16 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 242

October 30, 2012	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 18M-10 (2012)
NYS DOT: "Surplus Property - Proposed Disposal of NYS DOT - Controlled Land - Multiple Parcels"
(5-0)
 - b. COMM. 18M-13 (2012)
NYS DOT: "Surplus Property - Proposed Sale of NYS DOT Land to BTC Block 1/21, Inc. - Elm Street at NY Route 33/Expressway Off Ramp - City of Buffalo"
(5-0)

2. COMM. 18E-14 (2012)
COUNTY EXECUTIVE
WHEREAS, the Town of Hamburg ("Town") intends to create a Railroad Quiet Zone, on Rodgers Road, as per Federal Railroad Administration's (FRA) Train Horn Rule; and

WHEREAS, once construction is complete, Erie County plows will have difficulty plowing the road due to reduced road width at the railroad tracks; and

WHEREAS, the Town of Hamburg has indicated its willingness to assume ownership and maintenance of approximately two (2) centerline miles of Rodgers Road after Erie County has made agreed upon improvements to the road; and

WHEREAS, Town ownership of this section of Rodgers Road will relieve Erie County of plowing and maintenance responsibility; and

WHEREAS, A Memorandum of Understanding ("MOU") between the Town of Hamburg and the County will be necessary to allow the Town to proceed with design and construction of the Rodgers Road Quiet Zone Project, as well as assume ownership of this section of road.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized, and is hereby directed to execute a MOU between Erie County and the Town of Hamburg which shall include the agreed upon County improvements to Rodgers Road; and be it further

RESOLVED, that ownership of approximately two (2) centerline miles of Rodgers Road, as defined by the Commissioner of Public Works, shall be turned over to the Town of Hamburg as per the MOU; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to the County Executive; the County Attorney; the Division of Budget and Management and the Department of Public Works.
(5-0)

3. COMM. 18E-17 (2012)
COUNTY EXECUTIVE

WHEREAS, the Intersection Improvement Project PIN 5758.22 (the Project), CR 269, Strickler Road at CR 282, County Road in the Town of Clarence, in Erie County is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 90% Federal funds and 10% Non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the project, PIN 5758.22; and

WHEREAS, the preliminary engineering costs are \$45,000, and the County is required to provide the local share portion for the Project in the amount of \$4,500; and

WHEREAS, a contract must be negotiated with Bergmann Associates, of Buffalo, New York, for engineering design services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the intersection improvement project at Strickler Road and County Road; and be it further

RESOLVED, that the County Legislature hereby authorizes the County to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase of the Project or portions thereof; and be it further

RESOLVED, that the Project shall be funded from SAP account B.00151, 2006 Unanticipated Road & Bridge Costs – Design & Construction (Countywide) Program, fund center 123, fund 420, which includes the anticipated Federal revenue in the amount of \$40,500 and sufficient bond proceeds to meet the local share requirement of \$4,500; and be it further

RESOLVED, that the estimated total sum of the design phase of the Project, \$45,000 is hereby appropriated from B.00151, 2006 Unanticipated Road & Bridge Costs – Design & Construction (Countywide) Program and made available to cover the cost of participation in the above phase of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the projects' Preliminary Engineering (Design I-VI)

phase exceeds \$45,000, the County Legislature shall appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, (subject to the County Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the project identified in the State/Local Agreement and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of Federal aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and be it further

RESOLVED, that the County Executive be authorized to execute a negotiated contract in an amount not to exceed the allowable Project design amount between the County of Erie and project engineers Bergmann Associates of Buffalo, New York, to provide design services for the Intersection Improvement Project, Strickler Road at County Road; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that ten (10) certified copies of this resolution be forwarded 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, the Office of the County Attorney, and the Office of the Comptroller.

(5-0)

**THOMAS A. LOUGHRAN
CHAIR**

Item 17 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 243

October 30, 2012	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR HARDWICK.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 18D-2 (2012)
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"
(4-0)

2. COMM. 18E-8 (2012)
COUNTY CLERK

WHEREAS, the Erie County Legislature previously authorized the Erie County Clerk to act as a retail sales agent for the NYS Thruway Authority in the sale of E-Z Pass Tags (Comm. 12E-17/2012); and

WHEREAS, the sale of these tags has been met with great enthusiasm from the public that visit the County Clerk's Auto Bureau and Clerk's Registrar Office; and

WHEREAS, the Erie County Clerk purchases E-Z Pass Tags at a unit price of \$21.00 and is authorized to sell them to the public at \$25.00 per tag, with the County retaining \$4.00 in revenue for every tag sold; and

WHEREAS, the Clerk's 2012 Budget needs to be adjusted to allow for the unanticipated increase in the sale of these tags.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the following budgetary adjustment in the 2012 Budget:

Erie County Clerk's Office, Fund 110
Fund Center 11310

Revenue

415185 E-Z Pass Tag Sales	\$6,300
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Expense

507000 E-Z Pass Supplies	\$6,300
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and be it further

RESOLVED, that certified copies of this resolution be sent to the County Clerk, the Director of Budget and Management and the County Comptroller.

(4-0)

3. COMM. 18E-20 (2012)
COUNTY CLERK

WHEREAS, the Erie County Clerk Registrar's Division is responsible for recording, filing and maintaining a central repository of legal documents and records affecting property titles, including land and real estate transactions; and

WHEREAS, the County Clerk currently has a maintenance agreement with NewVision for document management and workflow to record, archive and retrieve official records maintained by the Clerk; and

WHEREAS, recording of mortgages, deeds, assignments of mortgages and tax warrants account for almost 50% of the activity in the Land Records Division; and

WHEREAS, changes recently enacted into law by the New York State Legislature now allow for the electronic recording of land records (eRecording); and

WHEREAS, to better improve service delivery the Clerk would also like to implement the electronic acceptance and filing of Tax Warrants and Tax Warrant Satisfactions from the New York State Department of Taxation and Finance – approximately 25,000 documents annually; and

WHEREAS, in order to implement software upgrades to allow for electronic recording of the above documents an amendment and extension to the current maintenance agreement is required, and

WHEREAS, after careful review it has been determined that it is in the best interest of the County to exercise our option to renew the maintenance agreement for five-years and terms favorable to the County have been agreed upon.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into an amendment to the current maintenance agreement with NewVision for 2013 and a related five-year extension; and be it further

RESOLVED, that said amendment will include system upgrades for eRecording and the electronic submission of Tax Warrants and Tax Warrant Satisfactions at no development and implementation cost to the County; and be it further

RESOLVED, that the only additional funds required for the amendment to the last year of the current agreement will be the costs associated with the maintenance of the new upgrades in the amount of \$7,022; and be it further

RESOLVED, that funding for this increase over the 2013 budgeted amount is available in the County Clerk's 2012 budget; and be it further

RESOLVED, that the Budget Director and Comptroller are hereby authorized to make all necessary budget adjustments relative to this funding; and be it further

RESOLVED, that funding for the years 2014-2019 will be included as part of the annual budget process; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the County Clerk, the Director of Budget and Management, the Department of Law, and the County Comptroller.

(4-0)

**THOMAS J. MAZUR
CHAIR**

Item 18 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 244

October 30, 2012	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.

1. RESOLVED, all items are hereby tabled.

THOMAS J. MAZUR
CHAIR

Item 19 – MR. McCracken presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 245

November 1, 2012	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 18E-15 (2012)
COUNTY EXECUTIVE: “ECSD Nos. 3 & 6 - Revised State Pollutant Discharge Elimination System (SPDES) Permits”
(5-0)
 - b. COMM. 18M-3 (2012)
NYSDEC: “Fact Sheet: Fish Consumption Advisory Injury Determination”
(5-0)
 - c. COMM. 18M-14 (2012)
NYSDEC: “Public Notice: Inactive Hazardous Waste Disposal Site Classification Notice - 5565 River Road Site - Tonawanda, NY”

(5-0)

2. COMM. 18E-9 (2012)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning through its Division of Sewerage Management has the responsibility to operate and maintain almost 1,000 miles of sewers, close to 100 pumping stations, five (5) overflow retention facilities, and seven (7) wastewater treatment plants worth over an estimated \$1 billion; and

WHEREAS, due to the age, condition, and complexity of the existing Erie County Sewer District facilities, numerous problems that arise that require engineering solutions; and

WHEREAS, the Erie County Sewer Districts are also facing increased regulatory requirements that necessitate detailed engineering evaluation and study; and

WHEREAS, it is not practical to issue proposals on each and every small engineering project; and

WHEREAS, it is further recognized that there is the need to have engineering assistance on standby for time critical projects; and

WHEREAS, the Division of Sewerage Management issued a request for proposals for engineering assistance on a term contract basis and received thirteen (13) timely responses from qualified engineering firms; and

WHEREAS, in accordance with Section 19.08 of the Erie County Administrative Code, an evaluation committee scored all responses using a consistent rating matrix; and

WHEREAS, the top five (5) ranked firms submitting proposals have been recommended by the Division of Sewerage Management to perform the requested services.

NOW, THEREFORE, BE IT

RESOLVED, that agreements with Arcadis/Malcolm Pirnie, 50 Fountain Plaza, Suite 600, Buffalo, New York 14202; Conestoga-Rovers & Associates, 285 Delaware Ave, Suite 500, Buffalo, New York 14202; DiDonato Engineering and Design Professionals, 689 Main Street, Buffalo, New York 14203; URS Corporation, 77 Goodell Street, Buffalo, New York 14203; and Wendel Companies, 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228; in an amount not to exceed \$300,000.00 each for engineering term contract services during the years of 2013, 2014, and 2015 are hereby approved; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute said agreements subject to approval as to form by the County Attorney and approval as to content by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the County Comptroller be authorized to allocate \$300,000.00 for each agreement from any of the Sewer Capital projects in fund 430 or from the Sewer Operating Fund 220 (including business areas 181, 182, 183, and 186, account 516020 (Professional Service

Contracts)) as determined by the Deputy Commissioner of the Division of Sewerage Management; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management, be required to notify the Legislature of each project assigned to an engineering firm under this resolution; and be it further

RESOLVED, that no individual assignment issued under these agreements be greater than \$75,000.00; and be it further

RESOLVED, that one (1) certified copy of this resolution be provided to the County Executive, County Comptroller, County Director of Budget and Management, and Kristen Walder (Assistant County Attorney); and two (2) certified copies of this resolution be provided to Joseph Fiegl, P.E., Deputy Commissioner, Division of Sewerage Management.
(5-0)

3. COMM. 18E-10 (2012)
COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 11E-7 (2009) Contract 79B was awarded to MLP Plumbing and Mechanical, Inc. for the installation of heating, ventilation and air-conditioning equipment for the Lake Street and Point Breeze Pumping Stations; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 79B, Lake Street and Point Breeze Pumping Stations Project, in the final contract amount of \$269,960.02 which includes Change Order No. 2 (final), a decrease of \$4,306.88, and recommends approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 79B, Lake Street and Point Breeze Pumping Stations Project between the County of Erie and MLP Plumbing and Mechanical, Inc. (3198 Union Road, Suite 300, Cheektowaga, NY 14227) is accepted in the final contract amount of \$269,960.02 which includes Change Order No. 2 (final), a decrease of \$4,306.88, and is allocated in Erie County Sewer District No. 2 Bond Account C.00004; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 79B, Lake Street and Point Breeze Pumping Stations Project to MLP Plumbing and Mechanical, Inc. for a total contract amount of \$269,960.02; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(5-0)

4. COMM. 18E-16 (2012)
COUNTY EXECUTIVE

WHEREAS, the proper process for naming an Erie County facility or property is for the Department that supervises and controls the facility or property to request and receive authorization from your honorable body; and

WHEREAS, to honor a 20-year old US Ranger from the Town of Wales who died in the Invasion of Grenada, the Erie County Legislature adopted a Legislator's Resolution in 1983 urging the County Executive to take the steps necessary to change the name of "Hunters Creek Park" to "Sgt. Mark A. Rademacher Memorial Park"; and

WHEREAS, the County Executive at that time rededicated the site "Sgt. Mark A. Rademacher Memorial Park/Hunter's Creek Park" without requesting and receiving authorization from the County Legislature; and

WHEREAS, the park is a 760-acre conservation site within the Erie County park system and is located in the Town of Wales; and

WHEREAS, the park is popularly referred to as both "Sgt. Mark A. Rademacher Memorial Park" and "Hunter's Creek Park"; and

WHEREAS, the Department of Parks, Recreation and Forestry wishes for this honorable body to reaffirm the decision to name the park "Sgt. Mark A. Rademacher Memorial Park/Hunter's Creek Park" and has requested authorization to officially change the name.

NOW, THEREFORE, BE IT

RESOLVED, the 760-acre Erie County park in the Town of Wales shall henceforth be known as "Sgt. Mark A. Rademacher Memorial Park/Hunter's Creek Park"; and be it further

RESOLVED, that the Department of Parks Recreation and Forestry shall continue to install appropriate signage of the name of the Park; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive and the Commissioner of the Department of Parks, Recreation and Forestry.
(5-0)

TERRENCE D. McCracken
CHAIR

Item 20 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 246

ALL MEMBERS PRESENT.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 10D-4 (2012)
COMPTROLLER'S OFFICE: "Letter to EC Sheriff Concerning Commissary Fund"
(6-0)
 - b. COMM. 10D-5 (2012)
SHERIFF'S DEPARTMENT: "Letter of Response to Deputy Comptroller - Audit
Concerning Commissary Fund"
(6-0)
 - c. COMM. 10D-6 (2012)
SHERIFF'S DEPARTMENT: "Letter to Chair of Legislature Concerning Request for JMD
Commissary & Telephone Funds"
(6-0)
 - d. COMM. 17D-3 (2012)
SHERIFF'S DEPARTMENT: "Informal Grievance Procedure"
(6-0)
 - e. COMM. 17M-11 (2012)
SALVATION ARMY: "Letter to Legislature Concerning Domestic Violence"
(6-0)
 - f. COMM. 17M-16 (2012)
DIRECTOR OF SERVICES, GERARD PLACE: "Letter to Legislature Concerning
Domestic Violence"
(6-0)
 - g. COMM. 17M-17 (2012)
DIRECTOR OF "IN HONOR OF JACKIE": "Letter to Legislature Concerning Domestic
Violence"
(6-0)

TIMOTHY R. HOGUES
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 247

November 1, 2012	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MILLS.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 1D-7 (2012)
EC REAL PROPERTY TAX SERVICES AS AMENDED

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and /or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 212253 through 212270, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR	2012	Petition No.	212,253.00
	ASSESSOR	Cancel	\$483.00

S-B-L 190.00-2-8.2 146600 WALES

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$483.00	Town/SpecialDist/School
<u>Charge To :</u>	146600 WALES		\$483.00
	Relevy School	\$483.00	144201 IROQUOIS CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
NEW TAX BILL TO BE ISSUE TO: SCOTT J MURRAY

FISCAL YEAR	2012	Petition No.	212,254.00
	ASSESSOR	Cancel	\$1,367.63

S-B-L 33.00-2-16 145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,367.63	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD		\$1,367.63
	Relevy School	\$1,367.63	145601 AKRON CENTRAL

RPTL 550(2): FAILED TO APPLY A ENHANCED & AGED EXEMPTION
NEW TAX BILL TO BE ISSUED TO: BETTY JANE GERSTUNG

FISCAL YEAR 2010 Petition No. 212,255.00

ASSESSOR Refund \$67.88

S-B-L 184.09-2-12 146089 ORCHARD PARK

Acct. No. 112 \$42.17 County

Acct. No. 132 \$25.71 Town/SpecialDist/School

52002 2009 COMM COLLEGE \$0.10

Charge To : 146089 ORCHARD PARK \$25.61

RPTL 550(2): FAILED TO APPLY A LOW-INCOME SENIOR EXEMPTION
REFUND TO BE ISSUED TO: DAVID C & ELVA COHOON

FISCAL YEAR 2011 Petition No. 212,256.00

ASSESSOR Refund \$68.57

S-B-L 184.09-2-12 146089 ORCHARD PARK

Acct. No. 112 \$42.22 County

Acct. No. 132 \$26.35 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$26.35

RPTL 550(2): FAILED TO APPLY A LOW-INCOME SENIOR EXEMPTION
REFUND TO BE ISSUED TO: DAVID C & ELVA COHOON

FISCAL YEAR 2012 Petition No. 212,257.00

ASSESSOR Refund \$278.24

S-B-L 184.09-2-12 146089 ORCHARD PARK

Acct. No. 112 \$169.36 County

Acct. No. 132 \$108.88 Town/SpecialDist/School

Charge To : 146089 ORCHARD PARK \$108.88

RPTL 550(2): FAILED TO APPLY A LOW INCOME SENIOR EXEMPTION
REFUND TO BE ISSUED TO: DAVID C & ELVA COHOON

FISCAL YEAR 2012 Petition No. 212,258.00

ASSESSOR Refund \$415.00

S-B-L 67.50-4-42 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$415.00	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$415.00
	Relevy School	\$415.00	142207 SWEET HOME CENTRAL

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR EXEMPTION
REFUND TO BE ISSUED TO: MILTON DETAMPLE

FISCAL YEAR	2012	Petition No.	212,259.00
	ASSESSOR	Refund	\$2,138.68

S-B-L 84.06-4-21 143200 CLARENCE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,138.68	Town/SpecialDist/School
<u>Charge To :</u>	143200 CLARENCE		\$2,138.68
	Relevy School	\$2,138.68	143201 CLARENCE CENTRAL

RPTL 550(2): FAILED TO APPLY AN AGED EXEMPTION
REFUND TO BE ISSUED TO: JEANNE P KAY

FISCAL YEAR	2012	Petition No.	212,260.00
	ASSESSOR	Refund	\$444.00

S-B-L 160.10-3-39.1 144889 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$444.00	Town/SpecialDist/School
<u>Charge To :</u>	144889 HAMBURG		\$444.00
	Relevy School	\$444.00	144804 FRONTIER CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: BARRETT ESTATE OF BARBARA

FISCAL YEAR	2010	Petition No.	212,261.00
	ASSESSOR	Refund	\$300.35

S-B-L 93.19-3-65 145289 LANCASTER

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$300.35	Town/SpecialDist/School
52499 EC4 FOOTG		\$48.00	
52500 ERIE CO SEWER #4		\$87.35	

52501 ERIE CO SEW DIST 4 \$165.00
Charge To : 145289 LANCASTER \$0.00

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED TO THE TAX ROLL
REFUND TO BE ISSUED TO: JOSEPH & IDALENE MUSCARELLA

FISCAL YEAR 2011 Petition No. 212,262.00
ASSESSOR Refund \$296.12

S-B-L 93.19-3-65 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$296.12 Town/SpecialDist/School
52499 EC4 FOOTG \$48.00
52500 ERIE CO SEWER #4 \$83.12
52501 ERIE CO SEW DIST 4 \$165.00
Charge To : 145289 LANCASTER \$0.00

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED TO THE TAX ROLL
REFUND TO BE ISSUED TO: JOSEPH & IDALENE MUSCARELLA

FISCAL YEAR 2012 Petition No. 212,263.00
ASSESSOR Refund \$320.81

S-B-L 93.19-3-65 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$320.81 Town/SpecialDist/School
52499 EC4 FOOTG \$48.00
52500 ERIE CO SEWER #4 \$102.81
52501 ERIE CO SEW DIST 4 \$170.00
Charge To : 145289 LANCASTER \$0.00

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED TO THE TAX ROLL
REFUND TO BE ISSUED TO: JOSEPH & IDALENE MUSCARELLA

FISCAL YEAR 2010 Petition No. 212,264.00
ASSESSOR Refund \$309.96

S-B-L 93.19-3-61 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$309.96 Town/SpecialDist/School
52499 EC4 FOOTG \$61.20
52500 ERIE CO SEWER #4 \$83.76

52501 ERIE CO SEW DIST 4 \$165.00
Charge To : 145289 LANCASTER \$0.00

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED TO THE TAX ROLL
REFUND TO BE ISSUED TO: DAVID & MICHELLE HOELZL

FISCAL YEAR 2011 Petition No. 212,265.00
ASSESSOR Refund \$300.69

S-B-L 93.19-3-61 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$300.69 Town/SpecialDist/School
52499 EC4 FOOTG \$61.20
52500 ERIE CO SEWER #4 \$74.49
52501 ERIE CO SEW DIST 4 \$165.00
Charge To : 145289 LANCASTER \$0.00

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED TO THE TAX ROLL
REFUND TO BE ISSUED TO: DAVID & MICHELLE HOELZL

FISCAL YEAR 2012 Petition No. 212,266.00
ASSESSOR Refund \$323.34

S-B-L 93.19-3-61 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$323.34 Town/SpecialDist/School
52499 EC4 FOOTG \$61.20
52500 ERIE CO SEWER #4 \$92.14
52501 ERIE CO SEW DIST 4 \$170.00
Charge To : 145289 LANCASTER \$0.00

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED TO THE TAX ROLL
REFUND TO BE ISSUED TO: DAVID & MICHELLE HOELZL

FISCAL YEAR 2012 Petition No. 212,267.00
ASSESSOR Refund \$327.69

S-B-L 93.19-3-70 145289 LANCASTER

Acct. No. 112 \$0.00 County
Acct. No. 132 \$327.69 Town/SpecialDist/School
52499 EC4 FOOTG \$45.00
52500 ERIE CO SEWER #4 \$112.69

52501 ERIE CO SEW DIST 4 \$170.00
Charge To : 145289 LANCASTER \$0.00

RPTL 550(2): INCORRECT SPECIAL DISTRICTS CHARGED TO THE TAX ROLL
REFUND TO BE ISSUED TO: JEFFREY & JEAN PENFOLD

FISCAL YEAR 2012 Petition No. 212,268.00
ASSESSOR Refund \$1,425.72

S-B-L 44.19-2-31.1/A 143200 CLARENCE

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,425.72 Town/SpecialDist/School
Charge To : 143200 CLARENCE \$1,425.72
Relevy School \$1,425.72

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: NIAGARA FRONTIER SIKH SOC INC

FISCAL YEAR 2012 Petition No. 212,269.00
ASSESSOR Cancel \$509.00

S-B-L 144.15-4-24 146800 WEST SENECA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$509.00 Town/SpecialDist/School
Charge To : 146800 WEST SENECA \$509.00
Relevy School \$509.00 146801 WEST SENECA CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: WILLIAM & LAURA BOSINSKI

FISCAL YEAR 2012 Petition No. 212,270.00
ASSESSOR Refund \$583.00

S-B-L 66.36-1-6 146489 TONAWANDA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$583.00 Town/SpecialDist/School
Charge To : 146489 TONAWANDA \$583.00
Relevy School \$583.00 146401 KEN-TON UNION FREE

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: SHEILA M CAMP

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(5-0)

2. COMM. 18E-6 (2012)
COUNTY EXECUTIVE

WHEREAS, the County has provided financial support to the Erie County Medical Center Corporation (ECMCC) since its creation as a public benefit corporation in 2004, and provided financial support to the Erie County Medical Center Healthcare Network before 2004, all of which has been essential to the mission of providing health services to the residents of Erie County regardless of their ability to pay; and

WHEREAS, the County and ECMCC entered into a Sale, Purchase and Operation Agreement effective January 1, 2004, as amended August 1, 2004 (the "SPOA"), providing for the ECMCC's purchase of certain buildings and improvements owned by the County and for the financial independence, increased flexibility, additional and alternate revenue streams and independent decision-making of ECMCC while intending that ECMCC continue as a general, municipal hospital serving the health care needs of the residents of Western New York, including those of the underinsured and uninsured; and

WHEREAS, to resolve certain issues between the County and ECMCC that had given rise to litigation between the two, while leaving certain other issues to be resolved in the future, the Parties entered into a Consent Decree on February 24, 2006 as ordered by the Supreme Court of the State of New York, County of Erie (the "Consent Decree"); and

WHEREAS, over time, the County and ECMCC have developed a complex fiscal relationship requiring, among other things, that the County provide various supplemental Medicaid payments to ECMCC, which are matched dollar for dollar by the federal government called Disproportionate Share ("DSH") and Upper Payment Limit ("UPL"); and

WHEREAS, the 2006 Consent Decree acknowledged, among other things, (a) that certain issues relating to the Parties' fiscal relationship after January 1, 2010 that arose in the underlying litigation were left unresolved; (b) that the Parties were obligated by the Consent Decree to negotiate those issues in good faith with the intent of reaching an agreement; and (c) that the Parties were free to seek further judicial intervention to reach an agreement; and

WHEREAS, in 2009 and 2010 the County and ECMCC conducted extended negotiations and met with the New York State Supreme Court, County of Erie, as a part of the negotiation process to resolve and settle certain issues between them in accordance with law; and

WHEREAS, on March 25, 2010 the Erie County Legislature unanimously approved a Settlement Agreement between the County and ECMCC codifying and establishing certain County financial obligations, including a requirement that the County would pay ECMCC an annual subsidy payment totaling \$16.2 million, or make annual required DSH and UPL payments, whichever was higher; and

WHEREAS, these DSH and UPL payments have grown significantly, and the County and ECMCC have cooperated and developed a First Amendment to the Settlement Agreement to help relieve the pressure on the County's budget in 2013, 2014 and 2015.

NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature does hereby ratify the First Amendment and authorizes the County to execute and deliver the negotiated First Amendment to the Settlement Agreement, subject to any necessary approvals; and be it further

RESOLVED, that the County Executive is hereby authorized to execute such related and ancillary documents and agreements that the Erie County Attorney deems necessary or appropriate to effectuate the terms of the First Amendment to the Settlement Agreement, subject to any necessary approvals; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Attorney, Director of Budget and Management, the Comptroller and the Chief Executive Officer of the Erie County Medical Center Corporation.
(5-0)

**TIMOTHY R. HOGUES
CHAIR**

LEGISLATOR RESOLUTIONS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 248

RE: Downtown Pedestrian/Transit Mall
District Special Charge Authorization
for 2013
(INTRO 19-1)

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

WHEREAS, the Erie County Legislature approved Local Law No. 8-1984, establishing a downtown pedestrian/transit mall special district; and

WHEREAS, the Erie County Legislature approved on December 19, 1985, a resolution authorizing the County Executive to enter into agreement with Downtown Buffalo Management Corporation, now known as Buffalo Place Inc. (BPI), designating Buffalo Place Inc. as the not-for-profit corporation with which Erie County shall contract for the performance of mall special district services, for which annual contracts were executed in 1986, 1987, 1988, 1989, 1990, 1991, 1992,

1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, and 2002, 2003, 2004; 2005, 2006, 2007; 2008; 2009; 2010; 2011; 2012; and

WHEREAS, the said Local Law required that the mall corporation present an annual budget to the Legislature regarding the amount to be raised by mall district special charges; and

WHEREAS, pursuant to the said Local Law, Buffalo Place Inc. held a public hearing, on due notice to property owners within the district, regarding the proposed 2013 annual budget on October 30, 2012.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby determine that the total amount to be raised by mall district service charges in 2013 shall be the sum of \$1,286,122, as contained in a budget presented to the Legislature on October 31, 2012, which amount does not exceed 80% of the service charges that could be assessed or levied against properties in the district; and be it further

RESOLVED, that the County of Erie be and hereby is authorized to enter into agreement with Buffalo Place Inc., the not-for-profit corporation described in Section 9 of Erie County Local Law No. 8-1984, providing for the performance by Buffalo Place Inc. of the mall special services set forth in Section 8 of said Local Law; the payment to Buffalo Place Inc. of the proceeds of the mall special district charges, less administrative costs, to be used by Buffalo Place Inc. in providing mall special district services; and such other terms and conditions as to the County Attorney appear necessary or appropriate for the implementation of Erie County Local Law No. 8-1984 and Chapter 673 of the Laws of 1982; and be it further

RESOLVED, that the Erie County Commissioner of Finance shall, not later than November 16, 2012, cause to be established a Mall District Special Charge Roll apportioning the amount herein above determined to be raised by mall district special charges for 2013 in conformance with the formula set forth in Section 7 of Erie County Local Law N. 8-1984 using the latest available final general or special assessment roll prepared by The City of Buffalo; and be it further

RESOLVED, that certified copies of this resolution in its final form be forwarded to the Erie County Executive, the Mayor of the City of Buffalo, the Chairman and the Executive Director of Buffalo Place Inc., and the Erie County Commissioner of Budget and Management.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

None.

SUSPENSION OF THE RULES

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

GRANTED.

COMM. 19M-13 from the EC FISCAL STABILITY AUTHORITY Re: Analysis of the EC 2013-2016 Financial Plan

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

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

GRANTED.

COMM. 19M-14 from EC FISCAL STABILITY AUTHORITY Re: The Authority's Approving Resolution of the County's 2013-2016 Financial Plan

Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

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

GRANTED.

COMM. 19M-15 from DR. WESLEY L. HICKS JR. Re: Copy of His Curriculum Vitae for Consideration as the Legislature's Recommendation for the Governor's Appointment to the NFTA Board of Commissioners

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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

GRANTED.

COMM. 19E-15 from the SHERIFF Re: Recommendation to Fill Vacancy on the EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

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

GRANTED.

COMM. 19M-16 from JUSTICE WOLFGANG Re: Recommendation to Fill Vacancy on the EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 28 – (COMM. 19E-1) Review of the Sheriff's Commissary Fund & Follow-Up of the 2007 Operations Audit - 1/1/2011 Through 5/31/2012

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 29 – (COMM. 19E-2) Proposed Agreement with WNY Mountain Bicycling Association (WNYMBA)

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 30 – (COMM. 19E-3) Authorization to Enter Into Contract with Diane SanFilippo, M.D.

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 31 – (COMM. 19E-4) Qualified Empire Zone Enterprise (QEZE) Refund/Credit

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 32 – (COMM. 19E-5) Revise Congregate Dining Grant Budget & Salvation Army Contract

Item 33 – (COMM. 19E-6) Authority to Participate in the EmPower NY Program

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

FROM LEGISLATOR DIXON

Item 34 – (COMM. 19E-7) Follow-Up Letter to County Attorney Regarding Sheriff's Office Expenditures

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 35 – (COMM. 19E-8) Reappointment to the Buffalo & EC Public Library Board of Trustees

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 36 – (COMM. 19E-9) Appointment to the Youth Services Board

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 37 – (COMM. 19E-10) Rath Building & 92 Franklin Street - Dry Snack Stand(s) Remodeling

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 38 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 249

RE: Authorization to Accept Efficiency
Grant Funds for Fleet Vehicle
(COMM. 19E-11)

WHEREAS, Erie County has undertaken an extensive review of the Erie County fleet and found it to be aging and inefficient; and

WHEREAS, the County has been awarded an efficiency grant from the Erie County Fiscal Stability Authority (ECFSA) to fund replacement of some of the vehicles in the fleet; and

WHEREAS, in Resolution 12-15, dated October 26, 2012, ECFSA approved funding in the amount of \$1,427,300 to fund the purchase of dump trucks/plows and mowers/tractors for the Department of Public Works and the purchase of one cargo van for the Department of Emergency Services.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to accept additional efficiency grant funds in the amount of \$1,427,300 from ECFSA to fund replacement vehicles for the Departments of Public Works and Emergency Services; and be it further

RESOLVED, that updates will be submitted to the Legislature and ECFSA that summarize the progress of this initiative; and be it further

RESOLVED, that the Director of Budget and Management and Erie County Comptroller are hereby authorized to make any budget and accounting adjustments required to accept efficiency grant funds as outlined above; and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Department of Public Works, and one copy each to the Office of the County Executive, the Erie County Fiscal Stability Authority, the Office of the County Comptroller, the Director of Budget and Management, and the Office of the County Attorney.

Item 39 – (COMM. 19E-12) Emergency Bridge Design Program

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM CHAIR GRANT

Item 40 – (COMM. 19E-13) Budget Hearing Schedule - 2013 Tentative EC Budget - Updated 11/5/2012

Received, Filed & Printed.

BUDGET HEARING SCHEDULE
2013 TENTATIVE ERIE COUNTY BUDGET – UPDATED 11/5/12

Conducted by the Erie County Legislature
Finance & Management/Budget Committee

All meetings will be held in the Chambers of the Erie County Legislature,
located at 92 Franklin St., 4th Floor, Buffalo, NY 14202

TUESDAY, NOVEMBER 13, 2012

9:00 AM - 10:30 AM	Budget Presentation: Dr. Timothy Callan, PhD, Deputy Director of Budget and Management
10:30 AM - 11:00 AM	Senior Services
11:00 AM - 11:30 AM	Board of Elections
11:30 AM - 12 NOON	Comptroller
	LUNCH
1:00 PM - 2:30 PM	Social Services

WEDNESDAY, NOVEMBER 14, 2012

9:00 AM - 9:30 AM	County Clerk
9:30 AM - 10:15 AM	Environment & Planning
10:15 AM - 11:00 AM	County Executive/Budget & Management
11:00 AM - 12 NOON	District Attorney
	LUNCH
1:00 PM - 1:45 PM	Sheriff
1:45 PM - 2:15 PM	Probation
2:15 PM - 2:45 PM	Central Police Services
2:45 PM - 3:15 PM	Emergency Services

THURSDAY, NOVEMBER 15, 2012

9:00 AM - 9:45 AM	Health/Emergency Medical Services
9:45 AM - 10:15 AM	County Attorney
10:15 AM - 11:00 AM	Public Works
11:00 AM - 11:30 AM	Parks, Recreation & Forestry
	LUNCH
12:30 PM - 1:15 PM	Buffalo & Erie County Public Library
1:45 PM - 2:15 PM	Personnel/Labor Relations
2:15 PM - 2:45 PM	DISS

FRIDAY, NOVEMBER 16, 2012
Reserved for Call-Backs

Monday, November 19, 2012
PUBLIC HEARING at 5:00 PM Chambers of Erie County Legislature

Tuesday, December 4, 2012
ANNUAL BUDGET MEETING

FROM THE COMPTROLLER

Item 41 – (COMM. 19E-14) Review of Poloncarz Administration's Proposed 2013 Budget
Received and referred to the FINANCE & MANAGEMENT/BUDGET COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COMMISSIONER OF ENVIRONMENT & PLANNING

Item 42 – (COMM. 19D-1) EC Environmental Management Council - 2012 State of the
County Environment Report

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE CLERK OF PUBLIC SAFETY COMMITTEE

Item 43 – (COMM. 19D-2) E-Mail Transmission from Chaplain Frank Thomas Concerning
the "We Care Program"

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE DIRECTOR OF BUDGET & MANAGEMENT

Item 44 – (COMM. 19D-3) Budget Monitoring Report for Period Ending September 2012

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 45 – (COMM. 19D-4) Transmittal of New Claims Against EC

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE SHERIFF'S DEPARTMENT

Item 46 – MR. MAZUR presented the following resolution and moved for immediate

consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 250

RE: Asset Forfeiture Funded Program SAFS
(COMM. 19D-5)

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

WHEREAS, there are currently \$703,434 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 \$165,000 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>\$ 165,000</u>
	Total Revenue	<u>\$ 165,000</u>
 <u>APPROPRIATION</u>		 <u>Increase</u>
506200	Maintenance & Repair	\$ 95,000
561440	Motor Vehicle Equipment	<u>\$ 70,000</u>
	Total Appropriations	<u>\$ 165,000</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.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE MAYOR OF BUFFALO

Item 47 – (COMM. 19M-1) Letter to Chair Grant Concerning Recommendation for Reappointment to the Buffalo & EC Public Library Board of Trustees

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NFTA

Item 48 – (COMM. 19M-2) Copy of 17A Report & the Capital Expenditure Report for the Second Quarter of Fiscal Year Ending 3/31/2013

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM NEGLIA BALLET ARTISTS

Item 49 – (COMM. 19M-3) Letter to Legislature Concerning Proposed 2013 Budget

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM EMPIRE STATE DEVELOPMENT

Item 50 – (COMM. 19M-4) Supplemental Notice of Project Update - Canalside Project - Buffalo, NY

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE NFTA

Item 51 – (COMM. 19M-5) Minutes from Meeting Held 9/28/2012

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 52 – (COMM. 19M-6) Copy of Quarterly Report for the Third Quarter of 2012

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO PLACE EXECUTIVE DIRECTOR

Item 53 – (COMM. 19M-7) Copy of Buffalo Place's 2013 Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CENTER FOR EMPLOYMENT OPPORTUNITIES

Item 54 – (COMM. 19M-8) Copy of Letter to NFTA Executive Director Concerning Transportation

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM ANNETTE COLE, ELLEN MOSACK & MARTI KOVACH

Item 55 – (COMM. 19M-9) Letter to Chair Grant Concerning Senior Service Support Specialist, Department of Social Services

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM BUFFALO NIAGARA DISTRICT COUNCILMEMBER RIVERA

Item 56 – (COMM. 19M-10) Letter to Legislature Concerning Appointment to the EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM PAT FREEMAN

Item 57 – (COMM. 19M-11) Letter to Legislator Loughran Requesting to Appear before the Economic Development Committee

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE WOMEN, CHILDREN & SOCIAL JUSTICE CLINIC
AT SUNY BUFFALO LAW

Item 58 – (COMM. 19M-12) Copy of Flier Entitled "Domestic Violence as a Human Rights Violation"

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

ANNOUNCEMENTS

Item 59 – MR. HOGUES announced that the 2013 United Way Drive is under way, and encouraged participation.

Item 60 – MS. DIXON announced the upcoming Veterans' Day Parade, to be held on Saturday, November 10, 2012, at 11:00 A.M., on Delaware Avenue, downtown Buffalo.

Item 61 – MR. HOGUES announced next week's beginning of budget hearings concerning the County Executive's tentative 2013 Erie County budget.

Item 62 – CHAIR GRANT announced that the schedule of upcoming committee meetings has been distributed.

MEMORIAL RESOLUTIONS

Item 63 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of James P. Wells, and Charles W. Heylmun.

Item 64 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Army Specialist Brett Gornewicz, Dr. Frank L. Graziano, Stephen G. Juhasz, and Minot H. Ortolani.

Item 65 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Thomas Pazderski.

Item 66 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Brian Meyer.

Item 67 – Legislator McCracken requested that when the Legislature adjourns, it do so in memory of Franklin Lehner, Clare Besch, and Army Specialist Brett Gornewicz.

Item 68 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Richard Dentenger.

Item 69 – Legislator Hogues requested that when the Legislature adjourns, it do so in memory of Tex Smith, and all those who lost their lives during Hurricane Sandy.

Item 70 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Minot H. Ortolani, and Jeanette Collins.

ADJOURNMENT

Item 71 – 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, November 29, 2012 at 2:00 P.M. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, November 29, 2012 at 2:00 P.M. Eastern Standard Time.

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