

**ERIE COUNTY LEGISLATURE  
BUDGET OVERRIDE MEETING  
MEETING NO. 24  
DECEMBER 11, 2012**

The Legislature was called to order by Chair Grant.

All members present.

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

The Pledge of Allegiance was led by Mr. Lorigo.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM THE COUNTY EXECUTIVE**

Item 1 – MR. MAZUR presented the following communication and moved for immediate consideration. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 268

RE: County Executive's Vetoes to the 2013  
Erie County Budget  
(COMM. 24E-1)

December 10, 2012

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

Re: Veto Message – 2013 Budget Amendments

Dear Honorable Members:

On December 4, 2012, your Honorable Body approved Comm. 18E-3 as amended (the 2013 Budget”), and the certified resolution was transmitted to my office on December 5, 2012. As amended, six legislators approved a budget amendment that allegedly reduced appropriations by \$8,514,324. For a variety of reasons described in my letter to the Legislature dated November 28, 2012, these amendments will create a multi-million dollar budget gap in the 2013 Budget. As you are aware, the Erie County Fiscal Stability Authority and the County Comptroller also shares these concerns.

Although I cut \$20 million from the budget prior to its submission to the Legislature, it will in all likelihood be necessary to make additional real spending cuts to balance the 2013 Budget. As

the County's Chief Budget Officer, I am now required to implement strict austerity measures throughout the government and to make cuts that will bring the budget back into balance. Let me be clear: all options are on the table for addressing the budget gap created by the adopted as amended 2013 Budget.

In addition to the purported cuts, the amended 2013 Budget also includes a combined \$195,134 in additional spending in the Office of the Comptroller (Director of Grant Accounting Services), County Clerk-Registrar (overtime), Cultural Agencies (Amherst Symphony Orchestra) and Youth Bureau (Operation Prime Time). Section 2508(c) of the Erie County Charter ("Charter") states the following concerning legislative additions to the Executive Recommended Budget:

The county executive may object to any one or more of such added or increased items, and in such case shall append to the budget a statement of the added or increased items to which he or she objects with the reasons for his or her objections, and shall return the budget with his or her objections to the clerk of the county Legislature who shall present the same to the county Legislature on or before the Monday preceding the second Tuesday in December.

Pursuant to my authority under Section 2508(c) of the Charter, I hereby veto the \$195,134 in additional spending as more specifically identified in the attached six appendices.

I am not against all of the proposed additions *per se*. However, because of the unreasonable budget amendments made by six legislators purporting to cut spending in eight accounts, I am forced to address a major structural imbalance in the 2013 Budget. In light of such drastic amendments I cannot support additional spending. I believe that your Honorable Body should support the vetoes and I urge you to do so.

In addition, please be advised that my administration is conducting a legal review of all amendments passed by the Legislature for their adherence to state and county law and the Charter and we reserve the right to exercise any and all options that may be available to this administration.

It is my hope that your Honorable Body will work with me and my administration to bring the 2013 Budget back into balance with reasonable and real spending reductions in order to offset the financial gimmicks passed last week.

Sincerely yours,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/mt  
Enclosures

cc: Erie County Fiscal Stability Authority (w/encl.)  
Erie County Comptroller David Shenk (w/encl.)  
Erie County Attorney Michael Siragusa (w/encl.)  
Robert W. Keating, Director of Budget and Management (w/encl.)

\* \* \* \*

**Appendix A  
County Executive Veto  
Amendment "G"**

Fund Center 12530  
Youth Bureau  
Account 517749  
Operation Prime Time

Proposed 2013 Budget:	\$400,000
2013 Legislature Allocated:	\$420,000
Vetoed Addition:	\$20,000

\* \* \* \*

**Appendix B  
County Executive Veto  
Amendment "H"**

Fund Center 11310  
County Clerk-Registrar  
Account 501000  
Overtime

Proposed 2013 Budget:	\$7,500
2013 Legislature Allocated:	\$15,000
Vetoed Addition:	\$7,500

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**Appendix C  
County Executive Veto  
Amendment "I"**

Fund Center 1333020  
Cultural Agencies  
Account  
Amherst Symphony Orchestra

Proposed 2013 Budget:	\$0
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2013 Legislature Allocated: \$10,000

Vetoed Addition: \$10,000

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**Appendix D  
County Executive Veto  
Amendment "S"**

Fund Center 11200  
Comptroller  
Account 500000  
Director of Grant Accounting Services

Proposed 2013 Budget: \$0  
2013 Legislature Allocated: \$93,987

Vetoed Addition: \$93,987

\* \* \* \*

**Appendix E  
County Executive Veto  
Amendment "T"**

Fund Center 11200  
Comptroller  
Account 502000  
Fringe Benefits

Proposed 2013 Budget: \$1,074,880  
2013 Legislature Allocated: \$1,138,527

Vetoed Addition: \$63,647

\* \* \* \*

**Appendix F  
County Executive Veto  
Amendment "U"**

Fund Center 11200  
Comptroller  
Account 500000

Full Time Salaries

Proposed 2013 Budget:	\$1,817,530
2013 Legislature Allocated:	\$1,911,517
Vetoed Addition:	\$93,987

\* \* \* \*

RESOLVED, that the Erie County Legislature does hereby move to reconsider and override the County Executive's veto of the following line item to the 2013 Erie County Budget:

**Appendix A**  
**County Executive Veto**  
**Amendment "G"**

Fund Center 12530  
Youth Bureau  
Account 517749  
Operation Prime Time

Proposed 2013 Budget:	\$400,000
2013 Legislature Allocated:	\$420,000
Vetoed Addition:	\$20,000

MR. MAZUR moved the adoption. MR. HOGUES 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.

\* \* \* \*

RESOLVED, that the Erie County Legislature does hereby move to reconsider and override the County Executive's veto of the following line item to the 2013 Erie County Budget:

**Appendix B**  
**County Executive Veto**  
**Amendment "H"**

Fund Center 11310  
County Clerk-Registrar

Account 501000  
Overtime

Proposed 2013 Budget: \$7,500  
2013 Legislature Allocated: \$15,000  
  
Vetoed Addition: \$7,500

MR. MAZUR moved the adoption. MR. HOGUES 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.

\* \* \* \*

RESOLVED, that the Erie County Legislature does hereby move to reconsider and override the County Executive's veto of the following line item to the 2013 Erie County Budget:

**Appendix C**  
**County Executive Veto**  
**Amendment "T"**

Fund Center 1333020  
Cultural Agencies  
Account  
Amherst Symphony Orchestra

Proposed 2013 Budget: \$0  
2013 Legislature Allocated: \$10,000  
  
Vetoed Addition: \$10,000

MR. MAZUR moved the adoption. MR. HOGUES 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.

\* \* \* \*

RESOLVED, that the Erie County Legislature does hereby move to reconsider and override the County Executive's veto of the following line item to the 2013 Erie County Budget:

**Appendix D**  
**County Executive Veto**  
**Amendment "S"**

Fund Center 11200  
Comptroller  
Account 500000  
Director of Grant Accounting Services

Proposed 2013 Budget:                   \$0  
2013 Legislature Allocated:         \$93,987  
  
Vetoed Addition:                         \$93,987

MR. MAZUR moved the adoption. MR. HOGUES 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.

\* \* \* \*

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**Appendix E**  
**County Executive Veto**  
**Amendment "T"**

Fund Center 11200  
Comptroller  
Account 502000  
Fringe Benefits

Proposed 2013 Budget:                   \$1,074,880  
2013 Legislature Allocated:         \$1,138,527  
  
Vetoed Addition:                         \$63,647

MR. MAZUR moved the adoption. MR. HOGUES 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.

\* \* \* \*

RESOLVED, that the Erie County Legislature does hereby move to reconsider and override the County Executive's veto of the following line item to the 2013 Erie County Budget:

**Appendix F  
County Executive Veto  
Amendment "U"**

Fund Center 11200  
Comptroller  
Account 500000  
Full Time Salaries

Proposed 2013 Budget:	\$1,817,530
2013 Legislature Allocated:	\$1,911,517
Vetoed Addition:	\$93,987

MR. MAZUR moved the adoption. MR. HOGUES 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.

**ANNOUNCEMENTS**

Item 2 – CHAIR GRANT announced that the Legislature will conduct a Special Meeting, following this meeting, at 2:45 P.M. concerning real property issues.

**MEMORIAL RESOLUTIONS**



Item 3 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Thomas G. Allen III, and Daniel R. Nichols.

Item 4 – Chair Grant requested that when the Legislature adjourns, it do so in memory of Ida Murphy, and Isaac C. Parker.

**ADJOURNMENT**

Item 5 – 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 2:45 P.M. Eastern Standard Time. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Tuesday, December 11, 2012 at 2:45 P.M. Eastern Standard Time.

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