

**ERIE COUNTY LEGISLATURE  
MEETING NO. 2  
JANUARY 24, 2013**

The Legislature was called to order by Chair Grant.

All members present.

An Invocation was held, led by Mr. Hogues, who offered a prayer.

The Pledge of Allegiance was led by Mr. Rath.

Item 1 – CHAIR GRANT directed that the Rules of the Legislature for 2013, and Designation of Newspapers shall remain on the table.

GRANTED.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Number 1 from 2013. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. MAZUR presented a memorial resolution Remembering the Life of Town of Cheektowaga Community Leader Raymond V. Full.

Item 6 – MR. McCRACKEN presented a resolution Honoring Albert E. Martin on the Occasion of His Retirement Following 40 Years of Service on the Lancaster Public Library Board of Trustees (1972 - 2012).

Item 7 – MS. MARINELLI presented a resolution Congratulating Dan Wiles on His Retirement as Director of Youth, Parks & Recreation for the Town of Tonawanda.

Item 8 – CHAIR GRANT, MR. MAZUR & MR. MILLS presented a resolution Recognizing & Commending Colonel David W. Sutherland (RET.), United States Army, on Inspiring the Mission & Work of VALER4Valor through the Publication of the "Sea of Goodwill" White Papers.

Item 9 – MR. HARDWICK presented a resolution Honoring Daniel J. Wiles on His Retirement from the Town of Tonawanda Youth, Parks & Recreation Department.

Item 10 – MR. HARDWICK presented a resolution Honoring Norma R. McCombs Upon Receiving the National Medal of Technology & Innovation.

Item 11 – MR. HARDWICK presented a resolution Honoring Captain Lori Rank Upon Her Retirement from the City of Tonawanda Police Department.

Item 12 – MR. HARDWICK presented a resolution Honoring Lt. Patrick Rank Upon His Retirement from the City of Tonawanda Police Department.

Item 13 – MR. HARDWICK presented a resolution Honoring Officer Michael Kenny Upon His Retirement from the City of Tonawanda Police Department.

Item 14 – MR. MILLS presented a resolution Congratulating Andrew Benz, Orchard Park Chief of Police, Retiring after 25 Years of Service.

Item 15 – MR. HOGUES presented a resolution Honoring David T. Hore on Being Named "Citizen of the Month for January 2013" by the EC Legislature.

Item 16 – MS. DIXON presented a resolution Congratulating Ed Kilgore on His 40 Years in Broadcasting.

Item 17 – MR. MAZUR presented a memorial resolution Honoring Marie W. Cannan.

Item 18 – MR. MAZUR presented a memorial resolution In Remembrance of Merseda Miller.

MR. MAZUR moved for consideration of the above fourteen items. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above fourteen items by including Et Al Sponsorship. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above fourteen items as amended. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

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

GRANTED.

Item 20 – 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 21 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 3

January 15, 2013	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 1
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
  - a. COMM. 18M-8 (2012)  
AMHERST SYMPHONY ORCHESTRA ASSOCIATION: “Request for 2013 Operating Funds”  
(5-0)
  - b. COMM. 19M-3 (2012)  
NEGLIA BALLET ARTISTS: “Letter to Legislature Concerning Proposed 2013 Budget”  
(5-0)
  - c. COMM. 20M-2 (2012)  
PRESIDENT & CEO, VISIT BUFFALO NIAGARA: “Copy of 3rd Quarter Report for 2012”  
(5-0)
  - d. COMM. 20M-3 (2012)  
CATHERINE SCHWEITZER: “Written Testimony Submitted to the Legislature at Community Enrichment Committee Meeting Held 11/9/2012”  
(5-0)
  - e. COMM. 20M-4 (2012)  
BUFFALO & EC PUBLIC LIBRARY: “Proposed Agenda for Meeting Held 11/15/2012”  
(5-0)
  - f. COMM. 20M-9 (2012)  
ECC PRESIDENT: “Letter to Chair of Legislature Concerning Additional Information Requested at the Community Enrichment Committee Meeting Held 10/16/2012”  
(5-0)

g. COMM. 20M-14 (2012)  
IT TAKES A VILLAGE ACTION ORGANIZATION: “Description of Organization  
Concerning Cultural Funding Request”  
(5-0)

h. COMM. 1M-3 (2013)  
CORNELL COOPERATIVE EXTENSION: “Copy of 2012 Annual Report”  
(5-0)

2. COMM. 26E-17 (2012)  
COUNTY EXECUTIVE

WHEREAS, Erie Community College has identified a need to retrofit all exterior lighting (approximately 307 lights) at its South Campus including all those, along roadways/walkways and located in parking lots with state-of-the-art, LED motion detection, setback lighting; and

WHEREAS, safety and security will be enhanced and the college will save on energy consumption and maintenance expenditures in future years, with an anticipated payback of less than six years on this project; and

WHEREAS, all costs incurred up to \$350,000 for this project will be paid out of ECC’s capital chargeback account without utilizing operating funds; and

WHEREAS, the project will not involve the expenditure of any county funds; and

WHEREAS, on November 28, 2012 the ECC Board of Trustees approved capital project expenditures of up to \$350,000 involving the exterior lighting at South Campus to be funded by the Erie Community College Capital Chargeback Fund.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature approves this project and the use of the college’s chargeback account as a means to fund the project; and be it further

RESOLVED, that pending Erie County Legislative approval, such project costs incurred will be submitted to New York State for 50% state aid reimbursement, with such reimbursement being placed back into the college’s capital chargeback account; and be it further

RESOLVED, that copies of this resolution be forwarded to the Erie County Executive, President of Erie Community College, the Chairman of the ECC Board of Trustees and SUNY.  
(5-0)

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

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 4

January 15, 2013	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 1
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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. 19E-10 (2012)  
COUNTY EXECUTIVE: "Rath Building & 92 Franklin Street - Dry Snack Stand(s) Remodeling"  
(6-0)
  - b. COMM. 19D-4 (2012)  
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"  
(6-0)
  - c. COMM. 19M-6 (2012)  
ASSIGNED COUNSEL PROGRAM: "Copy of Quarterly Report for the Third Quarter of 2012"  
(6-0)
  - d. COMM. 20M-1 (2012)  
EXECUTIVE DIRECTOR, ECFSA: "Copy of Resolution Approving an Efficiency Grant for County Vehicles"  
(6-0)
  - e. COMM. 20M-8 (2012)  
CHENANGO COUNTY BOARD OF SUPERVISORS: "Copy of Resolution Calling for the Governor & State Legislature to Compensate Counties for State-Mandated District Attorney's Salaries"  
(6-0)
  - f. COMM. 26D-3 (2012)  
COUNTY ATTORNEY: "Transmittal of New Claims Against EC"  
(6-0)
2. COMM. 26E-21 (2012)  
COUNTY CLERK

WHEREAS, the Erie County Clerk Registrar's Division is responsible for recording, filing and maintaining a central repository of legal documents associated with all court records of the New York State Supreme Court and County Court; and

WHEREAS, filing of court transactions are handled by staff located in the Actions and Proceedings Area located on the first floor of Old County Hall and they serve thousands of customers, attorneys and judicial employees every year; and

WHEREAS, the redesign of this area will add additional counter space and cashier windows to better serve customers and provide improved workflow; and

WHEREAS, completion of these renovations will result in improved employee working conditions; and

WHEREAS, the Erie County Division of Buildings and Grounds has agreed to undertake this project if proper funding is identified; and

WHEREAS, the Clerk's Office/Registrar Division has identified a funding source from unanticipated revenue recorded in 2012 Revenues - Recording Fees.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the allocation of the following funds for the completion of this project:

2012 BUDGET – County Clerk, Business Area 113  
Fund Center 11310 – Registrar Division

		<u>Increase</u>
415150	Recording Fees	\$30,000
561420	Office Equipment	\$2,000
561410	Lab & Tech	\$3,000

2012 BUDGET – DPW, Business Area 122  
Fund Center 12220 – Buildings & Grounds

501000	Overtime	\$19,400
502000	Fringe Benefits	\$5,600

RESOLVED, that the Budget Director is hereby authorized to make all necessary budget adjustments relative to this funding; 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 Division of Buildings and Grounds, and the County Comptroller.

(6-0)

**THOMAS J. MAZUR  
CHAIR**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 5

January 15, 2013	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 1
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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. 19M-11 (2012)  
PAT FREEMAN: "Letter to Legislator Loughran Requesting to Appear before the Economic Development Committee"  
(6-0)
  - b. COMM. 1E-5 (2013)  
COMPTROLLER: "EC DPW Audit of the Eden-Evans Center Rd. Project for the Period 7/1/2011 - 8/31/2012"  
(6-0)
  - c. COMM. 1D-1 (2013)  
COMMISSIONER OF ENVIRONMENT & PLANNING: "Buffalo Erie Niagara Land Improvement Corporation Board of Directors Meeting Notice - 2013 Meeting Schedule"  
(6-0)
  - d. COMM. 1M-9 (2013)  
NFTA: "Minutes from Meeting Held 11/26/2012"  
(6-0)
2. COMM. 26E-11 (2012)  
COUNTY EXECUTIVE  
WHEREAS, a Project for Black Rock Canal Park improvements was awarded \$900,000 in New York State Power Authority (Greenway) monies of which \$440,000 has yet to be properly accounted for within the appropriate County budget accounts; and

WHEREAS, an additional \$1,100 in local source revenue is available from unclaimed bid deposit funds received from contractors during the bidding of Phase I Black Rock Canal Park Improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept \$440,000 in New York State Power Authority funding (Greenway) for improvements to the Black Rock Canal Park; and be it further

RESOLVED, that the Erie County Executive is authorized to accept \$1,100 in contractor bid deposits for improvements to Black Rock Canal Park; and be it further

RESOLVED, that authorization is hereby provided to complete the following budget adjustment to SAP Project #A.21016 within the Erie County Budget

- Increase Revenue and Appropriations totaling \$441,100 as follows:

Revenue

Commitment Item #409010 (State Aid-Other)	(\$440,000)
Commitment Item #420499 (Other Local Source Revenue)	(\$1,100)

Appropriations

Commitment Item #516020 (Professional Services-Contractual Fees)	\$441,100
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and be it further

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

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

(6-0)

3. COMM. 26E-14 (2012)  
COUNTY EXECUTIVE

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

WHEREAS, the Erie County Legislature previously authorized contracts for Parking Lot Improvements and Sound System Upgrades-Phase 3; and

WHEREAS, not all Alternates were accepted in awarding the above noted contracts due to insufficient funds; and

WHEREAS, additional funds are now available to accept Alternates S-2 for additional paving in Lot 5 and for accepting Alternate S-1 for Phase 3 of the Sound System Upgrades; and

WHEREAS, unforeseen field conditions warrant an increase in the construction contingency account for the RWS-2011-Miscellaneous Improvements, Phase 2 project; and



WHEREAS, your Honorable Body has previously approved a general Architectural/Engineering agreement with the engineering firm of DiDonato Associates for providing professional services on County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to DiDonato Associates for providing construction administration services for the additional work.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue a Contract Amendment to Louis Del Prince & Sons, Inc. for accepting Alternate Bid S-1 for an amount not to exceed \$289,500.00; and be it further

RESOLVED, that the County Executive be authorized to issue a Contract Amendment to Frey Electrical Construction Company, for accepting Alternate Bid No. 1 for an amount not to exceed \$518,000.00; and be it further

RESOLVED, that the Construction Contingency for the RWS-2011-Phase 2- Miscellaneous Improvements account be increased by \$150,000.00, from \$168,331.00 to \$318,331.00; and be it further

RESOLVED, that the County Executive is authorized to issue an Agreement Amendment to DiDonato Associates for an amount not to exceed \$25,000.00 for additional construction administration services; and be it further

RESOLVED, that the Comptroller's office be authorized to make payment for all the above from SAP Project Account A.12001-2012 – Rehabilitation of Ralph Wilson Stadium for an amount not to exceed \$982,500.00; and be it further

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

(6-0)

4. COMM. 26E-15 (2012)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Division of Real Estate received bids for the Erie County Courts – 2010 – Exterior Site Work – Old County Hall and Erie County Court Building on July 1, 2010; and

WHEREAS, the contractor performing the work, Patrick Development, has failed to perform and pay their subcontractors and the County was forced to invoke their Performance Bond on December 6, 2011, and have their Surety Company complete the work. This has caused the A/E firm of Greenman-Petersen, Inc. (formerly Abate Engineering) to expend a considerable amount of additional time on the project; and

WHEREAS, your Honorable Body has previously approved a General Architectural/Engineering Agreement with the Engineering firm of Greenman-Petersen, Inc. (formerly Abate Engineering) for providing professional services on County projects; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement Amendment to Greenman-Petersen, Inc. (formerly Abate Engineering) for providing additional professional design and construction services for the Erie County Courts – 2010 – Exterior Site Work – Old County Hall and Erie County Court Building project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be authorized to issue an Agreement Amendment with the firm of Greenman-Petersen, Inc. (formerly Abate Engineering) to provide additional design work for an amount not to exceed \$25,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project account A.20919 - 2009 – Exterior Waterproofing and Site Work, for an amount not to exceed \$25,000; 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, and the Office of the Comptroller.  
(6-0)

5. COMM. 1E-12 (2013)

COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Legislature approved a resolution Comm. 11E-10 (2012) dated June 21, 2012 authorizing the County Executive to executive a Payment in Lieu of Taxes (PILOT) agreement with True Bethel Townhomes, L.P. and the City of Buffalo relating to the True Bethel Townhomes; and

WHEREAS, the project developer has informed Erie County of a new development team including True Bethel Townhomes, LLC and True Bethel Townhomes Development Fund Company, Inc.; and

WHEREAS, the Project will be a new construction multi family housing development located at 858 East Ferry Street in the City of Buffalo, New York, and will contain 30 rehabilitated housing units, ten (10) two-bedroom units, fourteen (14) three bedroom units and six (6) four bedroom units. The housing units will be affordable to households with income at or below 60% of the median income for Erie County; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and this PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for True Bethel Townhomes, LLC to operate it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Payment in Lieu of Taxes (PILOT) Agreement with True Bethel Townhomes, LLC; True Bethel Townhomes Housing Development Fund Company, Inc.; the City of Buffalo; and any other organizations involved in the sponsorship, development, financing, and ownership of the True Bethel Townhomes; and be it further

RESOLVED, that at least 60% of the units remain affordable to and occupied by households earning no greater than 50% of the area median income, adjusted for family size, as determined by the Department of Housing and Urban Development for the period of the Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto. Payment under the Agreement shall be for fifteen (15) years with the County share of each annual payment being twenty-five (25) percent of the total amount; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

Schedule A

True Bethel Townhomes – 358 East Ferry Street, Buffalo, NY  
Affordable Housing Development

	PILOT	City	County
Year 1	\$6,570.27	\$4,927.70	\$1,642.56
Year 2	\$6,767.38	\$5,075.53	\$1,691.84
Year 3	\$6,970.40	\$5,228.00	\$1,742.60
Year 4	\$7,179.51	\$5,384.63	\$1,794.87
Year 5	\$7,394.90	\$5,546.17	\$1,848.72
Year 6	\$7,616.74	\$5,757.55	\$1,904.18
Year 7	\$7,845.25	\$5,883.93	\$1,961.31
Year 8	\$8,080.60	\$6,060.45	\$2,020.15
Year 9	\$8,323.02	\$6,242.26	\$2,080.75
Year 10	\$8,572.71	\$6,429.53	\$2,143.17
Year 11	\$8,829.89	\$6,622.41	\$2,207.47
Year 12	\$9,094.79	\$6,821.09	\$2,273.69
Year 13	\$9,367.63	\$7,025.72	\$2,341.90
Year 14	\$9,648.66	\$7,236.49	\$2,412.16
Year 15	\$9,938.12	\$7,453.59	\$2,484.53

**THOMAS A. LOUGHRAN  
CHAIR**

**LEGISLATOR RESOLUTIONS**

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 6

RE: Requesting Commissioner of Agriculture &  
Markets to Extend Review Dates of Agricultural  
Districts 2 & 4  
(INTRO 2-1)

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

WHEREAS, Erie County is in the process of consolidation of the County's fourteen Agricultural Districts into four; and

WHEREAS, Section 303-a of the Agricultural Districts Law allows counties with multiple districts with review dates in any 12-month period, to petition the Commissioner of Agriculture and Markets to approve for good cause, an extension of up to four years for a district review; and

WHEREAS, the review anniversary for Agricultural District 2 and Agricultural District 4 both fall on April 16, 2013; and

WHEREAS, the review anniversary for Agricultural Districts 2 and 4 must be aligned with the review anniversaries of Agricultural Districts 8, 9, and 15 in order to make consolidation of these adjacent districts feasible.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature petitions the Commissioner of Agriculture and Markets to extend the review dates of Agricultural Districts 2 and 4 to begin on August 26, 2015 and end the 300-day review period (anniversary) on June 21, 2016.

MR. MAZUR moved to approve the resolution. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

Item 25 – CHAIR GRANT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

INTRO 2-2 from GRANT & HOGUES. Telephone Fund in Sheriff's Division of Jail Management.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 7

RE: EC Citizens' Budget Review  
Commission  
(INTRO 2-3)

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

WHEREAS, the Erie County Legislature unanimously approved, and the County Executive signed, a local law introduction reinstating a Citizens' Budget Review Commission for the County; and

WHEREAS, the Commission shall assist and advise the Legislature in the oversight of the County's budget, and to monitor County finances, ensure the long-term fiscal stability of Erie County, prevent the concealment of County deficits, and to help provide the Legislature with enough time and information to respond to budgetary problems, according to their Charter mandate; and

WHEREAS, according to the provisions of Local Law No. 2 of 2012, specifically Section 2618 (c) [Membership; Terms; Vacancies], specific categories of appointments shall be made on an annual basis, of members of the Commission; and

WHEREAS, following a general media outreach to solicit interest among Erie County residents to serve on this important policy panel, letters of interest were received for all membership categories.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Local Law No. 2 of 2012, the following individuals are hereby appointed by this Honorable Body to serve as members of the Erie County Citizens' Budget Review Commission, for a term that will expire on December 31, 2013:

Appointee:

Joseph F. Winter, CPA  
82 Howard Lane  
Tonawanda, NY 14150

Michael J. Otto  
86 Dorchester Road  
Buffalo, NY 14213

Membership Category:

Professional Experience as a  
Certified Public Accountant

Professional Experience in the  
Banking and Finance Industry

Scott A. Bylewski  
5861 Goodrich Road, Unit #12-D  
Clarence Center, NY 14032

Attorney-at-Law with Experience  
in Local Government Law  
and/or Finance

Denise I. Geier Szymura, R.D. CDN  
27 Felber Lane  
Depew, NY 14043

Professional Experience  
with Organized Labor

Thomas Earl Webb, Jr.  
5854 Main Street, Suite #701  
Williamsville, NY 14221

Represent a Cross-Section  
of the County's Diverse  
Population and have a Depth  
of Appropriate Experience and  
Expertise

Laythanette E. Shine  
381 Sycamore Street  
Buffalo, NY 14204

Represent a Cross-Section  
of the County's Diverse  
Population and have a Depth  
of Appropriate Experience and  
Expertise

and be it further

RESOLVED, that this Legislature declares that each appointee possesses strong personal and professional credentials for adding greatly to the Commission's important work; further ensuring fiscal stability of County government, adding additional checks and balances to the oversight of County finances, and increased budget monitoring and reporting; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive, Erie County Fiscal Stability Authority, Comptroller, County Attorney, Budget Director, and the Erie County Citizens' Budget Review Commission appointees at the addresses listed above.

MR. MAZUR moved to amend the resolution. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

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

WHEREAS, the Erie County Legislature unanimously approved, and the County Executive signed, a local law introduction reinstating a Citizens' Budget Review Commission for the County; and

WHEREAS, the Commission shall assist and advise the Legislature in the oversight of the County's budget, and to monitor County finances, ensure the long-term fiscal stability of Erie County, prevent the concealment of County deficits, and to help provide the Legislature with enough time and information to respond to budgetary problems, according to their Charter mandate; and

WHEREAS, according to the provisions of Local Law No. 2 of 2012, specifically Section 2618 (c) [Membership; Terms; Vacancies], specific categories of appointments shall be made on an annual basis, of members of the Commission; and

WHEREAS, following a general media outreach to solicit interest among Erie County residents to serve on this important policy panel, letters of interest were received for all membership categories.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Local Law No. 2 of 2012, the following individuals are hereby appointed by this Honorable Body to serve as members of the Erie County Citizens' Budget Review Commission, for a term that will expire on December 31, 2013:

Appointee:

Membership Category:

Joseph F. Winter, CPA  
82 Howard Lane  
Tonawanda, NY 14150

Professional Experience as a  
Certified Public Accountant

Michael J. Otto  
86 Dorchester Road  
Buffalo, NY 14213

Professional Experience in the  
Banking and Finance Industry

Scott A. Bylewski  
5861 Goodrich Road, Unit #12-D  
Clarence Center, NY 14032

Attorney-at-Law with Experience  
in Local Government Law  
and/or Finance

Denise I. Geier Szymura, R.D. CDN  
27 Felber Lane  
Depew, NY 14043

Professional Experience  
with Organized Labor

Michael F. McFarlane  
5854 Killarney Manor  
Clarence Center, NY 14032

Erie County Business Community

Thomas Earl Webb, Jr.  
5854 Main Street, Suite #701  
Williamsville, NY 14221

Represent a Cross-Section  
of the County's Diverse  
Population and have a Depth  
of Appropriate Experience and  
Expertise

Laythanette E. Shine  
381 Sycamore Street  
Buffalo, NY 14204

Represent a Cross-Section  
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Population and have a Depth  
of Appropriate Experience and  
Expertise

and be it further

RESOLVED, that this Legislature declares that each appointee possesses strong personal and professional credentials for adding greatly to the Commission's important work; further ensuring fiscal stability of County government, adding additional checks and balances to the oversight of County finances, and increased budget monitoring and reporting; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive, Erie County Fiscal Stability Authority, Comptroller, County Attorney, Budget Director, and the Erie County Citizens' Budget Review Commission appointees at the addresses listed above.

MR. MAZUR moved to approve the resolution as amended. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 8

RE: Requesting that the Inspector General of the U.S. Department of Veterans Affairs Investigate the Reuse of Insulin Pens at the VA of WNY Healthcare System (INTRO 2-4)

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS GRANT, MAZUR, MILLS, HOGUES, MARINELLI, HARDWICK,  
LOUGHRAN, RATH, McCracken, DIXON & LORIGO**

WHEREAS, recent media reports have shed light on a past nursing practice that may have exposed more than 700 diabetic patients at the VA of Western New York Healthcare System in Buffalo to viruses including HIV, Hepatitis B and Hepatitis C through the reuse of insulin pens; and

WHEREAS, a routine pharmacy inspection apparently uncovered insulin pens that did not have the names of patients on them, a discovery that would indicate that each pen was not dedicated for the treatment of only one diabetic patient; and

WHEREAS, although the risk of spread of viruses is said to be low as the needles were used once on each patient, then discarded, even a small risk of infection deserves a thorough review and the implementation of policies and procedures to prohibit and prevent any such practice in the future; and

WHEREAS, U.S. Senator Charles E. Schumer and Congressman Brian Higgins have asked the Inspector General of the U.S. Department of Veterans Affairs to investigate the hospital's error; and



WHEREAS, the Inspector General's expertise to conduct an unbiased investigation would best serve the interests of veterans, their families and the general public, all of whom are seeking assurances that the issue will be investigated and resolved expeditiously; and

WHEREAS, the review should include an explanation of the delay in notifying the patients, who purportedly learned of the reuse of insulin pens from media reports after Members of Congress were briefed; and

WHEREAS, in recent years, the VA Western New York Healthcare System in Buffalo has risen to its motto, "Defining Excellence in the 21<sup>st</sup> Century" by providing compassionate and competent medical care, diagnosis and treatment to the veterans of our region; and

WHEREAS, this Honorable Body urges quick action on this matter to renew the public's confidence in the vitally important work done at the VA of Western New York Healthcare System in Buffalo on behalf of our veterans.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature call upon the Inspector General of the U.S. Department of Veterans Affairs to investigate the recently disclosed insulin pen error at the VA of Western New York Healthcare System in Buffalo; and be it further

RESOLVED, that certified copies of this resolution be conveyed to U.S. Senators Charles E. Schumer and Kirsten Gillibrand; Members of Congress Brian Higgins, Louise Slaughter and Chris Collins; Brian Stiller, Medical Center Director of the VA Healthcare System in Buffalo; the VALER4Valor ad hoc committee of the Erie County Legislature; and all others deemed necessary and proper.

MR. MAZUR moved to amend the resolution. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Delete the Fourth Whereas Clause in its Entirety and Replace with the Following:

WHEREAS, Congressman Chris Collins, U.S. Senator Charles E. Schumer and Congressman Brian Higgins have asked the Inspector General of the U.S. Department of Veterans Affairs to investigate the hospital's error; and

MR. MAZUR moved to approve the resolution as amended. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

Item 28 – CHAIR GRANT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 2-5 from DIXON. Transferring Ridge Road in the City of Lackawanna to NYS.

Item 29 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 9

RE: Supporting the Use of E911 Surcharge  
Funds for Their Intended Purposes  
(INTRO 2-6)

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

WHEREAS, in 2011, New York State collected approximately \$190 million dollars from the statewide wireless 911 cellular surcharge; and

WHEREAS, the surcharge is intended to be a dedicated fund distributed to the counties to pay for technology upgrades that would allow implementation of E-911; and

WHEREAS, of the \$190 million collected, only \$9.3 million was shared with local governments, with only 6% of the total revenue collected being shared historically; and

WHEREAS, a significant portion of the funding has been reallocated to the New York State general fund to finance spending not related to E-911; and

WHEREAS, the money collected by this fund is unfairly and inappropriately distributed throughout the Public Safety Answering Points within the State; and

WHEREAS, this improper distribution is hampering public safety efforts in Erie County; and

WHEREAS, New York State Senate Bill S. 1720A would increase the amount of funds shared with local governments to 58.3% of the total collected by the state each year.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports passage and enactment of New York State Senate Bill. S. 1720 and any companion bill in the New York State Assembly; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Majority Leaders Dean Skelos and Jeffrey Klein and the local delegation to the New York State Legislature.

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

CARRIED UNANIMOUSLY.

MR. MAZUR moved to approve the resolution as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 30 – CHAIR GRANT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

INTRO 2-7 from DIXON. Requesting Limitations on Secret Settlements.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 31 – MR. MAZUR moved to discharge the ENERGY & ENVIRONMENT COMMITTEE of further consideration of COMM. 23E-5 (2012). MR. McCRACKEN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 10

RE: Settlement - Eminent Domain Claim for  
Additional Compensation - ECSD No. 2  
(COMM. 23E-5, 2012)

WHEREAS, County of Erie obtained an easement on parcel 193.00-1-2.111 via condemnation performed through the power of eminent domain; and

WHEREAS, said easement was necessary for ECSD No. 2 to construct the sanitary sewers necessary to eliminate the Hamilton Drive Pumping Station; and

WHEREAS, pursuant to Legislative Communication 4E-19 (2004), Erie County/ECSD No. 2 issued an advance payment to the owner of parcel 193.00-1-2.111 as part of the condemnation process; and

WHEREAS, the owner of parcel 193.00-1-2.111 filed a claim for additional compensation contending that monies paid by Erie County/ECSD No. 2 during the condemnation process were not sufficient for the damages incurred as a result of the easement taking and subsequent construction activities; and

WHEREAS, due to the specialized area of law associated with the underlying petition, the County Attorney's office retained Hiscock & Barclay, LLP to defend Erie County/ECSD No. 2; and

WHEREAS, prior to trial both parties participated in a court-ordered alternative dispute resolution process; and

WHEREAS, during the alternative dispute resolution process a final offer of an additional \$125,000.00 to be paid by ECSD No. 2 has been agreed upon by both parties to settle this claim; and

WHEREAS, considering the potential financial liabilities to ECSD No. 2, it is the recommendation of the County Attorney's office and Hiscock & Barclay, LLP to proceed with the \$125,000.00 settlement.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Comptroller be directed to issue a payment to Stasia T. Vogel (Office of Stasia Vogel, 6540 Old Lake Shore Road, Derby, New York 14047) in an amount of \$125,000.00 as a final payment to settle the claim for additional compensation associated with Erie County/ECSD No. 2's easement and associated activities on parcel 193.00-1-2.111; and be it further

RESOLVED, that Erie County Comptroller and the Erie County Director of Budget and Management allocate \$125,000.00 for the payment as follows:

ECSD No. 2 Project C.00002	\$ 60,164.15
ECSD No. 2 Project C.00011	\$ 4,415.41
ECSD No. 2 Project C.00028	\$ 25,552.88
ECSD No. 2 Project C.00036	\$ 18,443.17
ECSD No. 2 Capital Reserve C.00008	\$ <u>16,424.39</u>
Total	\$125,000.00

and be it further

RESOLVED, that Erie County Comptroller and the Erie County Director of Budget and Management be authorized to transfer \$16,424.39 from ECSD No. 2 Capital Reserve C.00008 to ECSD No. 2 Project C.00011 and to establish all budgetary accounts necessary to facilitate the transfer; and be it further

RESOLVED, that the Clerk of the Legislature send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Erie County Director of Budget and Management, Kristen Walder, Assistant County Attorney, and send two (2) certified copies of this resolution to Joseph Fiegl, P.E., Division of Sewerage Management.

MR. MAZUR moved to approve the item. MR. McCracken seconded.

CARRIED UNANIMOUSLY.

Item 32 – MR. MAZUR moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 26E-9 (2012). MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 11

RE: Lackawanna Contract - Transportation  
for the Elderly  
(COMM. 26E-9, 2012)

WHEREAS, City of Lackawanna desires to provide senior transportation services under the Department's Going Places Senior Transportation program; and

WHEREAS, the Department of Senior Services has a van available for the City of Lackawanna's use to provide senior transportation services; and

WHEREAS, no County funding will be required for the van's operating costs as such costs will be paid for by the City of Lackawanna; and

WHEREAS, the Department desires to contract with the City of Lackawanna for the operation of a van to provide services under the Department's Senior Transportation program for the period January 1, 2013 to December 31, 2013.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to enter into a contract with City of Lackawanna for the operation of a Transportation for the Elderly Program van to provide senior transportation services under the Department's Senior Transportation program for the period January 1, 2013 to December 31, 2013; and be it further

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

MR. MAZUR moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 33 – MR. MAZUR moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 26E-10 (2012). MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 12

RE: Authorization to Contract with Two  
Congregate Dining Sites in 2013  
(COMM. 26E-10, 2012)

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining (III-C-1) grant for the period January 1, 2013 through December 31, 2013; and

WHEREAS, the Department of Senior Services (Department) previously contracted with Walden Park Senior Housing II, L.L.C., and Friends, Inc., to operate a Stay Fit program dining site at their respective locations to serve needful seniors; and

WHEREAS, both Walden Park Senior Housing II, L.L.C. and Friends, Inc. desire to continue operating the Stay Fit program dining sites at their respective locations to serve needful seniors; and

WHEREAS, the Department desires to contract with these agencies to continue to operate the dining sites for the period January 1, 2013 to December 31, 2013; and

WHEREAS, the Professional Services (Clean-up and Escort Services) account has sufficient funds available to cover the cost of both dining sites.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with Walden Park Senior Housing II, L.L.C., to operate the dining site at 101 Bakos Boulevard, and Friends, Inc., to operate the dining site at 118 East Utica Street, for the period January 1, 2013 to December 31, 2013; and be it further

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

MR. MAZUR moved to approve the item. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 34 – MR. MAZUR moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE of further consideration of COMM. 1E-3 (2013). MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 13

RE: Approval of MOU Among the Buffalo Bills, NYS & EC Regarding a New Ten-Year Lease (COMM. 1E-3, 2013)

WHEREAS, Ralph C. Wilson, Jr. formed a professional football team in 1960 that became known as the Buffalo Bills; and

WHEREAS, the Buffalo Bills is an original American Football League franchise and has been located in Buffalo and Erie County for the last fifty two years; and

WHEREAS, the Buffalo Bills football team has played in what is now known as Ralph C. Wilson, Jr. Stadium since 1973 pursuant to the original 25 year lease; and

WHEREAS, after a one year extension in 1998 a new 15 year lease was entered into that will expire on July 30, 2013. The 1998 Lease included stadium improvements that extended the structural and economic life of the Stadium; and

WHEREAS, the Stadium turns forty-one years old at the end of this lease year. At this age many of the elements of the Stadium are dated and do not function adequately to serve the public's interest in today's marketplace. A broad based renovation that refurbishes virtually all areas of the Stadium, improves the ingress, egress and circulation around the Stadium and updates the

technological elements of the Stadium Complex, including the installation of a new video replay board is necessary for it to conform to the accepted standards of an NFL franchise; and

WHEREAS, the Stadium will be more than fifty years old at the end of the new 2013 Lease and it is prudent to begin to plan for a new stadium in order to keep the Buffalo Bills in Erie County in the long term future; and

WHEREAS, the Buffalo Bills football team has been an important part of New York for more than 52 years. The Team brings pride, distinction, and a sense of community to Erie County and New York State; and

WHEREAS, the Buffalo Bills, as part of the regional and New York State economy, bring large amounts of sales tax, hotel occupancy tax, and personal income tax to public sector coffers; and

WHEREAS, the Buffalo Bills are a part of the efforts to promote Erie County and Western New York as a major community where companies may settle and grow; and

WHEREAS, it is the desire of the Buffalo Bills, Erie County, the State of New York and the numerous fans of the Buffalo Bills who are located throughout the world, that the Buffalo Bills, remain in Erie County; and

WHEREAS, the State, County and Buffalo Bills have negotiated a Memorandum of Understanding and Non-Relocation Agreement that contain the terms of a new ten year lease; and

WHEREAS, the MOU specifies that there will be a total of \$130,000,000 of Stadium improvements with the Buffalo Bills contributing \$35,455,000 of this amount and also contributing rent payments starting at \$800,000; and

WHEREAS, the Buffalo Bills have agreed to enter into a Non-Relocation Agreement that can be enforced by specific performance or liquidated damages of \$400,000,000; and

WHEREAS, the MOU sets aside over \$11.7 million for studies related to and plans for a new stadium to replace Ralph Wilson Stadium at some time in the future; and

WHEREAS, on Friday, December 21, 2012, Governor Andrew Cuomo, County Executive Mark Poloncarz and Buffalo Bills Chief Executive Officer Russ Brandon announced an agreement on the new lease terms and signed the MOU; and

WHEREAS, County Executive Poloncarz's approval of the MOU is to be effective upon the approval of the County Legislature; and

WHEREAS, in order to complete the final documents that will include a Master Lease, a Stadium Lease, a Non-Relocation Agreement, a Construction Coordinating Agreement and other documents, it is necessary for the Erie County Legislature to approve the MOU that is attached to this Resolution; and

WHEREAS, the above documents will be submitted to the Erie County Legislature for its approval upon their completion.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the Memorandum of Understanding among New York State Urban Development Corporation doing business as Empire State Development Corporation, the Buffalo Bills, Inc. and Erie County dated December 21, 2012; and be it further

RESOLVED, that the Erie County Executive is directed to complete the negotiations on the Stadium Lease, Master Lease, Construction Coordinating Agreement and all other documents necessary to complete the new lease among the Buffalo Bills, New York State and Erie County and to submit such documents to the Erie County Legislature for its review and approval; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Deputy County Executive, the County Attorney, the Buffalo Bills and the Erie County Stadium Corporation.

MR. MAZUR moved to approve the item. MR. LOUGHRAN seconded.

CHAIR GRANT 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.

Item 35 – MR. LORIGO moved to discharge the PUBLIC SAFETY COMMITTEE of further consideration of INTRO 1-2 (2013). MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 14

RE: Awaiting Guidance from the NYS  
Judicial System Prior to Releasing  
Certain Personal Information  
(INTRO 1-2, 2013)

WHEREAS, recently, The Journal News, requested the names and addresses of legally permitted gun owners in Westchester, Rockland and Putnam Counties via a Freedom of Information Law request; and

WHEREAS, Westchester and Rockland Counties promptly released the information, which was equally promptly posted on the world wide web as part of a news story, complete with an interactive map to permit holder residences; and



WHEREAS, the Putnam County Clerk has not yet complied, and is legally challenging the contention that he is required to produce the information; and

WHEREAS, by posting the information on the internet, The Journal News has informed citizens who has a permit to possess certain firearms; and

WHEREAS, further, The Journal News has also informed potential thieves seeking weapons where they can find certain firearms; and

WHEREAS, The Journal News has also informed burglars, armed and unarmed, who has a permit to own certain firearms for protecting his or her family, and, perhaps more appealing to burglars, who does not; and

WHEREAS, The Journal News has also told soon to be released inmates the home addresses of Corrections Officers with whom they may harbor a grudge; and

WHEREAS, The Journal News has also informed criminal defendants the home address of law enforcement officers who may have arrested the defendant or may serve as a witness against the defendant, as well as the address of that officer's family; and

WHEREAS, although the intention of The Journal News may have possibly been noble and well intentioned, the ramifications of releasing the information could be putting thousands of individuals and families in serious danger; and

WHEREAS, before responding to such broad Freedom of Information Law requests, it is wise to wait until the New York State Judicial System has made a final definitive ruling.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature goes on record requesting that Erie County Clerk Christopher Jacobs waits until the New York State Judicial System has made a final definitive ruling on releasing information pertaining to firearms permit holders prior to responding to a broad Freedom of Information Law request; and be it further

RESOLVED, that copies of this resolution be forwarded to Erie County Clerk Christopher Jacobs, the local delegation of the New York State Legislature and Governor Andrew Cuomo.

MR. MAZUR moved to approve the item. MR. LOUGHRAN seconded.

CHAIR GRANT directed that the item be tabled.

GRANTED.

**SUSPENSION OF THE RULES**

Item 36 - MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2E-22 from CHAIR GRANT Re: Letter to Legislature Clerk Concerning ECWA Letters of Interest

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 37 - MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 2D-7 from the DIRECTOR OF BUDGET & MANAGEMENT Re: Letter to Comptroller Concerning Reorganization Plan - Request for New Positions

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

CHAIR GRANT directed that the agenda return to tabled resolution, INTRO 1-2 (2013).

GRANTED.

MR. LORIGO moved to take INTRO 1-2 (2013) off the table. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to approve the resolution. MS. DIXON seconded.

CHAIR GRANT 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.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COMPTROLLER**

Item 38 – (COMM. 2E-1) Letter Concerning EC's Cash Position, 12/31/2012 & Beyond

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 39 – (COMM. 2E-2) Appointment to ECC Board of Trustees

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM CHAIR GRANT

Item 40 – (COMM. 2E-3) 2013 Schedule of Legislative Sessions - Invocation & Pledge Schedule

Received, Filed and Printed.

To: Robert M. Graber, Clerk  
From: Betty Jean Grant, Chair  
Subject: 2013 SCHEDULE OF LEGISLATIVE SESSIONS  
INVOCATION AND PLEDGE SCHEDULE

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JANUARY

8 – Grant and Mills  
24 – Hogues and Rath

FEBRUARY

7 – Marinelli and Mazur  
21 – Hardwick and McCracken

MARCH

7 – Loughran and Dixon  
21 – Rath and Lorigo

APRIL

11 – Mazur and Mills  
25 – McCracken and Hogues

MAY

9 – Dixon and Marinelli  
23 – Lorigo and Hardwick

JUNE

6 – Mills and Loughran  
20 – Hogues and Rath

JULY

11 – Marinelli and Mazur  
18 – Hardwick and McCracken

AUGUST

Recess

SEPTEMBER

12 – Loughran and Dixon  
26 – Rath and Lorigo

OCTOBER

10 – Mazur and Mills  
24 – McCracken and Hogues

NOVEMBER

7 – Dixon and Marinelli  
21 – Lorigo and Hardwick

DECEMBER

3 – *Annual Budget Meeting*  
10 – *Budget Override Meeting*  
12 – Mills and Loughran  
19 – Hogues and Rath

All Regular Sessions: Pre-Meeting Work Sessions begin at 9:30 A.M.,  
in the Legislative Caucus Room, and are open to the public.

All Sessions Listed: Begin at 2:00 P.M., in the Legislature Chambers.

FROM LEGISLATOR LORIGO

Item 41 – (COMM. 2E-4) Letter to Chair of Legislature Concerning Special Session Request  
Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM CHAIR GRANT

Item 42 – (COMM. 2E-5) Policies & Procedures for 2013  
Received, Filed and Printed.

TO: ALL MEMBERS OF THE ERIE COUNTY LEGISLATURE  
FROM: BETTY JEAN GRANT, CHAIR  
RE: POLICIES AND PROCEDURES FOR 2013  
DATE: JANUARY 17, 2013

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Payroll Time Sheets - County Personnel Rules require that a daily time sheet be submitted for each employee (this does not include Legislators). Thus, each district office employee is required to submit, daily via FAX (or hand delivery for district office personnel stationed downtown), a copy of the daily time sheet. The previous day's time sheet must be sent to: Paul Henderson @ 858-8429 each day by 11:00 A.M. If the time sheet is not received, Erie County Personnel Department employees cannot authorize compensation. On Monday of each week, district office employees must mail or deliver the originals of the previous week's time sheets to the attention of Mr. Henderson.

The Legislature simply does not have the central staff personnel to track down district office daily time sheets, so please make it a priority to have all personnel adhere to this important and simple daily task.

All County payroll records are the property of Erie County and must be stored for seven years. When a legislator leaves office, all payroll records must be submitted to the Clerk of the Legislature for storage.

District Office Salaries - Each Legislator is budgeted 40 hours each week for district office personnel. No Legislator is authorized to exceed this amount. Legislators who employ both Regular Part-Time (RPT) and Part-Time (PT) employees must be conscious of the weekly hours budgeted to be sure not to exceed the amount of hours budgeted.

Employee Leave Request Forms - All district offices must maintain a file for each employee where Employee Leave Request Forms can be filed. Each employee who uses Vacation, Personal Leave, or Sick Time must complete this form for all leave time, and the District Legislator signs the form authorizing employee leave. Once the form is completed and signed by the District Legislator, one copy is retained by the employee, and the other is to be kept on file in the district office as stated above. District Office employees can show their Legislator their County check pay stub to verify that they have the hours banked for leave time. Central staff downtown are also required to submit employee leave request forms to the Clerk of the Legislature for authorization and filing of same.

Please note that the Employee Leave Request Form file for each employee is subject to an audit by the Erie County Comptroller's Office on a periodic basis. Therefore, it is important to properly complete this form and maintain a file at the district office and/or downtown.

**Purchasing Procedures** - All office supplies are available through the Clerk of the Legislature. The Clerk keeps a ready supply of most necessary office supplies. District offices are not authorized to independently purchase office supplies. All necessary office supplies are to be purchased by the Clerk and staff, as centralized purchasing allows this department to achieve necessary cost savings through discounts. If a district office needs supplies that are not available in-house, please make a request to the Clerk at Robert.Graber@erie.gov or Legislative Assistant Rebecca Brooks at Rebecca.Brooks@erie.gov.

Please make arrangements for picking up office supplies either when you are downtown for meetings, or when district office personnel are downtown. Curbside pick-up of office supplies is discouraged, unless heavy boxes (such as a case of copy paper) are involved. Please call Rebecca Brooks at 858-8815 in advance for such requests, and she can arrange for a staffer to be helpful.

**Travel Reimbursement** - Due to the current austerity budget there is no reimbursement for travel of any kind. Any extenuating circumstance requires authorization of the Legislature Chair.

**District Office Rent Payments** - Once your lease has been approved by the Legislature, the Comptroller's Office will forward your landlord rental payments on a timely basis, and according to the lease agreement. Please contact Rebecca Brooks should you have any questions concerning payment, or the lease process.

**District Office Expenses** - Each district office is provided telephone service and internet/e-mail access. Cable TV for district offices is not a reimbursable expense. Please remember to call the County Help Desk at 858-6715 for questions concerning computer and e-mail problems, and Rebecca Brooks at 858-8511 for billing concerns. Any additional request requires authorization of the Chair.

**Cellular Telephone** - Cellular telephones and other portable communication devices are not budgeted for 2013, and are not reimbursable expenses.

**Subscriptions** - Each district office is allocated a nominal budget for local weekly newspaper subscriptions or periodicals. Please determine what local newspapers or periodicals are located in your district, as well as their yearly subscription rate, and submit invoices for all such subscriptions directly to Rebecca Brooks, with authorization from the Chair.

**Petty Cash** - The Legislature does not keep a petty cash account.

**Postage** - Each district office is allocated \$2,000 in 2013 for postage - for incidental district office postage needs. A letter requesting district office postage must be submitted to Robert M. Graber with the dollar amount of postage needed. Once submitted, the Clerk will process your request and a check will be made payable to the Postmaster General, and delivered to you. Any additional postage needs authorization of the Legislature's Chair.

**FROM LEGISLATOR MARINELLI**

Item 43 – (COMM. 2E-6) Copy of United Way Needs Assessment

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 44 – (COMM. 2E-7) Reorganization of the Office of the Comptroller

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY CLERK

Item 45 – (COMM. 2E-8) Cheektowaga Auto Bureau - Emergency Repair

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 2E-9) Foreclosure Pursuant to the In Rem Provisions of the EC Tax Act, In Rem Action No. 161

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 47 – (COMM. 2E-10) Conveyance of Excess Highway Property - Union Road, Town of Cheektowaga

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 48 – (COMM. 2E-11) Environmental Compliance - Expedited Fuel Tank Repairs & Removals

Item 49 – (COMM. 2E-12) ECSDs - NYS Water Pollution Control - Revolving Loan Program

Item 50 – (COMM. 2E-13) ECSD No. 8 - Proposed Reed Hill Subdivision Extension - EC Sewer Agency Report

Item 51 – (COMM. 2E-14) ECSD No. 3 - Engineering Agreement Close-Out - A/E Agreement - Parsons Engineering of NY Inc.

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

Item 52 – (COMM. 2E-15) Department of Social Services - Catholic Charities - Closing the Gap Contract

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 53 – (COMM. 2E-16) 2013 Annual Action Plan for the Community Development, Emergency Solutions & Home Improvement Partnership Programs

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 54 – (COMM. 2E-17) Botanical Gardens - No. 6 Fuel Oil Tank Removal

Item 55 – (COMM. 2E-18) Appointment/Reappointments to the EC Fisheries Advisory Board

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

Item 56 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CHAIR GRANT 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. 15

RE: Assembly & Senate Bill Request for  
Legislation Authorization Extension of  
Additional 1.0% & 0.75% Sales &  
Compensating Use Tax  
(COMM. 2E-19)

WHEREAS, Erie County is requesting authorization to continue to impose an additional one percent and three quarters percent sales and compensating use tax pursuant to New York State Tax Law 1210 (i)(4); and

WHEREAS, the revenue anticipated from this additional tax will allow the County of Erie to continue to provide services deemed vital to the community, while maintaining a balanced budget and providing approximately \$265 million in annual revenue; and

WHEREAS, Erie County derives all of its tax imposing authority directly from State law;  
and

WHEREAS, the Erie County Department of Law has prepared the necessary State authorizing legislation to effectuate the continued imposition of sales and compensation use tax; and

WHEREAS, Erie County's authority to impose its additional 1.0% and 0.75 % sales tax rate will expire at midnight on November 30, 2013 absent enactment of new State authorizing legislation.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby memorializes to the NYS Assembly and Senate, particularly those lawmakers who serve as Western New York's delegation in Albany, that immediate introduction of new State authorizing legislation is needed so that Erie County can continue to impose its additional 1.0% and 0.75% sales tax rate for the period beginning December 1, 2013 and ending November 30, 2015; and be it further

RESOLVED, that, as the proposed Bill indicates, if the county of Erie imposes the additional one percent rate of sales and compensating use taxes authorized by item (i) of clause (4) of subparagraph (i) of the opening paragraph of section twelve hundred ten of this article during the period beginning January first, two thousand seven, or thereafter, the county shall allocate each calendar year the first twelve million five hundred thousand dollars of the net collections from such one percent rate to the cities of such county and the area in such county outside its cities to be applied or distributed in the same manner and proportion as the net collections for such cities and area are applied or distributed under the revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section twelve hundred sixty-two of this part in effect on January first, two thousand six, and subject to all provisions of such agreement governing the net collections for such cities and area and shall retain the remainder of such net collections for any county purpose; and be it further

RESOLVED, that certified copies of this resolution be transmitted to Assemblyman Robin Schimminger and Senator Michael Ranzenhofer, together with the Erie County Division of Budget and Management, the County Attorney, and the County Comptroller.

AN ACT to amend the tax law, in relation to the imposition of additional rates of sales and compensating use taxes by Erie County

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§1. Clause 4 of subparagraph (i) of the opening paragraph of section 1210 of the tax law, as amended by chapter 243 of the laws of 2011, is amended to read as follows:

(4) the county of Erie is hereby further authorized and empowered to adopt and amend local laws, ordinances or resolutions imposing such taxes (i) at a rate which is one percent additional to the three percent rate authorized above in this paragraph for such county for the period beginning January tenth, nineteen hundred eighty-eight and ending November thirtieth, two thousand [thirteen] fifteen; and (ii) at a rate which is three-quarters of one percent additional to the three percent rate authorized above in this paragraph, and which is also additional to the one percent rate also authorized above in this clause for such county, for the period beginning December first, two thousand eleven, and ending November thirtieth, two thousand [thirteen] fifteen;

§2. Paragraph 2 of Section 1262-q of the tax law, as amended by chapter 243 of the laws of 2011, is amended to read as follows:

(2) Net collections from the additional three-quarters of one percent rate of sales and compensating use taxes which the county may impose during the period commencing December first, two thousand eleven, and ending November thirtieth, two thousand [thirteen] fifteen, pursuant to the authority of item (ii) of clause (4) of subparagraph (i) of the opening paragraph of section



twelve hundred ten of this article shall be used by the county solely for county purposes and shall not be subject to any revenue distribution agreement the county entered into pursuant to the authority of subdivision (c) of section twelve hundred sixty-two of this part.

§ 3. This act shall take effect immediately.

Item 57 – (COMM. 2E-20) WNY Stormwater Coalition Coordinator Civil Service Title Change & Upgrade

Item 58 – (COMM. 2E-21) ECSD No. 2 - Modification of Plans (2012)

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

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 59 – (COMM. 2D-1) Letter Concerning EC's Cash Position

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Item 60 – (COMM. 2D-2) Memorandum Concerning EC's Cash Flow Impact of Teamsters & CSEA Correction Officers Contract

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

**FROM THE COMMISSIONER OF ENVIRONMENT & PLANNING**

Item 61 – (COMM. 2D-3) Letter to Chair of Government Affairs Committee Requesting to Appear Before the Committee Concerning Buffalo Erie Niagara Land Improvement Corporation

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE DIRECTOR OF BUDGET & MANAGEMENT**

Item 62 – (COMM. 2D-4) Letter Concerning EC's Cash Flow & Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COMPTROLLER'S OFFICE**

Item 63 – (COMM. 2D-5) Quality Assurance Review - Division of Audit & Control

Item 64 – (COMM. 2D-6) Review of the EC Office of Comptroller Accounting/Fiscal Division

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

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE WEST SENECA TOWN BOARD**

Item 65 – (COMM. 2M-1) Copy of Resolution Supporting "Phoenix's Law"

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE NYSDEC**

Item 66 – (COMM. 2M-2) Letter Concerning the Dissolve of the Region 9 Forest Practice Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM THE BUFFALO & EC PUBLIC LIBRARY**

Item 67 – (COMM. 2M-3) Proposed Agenda from Meeting Held 1/17/2013

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE PRESIDENT OF ECC**

Item 68 – (COMM. 2M-4) Letter to Legislature Concerning COMM. 1E-2 (2013) - Fact Finding Report Between EC, ECMCC, ECC & EC Library & Civil Service Employees Association, Inc., Local 815

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE HON. PAULA L. FEROLETO**

Item 69 – (COMM. 2M-5) Recommendation of Appointment to EC Community Corrections Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

**FROM ALBERT DeBENEDETTI**

Item 70 – (COMM. 2M-6) Letter to Legislator Loughran Concerning Lease Agreement Between the Buffalo Bills & EC

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM THE NYSDEC**

Item 71 – (COMM. 2M-7) Fact Sheet: Gastown Update - Proposed Amended Record of Decision for Gastown Manufactured Gas Plant (MGP) Tonawanda Site Released for Comment

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECMCC

Item 72 – (COMM. 2M-8) Letter to Legislature Concerning COMM. 1E-2 (2013) - Fact Finding Report Between EC, ECMCC, ECC & EC Library & Civil Service Employees Association, Inc., Local 815

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM RITA YELDA

Item 73 – (COMM. 2M-9) Letter Concerning Hydraulic Fracturing in NYS

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

ANNOUNCEMENTS

Item 74 – CHAIR GRANT announced that the committee schedule has been distributed. Chair Grant further announced that the first meeting of the Erie County/Buffalo Safe Neighborhoods Initiative will be held on Monday, February 4, 2013, at 2:30 P.M. in the Legislature Conference Room.

MEMORIAL RESOLUTIONS

Item 75 – Chair Grant requested that when the Legislature adjourns, it do so in memory of Merseda Miller.

Item 76 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Patrick J. Lowther.

Item 77 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Betty Gavin.

Item 78 – Legislator Mazur requested that when the Legislature adjourns, it do so in memory of Stanley Frank "Stan the Man" Musial.

Item 79 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Sean F. Auricchio.

Item 80 – Legislator McCracken requested that when the Legislature adjourns, it do so in memory of Marlene C. Wolf.

**ADJOURNMENT**

Item 81 - 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, February 7, 2012 at 2:00 p.m. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, February 7, 2013 at 2:00 p.m. Eastern Standard Time.

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