

**ERIE COUNTY LEGISLATURE  
MEETING NO. 23  
DECEMBER 6, 2012**

The Legislature was called to order by Chair Grant.

All members present.

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

The Pledge of Allegiance was led by Mr. Loughran.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Number 20 from 2012. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – CHAIR GRANT, MR. MAZUR & MR. HOGUES presented a resolution Supporting the Work of Amnesty International & the United Nations to Oppose Human Rights Abuses in Uganda.

Item 6 – MR. MAZUR & MS. MARINELLI presented a memorial resolution Honoring the Life & Contributions of Oscar Smukler.

Item 7 – MR. LORIGO presented a resolution Honoring Joseph Cantafio as Erie County's Citizen of the Month for December, 2012.

Item 8 – MS. MARINELLI & MR. HARDWICK presented a resolution Congratulating Carl LaCorte on His Retirement as Police Chief of Kenmore.

MR. MAZUR moved for consideration of the above four items. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above four items by including Et Al Sponsorship. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 9 – CHAIR GRANT directed that Local Law No. 8 (Print #1) 2011 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 10 – CHAIR GRANT directed that Local Law No. 11 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 11 – CHAIR GRANT directed that Local Law No. 1 (Print #1) 2012 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 12 – 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 13 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 266

December 3, 2012	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 13
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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-7 (2012)  
BUFFALO PLACE EXECUTIVE DIRECTOR: “Copy of Buffalo Place's 2013 Budget”

(6-0)

- b. COMM. 20D-3 (2012)  
CLERK OF LEGISLATURE: “Written Testimony Submitted to Legislature at Public Hearing Concerning 2013 Tentative EC Budget”  
(6-0)
- c. COMM. 20M-11 (2012)  
ECMCC SECRETARY: “Copy of Resolution Approving the First Amendment to the 2009 Settlement Agreement with EC”  
(6-0)

**TIMOTHY R. HOGUES  
CHAIR**

**LEGISLATOR RESOLUTIONS**

Item 14 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 267

RE: Calling on the United States House of Representatives to Approve the Middle Class Tax Cut Act  
(INTRO 23-1)

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

WHEREAS, on January 1, 2013, taxes for all Americans will increase unless the Congress and the President come to an agreement to avoid the “fiscal cliff;” and

WHEREAS, a meaningful, good faith step in the right direction is passage by the House of Representatives of a bill that has already passed the U.S. Senate, to wit, The Middle Class Tax Cut Act of 2011; and

WHEREAS, President Barack Obama has pledged to sign this bill into law as soon as it reaches his desk; and

WHEREAS, economists of all political persuasions have warned of the substantial negative impact on the U.S. economy if the 2% payroll tax cut for employees expires on December 31, 2012; and

WHEREAS, some economists have asserted that failure to extend the Social Security Payroll Tax Cut, which has an impact on 160 million working Americans, could push the economy back into recession; and

WHEREAS, economists predict the average middle class family would lose between \$1,500-`\$2,500 in take home pay in 2013, causing families to scale back their spending, which in turn, hurts business sales and business profits; and

WHEREAS, this drag on consumer spending is the last thing the U.S. economy needs as it emerges from the darkest days of the housing crisis, Wall Street excesses and the deepest recession to grip this nation since the Great Depression; and

WHEREAS, according to Ameriprise Financial, continuation of the Payroll Tax Cut for workers could add as many as 1,000,000 jobs to the U.S. economy; and

WHEREAS, following passage of a payroll tax cut for employers – another provision of The Middle Class Tax Cut Act – another 200,000 jobs could be created nationwide; and

WHEREAS, consumer spending accounts for 70% of GDP, more than double the spending of business and government combined; and

WHEREAS, the fastest route to economic recovery is to put more money in the hands of American workers, which will benefit the bottom line of businesses across the nation; and

WHEREAS, passage of The Middle Class Tax Cut Act – which would benefit 98% of the taxpayers, both individuals and businesses, in the United States is the most important piece of legislation to be enacted for the primary purpose of job retention and creation, employment that will fuel our nation’s economic engine, thereby extending opportunity and prosperity to not only the middle class, but to all Americans.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its strong support for passage of The Middle Class Tax Cut Act by the U.S. House of Representatives; and be it further

RESOLVED, that copies of this resolution be conveyed to President Barack Obama, Senate Majority Leader Harry Reid, Speaker of the House of Representatives John Boehner, Senator Charles Schumer, Senator Kirsten Gillibrand, the WNY Congressional Delegation and all others deemed necessary and proper.

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

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

None.

**SUSPENSION OF THE RULES**

Item 15 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 23E-7 from the COUNTY EXECUTIVE Re: Levy & Apportionment of EC Real Property Tax for 2013

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 16 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 23E-8 from the COUNTY EXECUTIVE Re: Correctional Health - Transfer of Funds

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 17 – MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 23E-9 from the COUNTY EXECUTIVE Re: 2013 Levy of Town & Special District Budgets

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY EXECUTIVE**

Item 18 – (COMM. 23E-1) Transfer of County Owned Inventory - 5211 River Rd., Tonawanda, NY

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 19 – (COMM. 23E-2) ECSD Nos. 1-6 & 8 - User Charges - 2013

Item 20 – (COMM. 23E-3) Notice of Adoption - ECSDs - 2012 Assessment Rolls (2013 Levy)

Item 21 – (COMM. 23E-4) Award of Contract - ECSD Nos. 3 & 4 - Sewer Rehabilitation Project

Item 22 – (COMM. 23E-5) Settlement - Eminent Domain Claim for Additional Compensation - ECSD No. 2

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

Item 23 – (COMM. 23E-6) Section 520 Exemption Charges for 2013

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE DEPARTMENTS**

**FROM THE DEPUTY COUNTY EXECUTIVE**

Item 24 – (COMM. 23D-1) Testimony Submission for Finance & Management Committee Meeting Held 12/3/2012

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE NFTA**

Item 25 – (COMM. 23M-1) Minutes from Meeting Held 10/22/2012

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

**FROM ROBERT JASON ENGEL**

Item 26 – (COMM. 23M-2) Letter to Chair of Legislature Concerning Appointment to the EC Agricultural & Farmland Protection Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

**FROM LIGHTHOUSE MEDICAL CLINIC**

Item 27 – (COMM. 23M-3) Description of Organization Concerning Funding Request

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM JEAN DICKSON

Item 28 – (COMM. 23M-4) E-Mail Transmission Concerning 2013 EC Tentative Budget

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYSDEC

Item 29 – (COMM. 23M-5) Public Notice: Application from 98 Ridge Rd., LLC,  
Lackawanna, NY

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ECFSA

Item 30 – (COMM. 23M-6) Commentary on EC Legislature Proposed Budget Amendments

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ANNOUNCEMENTS

Item 31 – CHAIR GRANT announced that the Legislature’s Budget Override Meeting will be held on Tuesday, December 11, 2012, at 2:00 P.M., to be immediately followed on the same date by a Special Meeting concerning real property issues. Chair Grant also announced that the schedule of upcoming committee meetings has been distributed.

Item 32 – MR. HOGUES and MR. LORIGO announced the upcoming deadline for submission of 2013 United Way Drive pledges, and expressed appreciation for all those who contributed.

MEMORIAL RESOLUTIONS

Item 33 – Legislator Lorigo requested that when the Legislature adjourns, it do so in memory of Devin Miller.

Item 34 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Vincent C. “Charlie” Basile.

ADJOURNMENT

Item 35 – 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 Tuesday, December 11, 2012 at 2:00 P.M. Eastern Standard Time. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Tuesday, December 11, 2012 at 2:00 P.M. Eastern Standard Time.

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