

**ERIE COUNTY LEGISLATURE
MEETING NO. 3
FEBRUARY 16, 2012**

The Legislature was called to order by Chair Grant.

All members present.

An Invocation was held, led by Ms. Marinelli, who read the Serenity Prayer.

The Pledge of Allegiance was led by Mr. Mazur.

Item 1 – MR. MAZUR moved to take the Rules of the Legislature for 2012 off the table.
MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 28

**2012
RULES OF ORDER
ERIE COUNTY LEGISLATURE**

SECTION 1.00: ORGANIZATION

1.01 CHAIRPERSON

Annually, the members of the Erie County Legislature shall meet to organize no later than the 8th day of January in each calendar year. At such meeting, or at a recessed meeting, the Legislature shall select a member of the Legislature as the Chair by an affirmative vote of at least a majority of the entire membership of the Legislature. Upon his or her election, the Chair shall immediately assume all of the duties and responsibilities of the office.

The Chair shall possess the following powers and perform the following duties:

1. To preside over all meetings of the full Legislature; call the Legislature to order, direct a call of the roll, and, except in the absence of a quorum, proceed to business in a manner prescribed by these rules;
2. To preserve order and decorum;
3. To execute on behalf of the Legislature contracts and/or contract amendments and other documents authorized by the County Legislature and to execute all contracts necessary for the day-to-day operation and administration of the County Legislature without additional Legislative authorization;
4. To decide all questions of order, subject to appeal of the Legislature as

- hereinafter provided;
5. To recess meetings;
 6. If the Legislature is ready to go into Committee of the Whole, to name a Chairperson to preside over such committee;
 7. To name an open meetings advisor from among the legislators to advise the body on compliance with New York State Open Meetings and Freedom of Information laws;
 8. To order that a public hearing be held at least five (5) days before a local law can be considered for a vote by the Legislature, unless the local law in question is accompanied by a certification of necessity for immediate passage;
 9. To be a voting member ex-officio of all committees and to receive notice of all meetings thereof;
 10. To serve as the Department Head of the Legislature, and to appoint and designate or terminate, within the budgetary appropriations, all officers and employees of the Legislature not required to be selected by other means under these Rules, or other State or County law;
 11. To establish guidelines and criteria and approve the expenditure of funds in the budget of the Legislature for the printing and/or mailing of literature by members of the Legislature to their constituents within the appropriations therefore; provided, however, that no such literature shall be mailed at or delivered to any postal facility by such members during the period of forty-five (45) days immediately prior to a date of a primary or general election in which such member is included or involved as a candidate, whether such election is a special, primary, or runoff election, and as provided for in section 5.07 of these rules;
 12. To establish independent committees, boards, and commissions to report to the Chair and/or Legislature, and appoint or remove the members thereof;
 13. To cancel public hearings for which the underlying local law has been withdrawn;
 14. Such other powers as may be set forth in more detail in these Rules or in state, federal, or local legislation.

1.02 MAJORITY AND MINORITY LEADERS:

Annually, the enrolled members of the two political parties which shall have the greatest number of members seated in the Legislature shall elect a leader of their respective parties. The leader of the political party whose membership of the Legislature constitutes a majority of the Legislature shall be known as the Majority Leader. The leader of the other party shall be known as Minority Leader. The Minority Leader shall have the responsibility to appoint and designate or

terminate, within budgetary appropriations, which shall be allocated approximately proportionally, based on the number of members in the Minority Caucus, all officers and employees of the Legislature Minority.

For the purpose of complying with the provisions of Section 200, subdivision 1 of the County Law, in the event that neither the members of one party nor the other constitute a majority of the members of the County Legislature, the Chair of the Legislature shall designate one party leader as the Majority Leader and the other as the Minority Leader for the purpose of budgetary appropriation and other matters.

1.03 ACTING CHAIR:

In the absence of the Chair from any meeting of the Legislature, the designated Majority Leader shall become acting Chair with all the powers and duties of Chair for so long as the Chair is absent.

In the event of this occurrence, the Majority Leader shall not act in both capacities. The Majority Caucus shall designate an acting Majority Leader for so long as the Majority Leader is acting Chair.

SECTION 2.00: MEETINGS

2.01 REGULAR SESSION:

Regular sessions of the Legislature shall be held at least twice monthly, except in August, as designated by the Chair. The schedule of regular sessions shall be determined by the Chair who shall notify members of the Legislature concerning the same no later than January 1, of each year.

All regular sessions and all adjourned sessions shall be open for consideration of any matter, which in accordance with these rules, may be properly brought to the attention of the Legislature.

2.02 SPECIAL MEETINGS:

Special meetings shall be held at the call of the Clerk of the Legislature upon direction of the Chair or upon filing with the Clerk of the Legislature of a written request signed by a majority of the members of the Legislature. Notice in writing, stating the time, place and purpose of the special meeting shall be served personally, by facsimile (FAX) transmission, by mail or by affixing to the door of the premises of the residential address upon each member by the Clerk of the Legislature at least forty-eight (48) hours before the date and time fixed for holding the meeting, or a member may waive the service of the notice for such meeting in writing. Only business specified in the notice thereof may be transacted at a special meeting.

Service by facsimile transmission of the Notice of Special Meeting, pursuant to this section, is authorized and constitutes service upon each member at a facsimile telephone number provided to the Clerk by the member of the Legislature for that purpose. A confirmation record produced by the Clerk's facsimile machine or computer and an affidavit of service by the Clerk of the Legislature, shall be *prima facie* evidence that the Notice of Special Meeting and transmitted documents were served consistent with the date, time and place appearing on the confirmation record. Facsimile transmission of the Notice of Special Meeting may be transmitted at any time of the day or night, Monday through Friday, to the appropriate facsimile telephone number and will be deemed served upon receipt of the facsimile transmission, except that Notices of Special Meeting sent on a Friday shall be deemed duly served if the Clerk's confirmation record and affidavit demonstrate that facsimile transmissions for all members of the Legislature were completed by 5 p.m. on that Friday.

Nothing in this rule shall prohibit personal service of a Notice of Special Meeting on Friday after 5 p.m., or on a Saturday or a Sunday.

2.03 QUORUM:

A majority of the duly constituted membership of the Legislature shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

2.04 CHAIR TO SECURE A QUORUM:

In the absence of a quorum during the sessions of the Legislature, the Chair may take such measures as provided by law and as the Chair may deem necessary to secure the presence of a quorum.

2.05 ROLL CALL, MINUTES, ABSENCES:

At any and every meeting of the Legislature, upon the members being called to order by the Chair, the roll of members shall be called by the Clerk, and the names of those absent shall be inserted in the Minutes. The Majority and Minority Leaders should note the absence of any of their members because of county business, established illness, death and/or bereavement in the family or of a close associate and such absence shall be carried in the Minutes as an excused absence. The Minutes of the preceding meeting, when available, shall then be presented for approval to the end that any corrections, alterations, or additions may be made. In all cases when an order, resolution or a motion shall be entered in the Minutes of the Legislature, the name of the member presenting or moving the same and seconding shall be entered.

2.06 ORDER OF BUSINESS:

The Order of Business of each session shall be:

1. Calling the roll of members by the Clerk;
2. Consideration of the Minutes of the proceedings of the preceding meeting(s);
3. Consideration and presentation of miscellaneous resolutions;
4. The consideration of Communications, Local Laws and Resolutions on the table of Legislature;
5. Reports of Standing Committees;
6. Reports of Special Committees;
7. Presentation of Resolutions;
8. Presentation of Resolutions and Communications to be Discharged from a Standing Committee or Special Committee;
9. Presentation of Resolutions and Communications which require a Suspension of the Rules for the purpose of considering the item or sending it to committee;

10. Presentation of Communications from Elected County Officials, County Departments, and the people and other agencies;
11. Unfinished Business;
12. Announcements from the Chair;
13. Announcement of Committee Meetings;
14. Presentation of Memorial Resolutions; and
15. Adjournment.

The Chair in his or her discretion may change the Order of Business at any session except as otherwise provided in Section 4.04.

2.07 ORDER DURING SESSION:

The Chair shall take the chair at the hour specified for the convening of the Legislature and shall preserve order and decorum. In debate, all remarks must be addressed to the Chair and confined to the question before the Legislature. The Chair shall prevent personal reflections and confine members to the question under discussion. The Chair shall decide all questions of order, which decisions shall be final, unless an appeal is taken to the Legislature and sustained.

2.08 APPEAL FROM THE CHAIRPERSON'S RULING:

On every appeal, the Chair shall have the right to assign his/her reasons for such decision. If the question on which the appeal is taken was not debatable, the Legislature shall decide the case without debate. If debatable, no member shall speak more than once.

The Chair shall put the question: "Shall the Ruling of the Chair be overturned?"

A motion to overrule a decision or ruling of the Chair shall require approval by a majority vote of the Legislature.

2.09 PRIVILEGE OF THE FLOOR:

No person shall be entitled to the privilege of the floor during the session of the Legislature, unless unanimous consent be given therefore.

2.10 REFERRALS TO COMMITTEE:

The Chair, at his or her discretion, may refer to the proper committee or shall table any petition, resolution, local law, amendment or other matter when presented, and may similarly refer to the County Attorney for attention any legal proceeding brought against the county. The Chair's decision to refer any item to committee or to the County Attorney or to table an item is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein. Once the appeal from the Chair's ruling has been decided however, and if the same has been a determination in favor of the Chair's referral or other action, the petition, resolution, local law, amendment or other matter cannot be discharged from such committee for reconsideration or other action at the same legislative session without the unanimous vote of the Legislature.

2.11 MEMBER NOT TO SPEAK OR LEAVE HIS OR HER PLACE:

While the Chair is putting a question, or while the roll is being called, no member shall speak or leave his or her place. The Chair shall allow opportunity for debate before the roll is called.

2.12 TIE VOTE:

When the Legislature shall be equally divided on any question, including the Chair's vote, the question shall be deemed to have been lost.

2.13 PRIORITY OF BUSINESS:

All questions relative to priority of business shall be decided by the Chair without debate, except as otherwise provided in Section 4.03, and the Chair's decision shall be final.

2.14 LIMITATION ON TIME OF SPEECH:

No member shall speak more than five minutes at any one time, nor more than twice on the same question without permission by majority vote of the Legislature.

2.15 MAJORITY VOTE:

A majority of the total vote of the entire membership of the Legislature shall be necessary to carry any question, proposition, resolution, motion, amendment or any other matter, except where it is otherwise provided herein or by statute that a two thirds vote or a unanimous vote is required. Local laws, resolutions or amendments introduced by any member(s) of the legislature and communications from elected officials requiring approval shall be approved or disapproved by a majority vote of the full legislature, except in such instances when items are removed from the agenda pursuant to Section 5.05.

2.16 RECEIVE AND FILE/RECEIVE, FILE AND PRINT:

The Chair, at his or her discretion, may receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter. The Chair's decision to receive and file or receive, file and print any question, proposition, resolution, motion, amendment or any other matter is not amendable or debatable, and can only be challenged in accordance with Section 2.08 herein.

2.17 RECORDING OF VOTE:

Any member shall have the right to have his or her vote recorded and entered upon the minutes upon request, without explanation, and without requiring the ayes and noes to be called.

2.18 RECORDING AYES AND NOES:

On a roll call, the ayes and noes shall be taken without explanation on any question wherever so required by law, or by any member, and whenever so taken shall be entered in the proceedings of the Legislature, and the Clerk shall record the names of the members and the way each shall have respectively voted. The roll is called of the minority members first, in alphabetical order, followed immediately by the majority members, in alphabetical order. Each member, as his or her name is called, shall respond in the affirmative or in the negative, as the case may be. Each member, however, shall be allowed to pass on the first call of the roll. To verify the vote and to correct possible errors, and to allow such members as passed on the first call of the roll; the Clerk shall repeat the call of the roll once, and only once. The only exception to this procedure is if the member abstains from voting in accordance with Section 2.21 herein.

2.19 BORROWING MONEY:

The ayes and noes shall be taken on all resolutions or other proceedings involving the granting of authority to borrow money and such other resolutions and proceedings, as the statute requires.

2.20 VOTE ON DISTINCT PROPOSITION:

If the question in debate contains several distinct propositions, the same shall be divided by the Chair at the request of any member, to the end that a vote may be taken on each proposition, but a motion to strike out and insert shall be deemed indivisible.

2.21 ABSTENTIONS:

Every member who shall be physically present in the Legislative Chambers when a question is stated by the Chair must cast his or her vote on the same. The only exception to this procedure is when a member abstains from voting in accordance with Section 5b of Erie County Local Law No. 10 – 1989, constituting the Erie County Code of Ethics. If a member wrongfully attempts to avoid casting his or her vote, abstain, or otherwise refuses to vote, the Chair shall direct the Clerk to record such member's vote in the affirmative on the question being voted upon.

2.22 SPEAK WHEN RECOGNIZED BY CHAIRPERSON:

No member wishing to speak shall proceed without standing and without having addressed the Chair from his or her place and until obtaining recognition by the Chair.

2.23 SUSPENSION OF THE RULES BY UNANIMOUS CONSENT:

These rules may at any time during the session be suspended by unanimous consent of all members of the Legislature present; however, the member making the application for such suspension must state the purpose for which the same is asked.

These rules may be suspended by a majority vote of the Legislature for the purpose of referring any item to committee provided that said item may not be discharged for action at the same meeting at which the suspension is granted. The unanimous consent of all members of the Legislature present shall be required, however, to suspend the rules to permit action on an item at the same meeting at which such suspension is requested.

A member shall submit to the Chair of the Legislature, a written copy of the item which he or she proposes to suspend the rules for referring said item to committee or for permitting action on said item at least three (3) hours prior to the session at which the request for such suspension is considered, and the member making said application for such suspension shall state the purpose for which the same is asked.

2.24 PRESENTATION OF MOTION:

When a question shall be under consideration, no motion shall be received except as herein specified, which motion, termed subsidiary motions, shall have precedence in the order named, to wit:

1. For an adjournment of the Legislature;
2. A call of the Legislature;
3. To move the previous question;

4. To lay on the table;
5. To postpone indefinitely;
6. To postpone to a certain day;
7. To go immediately into a Committee of the Whole on the pending subject;
8. To recess;
9. To commit to a Standing Committee;
10. To commit to a Special Committee; and
11. To amend.

2.25 WITHDRAWAL OF RESOLUTION OR MOTION:

Any resolution or motion offered by a member may be withdrawn by the member presenting it at any time before an announcement by the Chairperson of the vote thereon or before an amendment to such resolution or motion has been adopted.

2.26 MOTIONS NOT AMENDABLE OR DEBATABLE:

All motions for an adjournment, for a recess, to move the previous question, or to lay on the table shall be neither amended nor debated. After the roll call on any question has begun, no member shall speak on the question nor shall any motion be made until after the result is declared. While the Chair is putting any question, or while the roll is being called, no debate or discussion shall be in order. Any member desiring to explain his/her vote must do so before the start of the roll call, provided, before a roll call begins, all members shall have a right to avail themselves of the provisions of Section 2.22.

2.27 PREVIOUS QUESTIONS AND AMENDMENTS:

The "Previous Question" shall be as follows:

1. "I move the previous question" applies only to the specific pending question being debated whether it be an amendment or any other issue. If an amendment is being debated, the "previous question" is called, and a vote taken on the amendment, then the next amendment, if there is one, or the resolution should be debated.
2. If a motion is approved for the "previous question" and is qualified as being called to end debate on the resolution and all amendments, then no further debate can be permitted. Such a motion can be qualified in any manner, i.e., to end debate only on amendment, or on all pending questions.

2.28 MOTIONS FOR RECONSIDERATION AND CHANGING ONE'S VOTE:

A motion for reconsideration or a motion to change one's vote shall not be in order unless made on the same day, or the session day next succeeding that on which the action proposed to be reconsidered unless the action cannot be reversed or upon which the same motion was previously considered.

A motion to reconsider must be made by a member who voted with the prevailing side on the action proposed to be reconsidered. A member has the right to change his or her vote up to the time the result is announced; after that a change of vote can be made only by permission of the Legislature, which can be given by general consent, or by adoption of a motion to change one's vote.

When a motion to reconsider or a motion to change one's vote has been defeated, it shall not again be submitted to the Legislature without unanimous consent.

2.29 MOTION TO RESCIND:

A motion to rescind can only be entertained when moved by a member who voted with the majority in the action which it is proposed to rescind, and requires the affirmative vote of a majority of the total members of the Legislature.

2.30 COMMITTEE OF THE WHOLE:

The Legislature may, at any time when in session, resolve itself into a Committee of the Whole on any subject before it, and in such case, the Chairperson may name a member to preside.

2.31 COMMITTEE OF THE WHOLE - NO QUORUM; ADJOURNMENT:

If at any time within a Committee of the Whole it be ascertained that there is no quorum, the Chair of the Legislature or the Chair of the Committee of the Whole, if so named, shall immediately report the fact to the Chair of the Legislature and the adjournment of the Committee of the Whole shall be in order.

2.32 PRESENTATIONS TO BE IN WRITING:

All petitions, resolutions, committee reports and amendments thereof, shall be in writing.

2.33 TIME FOR PRESENTATION TO CLERK:

Except as provided in Section 2.02, all petitions, resolutions, offers, or communications of whatever nature shall be submitted to the Clerk of the Legislature before 11:00 a.m., two business days prior to a regular meeting date, for presentation by the Clerk of the Legislature at the next meeting. For the purpose of this rule, business day shall be defined in reference to Section 206 of the New York State County Law.

2.34 SAMPLE RESOLUTION AND ACCOMPANYING MEMORANDA:

The Clerk of the Legislature shall not place any request for legislative action, which is filed by a county elected official, other than a county legislator, or by a non-elected county official, on the agenda for a regular or special legislative session, unless such request includes a sample resolution and an accompanying memorandum, which presents and includes:

- A SUMMARY OF RECOMMENDED ACTION
- FISCAL IMPLICATIONS OF PROPOSAL
- REASONS FOR RECOMMENDATION

- BACKGROUND OF PROPOSAL
- CONSEQUENCES OF NEGATIVE ACTION
- STEPS FOLLOWING APPROVAL OF MEASURE

2.35 SOLICITATIONS:

No solicitation of funds for any purpose shall be permitted during any session of the Legislature.

2.36 ALL POINTS OF ORDER NOT COVERED BY THESE RULES:

On all points of order not governed by the rules of this Legislature, the most recent edition of Robert's Rules of Order shall prevail. In the event that a point of order shall arise which shall not be covered by either the Rules of Order for the Legislature or by the most recent edition of Robert's Rules of Order, the Rules of the New York State Assembly shall be followed.

SECTION 3.00: COMMITTEES

3.01 RULES SHALL APPLY TO COMMITTEE MEETINGS:

The Rules of the Legislature, except Section 2.09, shall apply to all committee meetings.

3.02 STANDING AND SPECIAL COMMITTEES:

There shall be the following standing committees which shall consist of five members each (including a Chair, Vice-Chair and three members), except the Finance & Management/Budget Committee which shall consist of seven members (including a Chair, Vice-Chair and five members) for the purpose of considering and acting upon the County Executive's Annual Budget, and all matters relating thereto.

The members of each committee shall be appointed by the Chair of the Legislature within twenty (20) days, or as soon as possible, after his or her election or appointment and the list of the committees shall be filed with the Clerk of the Legislature and printed in the minutes of the Legislature.

STANDING COMMITTEES

Capital Improvements
Community Enrichment
Economic Development
Energy & Environment
Finance & Management
Government Affairs
Health & Human Services
Minority & Women Business Enterprise
Public Safety

SPECIAL COMMITTEES

The Chair of the Legislature in his or her discretion may appoint such Special Committees, the number of members of which shall be as the Chair may determine.

3.03 CHAIRPERSON EX-OFFICIO MEMBER OF ALL COMMITTEES:

The Chair shall be a member Ex-officio of all committees with a vote thereon. The Chair's presence at a meeting shall be counted in determining whether a quorum is present. Any vacancies occurring during the year on any Standing or Special Committee shall be filled by the Chair at his or her discretion.

3.04 RECORDING PRESENCE OR ABSENCE OF COMMITTEE MEMBERS:

The Chair of every Standing and Special Committee shall record and certify on a form provided by the Clerk of the Legislature the names of all members present and absent from all regularly called committee meetings. Said certificate shall be filed with the Clerk and shall be the official record of committee attendance.

3.05(1) CONDUCT OF COMMITTEES:

All committees appointed by the Chair shall act promptly on all matters referred to them. It shall be the duty of the members of said committees to familiarize themselves with the departments of county government and the work entrusted to each of such committees.

3.05(2) MATTERS REFERRED TO DEPARTMENT HEADS:

Any matter referred by a committee to a department head for report or study shall be laid on the committee table for one week unless a longer period is specified by the committee.

3.05(3) REPORT ON ANY FINAL ACTION OF COMMITTEE:

Any final action taken by a majority of the members of the committee shall be included in the committee's report of its meeting and the committee's action shall be subject to approval of the Legislature by a majority vote of its total membership.

3.05(4) COMMITTEE AGENDA:

An agenda of all matters before a committee shall be prepared by the Clerk of the Legislature.

3.05(5) OPEN ITEMS IN COMMITTEE:

At the discretion of the Committee Chair, an item or items may be allowed to remain on the agenda indefinitely in that particular Committee to allow for consideration of that item and to serve as a vehicle for the committee to amend and send to the full Legislature, within the committee report, for consideration.

3.06 COMMITTEE REPORT MADE BY MAJORITY OF COMMITTEE:

No report shall be made by any committee on any subject referred to it except by a majority vote of the total membership of the committee unless the Legislature otherwise directs. All reports of committees shall be in writing and presented to the full Legislature for consideration at the next succeeding regular session of the Legislature, except the report of the Budget, Finance and Management Committee on the County Executive's Tentative Annual Budget, as provided in Section 4.01.

3.07 COMMITTEE REPORT BY STANDING AND SPECIAL COMMITTEES:

All reports of Standing and Special Committees, all motions except subsidiary motions under Sections 2.08, 2.27, 2.28, 2.29 and 2.30 and all resolutions shall lie upon the table one day before action thereon or adoption by the Legislature (unless immediate consideration is given by a majority vote of the Legislature). This rule shall not apply to reports of Standing and Special Committees on the last regular session before summer adjournment nor on the last regularly adjourned session at the close of the year.

SECTION 4.00: BUDGET

4.01 TENTATIVE BUDGET:

The County Executive shall, on or before the date set forth in the Charter or established by Local Law revising same, submit thirty-five (35) copies of the tentative budget to the Legislature. The Finance & Management/Budget Committee is hereby designated to receive and study the tentative budget and to report thereon. The Chair of the Finance & Management/Budget Committee shall present such tentative budget to the Finance & Management/Budget Committee for its consideration. The Finance & Management/Budget Committee shall hold such meetings thereon as it may determine, and may require any officer or employee of the county or the head of any county department, bureau, office, board or commission, or of any organization receiving financial aid from the county, to appear before the committee for the purpose of furnishing any information required by the committee in its consideration of the tentative budget. After such consideration, the Finance & Management/Budget Committee shall approve such tentative budget as originally prepared or with such amendments or changes therein as the committee may determine, and shall submit such tentative budget, together with its report thereon, to the Legislature not later than the first Tuesday of December in each year. The report of the Finance & Management/Budget Committee shall be submitted to the Legislature and lay on the table forty-eight (48) hours prior to the Annual Meeting established by Section 2608 of the Charter.

Budget amendments proposed less than forty-eight (48) hours prior to the Annual Meeting shall be considered and voted on as described in Section 4.04. Such amendments less than forty-eight (48) hours prior to the Annual Meeting shall be limited to special or essential items for which information was not available in time to meet the forty-eight (48) hour requirement.

4.02 ANNUAL MEETING FOR THE ADOPTION OF BUDGET:

The Annual Meeting for the adoption of the Budget and for the levying of taxes for all county and town purposes prescribed by law shall be held pursuant to Section 2608 of the Charter.

4.03 LEVY OF SCHOOL TAXES:

The annual levy of school taxes pursuant to the Erie County Tax Act, as amended, shall be made at the regular meeting held on the first Thursday of September in each year.

4.04 ADOPTION OF BUDGET:

On or before the first Tuesday of December, following the submission of the tentative budget, the budget shall be the first order of business following consideration of the Minutes. Upon conclusion of the consideration of the budget, as provided in the Charter and Code, the motion to adopt the budget, either with amendments thereto, if any, to make the necessary appropriations therefore, and to levy and spread taxes shall then be the next order of business.

Any amendments to the Finance & Management/Budget Committee Report, which are proposed less than forty-eight (48) hours prior to the annual meeting prescribed by the County

Charter, Section 2608, for adoption of a budget, shall be considered, justified and voted on in accordance with the Erie County Charter and Code.

SECTION 5.00: MISCELLANEOUS

5.01 APPOINTMENTS AND CONFIRMATIONS:

All appointments by this Legislature shall lay on the table one day except for appointments made for the purpose of organizing the Legislature and the reappointment of incumbents, which may be acted on immediately. All appointments requiring the confirmation of the Legislature may be acted on immediately.

Candidates, including incumbents seeking reappointment, for the position of Commissioner of the Erie County Water Authority, shall formally submit, in writing, to the Chair of the Legislature, notice of their candidacy for that position. The Chair of the Legislature shall notify the Chair of the Erie County Legislature's Energy and Environment Committee of such applicant(s) for the office of Commissioner of the Erie County Water Authority. Upon said notification, the Chair of the Energy and Environment Committee shall schedule a public meeting, with a minimum of five (5) business days notice to members of the Legislature and the general public, within fifteen (15) days of receipt of notification from the Chair of the Legislature, for the purpose of interviewing the candidate(s).

5.02 PURCHASE OVER \$10,000.00:

Pursuant to Section 3.07 of the Administrative Code, the sum of \$10,000.00, is hereby fixed as the limit above which any purchases for contract for supplies may not be made without public advertisement. On purchases under \$10,000.00, as far as practicable, every purchase made by the Purchasing Director shall be made on bids first obtained from at least three (3) sources, except where a vendor will extend GSA contract pricing to the county, the Purchasing Director may purchase from that vendor without competitive bidding. A notation of the GSA contract number shall appear on the purchase order. Purchase requisitions and/or inquiry bid files for items under \$10,000.00 shall include a notation in writing indicating the names of at least three (3) vendors who were contacted, the name of the individuals quoting for the firm, the date contacted, and the prices quoted by the vendors. A contract awarded therefore shall be to the lowest responsible bidder.

5.03 ANNUAL REPORTS:

The County Executive shall make an annual report to the County Legislature concerning the activities of the several administrative units of the county during the preceding fiscal year in such detail, as the County Legislature shall direct. The head of any bureau or organization receiving financial support from the county shall make an annual report concerning the activities of the respective bureaus or organizations during the preceding fiscal year. The County Executive or the head of the bureaus or organizations shall file thirty (30) copies of said report with the Clerk of the Legislature not later than March first of each and every year.

Such reports, weekly and monthly, as prescribed by the Legislature shall be furnished to the Legislature by all department heads and heads of bureaus and organizations receiving financial support from the county. Such reports shall be received and filed or referred to appropriate committees.

5.04 OFFER TO PURCHASE COUNTY-OWNED PROPERTY:

The Erie County Legislature shall not adopt any resolution, which changes the status of county-owned land until such time as the proposal has been reviewed and recommended by the Department of Environment and Planning's County-Owned Lands Policy Advisory Board. The Clerk of the Legislature shall be responsible for referring all offers to purchase county-owned property to the Commissioner of Environment and Planning.

5.05 REDUCTION OF AGENDA:

Any local law, resolution or other item pending on the agenda of the Legislature itself, or any committee or subcommittee thereof, that was first introduced, submitted and filed prior to January 1 of any calendar year is automatically removed there from as of and effective December 31 of that same calendar year.

5.06 DUTIES OF ADMINISTRATIVE ASSISTANTS:

The Administrative Assistants and other such staff as designated by the Clerk shall, in addition to the duties ordinarily performed by such officials, perform such other duties as shall be assigned to each by the Clerk during sessions and committee meetings of the Legislature.

5.07 ERIE COUNTY LEGISLATURE MAIL POLICY:

1. References to political parties and/or party affiliations are prohibited on all legislative mailings.
2. The Clerk of the Legislature will maintain an accounting log of the Legislature's in-house postage meter.
3. The Chair, at his/her discretion, may authorize Committee Chairs and their Clerks to send informational mailings that are germane to pending committee agenda items.
4. Members are entitled to use their annual discretionary district office expense account for targeted informational mailings (notifications, announcements, etc.) to constituents in their districts. Postage expenses, like other district office expenses, are itemized. District Offices are required to maintain copies of all targeted informational mailings, and to file a true and complete copy of same with the Clerk of the Legislature, commensurate with the mailing of same. Any such mailings must be postmarked and mailed no later than forty-five (45) days prior to the date of the Erie County Legislature Primary Election. No mailings may be made after the Erie County Legislature Primary Election and prior to Election Day for the Erie County Legislature.
5. The above policy shall be reviewed periodically with a goal towards paperless notification for future correspondence. All mailings should contain the Legislature's and/or the legislator's county web page address.

5.08 PROHIBITION OF USE OF AUDIBLE, PORTABLE COMMUNICATION DEVICES:

During sessions and committee meetings of the Legislature, the use of audible, portable communication devices, including, but not limited to cellular telephones and pagers, shall be prohibited, except for non-audible receipt activation. Such prohibition shall be in effect for

members and staff of the Legislature, as well as for invited witnesses, visitors, and members of the general public attending such sessions or meetings. Such prohibition shall not include the use of microphones, electronic recording devices, video recording equipment or portable computers used for the purposes of recording the proceedings of legislative sessions or committee meetings if done in a non-disruptive manner.

5.09(1) DECORUM IN LEGISLATURE CHAMBER:

In accordance with Article 7 of the N.Y. Public Officers Law, the Erie County Legislature hereby finds that it is essential to the maintenance of a democratic society that the business of Erie County be performed in an open and public manner. The citizens of Erie County and other governmental officials should be able to attend and observe their legislators during public deliberations subject to certain rules to allow this Honorable Body to properly consider the issues before it.

5.09(2) VISITORS TO THE ERIE COUNTY LEGISLATURE:

All visitors and spectators to the Erie County Legislature must be respectful and obey the rules of order promulgated by this Honorable Body.

5.09(3) FLOOR MOVEMENT:

In order to preserve the order, decorum and security of this Honorable Body, the floor of the Legislature Chamber will be restricted during sessions and public hearings to Legislators, Legislature Staff, County-wide Elected Officials, Administration Representatives, Department Heads and others granted permission by the Chair of the Erie County Legislature.

5.09(4) BANNERS, SIGNS AND PLACARDS:

Any display of banners, signs, or placards in the Legislature Chamber or Committee Rooms that is disruptive to the deliberative process of the Erie County Legislature and not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.09(5) DISTRIBUTION OF LITERATURE OR MATERIALS:

Any distribution of literature or materials in the Legislature Chamber or Committee Rooms not previously authorized by the Clerk of the Erie County Legislature is strictly prohibited.

5.09(6) AUDIO RECORDING:

Audio recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive audio recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature.

5.09(7) VIDEO RECORDING:

Video recording of the public proceedings of the Erie County Legislature's sessions, committee meetings and public hearings shall be permitted under the following conditions:

- a) any unobtrusive video recorder may be used provided that such recording is restricted to the open and public areas of the Legislature Chamber and Committee Rooms; and
- b) only credentialed members of the news media will be allowed access to the audio/visual equipment of the Erie County Legislature; and
- c) no light, visible signal or audible sound shall be used on any video equipment to indicate that the equipment is operating.

5.09(8) VIOLATIONS:

Any violation of the order or decorum of the Legislature subjects an offending party to removal from the Erie County Legislature's sessions, committee meetings and public hearings and possible forfeiture of their right to attend future sessions, committee meetings and public hearings of this Honorable Body.

5.10 AMENDMENT OF RULES:

These rules shall not be rescinded, altered, or amended, nor shall any additional rule be added, except by a majority vote of the total members of the Legislature, and only after at least one day's notice in writing, filed with the Clerk of the Legislature.

SECTION 6.00: EFFECTIVE DATE

6.01 EFFECTIVE DATE:

These rules shall be effective immediately upon adoption by a majority vote of the total membership of the Legislature.

MR. MAZUR moved to approve the Rules of the Legislature for 2012. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 2 – MR. MAZUR moved to reconsider COMM. 1E-24 (2012) from the previous meeting. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLVED, the Erie County Legislature hereby confirms the reappointment of Steven Schwartz as Member of Erie County Board of Ethics for a term expiring 12/31/2014.

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

CARRIED UNANIMOUSLY.

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

RESOLUTION NO. 29

RE: Reappointment of Member of EC Board

of Ethics
(COMM. 1E-24, 2012)

RESOLVED, the Erie County Legislature hereby confirms the reappointment of Steven Schwartz as Member of Erie County Board of Ethics for a term expiring 12/31/2016.

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

CARRIED UNANIMOUSLY.

Item 3 – MR. MAZUR moved for the approval of the minutes for Meeting Number 2 from 2012. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 4 – No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. MAZUR presented a memorial resolution Honoring the Memory of Lore Decker.

Item 6 – MR. MAZUR presented a memorial resolution Honoring the Memory of Frank Namel, Jr.

Item 7 – MR. MILLS presented a resolution Congratulating Gordon Holden, Boy Scout Troop No. 230, on Obtaining the Rank of Eagle Scout.

Item 8 – CHAIR GRANT presented a resolution Honoring Carlanda Wilson for Her Years of Dedicated Service to the Community.

Item 9 – CHAIR GRANT presented a memorial resolution Honoring the Memory of Jannie McCarley.

Item 10 – MR. MAZUR presented a memorial resolution In Remembrance of Henry J. Wiechec, Owner of Wiechec's Restaurant in Kaisertown.

Item 11 – MS. MARINELLI & MR. MAZUR presented a memorial resolution Honoring the Life & Memory of Dennis Alan Kahn.

Item 12 – CHAIR GRANT presented a resolution Congratulating Eva M. Doyle, Nationally Recognized Educator & African American Historian, Upon Being Named the First Recipient of the EC Legislature's Citizen of the Month Award.

Item 13 – CHAIR GRANT presented a resolution Honoring Eva M. Doyle for Her Many Contributions to EC's Celebration of Black History Month.

Item 14 – MS. MARINELLI, MR. MAZUR & MR. MILLS presented a resolution Honoring Jerome C. Gorski, Distinguished Jurist, Upon His Retirement from the Appellate Division, Fourth Department, Supreme Court of the State of New York.

Item 15 – MR. LORIGO presented a resolution Honoring Mary Feldmann for Being Named Chamber Member of the Year by the West Seneca Chamber of Commerce.

Item 16 – MR. LORIGO presented a resolution Honoring Colleen Christmann for Being Named Educator of the Year by the West Seneca Chamber of Commerce.

Item 17 – MR. LORIGO presented a resolution Honoring West Seneca C.E.R.T. for Being Named Community Service Organization of the Year by the West Seneca Chamber of Commerce.

Item 18 – MR. LORIGO presented a resolution Honoring James Manley for Being Named Citizen of the Year by the West Seneca Chamber of Commerce.

Item 19 – MR. LORIGO presented a resolution Honoring Financial Trust Federal Credit Union for Being Named Business of the Year by the West Seneca Chamber of Commerce.

Item 20 – MR. HARDWICK presented a resolution Honoring Linda Foels on Her Retirement as Parks & Recreation Director for the City of Tonawanda.

Item 21 – MR. HARDWICK presented a resolution Honoring Jesse Lalka for His Accomplishments on the Basketball Court at Tonawanda High School.

Item 22 – MR. HARDWICK presented a resolution Honoring Timothy A. Ball on His Appointment as City of Buffalo Corporation Counsel.

Item 23 – MS. DIXON presented a memorial resolution Remembering & Honoring the Life of Henry "Hank" Pirowski.

Item 24 – MR. MILLS, MR. HARDWICK, MR. RATH, MS. DIXON & MR. LORIGO presented a resolution Thanking Congresswoman Gabrielle Giffords for Her Service to this Country & Wishing Her a Full Recovery.

Item 25 – MR. RATH presented a resolution Honoring Flora Leamer, for Being Awarded 'Lifetime Achiever of the Year' by the Clarence Chamber of Commerce.

Item 26 – MR. RATH presented a resolution Honoring Paul Stephen, for Being Awarded 'Citizen of the Year' by the Clarence Chamber of Commerce.

Item 27 – MR. RATH presented a resolution Honoring Casilio Companies, for Being Awarded 'Business of the Year' by the Clarence Chamber of Commerce.

Item 28 – MR. RATH presented a resolution Honoring Clarence Community Pantry, Inc., for Being Awarded 'Organization of the Year' by the Clarence Chamber of Commerce.

Item 29 – MR. McCracken presented a resolution Recognizing the Courageous Service of Members of the Millgrove Fire Department to Schoharie County in the Aftermath of Hurricane Irene.

MR. MAZUR moved for consideration of the above twenty-five items. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to amend the above twenty-five items by including Et Al Sponsorship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved for approval of the above twenty-five items as amended. MR. RATH seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 30 – MR. MAZUR moved to take Local Law No. 7 (Print #1) 2011 off the table. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to receive & file Local Law No. 7 (Print #1) 2011. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 31 – CHAIR GRANT directed that Local Law No. 8 (Print #1) 2011 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 32 – MR. RATH moved to take Local Law No. 10 (Print #1) 2011 off the table. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE

LOCAL LAW INTRO. NO. 10-2011

LOCAL LAW NO. ___-2011

A Local Law to Prohibit Cyber-Bullying in Erie County

Be it enacted by the Legislature of the County of Erie as follows:

SECTION 1. LEGISLATIVE INTENT.

Bullying is a long-standing problem among school-aged children in Erie County and throughout the nation. With increasing accessibility to electronic means of communication, bullying has transformed from a predominantly school-based issue to a broader societal problem.

Researchers have demonstrated that bullying has long-term consequences. Further, bullying goes beyond the classroom to bullying on the job, on athletic teams, on college campuses and the internet. Experts have suggested that one tool for schools to use in combatting bullying is to maintain and enforce consistent policies against bullying and harassment, including cyber-bullying. Such enforcement is not always possible if bullying occurs away from school or by a non-student. Perpetrators of cyber-bullying are often more extreme in the threats and taunts they inflict on their victims, as they do not actually see their victim's emotional reaction to the abuse and believe that they are anonymous. Victims of cyber-bullying suffer very real and serious harm as a result of these incidents, often showing signs of depression, anxiety, social isolation, nervousness when interacting with technology, low self-esteem and declining school performance. In some cases, victims attempt or commit suicide in part because of cyber-bullying they've endured.

Several states have enacted laws criminalizing cyber-bullying. To date, the New York State Legislature has failed to take action on this problem. Erie County should not wait for New York State to act and should implement legislation to discourage and prevent cyber-bullying from occurring.

Therefore, the purpose of this law is to ban cyber-bullying in Erie County.

SECTION 2. DEFINITIONS.

As used in this article, the following terms to have the meanings indicated:

A. County -- the County of Erie, New York.

B. Cyber-bullying - shall mean harassment or bullying accomplished by publishing, communicating or causing a communication to be initiated or displayed through electronic means, including, but not limited to, electronic mail, internet-based communication, pager service, cell phone, or electronic text messaging.

C. Harassment or Bullying – shall include a course of conduct or repeated creation and/or the dissemination of, any intentional written, visual, verbal, or physical act or conduct targeting at a specific other person which is severe, persistent, pervasive or repeated, and serves no legitimate purpose, and that a reasonable person under the circumstances would know could result in, and does in fact result in:

a) placing such other person in actual or reasonable fear of physical harm to himself or herself, or to a member of such person's immediate family or a third party with whom such person is acquainted; or

b) placing such other person in actual or reasonable fear of damage to the property of such person or to a member of such person's immediate family or a third party with whom such person is acquainted; or

- c) a substantial detrimental effect on such other person's physical, mental, or emotional health.
- D. Minor - shall mean any natural person or individual under the age of eighteen (18).
- E. Person - shall mean any natural person or individual.
- F. Publishing – shall include issuing, printing, reproducing, distributing, circulating or any other means of publicizing or communicating to other individuals, including by electronic means.
- G. Student – shall mean any person who is enrolled in a primary, secondary, or post-secondary educational institution located within the County.

SECTION 3. PROHIBITIONS.

No person shall engage in cyber-bullying against any minor or student ~~person~~ when such minor or student is located in the County of Erie.

SECTION 4. PENALTIES.

Any person who knowingly violates the provisions of this local law shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to one year imprisonment.

SECTION 5. APPLICABILITY.

This law shall apply to all actions occurring on or after the effective date of this law.

SECTION 6. REVERSE PREEMPTION.

This law shall be null and void on the day that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this local law or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Erie. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

SECTION 7. EFFECTIVE DATE.

This local law shall become effective immediately upon the filing with the Secretary of State pursuant to section 27 of the Municipal Home Rule Law.

SECTION 8. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law or in its

application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

SPONSORED BY
LEGISLATOR EDWARD A. RATH III

MR. RATH moved to approve Local Law No. 10 (Print #1) 2011. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

Item 33 – CHAIR GRANT directed that Local Law No. 11 (Print #1) 2011 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

COMMITTEE REPORTS

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 30

January 31, 2012	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 2
------------------	--

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR HOGUES.
CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 2E-29 (2012)
COUNTY EXECUTIVE AS AMENDED
WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining (III-C-1) grant for the period January 1, 2012 through December 31, 2012; and

WHEREAS, the Department of Senior Services (Department) continually reviews potential locations to expand the Stay Fit Dining program throughout Erie County; and

WHEREAS, the Department recommends that a new congregate dining site, located at the 118 East Utica Street, be added to the Stay Fit Dining program to serve needful seniors in a previously underserved community; and

WHEREAS, the Department desires to contract with the sponsor, Friends Inc., to begin serving meals after the effective date of this resolution; and

WHEREAS, the Professional Services-Clean-up and Escort Services account has sufficient funds available to cover the cost of the new dining site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with Friends Inc. for a dining site at 118 East Utica Street; 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.

(5-0)

2. COMM. 2E-30 (2012)
COUNTY EXECUTIVE

WHEREAS, the 2012 Erie County Budget includes appropriated funds for Geriatric Counseling in the Elder Caregiver Support (III-E) grant for the period January 1, 2012 through December 31, 2012; and

WHEREAS, the Department of Senior Services has previously contracted with Jewish Family Service of Buffalo and Erie County to provide caregiver counseling services to family members caring for an elder; and

WHEREAS, Jewish Family Service of Buffalo and Erie County desires to continue to provide services under the Department's Geriatric Counseling to Caregivers program; and

WHEREAS, the Department desire to contract with the agency, Jewish Family Service of Buffalo and Erie County to provide services under the Department's Geriatric Counseling to Caregivers program for the period January 1, 2012 to December 31, 2012; and

WHEREAS, the III-E grant budget already allocated \$15,000 for geriatric counseling services.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and hereby is authorized to enter into a contract in the amount of \$15,000 with Jewish Family Service of Buffalo and Erie County to provide caregiver counseling to individuals referred by the Department of Senior Services' Caregiver Resource Center for the period January 1, 2012 to December 31, 2012; 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.

(5-0)

3. COMM. 2E-31 (2012)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature appropriated funds for the Congregate Dining (III-C-1) grant for the period January 1, 2012 through December 31, 2012; and

WHEREAS, the Department of Senior Services (Department) contracted with the Maryvale East Management Corporation to operate a Stay Fit program dining site at 101 Bakos Boulevard to serve needful seniors; and

WHEREAS, the Maryvale East Management Corporation, as of January 1, 2012, changed ownership and name and is now Walden Park Senior Housing II, L.L.C.; and

WHEREAS, Walden Park Senior Housing II, L.L.C. desires to continue operating the Stay Fit program dining site at 101 Bakos Boulevard to serve needful seniors; and

WHEREAS, the Department desires to contract with the sponsor, Walden Park Senior Housing II, L.L.C., to operate the 101 Bakos Boulevard dining site for the period January 1, 2012 to December 31, 2012; and

WHEREAS, the Professional Services (Clean-up and Escort Services) account has sufficient funds available to cover the cost of the 101 Bakos Boulevard dining site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into contract with Walden Park Senior Housing II, L.L.C. to operate the dining site at 101 Bakos Boulevard for the period January 1, 2012 to December 31, 2012; 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.
(5-0)

4. COMM. 2E-32 (2012)
COUNTY EXECUTIVE

WHEREAS, the New York State Office for Aging has notified the Department of Senior Services (Department) that the Department has been awarded \$45,094 for the Medicare Improvements for Patients and Providers Act – Aging and Disability Resource Center (MIPPA/ADRC) for the period September 30, 2011 through September 29, 2012; and

WHEREAS, the MIPPA/ADRC grant funds will be used to enhance and supplement current activities to reach Medicare beneficiaries that may be eligible for low income subsidy and/or the Medicare savings program and to promote the new Medicare wellness and prevention benefits; and

WHEREAS, the MIPPA/ADRC grant budget needs to be established; and

WHEREAS, a local match is not required for this grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into contract and accept MIPPA/ADRC funds from the New York State Office for Aging; and be it further

RESOLVED, that the budget for the MIPPA/ADRC grant, 163 MIPPA/ADRC1112, be established in the grant fund as follows:

REVENUES		BUDGET
Account	Description	
414000	Federal Aid	\$45,094
	TOTAL REVENUE	\$45,094
APPROPRIATIONS		
505000	Office Supplies	\$300
510000	Local Mileage	478
510100	Out of Area Travel	938
516020	Professional Fees	1,300
530000	Other Expenses	1,600
916390	ID Senior Services	40,478
	TOTAL APPROPRIATIONS	\$45,094

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 Department of Senior Services.

(5-0)

5. COMM. 2E-33 (2012)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature appropriated funds for the State Transportation (AAATRAN) grant for the period April 1, 2011 to March 31, 2012; and

WHEREAS, the Department of Senior Services contracts with the Center for Transportation Excellence (CTE) to provide after hours and emergency transportation services; and

WHEREAS, the CTE contract amount needs to be increased in order to cover all such trips authorized by the Department; and

WHEREAS, the current CTE contract is for \$24,450 and is budgeted in account #516020, Professional Service Contracts and Fees; and

WHEREAS, the AAATRAN grant budget needs to be revised; and

WHEREAS, AAATRAN is a 100% state funded program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to increase the AAATRAN contract with the Center for Transportation Excellence to \$34,050; and be it further

RESOLVED, that the budget for the AAATRAN grant, 163AAATRAN1112, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
516020	Pro Ser Cnt and Fees	\$24,450	+\$9,600	\$34,050
916390	ID Senior Services Grants	27,687	-9,600	18,087
TOTAL CHANGE			<u>\$0</u>	

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 County Attorney's Office and the Department of Senior Services.
(5-0)

6. COMM. 2E-34 (2012)
COUNTY EXECUTIVE

WHEREAS, the Legislature has already appropriated funds for the Congregate Dining program grant for the period January 1, 2011 to December 31, 2011; and

WHEREAS, Congregate Dining funds are expected to be fully utilized for the provision of meals to the elderly; and

WHEREAS, the Town of Amherst and Salvation Army both contract with the Department of Senior Services to prepare their own congregate dining site meals, and are reimbursed by the Department of Senior Services based on per meal basis; and

WHEREAS, the Salvation Army congregate dining site served more congregate meals in 2011 than originally estimated, while the Town of Amherst served fewer meals than originally estimated; and

WHEREAS, unspent Town of Amherst funds are therefore available to pay for the additional congregate meals served by the Salvation Army; and

WHEREAS, the Congregate Dining grant, and Salvation Army contract, need to be revised; and

WHEREAS, the revisions will not change the required local match.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the Congregate Dining grant, 163III-C-12011, and Salvation Army contract, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
517829	Town of Amherst	\$90,000	-\$2,000	\$88,000
517777	Salvation Army	45,000	2,000	47,000
TOTAL APPROPRIATIONS			<u>\$0</u>	

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 Department of Senior Services.

(5-0)

7. COMM. 2E-36 (2012)
COUNTY EXECUTIVE

WHEREAS, the Legislature has already appropriated funds for the Congregate Dining program grant for the period January 1, 2011 to December 31, 2011; and

WHEREAS, Congregate Dining funds are expected to be fully utilized for the provision of meals to the elderly; and

WHEREAS, the Legislature has already approved the Department of Senior Services contacting with registered dietician Lisa Gebauer Smith, for the period January 1, 2011 through December 31, 2011 under the Congregate Dining Nutrition Program grant to provide nutrition education, nutrition counseling, commissary monitoring and congregare dining monitoring services at congregare dining sites in Erie County at a cost of \$25,000; and

WHEREAS, Ms. Smith performed an additional 22.5 hours of service for the grant in 2011 than was anticipated in the original contract, and therefore is owed an additional \$787; and

WHEREAS, remaining unspent grant funds can be used to cover the additional \$787 in contract dietician costs; and

WHEREAS, the Congregate Dining grant budget needs to be revised; and

WHEREAS, the revisions will not change the required local match.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the Congregate Dining grant, 163III-C-12011, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
510000	Local Mileage Reimbursement	\$23,265	-\$787	\$22,478
516024	Dietary Consulting	25,000	787	25,787
TOTAL APPROPRIATIONS			<u>\$0</u>	

and be it further

RESOLVED, that the Senior Services Department's 2011 contract with Ms. Smith, for dietician services, be amended to allow for the payment of the additional \$787; 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 Department of Senior Services.

(5-0)

THOMAS J. MAZUR
CHAIR

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

CARRIED UNANIMOUSLY.

RESOLUTION NO. 31

January 31, 2012	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 2
------------------	---

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2M-2 (2012)
EL MUSEO: "2012 Budget Accountability Act Submission"
(6-0)
 - b. COMM. 2M-3 (2012)

- ALBRIGHT KNOX ART GALLERY: “2012 Budget Accountability Act Submission”
(6-0)
- c. COMM. 2M-4 (2012)
ALLEYWAY THEATRE: “2012 Budget Accountability Act Submission”
(6-0)
- d. COMM. 2M-7 (2012)
BUFFALO & EC PUBLIC LIBRARY SYSTEM: “2012 Cultural Organization Data Response Sheet”
(6-0)
- e. COMM. 2M-9 (2012)
BUFFALO MUSEUM OF SCIENCE: “2012 Budget Accountability Act Submission”
(6-0)
- f. COMM. 2M-14 (2012)
BOTANICAL GARDENS: “Letter to Legislator Marinelli Concerning 2012 Operational Funding”
(6-0)
- g. COMM. 2M-16 (2012)
BUFFALO & EC PUBLIC LIBRARY SYSTEM: “Copy of Proposed Agenda for Meeting Held 1/19/2012”
(6-0)
- h. COMM. 2M-17 (2012)
EXPLORE & MORE CHILDREN'S MUSEUM: “2012 Cultural Organization Data Response Sheet”
(6-0)
- i. COMM. 2M-18 (2012)
EXPLORE & MORE CHILDREN’S MUSEUM: “2012 Budget Accountability Act Submission”
(6-0)
- j. COMM. 2M-19 (2012)
ALLEYWAY THEATRE: “2012 Cultural Organization Data Response Sheet”
(6-0)
- k. COMM. 2M-21 (2012)
BUFFALO NIAGARA CONVENTION/VISITORS BUREAU INC.: “2012 Cultural Organization Data Response Sheet”
(6-0)
- l. COMM. 2M-22 (2012)
BUFFALO PHILHARMONIC ORCHESTRA: “2012 Cultural Organization Data Response Sheet”

(6-0)

- m. COMM. 2M-23 (2012)
MARTIN HOUSE RESTORATION CORPORATION: “2012 Budget Accountability Act Submission”

(6-0)

- n. COMM. 2M-26 (2012)
GRAYCLIFF CONSERVANCY, INC.: “2012 Cultural Organization Data Response Sheet”

(6-0)

- o. COMM. 2M-28 (2012)
ZOOLOGICAL SOCIETY OF BUFFALO, INC.: “2012 Cultural Organization Data Response Sheet”

(6-0)

2. COMM. 2E-25 (2012)
COUNTY EXECUTIVE

WHEREAS, your Honorable Body has previously authorized Architectural/Engineering Term Agreements for several Architectural/Engineering firms; and

WHEREAS, Hamilton, Houston, Lownie Architects (HHL) has recently submitted qualifications complying with this department’s Term Agreement and this department is requesting this firm be added to the term list of Architectural/Engineering firms for providing professional Architectural/Engineering services; and

WHEREAS, the County Executive is requesting authorization to enter into an Agreement with the firm of HHL Architects to provide Professional A/E Design Services for the new elevators for the Buffalo and Erie County Central Library Project.

NOW, THEREFORE, BE IT

RESOLVED, that the firm of HHL Architects be added to this department’s list of approved Architectural/Engineering Consultants; and be it further

RESOLVED, that the County Executive is authorized to execute an Agreement with the firm of HHL Architects for providing Professional Architectural/Engineering Services for the Buffalo and Erie County Central Library – New ADA Elevators Project for an amount not to exceed \$150,000.00; and be it further

RESOLVED, that the Comptroller’s Office be authorized to make payment for all the above from SAP Project A.21013 – 2010 – Buffalo and Erie County Library – New ADA Compliant Elevators; 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)

LYNN M. MARINELLI
CHAIR

Item 36 – MR. McCracken presented the following report and moved for immediate consideration and approval. MR. Mills seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 32

February 2, 2012	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 2
------------------	---

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-12 (2012)
COUNTY EXECUTIVE: “ECSD No. 4 - Engineer Term Agreement - URS Corporation”
(5-0)
 - b. COMM. 2E-13 (2012)
COUNTY EXECUTIVE: “ECSD No. 4 - Change Order No. 1”
(5-0)
 - c. COMM. 2E-14 (2012)
COUNTY EXECUTIVE: “ECSD Nos. 1, 4 & 5 - Engineer Term Agreement - LiRo Engineers, Inc.”
(5-0)
 - d. COMM. 2D-6 (2012)
DEPARTMENT OF ENVIRONMENT & PLANNING: “Geneva Road Sanitary Sewer Extension - SEQR Notification”
(5-0)
 - e. COMM. 2M-1 (2012)
NYSDEC: “Brownfield Cleanup Program Application from F.L.C. 50 High Street Corporation, Kaleida Properties, Inc. & Kaleida Health for a Site Known as the Former Mobil Service Station”
(5-0)
 - f. COMM. 2M-6 (2012)
NYS DEPARTMENT OF AGRICULTURE & MARKETS: “Letter to Clerk of Legislature Concerning Agricultural District No. 1”
(5-0)

- g. COMM. 2M-8 (2012)
NYSDEC: "Fact Sheet: NYSDEC Certifies Cleanup Requirements Achieved at Buffalo Color Corp. Area E - Buffalo, NY"
(5-0)
 - h. COMM. 2M-10 (2012)
NYSDEC: "Fact Sheet: Buffalo Brownfield Opportunities"
(5-0)
 - i. COMM. 2M-11 (2012)
NYSDEC: "Fact Sheet: Buffalo River Corridor"
(5-0)
 - j. COMM. 2M-12 (2012)
NYSDEC: "Fact Sheet: Buffalo Harbor"
(5-0)
 - k. COMM. 2M-13 (2012)
NYSDEC: "Fact Sheet: Tonawanda Street Corridor"
(5-0)
 - l. COMM. 2M-15 (2012)
NYSDEC: "Public Notice: Inactive Hazardous Waste Disposal Site Classification Notice - Buffalo Lakeside Commerce Park - Parcel 4"
(5-0)
 - m. COMM. 2M-27 (2012)
NYSDEC: "Fact Sheet: Investigation to Begin at State Superfund Site - Vibratex Inc. - Buffalo, NY"
(5-0)
2. COMM. 2E-10 (2012)
COUNTY EXECUTIVE
WHEREAS, The Town of Eden has requested the use of a fifteen feet by one hundred ninety feet area of County land, SBL 223.00-5-14.112 for the installation of a public storm sewer; and
- WHEREAS, this Drainage Easement will have no negative effect on the ability of Erie County Sewer District No. 2 to operate and maintain the sewer facilities; and
- WHEREAS, the granting of this Drainage Easement will bear no cost to the County; and
- WHEREAS, a Drainage Easement is recommended for the Town of Eden to use the property; and
- WHEREAS, the Advisory Review Committee has approved this request; and
- WHEREAS, the Erie County Sewer District No. 2 Board of Managers has approved this request.

NOW, THEREFORE, BE IT

RESOLVED, that a Drainage Easement for use of a fifteen feet by one hundred ninety feet area on Parcel SBL No. 223.00-5-14.112 be granted to the Town of Eden; and be it further

RESOLVED, that the Commissioner of Environment and Planning be authorized to sign said Drainage Easement subject to approval by the County Attorney; 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 Erie County Comptroller and Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning, Division of Sewerage Management.

(5-0)

3. COMM. 2E-11 (2012)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 36 to Sicar Management & Construction, Inc. for the rehabilitation of existing sanitary sewers within the Erie County Sewer District No. 3 service area; and

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

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 36, Village of Blasdell/Town of Hamburg Sanitary Sewer Rehabilitation Project, in the final contract amount of \$3,436,918.49 which includes Change Order No. 3 (final), a decrease of \$22,917.51 in Sewer Capital, Erie County Sewer District No. 3, Account No. C.00062.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 36, Village of Blasdell/Town of Hamburg Sanitary Sewer Rehabilitation Project between the County of Erie and Sicar Management & Construction, Inc., 1128 Jamison Road, Elma, New York 14059 accepted in the amount of \$3,436,918.49 which includes Change Order No. 3 (final), a decrease of \$22,917.51 in Sewer Capital, Erie County Sewer District No. 3 Account No. C.00062 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 36, Village of Blasdell/Town of Hamburg Sanitary Sewer Rehabilitation Project between County of Erie and Sicar Management & Construction, Inc. in the amount of \$3,436,918.49 and release all retention; and be it further

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

(5-0)

4. COMM. 2E-19 (2012)
COUNTY EXECUTIVE

WHEREAS, the State of New York provides financial aid for municipal waste reduction and recycling projects; and

WHEREAS, the County of Erie, New York herein called the "Municipality," has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between the people of the State of New York, herein called the "State," and the Municipality be executed for such state aid; and

WHEREAS, that Erie County will fund its portion of the cost of the three year Waste Reduction and Recycling Project utilizing existing budgeted staff as an in kind match.

NOW, THEREFORE, BE IT

RESOLVED, that the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized; and be it further

RESOVLED, that the Commissioner of Environment and Planning is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required by the State; and be it further

RESOLVED, that four (4) certified copies of this resolution be prepared and sent to the New York State Department of Environmental Conservation, Albany, New York 12233-7260, together with one complete application; and be it further

RESOLVED, that this resolution shall take effect immediately; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of the Division of Budget and Management; the Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.
(5-0)

5. COMM. 2E-21 (2012)
COUNTY EXECUTIVE

WHEREAS, the State of New York, through its Department of Environmental Conservation (NYSDEC), provides financial aid for stormwater compliance assistance projects and in the February of 2011 granted Erie County \$1,055,969 to commence the WNY Stormwater Coalition: MS4 Mapping Project; and

WHEREAS, the Erie County Legislature authorized the County Executive to enter into an agreement with the New York State Department of Environmental Conservation (Comm. 6E-16, dated April 14, 2011) to accept funding for the WNY Stormwater Coalition: MS4 Mapping Project; and

WHEREAS, now that the NYSDEC has approved the project work plan and budget, it is necessary for the legislature to provide authorization to establish a grant project budget and the staff positions to implement the approved work plan; and

WHEREAS, the Department of Geography and Planning at Buffalo State College will supervise student interns and coordinate the project fieldwork; and

WHEREAS, execution of the project workplan in accordance with the contractual requirements set forth by the granting agency, necessitates the following grant funded staff positions:

Existing Junior Environmentalist (JG 7);
Junior Environmentalist (JG 7);
Senior GIS Technician (JG 11); and

WHEREAS, the new MS4 Mapping Project grant budget will also support 25 % of the existing Solid Waste Recycling Specialist (JG 12) position that has been created in the WNY Stormwater Coalition: MS4 Assistance Project 2011/12 SAP Grant Account 62WNYSCMS4AP1112 (approved by Comm.19E-10, dated December 9.2010) through 03/31/15 to provide overall management of the mapping project.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into an agreement with the Research Foundation of SUNY at Buffalo State College for assistance with the WNY Stormwater Coalition: MS4 Mapping Project in an amount not to exceed \$356,277 in grant resources; and be it further

RESOLVED, that the revenue from the New York State Department of Environmental Conservation is hereby appropriated in the grant fund in the Department of Environment and Planning (Business Area 162, Fund 281) as follows:

WNY Stormwater Coalition: MS4 Mapping Project
(Grant Period: 10/01/11-03/31/15)
SAP Grant Account #162WNYSCMS4MP1115

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
409000	State Aid Revenue – NYS Department of Environmental Conservation	\$1,055,969
TOTAL REVENUE		\$1,055,969

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Budget</u>
----------------	--------------------	---------------

500000	Personnel Services	\$368,698
502000	Fringe Benefits	\$199,096
510000	Local Travel & Mileage	\$26,012
530000	Other Expenses	\$2,000
561410	Lab & Technical Equipment	\$22,130
516020	Professional Service Contract	\$356,277
916290	ID Env. & Planning Services	<u>\$81,756</u>

TOTAL APPROPRIATIONS \$1,055,969

and be it further

RESOLVED, that the following positions, which are 100% grant funded, will be created in the above grant:

Junior Environmentalist (JG 7)
B-100 No. 000 000 6433
Budgeted Annual Salary: \$35,921

Mapping Technician (JG 11)
B-100 No. 000 000 6555
Budgeted Annual Salary: \$46,697

and be it further

RESOLVED, that the following position which is 100% grant funded will be transferred from the Western New York Stormwater Coalition Local Ordinance Project (SAP Grant # 162STWTRLCRD0608) into the above grant, upon consumption of the current budget:

Junior Environmentalist (JG 7)
B-100 No. 000 000 6433
Budgeted Annual Salary: \$40,280

and be it further

RESOLVED, that in order to allow the mapping grant to reimburse 25% of the time of the existing Solid Waste Recycling Specialist (JG 12) position, the grant budget for the WNY Stormwater Coalition: MS4 Assistance Project Grant is hereby revised in the Department of Environment and Planning, Business Area 162, as follows:

WNY Stormwater Coalition: MS4 Assistance Project 2011/12
SAP Grant Account #162WNYSCMS4AP1112

REVENUE:

Account	Description	Current Budget	Revision	Revised Budget
---------	-------------	----------------	----------	----------------

420499	Other Local Source Revenue	\$124,000	0	\$124,000
TOTAL REVENUE				\$124,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Current Budget</u>	<u>Revision</u>	<u>Revised Budget</u>
500000	Full Time Salaries	\$78,175	\$53,088	\$131,263
502000	Fringe Benefits	\$45,825	\$28,668	\$74,493
916290	ID Env. & Planning Services	<u>0</u>	<u>(\$81,756)</u>	<u>(\$81,756)</u>
TOTAL APPROPRIATIONS		\$124,000	0	\$124,000

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 State and local funding requirements; and be it further

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

(5-0)

**TERRENCE D. McCracken
CHAIR**

Item 37 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 33

February 2, 2012	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 2
------------------	---

ALL MEMBERS PRESENT.

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

- a. COMM. 2D-3 (2012)
DIRECTOR OF BUDGET & MANAGEMENT: "Copy of November 2011 Budget Monitoring Report"
(5-0)

- b. COMM. 2M-24 (2012)
TONAWANDA TOWN CLERK: "Copy of Resolution Requesting the County of Erie to Make Direct Payment to the Town of Tonawanda, the Town's Portion of the Sales Tax Revenue"
(5-0)

- 2. 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 212001 through 212042, 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	2011	Petition No.	212,001.00
	ASSESSOR	Refund	\$278.05
S-B-L	60.00-3-6.1	145689 NEWSTEAD	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$278.05	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD	\$278.05	
	Relevy School	\$278.05	143201 CLARENCE CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION FOR LOT 226
REFUND TO BE ISSUED TO: LAKESHORE NEW YORK LLC

FISCAL YEAR	2009	Petition No.	212,002.00
	ASSESSOR	Refund	\$559.42
S-B-L	54.63-5-14	146489 TONAWANDA	
	Acct. No. 112	\$111.63	County
	Acct. No. 132	\$447.79	Town/SpecialDist/School

Charge To : 146489 TONAWANDA \$447.79
Relevy School \$279.71

RPTL 550(2): FAILED TO APPLY A AGED EXEMPTION
REFUND TO BE ISSUED TO: RITA GAMBINO

FISCAL YEAR 2010 Petition No. 212,003.00
ASSESSOR Refund \$290.56

S-B-L 54.63-5-14 146489 TONAWANDA

Acct. No. 112 \$119.20 County
Acct. No. 132 \$171.36 Town/SpecialDist/School

Charge To : 146489 TONAWANDA \$171.36

RPTL 550(2): FAILED TO APPLY A AGED EXEMPTION
REFUND TO BE ISSUED TO: RITA GAMBINO

FISCAL YEAR 2011 Petition No. 212,004.00
ASSESSOR Refund \$490.12

S-B-L 147.01-3-6 144200 ELMA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$490.12 Town/SpecialDist/School

Charge To : 144200 ELMA \$490.12
Relevy School \$490.12 144201 IROQUOIS CENTRAL

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: VINCENT DEMME

FISCAL YEAR 2011 Petition No. 212,005.00
ASSESSOR Refund \$537.00

S-B-L 42.46-2-1./15 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$537.00 Town/SpecialDist/School

Charge To : 142289 AMHERST \$537.00
Relevy School \$537.00 142203 WILLIAMSVILLE CENT

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: JOHN MIKA

FISCAL YEAR 2009 Petition No. 212,006.00

ASSESSOR Refund \$763.99

S-B-L 91.06-8-5 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$763.99 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$763.99
Relevy School \$763.99 143003 CHEEK. UNION #3

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: THOMAS KAPTUROWSKI

FISCAL YEAR 2010 Petition No. 212,007.00

ASSESSOR Refund \$793.03

S-B-L 91.06-8-5 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$793.03 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$793.03
Relevy School \$793.03 143003 CHEEK. UNION #3

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: THOMAS KAPTUROWSKI

FISCAL YEAR 2011 Petition No. 212,008.00

ASSESSOR Refund \$809.00

S-B-L 91.06-8-5 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$809.00 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$809.00
Relevy School \$809.00 143003 CHEEK. UNION #3

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: THOMAS KAPTUROWSKI

FISCAL YEAR 2011 Petition No. 212,009.00

ASSESSOR Refund \$118.91

S-B-L 60.00-3-6./38 145689 NEWSTEAD

Acct. No. 112 \$0.00 County

Charge To : Acct. No. 132 \$118.91 Town/SpecialDist/School
145689 NEWSTEAD \$118.91
Relevy School \$118.91 143201 CLARENCE CENTRAL

RPTL 550(2): FAILED TO APPLY A BASIC STAR EXEMPTION
REFUND TO BE ISSUED TO: LAKESHORE LLC MICHAEL FRIEDMAN

FISCAL YEAR 2011 Petition No. 212,010.00
ASSESSOR Refund \$335.34

S-B-L 40.15-4-33 142289 AMHERST

Charge To : Acct. No. 112 \$185.79 County
Acct. No. 132 \$149.55 Town/SpecialDist/School
142289 AMHERST \$149.55

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION
REFUND TO BE ISSUED TO: EDWARD A LANGFORD

FISCAL YEAR 2012 Petition No. 212,011.00
ASSESSOR Cancel \$55.02

S-B-L 555.00-15-8 144489 EVANS

Charge To : Acct. No. 112 \$18.71 County
Acct. No. 132 \$36.31 Town/SpecialDist/School
44021 NORTH EVANS FIRE PROTECT \$6.95
144489 EVANS \$29.36

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: QUEST COMMUNICATIONS CORP.

FISCAL YEAR 2012 Petition No. 212,012.00
ASSESSOR Cancel \$1,604.72

S-B-L 234.19-1-78 144489 EVANS

Charge To : Acct. No. 112 \$639.07 County
Acct. No. 132 \$965.65 Town/SpecialDist/School
144489 EVANS \$965.65

RPTL 550(2): FAILED TO APPLY AN AGED EXEMPTION
NEW TAX BILL TO BE ISSUED TO: HELEN F RANDALL

FISCAL YEAR 2012 Petition No. 212,013.00

ASSESSOR Cancel \$192.46

S-B-L 250.14-3-17 144489 EVANS

Acct. No. 112 \$35.91 County
Acct. No. 132 \$156.55 Town/SpecialDist/School
44020 ANGOLA-EVANS FIRE PROTECT \$10.87
44070 ERIE CO SEW DST 2 \$9.29
44071 ERIE CO SEWER EX1 \$80.00
Charge To : 144489 EVANS \$56.39

RPTL 550(2): DUPLICATE PARCEL UNDER DIFFERENT SBL NUMBER
NEW TAX BILL TO BE ISSUED TO: DAVID P & BETH ANN RAMMACHER
DELETE ENTIRE PARCEL FROM THE TAX ROLL

FISCAL YEAR 2009 Petition No. 212,014.00

ASSESSOR Refund \$41.53

S-B-L 92.04-1-3.21 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$41.53 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$41.53
Relevy School \$41.53 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT SCHOOL DISTRICT APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: R.J. CORMAN RAILROAD CO/ALLENTOWN LINES INC.

FISCAL YEAR 2010 Petition No. 212,015.00

ASSESSOR Refund \$42.43

S-B-L 92.04-1-3.21 143089 CHEEKTOWAGA

Acct. No. 112 \$0.00 County
Acct. No. 132 \$42.43 Town/SpecialDist/School
Charge To : 143089 CHEEKTOWAGA \$42.43
Relevy School \$42.43 142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT SCHOOL DISTRICT APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: R.J. CORMAN RAILROAD CO/ALLENTOWN LINES INC.

FISCAL YEAR 2011 Petition No. 212,016.00

ASSESSOR Refund \$43.48

S-B-L 92.04-1-3.21 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$43.48	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$43.48	
	Relevy School	\$43.48	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT SCHOOL DISTRICT APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: R.J.CORMAN RAILROAD CO/ALLENTOWN LINES INC

FISCAL YEAR	2009	Petition No.	212,017.00
	ASSESSOR	Refund	\$348.82

S-B-L 92.04-1-3.22 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$348.82	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$348.82	
	Relevy School	\$348.82	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT SCHOOL DISTRICT APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: TERRY, LLC

FISCAL YEAR	2010	Petition No.	212,018.00
	ASSESSOR	Refund	\$356.43

S-B-L 92.04-1-3.22 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$356.43	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$356.43	
	Relevy School	\$356.43	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT SCHOOL DISTRICT APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: TERRY, LLC

FISCAL YEAR	2011	Petition No.	212,019.00
	ASSESSOR	Refund	\$365.20

S-B-L 92.04-1-3.22 143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$365.20	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$365.20	
	Relevy School	\$365.20	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT SCHOOL DISTRICT APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: TERRY, LLC

FISCAL YEAR	2010	Petition No.	212,020.00
	ASSESSOR	Refund	\$3,004.23

S-B-L 92.04-1-3.23 143089 CHEEKTOWAGA

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$3,004.23	Town/SpecialDist/School
	143089 CHEEKTOWAGA		\$3,004.23
	Relevy School	\$3,004.23	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT SCHOOL DISTRICT APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: DEAN GENESEE, LLC

FISCAL YEAR	2011	Petition No.	212,021.00
	ASSESSOR	Refund	\$3,078.12

S-B-L 92.04-1-3.23 143089 CHEEKTOWAGA

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$3,078.12	Town/SpecialDist/School
	143089 CHEEKTOWAGA		\$3,078.12
	Relevy School	\$3,078.12	142203 WILLIAMSVILLE CENT

RPTL 550(2): INCORRECT SCHOOL DISTRICT APPLIED TO THE TAX ROLL
REFUND TO BE ISSUED TO: DEAN GENESEE, LLC

FISCAL YEAR	2011	Petition No.	212,022.00
	ASSESSOR	Refund	\$1,208.00

S-B-L 68.13-1-18 142289 AMHERST

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,208.00	Town/SpecialDist/School
	142289 AMHERST		\$1,208.00
	Relevy School	\$1,208.00	142201 AMHERST CENTRAL

RPTL 550(2): FAILED TO APPLY A ENHANCED STAR EXEMPTION
REFUND TO BE ISSUED TO: JAMES & STEPHANIE SIEMENS

FISCAL YEAR	2012	Petition No.	212,023.00
-------------	------	--------------	------------

ASSESSOR Cancel \$675.53

S-B-L 40.15-4-33 142289 AMHERST

Acct. No. 112 \$372.82 County
Acct. No. 132 \$302.71 Town/SpecialDist/School

Charge To : 142289 AMHERST \$302.71

RPTL 550(2): FAILED TO APPLY A PRO RATA VETERANS EXEMPTION
NEW TAX BILL TO BE ISSUED TO: EDWARD A LANGFORD

FISCAL YEAR 2010 Petition No. 212,024.00

ASSESSOR Refund \$167.73

S-B-L 125.06-5-13 143003 DEPEW

Acct. No. 112 \$60.79 County
Acct. No. 132 \$106.94 Town/SpecialDist/School

52002 2009 COMM COLLEGE \$0.46

Charge To : 143003 DEPEW \$106.48

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION
REFUND TO BE ISSUED TO: KENNETH & ROBYN SWAN

FISCAL YEAR 2011 Petition No. 212,025.00

ASSESSOR Refund \$287.42

S-B-L 125.06-5-13 143003 DEPEW

Acct. No. 112 \$101.30 County
Acct. No. 132 \$186.12 Town/SpecialDist/School

Charge To : 143003 DEPEW \$186.12

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION
REFUND TO BE ISSUED TO: KENNETH & ROBYN SWAN

FISCAL YEAR 2012 Petition No. 212,026.00

ASSESSOR Cancel \$285.22

S-B-L 125.06-5-13 143003 DEPEW

Acct. No. 112 \$101.90 County
Acct. No. 132 \$183.32 Town/SpecialDist/School

Charge To : 143003 DEPEW \$183.32

S-B-L 81.05-3-1.1 142201 WILLIAMSVILLE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$91.08	Town/SpecialDist/School
<u>Charge To :</u>	142201 WILLIAMSVILLE	\$91.08	

RPTL 550(2): CENTRAL ALARM CHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: TOWN OF AMHERST IDA

FISCAL YEAR	2012	Petition No.	212,031.00
	ASSESSOR	Cancel	\$120.09

S-B-L 26.19-3-13.1/A 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$120.09	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$120.09	

RPTL 550(2): CENTRAL ALARM CHARGED IN ERROR
NEW TAX BILL TO BE ISSUED TO: NEW CARBORUNDUM CORP

FISCAL YEAR	2012	Petition No.	212,032.00
	ASSESSOR	Refund	\$487.45

S-B-L 80.18-3-8 143089 CHEEKTOWAGA

	Acct. No. 112	\$174.15	County
	Acct. No. 132	\$313.30	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$313.30	

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION
REFUND TO BE ISSUED TO: MARIE FANARA

FISCAL YEAR	2012	Petition No.	212,033.00
	ASSESSOR	Cancel	\$172.83

S-B-L 102.10-1-12 143089 CHEEKTOWAGA

	Acct. No. 112	\$50.85	County
	Acct. No. 132	\$121.98	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$121.98	

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION
NEW TAX BILL TO BE ISSUED TO: NORMA MILLER

Charge To : 144600 GRAND ISLAND \$151.24

RPTL 550(2): FAILED TO APPLY A LOW INCOME SENIOR EXEMPTION
NEW TAX BILL TO BE ISSUED TO: JAN & CHRISTINE STANCZYK

FISCAL YEAR 2012 Petition No. 212,038.00
ASSESSOR Cancel \$1,852.19

S-B-L 56.13-3-34 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$1,852.19 Town/SpecialDist/School
22574 EC CONS SEWER A/CSSD \$1,852.19
Charge To : 142289 AMHERST \$0.00

RPTL 550(2): INCORRECT SEWER UNITS CHARGED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: SAKIENEH HASAN

FISCAL YEAR 2012 Petition No. 212,039.00
ASSESSOR Cancel \$50.87

S-B-L 16.00-3-5 142289 AMHERST

Acct. No. 112 \$23.38 County
Acct. No. 132 \$27.49 Town/SpecialDist/School
22029 SWORMSVILE FIRE PROTECTION \$6.29
22578 EC CONS SEWER C/CSSD \$0.72
22745 EC CONS DRAIN DIST/CDD \$0.85

Charge To : 142289 AMHERST \$19.63

RPTL 550(2): INCORRECT ASSESSED VALUE APPLIED TO THE TAX ROLL
NEW TAX BILL TO BE ISSUED TO: JOHN MUGAS

FISCAL YEAR 2012 Petition No. 212,040.00
ASSESSOR Cancel \$322,341.81

S-B-L MULTIPLE 142289 AMHERST

Acct. No. 112 \$0.00 County
Acct. No. 132 \$322,341.81 Town/SpecialDist/School
22745 EC CONS DRAIN DIST/CDD \$322,341.81
Charge To : 142289 AMHERST \$0.00

RPTL 550(2): INCORRECT SEWER CONSUMPTION CHARGED IN ERROR

NEW TAX BILLS TO BE ISSUED TO: MULTIPLE PROPERTY OWNERS

FISCAL YEAR	2012	Petition No.	212,041.00
ASSESSOR	Cancel		\$162.45
S-B-L	124.54-2-14	146800 WEST SENECA	
	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$162.45	Town/SpecialDist/School
	68265 ECSAN SWR #6	\$162.45	
<u>Charge To :</u>	146800 WEST SENECA		\$0.00

RPTL 550(2): INCORRECT WATER READING CHARGED TO THE TAX ROLL IN ERROR
NEW TAX BILL TO BE ISSUED TO: PAUL & GAIL VOGEL

FISCAL YEAR	2012	Petition No.	212,042.00
ASSESSOR	Cancel		\$653.58
S-B-L	56.20-9-23	142289 AMHERST	
	Acct. No. 112	\$352.82	County
	Acct. No. 132	\$300.76	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$300.76

RPTL 550(2): FAILED TO APPLY A VETERANS EXEMPTION
NEW TAX BILL TO BE ISSUED TO: CHRISTOPHER GUADAGNO

and be it further

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

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

WHEREAS, White's Livery Housing Development Fund Company, Inc. is developing housing for low and very low income households (Project), pursuant to Article XI of the New York Private Housing Finance; and

WHEREAS, the Project will be a substantial rehabilitated building, formerly a livery stable at 428 Jersey Street in the City of Buffalo, New York, and will contain 14 rehabilitated housing units, twelve (12) one-bedroom apartments and two (2) two-bedroom apartments for 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 White's Livery Housing Development Fund Company, Inc. to operate the apartment complex 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 White's Livery Housing Development Fund Company, Inc. ; West Side Neighborhood Housing Services, Inc. and the City of Buffalo relating to the White's Livery Apartments and all other agreements necessary to conclude this Project; 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 will 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 White's Livery Housing Development Fund Company, Inc. and West Side Neighborhood Housing Services, Inc. shall provide affordable housing at White's Livery in accordance with all applicable federal HOME Investment Partnership, Federal Home Loan Bank of New York, and other state program affordable housing requirements; 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.

(5-0)

**TIMOTHY R. HOGUES
CHAIR**

Item 38 – MR. HOGUES presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 34

February 7, 2012	PUBLIC SAFETY COMMITTEE REPORT NO. 2
------------------	---

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 20E-3 (2011)
COMPTROLLER: "Review of Overtime at the EC Holding Center & Correctional Facility"

(6-0)

- b. COMM. 20D-4 (2011)
COMPTROLLER'S OFFICE: "A Review of Overtime at the EC Holding Center & Correctional Facility"
(6-0)
- c. COMM. 22E-2 (2011)
COMPTROLLER: "A Review of Overtime at the EC Holding Center & the EC Correctional Facility"
(6-0)

2. COMM. 2E-22 (2012)
COUNTY EXECUTIVE
WHEREAS, the New York State Division of Criminal Justice Services (DCJS), Office of Probation and Correctional Alternatives has been awarded a grant from the Governor's Traffic Safety Council (GTSC) related to the implementation of mandatory ignition interlock devices (Leandra's Law); and

WHEREAS, the Department of Probation is responsible for providing supervision and probation services to adults sentenced to probation including those with a condition to install an ignition interlock device; and

WHEREAS, the Erie County STOP-DWI Office is responsible for monitoring those adults sentenced to a conditional discharge with an ignition interlock device requirement; and

WHEREAS, the DCJS, Office of Probation and Correctional Alternatives will reimburse monitors at the rate of \$114.66 for each case in which an ignition interlock device is ordered, up to a maximum reimbursement of \$158,574.00; and

WHEREAS, the reimbursement will enable the Probation Department and the Erie County STOP DWI Office to recoup costs associated with the implementation of Leandra's Law.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract and accept reimbursement from the New York State Division of Criminal Justice Services, Office of Probation and Correction Alternatives in the amount of no more than \$158,574; and be it further

RESOLVED, that said reimbursement shall be recorded in the budget of the STOP-DWI Program, Fund 110 cost center 1650060 and the Probation Department, Fund 110 cost center 1261010 in proportion to the amount earned by each department or program; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to establish and adjust budgets as actual funds are received in order to reimburse related expense in the Probation Department or STOP-DWI program; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the County Comptroller, the County Attorney, the Probation Department, and the Erie County STOP-DWI Office c/o John Sullivan 45 Elm Street, room 233.

(6-0)

3. COMM. 2E-24 (2012)
COUNTY EXECUTIVE

WHEREAS, the Erie County Probation Department in partnership with the Erie County Department of Social Services has identified state and federal aid available for the purpose of creating three (3) addition positions within the Probation department; and

WHEREAS, the creation of these three positions will enable the Probation Department to allow Probation Officers to work in the field, have a presence in the community, and improve departmental supervision of offenders.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget adjustment is hereby authorized in order to establish three (3) positions of Probation Assistant in the Department of Probation:

<u>2012 Budget - Fund 110</u>	
<u>Social Services - Fund Center 120</u>	
Revenue	Increase
Account 407540 State Aid Social Srv Admin.	72,238
Account 411540 Federal Aid Social Srv Admin.	<u>72,238</u>
Total Revenue	
Increase	144,476
Expense	Increase
Account 912000 ID Billing DSS	144,476
Net Change Social Services	0
<u>Probation - Fund Center 12610</u>	
Expense (3/1/12-12/31/12)	Increase/(Decrease)
Account 500000 Full Time Salary	86,888
Account 501000 Overtime	5,200
Account 502000 Fringe Benefits	52,388
Account 912000 ID Billing DSS	<u>(144,476)</u>

Net Change Probation

0

and be it further

RESOLVED, that three (3) Probation Assistant, JG-7 position are created within the Department of Probation, (B-100 control number 6793) effective March 1st, 2012; and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required to comply with State approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the County Comptroller, the County Attorney, Personnel Department and the Probation Department c/o Dina Connors, Room 112, 1 Niagara Plaza.
(6-0)

TIMOTHY R. HOGUES
CHAIR

Item 39 – MR. MAZUR presented the following report and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 35

February 7, 2012	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 2
------------------	---

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 2E-37 (2012)
COUNTY EXECUTIVE: “Appointment of EC Chief Information Officer/Director of Information & Support Services”
(6-0)
 - b. COMM. 2D-2 (2012)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(6-0)
 - c. COMM. 2D-4 (2012)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(6-0)

d. COMM. 2D-5 (2012)
COUNTY ATTORNEY: “Transmittal of New Claims Against EC”
(6-0)

2. COMM. 2E-23 (2012)
COUNTY EXECUTIVE
WHEREAS, the New York State Archives, a division of the New York State Education Department, has awarded a grant to the Erie County Probation Department from the Local Government Record Management Improvement Fund (LGRMIF); and

WHEREAS, the Department of Probation is responsible for maintaining the records of probationers under their supervision; and

WHEREAS, the grant award will allow the Probation Department to digitize archival records and retrieve them more efficiently.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract and accept an award from the New York State Archives,(a unit of the New York State Education Department) through the Local Government Record Management Improvement Fund (LGRMIF) in the amount \$45,807; and be it further

RESOLVED, that the following budgetary accounts be established by the Office of Budget, Management and Finance for the LGRMIF Grant, as follows:

Erie County Probation Department
Fund 281 – Business Area 126
Local Government Record Management Improvement Fund (LGRMIF) Grant
July 1, 2011 to June 30, 2012

Revenue	
Account 409000 State Aid	<u>\$ 45,807</u>
Total Revenue	<u>\$ 45,807</u>
Appropriations	
Account 500010 Part-Time Salaries	\$ 5,561
Account 502000 Fringe Benefits	\$ 610
Account 516020 Professional Services Contracts & Fees	\$ 35,700
Account 561410 Lab & Technical Equipment	<u>\$ 3,936</u>
Total Appropriations	<u>\$ 45,807</u>

and be it further

RESOLVED, that two Clerk Typists (part-time), job group 1, are created within Business Area 126. The required B-100 control number is 6632; and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required to comply with State approved funding levels; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget, Management and Finance, the County Comptroller, the County Attorney, the Personnel Department, and the Probation Department c/o Dina Connors Room 112, 1 Niagara Plaza. (6-0)

THOMAS J. MAZUR
CHAIR

Item 40 – MR. LOUGHRAN presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 36

February 7, 2012	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 2
------------------	---

ALL MEMBERS PRESENT.

CHAIR GRANT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14D-7 (2011)
DEPARTMENT OF PUBLIC WORKS: “2011 Road Program”
(6-0)
 - b. COMM. 1E-2 (2012)
COMPTROLLER: “Comptroller's Review of Overtime Costs in the Department of Public Works”
(6-0)
 - c. COMM. 2E-6 (2012)
COUNTY EXECUTIVE: “Appointment of EC Director of Workforce Development & Executive Director, Buffalo & EC Workforce Investment Board”
(5-0) Chair Grant not present for vote.
 - d. COMM. 2M-20 (2012)
JAMES J. EAGAN: “Letter to Chair Grant Concerning Reappointment to NFTA Board of Commissioners”

(5-0) Chair Grant not present for vote.

- e. COMM. 2M-25 (2012)
NYS SENATOR KENNEDY: "NFTA Assistance Request"
(5-0) Chair Grant not present for vote.

2. COMM. 2E-15 (2012)
COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent is the preparation of the annual program application materials and submittal of same to the federal Department of Housing and Urban Development.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit this resolution to the United States Department of Housing and Urban Development (HUD) as supportive material to the 2012 Annual Action Plan having estimated dollar amounts as indicated:

1. Erie County Consortium Community Development Program: \$2,555,108
2. Emergency Solutions Program: \$207,863
3. HOME Investment Partnership Program: \$689,558
4. Town of Hamburg Community Development Program: \$376,275

and be it further

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit and execute any and all applications and agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, which are necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the program from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Consortium and the Erie County Legislature; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all HOME Agreements with property owners participating in County housing programs assisted with federal HOME Investment Partnership funds; and be it further

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

(5-0) Chair Grant not present for vote.

3. COMM. 2E-16 (2012)
COUNTY EXECUTIVE

WHEREAS, the Town of Evans Multi-Use Pathway Project, Phase 2, a Project for the Construction of a multi-use pathway along Old Lakeshore Road, from Bennett Road, (Southern Terminus of the Evans Multi-Use Pathway Project, Phase 1, PIN 5756.75) to Evans Beach Park, in the Town of Evans, Erie County, PIN 5757.49 (the "Project") 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 approximately 68.3% Federal funds and 31.7% Non-Federal funds, or 80% Federal funds and 20% Non-Federal funds, depending on the Federal Funding Program; 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 Construction and Construction Inspection phase of the project PIN 5757.49; and

WHEREAS, the Town of Evans Multi-Use Pathway Project – Phase 2 is eligible for \$75,938 in funding under the New York State Marcheselli Aid Reimbursement Program administered by the New York State Department of Transportation; and

WHEREAS, said Marcheselli funding will be applied to the non-federal share of the Project cost thereby reducing the County share from \$182,000 to \$106,062.

NOW, THEREFORE, the Legislature of the County of Erie, duly convened does hereby

RESOLVED, that the Legislature of the County of Erie hereby approves the above-subject project; and be it further

RESOLVED, that the Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Construction and Construction Inspection phase of the Project or portions thereof; and be it further

RESOLVED, that County funding is available in SAP Account A.00213 in the amount of \$480,938 and SAP Account A.00344 in the amount of \$106,062; and be it further

RESOLVED, that the sum of \$106,062 is hereby appropriated from Capital Account SAP A.00344 and made available to cover the County share 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 project's Construction and Construction Inspection phase exceeds the amount appropriated above \$106,062, and/or 100% of the full Federal and Non-Federal shares of the cost of the project's Construction and Construction Inspection phase exceeds \$587,000, the County of Erie shall convene its Legislature as soon as possible to 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 of the County of Erie be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of costs and permanent funding of the local share of Federal Aid and State Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; 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, this Resolution shall take effect immediately; and be it further

RESOLVED, that authorization is hereby provided to complete the following budget adjustment to SAP Account A.00213 within the Erie County Budget

- Increase Revenue and Appropriations by \$75,938 as follows:

Revenue

Commitment Item #405160 (Marchiselli Aid) (\$75,938)

Appropriation

Commitment Item #516020 (Professional Services, Contractual: Fees) \$75,938

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 and state 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.

(5-0) Chair Grant not present for vote.

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

WHEREAS, the parks currently known as the Ontario Street Boat Launch and Cornelius Creek Park are County Parks in the Block Rock and Riverside neighborhoods within the City of Buffalo; and

WHEREAS, the Parks are commonly known in the community as the Black Rock Canal Park; and

WHEREAS, a community group known as the Black Rock Canal Park Canal Steering Committee has been assisting the Department of Environment & Planning in fund raising efforts for physical improvements to the Park; and

WHEREAS, a substantial amount of funding has been secured for the physical improvements to the Park; and

WHEREAS, the Department of Environment and Planning and the Department of Parks, Recreation and Forestry have been working with the Black Rock Canal Park Steering Committee to develop a new master plan for the Park and to implement the improvements indicated in said plan; and

WHEREAS, the Phase 1 construction of improvements to the Parks are scheduled to begin in the Spring of 2012; and

WHEREAS, the aforementioned Steering Committee has requested that the combined name of the Parks be officially changed to Black Rock Canal Park.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Parks currently known as the Ontario Street Boat Launch and the Cornelius Creek Park be now known as the Black Rock Canal Park; and be it further

RESOLVED, that the Department of Environment and Planning and Department Parks Recreation and Forestry install appropriate signage of the name of the Park as part of the physical improvements project to the Park; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of Parks, Recreation and Forestry; and the County Attorney.
(5-0) Chair Grant not present for vote.

**THOMAS A. LOUGHRAN
CHAIR**

LEGISLATOR RESOLUTIONS

Item 41 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 37

RE: Inclusion of Viable Agricultural Lands
into an Agricultural District - 2011
(INTRO 3-1)

WHEREAS, pursuant to New York State Agriculture and Markets Law (“Agriculture and Markets Law”) Section 303-b(1) the Erie County Legislature adopted Intro 20-15 (2004) on September 23, 2004; and

WHEREAS, Intro 20-15 (2004) designated November 1 through 30 as the annual thirty-day open enrollment period for inclusion of predominantly viable agricultural land within a certified agricultural district outside of the established 8-year review period; and

WHEREAS, during the 2011 thirty-day open enrollment period two landowners requested that two parcels of land be included in existing agricultural districts; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine if each includes “viable agricultural land” as defined in Agriculture and Markets Law Section 301(7); and

WHEREAS, the Erie County Agricultural and Farmland Protection Board reviewed each request to determine whether the inclusion of such land would serve the public interest and maintain a viable agricultural industry within the district; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted unanimously on December 5, 2011 to recommended that the County Legislature adopt the inclusion of one parcel listed below in an existing agricultural district; and

WHEREAS, the Erie County Agricultural and Farmland Protection Board voted unanimously on December 5, 2011 to recommended that the County Legislature reject the inclusion of one parcel listed below in an existing agricultural district; and

WHEREAS, pursuant to Agriculture and Markets Law Sections 303-b(2)(b) and 303-b(3) the Erie County Legislature gave the required public notice and set a public hearing and for January 18, 2012; and

WHEREAS, pursuant to Agriculture and Markets Law Section 303-b(3)(b) the Erie County Legislature published a public hearing notice in a newspaper having a general circulation within the County and notified in writing those municipalities whose territory encompasses the lands which are proposed to be included in an agricultural district; and

WHEREAS, a public hearing was held at 5:30 pm on January 18, 2011 at the Cornell Cooperative Extension Offices in East Aurora, New York to consider 2011 open enrollment period requests and recommendations of the Erie County Agricultural and Farmland Protection Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature adopts the inclusion of the following parcel into an adjacent existing agricultural district:

Owner	SBL No.	Parcel Address	Town	Agricultural District	Acreage
Joseph A. Duggan	196.00-3-24.12	6813 Taylor Road	Hamburg	Eden (No.2)	22.42

and be it further

RESOLVED, that the Erie County Legislature rejects the inclusion of the following parcel into an existing agricultural district:

Owner	SBL No.	Parcel Address	Town	Agricultural District	Acreage
Nellie Konst	116.00-2-44	3803 Bowen Road	Lancaster	Lancaster-Alden (No.16)	10.748

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Commissioner of Environment and Planning, the Director of Real Property Tax Services and the Supervisors of the Towns of Hamburg and Lancaster; and be it further

RESOLVED, that the Commissioner of Environment and Planning send a certified copy of this resolution along with the Erie County Agricultural and Farmland Protection Board report and tax maps for each parcel of land to be included in an existing agricultural district to the Commissioner of New York State Department of Agriculture and Markets for certification and immediate inclusion into existing agricultural districts.

Item 42 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 38

RE: Appointments to the EC Audit Committee
(INTRO 3-2)

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

WHEREAS, the Erie County Legislature has received notification from the Office of the County Comptroller of vacancies on the Erie County Audit Committee; and

WHEREAS, the Office of Comptroller has informed the Legislature that it is necessary that the Majority and Minority Caucus positions on the Audit Committee need to filled.

NOW, THEREFORE, BE IT

RESOLVED, that Legislator Lynn M. Marinelli is hereby appointed as the Majority Caucus member of the Erie County Audit Committee for a term ending December 31, 2012; and be it further

RESOLVED, that Legislator John J. Mills is hereby reappointed as a Minority Caucus member of the Erie County Audit Committee for a term ending December 31, 2012; and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Audit Committee, and Michael Szukala, Deputy Comptroller for Audit.

Item 43 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. LORIGO seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 39

RE: Appointment to the EC Audit
Committee
(INTRO 3-3)

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

WHEREAS, the Erie County Legislature has received notification from the Office of the County Comptroller of a vacancy on the Erie County Audit Committee; and

WHEREAS, the Office of Comptroller has informed the Legislature that it is necessary that the banking representative on the Audit Committee needs to filled.

NOW, THEREFORE, BE IT

RESOLVED, that Ralph H. Yacinthe, Vice President of Commercial Banking at Key Bank N.A., is hereby appointed as a member of the Erie County Audit Committee for the term ending December 31, 2014; and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Audit Committee, and Michael Szukala, Deputy Comptroller for Audit.

Item 44 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 40

RE: Opposition to Any State Legislative
Action that Would Result in Three
Primaries in New York State in 2012
(INTRO 3-4)

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

WHEREAS, the United States District Court for the Northern District of New York has recently ordered New York State to hold its primary for federal offices on June 26, 2012; and

WHEREAS, this primary would be scheduled in addition to the Presidential Primary to be held on April 24, 2012 in New York State; and

WHEREAS, at present, New York State's regularly scheduled primary for state and local offices is to be held on September 11, 2012; and

WHEREAS, taxpayers in the 62 counties of New York State shoulder a significant financial burden each time an election is held that, for many counties, runs in the hundreds of thousands of dollars; and

WHEREAS, it is in the best interest of New York State taxpayers to combine the state/local primary election with the federal primary election as ordered by the federal judge; and

WHEREAS, failure to do so would likely result in a multi-million dollar boondoggle -- an activity that is unnecessary and wasteful of both time and money, especially since the third primary under consideration would be undertaken for the political gain of incumbents; and

WHEREAS, the taxpayers in every county in New York State deserve better than this, especially at a time when state and local governments are facing inordinate financial pressures; and

WHEREAS, on-line media reports in the Albany Times Union indicate that the New York State Senate is indeed contemplating maintaining a third primary election later this summer; and

WHEREAS, the New York State Association of Counties (NYSAC) has recently approved a resolution that opposes the administration of three separate primary elections and called for a combined primary for federal, state and local offices on June 26, 2012; and

WHEREAS, there is no public benefit to holding three separate primaries in New York State this year, due to the voter confusion and lower turnout that may result; and

WHEREAS, if New York State proceeds with setting a third primary election which has not been budgeted by counties in their 2012 Budgets, the state will cause a gaping hole in county budgets across the state due to this unfunded, and unnecessary, state mandate; and

WHEREAS, at a time when taxpayers are pleading with government to run more efficiently, the prospect of a third primary should be summarily dismissed by policymakers in Albany, with an eye toward consolidating federal, state and local offices onto one consolidated primary election on June 26, 2012.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urge the New York State Legislature to combine the federal and state/local primaries onto June 26, 2012, for a substantial savings of the tax dollars of New York residents; and be it further

RESOLVED, that the Erie County Legislature invite both the Democratic and Republican Commissioners of the Erie County Board of Elections to address this matter of great taxpayer and county legislative concern; and be it further

RESOLVED, that both Elections Commissioners are asked to attend the next meeting of the Erie County Legislature's Government Affairs Committee; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to forward certified copies of this resolution to Commissioner Dennis E. Ward, Commissioner Ralph M. Mohr, Governor Andrew Cuomo, State Senate Majority Leader Dean Skelos, Speaker of the Assembly Sheldon Silver and County Executive Mark Poloncarz.

Item 45 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 41

RE: Re-Appointment to the EC Fisheries
Advisory Board
(INTRO 3-5)

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

WHEREAS, the Erie County Legislature has been advised that legislative action is warranted for a re-appointment to the Erie County Fisheries Advisory Board; and

WHEREAS, pursuant to Erie County Local Law 2-1997, Section 1, 9.07 "there shall be within the department a fisheries advisory board, consisting of twelve members. The County executive shall make the appointments for eight positions, the Chair of the Erie County Legislature shall make the appointment for one position, the enrolled members of each of the two political parties which have the greatest number of members seated in the Erie County Legislature shall by majority vote make the appointment of each for one position, and the Chair of the Energy and Environment Committee shall make the appointment for one member, and all such appointments shall be subject to confirmation by the Erie County Legislature;" and

WHEREAS, the appointment in question is to be made by the Chair of the Legislature's Energy and Environment Committee.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby re-appoint Mr. Thomas R. Marks, 7004 Waring Circle, Derby, New York 14047, to serve a term of three years on the Erie County Fisheries Advisory Board, to conclude on December 31, 2014; and be it further

RESOLVED, that the Clerk of the Legislature is directed to forward certified copies of this resolution to Mr. Spencer Schofield, Secretary of the Erie County Fisheries Advisory Board, 80 Dogwood Road, Williamsville, NY 14221; and to Mr. Thomas R. Marks.

Item 46 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. MILLS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 42

RE: Authorization of Discontinuance of Suit
Without Costs
(INTRO 3-6)

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

WHEREAS, petitioners to a Supreme Court proceeding, entitled Whyte, et al v. Collins, et al [Erie County Index No. 2010-12480], entered into a Stipulation of Discontinuance with respondent former County Executive Collins; and

WHEREAS, the Erie County Legislature was a respondent party to the proceeding and appeared by its counsel; and

WHEREAS, petitioners and other appearing parties have proposed to conclude the matter without costs to the Legislature upon execution of the Stipulation of Discontinuance.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorize and direct Chair Betty Jean Grant and Majority Counsel Jerome D. Schad, Esq., to execute all appropriate documents as may be required on behalf of the Erie County Legislature to settle and discontinue the proceeding entitled Whyte, et al v. Collins, et al [Erie County Index No. 2010-12480] without costs to the Legislature; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to forward a certified copy of this resolution to Majority Counsel Jerome D. Schad, Esq.

Item 47 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 43

RE: Authorization of Discontinuance of Suit
Without Costs
(INTRO 3-7)

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

WHEREAS, petitioner to a Supreme Court proceeding, entitled Poloncarz v. Collins, et al [Erie County Index No. 2010-00918], entered into a Stipulation of Discontinuance of Appeal with respondent, former County Executive Collins, with respect to an appeal; and

WHEREAS, the Erie County Legislature and individual Legislators were respondents to the proceeding and Shawn P. Martin, Esq. appeared as counsel for the Erie County Legislature as well as Majority Counsel and Ronald Bennett, Esq. appeared as Minority Counsel; and

WHEREAS, the matter may now be concluded without costs to the Legislature upon execution of a further Stipulation of Discontinuance of Appeal on behalf of the Erie County Legislature; and

WHEREAS, Mr. Martin, Esq. is the appropriate attorney of record to execute a stipulation on behalf of the Erie County Legislature and the then-majority members to permit the matter to be discontinued without costs to the Legislature to satisfy the appellate court's filing requirements.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorize and direct Chair Betty Jean Grant and attorney Shawn P. Martin, Esq., to execute all appropriate documents as may be required on behalf of the Erie County Legislature to settle and discontinue the proceeding entitled Poloncarz v. Collins, et al [Erie County Index No. 2010-00918] without costs to the Legislature; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to forward certified copies of this resolution to Majority Counsel Jerome D. Schad, Esq. and Shawn Martin, Esq.

Item 48 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 44

RE: EC Soil & Water Conservation District
Board of Directors
(INTRO 3-8)

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

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for Erie County Legislature appointments to the Erie County Soil and Water Conservation District Board of Directors; and

WHEREAS, the proper functioning of the Soil and Water Conservation District on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and

WHEREAS, pursuant to NYS Soil & Water Conservation District Law, of the seven-member District Board, two members are representatives of the County Legislature and shall be appointed annually; one member represents the Grange, one member represents the Farm Bureau and three serve as At-Large Members; and

WHEREAS, the appointments in question are the two representatives of the County Legislature, as well as one At-Large Member and the Farm Bureau representative; and

WHEREAS, in further accordance with New York State Law, the Erie County Legislature shall appoint members to the District Board.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reappoint Minority Leader John J. Mills, and appoint Legislator Terrence D. McCracken, to the Board of Directors of the Erie County Soil and Water Conservation District as the Legislature's representatives to the board; and be it further

RESOLVED, that the aforementioned reappointment/appointment shall be effective immediately and expire on December 31, 2012; and be it further

RESOLVED, that this Legislature does hereby reappoint Mr. Samuel Chiavetta (PO Box 1, Brant, NY 14027), to the Board of Directors of the Erie County Soil and Water Conservation District as an At-Large Member, for a term that will expire on December 31, 2014; and be if further

RESOLVED, that this Honorable Body does hereby reappoint Mr. Stanley Travis (2095 Eastwood Rd., East Aurora, NY 14052), to the Board of Directors of the Erie County Soil and Water Conservation District as the representative of the Farm Bureau, for a term that will expire on December 31, 2014; and be if further

RESOLVED, that certified copies of this resolution be sent to the Erie County Soil and Water Conservation District (50 Commerce Way, East Aurora, NY 14052), the appointees at the addresses listed, and the Erie County Executive's office.

Item 49 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 45

RE: Establishing the EC Legislature's Citizen
of the Month Award
(INTRO 3-9)

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

WHEREAS, the Erie County Legislature has a long-standing tradition of recognizing individuals that have achieved great heights in their professions, have retired from distinguished

careers, have demonstrated excellence in the arts or sports, or have made extraordinary contributions to the quality of life or quality of place in Erie County; and

WHEREAS, whether these achievements fall into the realms of academia, professional or amateur athletics, the arts, career, volunteer and philanthropic endeavors, civic or community service realms, they are deserving of recognition by the Erie County Legislature and, by extension, recognition by the citizens this legislative body represents; and

WHEREAS, as a practical matter, the Erie County Legislature cannot pay tribute to every single person who has distinguished themselves, nonetheless, legislators can recognize one extraordinary individual in each of the eleven (11) legislative districts every year, in sequential order beginning with the Chair's District No. 2, then each legislative district as follows:

District 2 (Chair Grant)	February 2012
District 1 (Hogues)	March 2012
District 3 (Marinelli)	April 2012
District 4 (Hardwick)	May 2012
District 5 (Loughran)	June 2012
District 6 (Rath)	July 2012
District 7 (Mazur)	September 2012
District 8 (McCracken)	October 2012
District 9 (Dixon)	November 2012
District 10 (Lorigo)	December 2012
District 11 (Mills)	December 2012

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body pause in its deliberations during one legislative session per month for the purposes of recognizing an Erie County Legislature's Citizen of the Month; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to solicit and track the submission of legislators' nominees according to the following schedule: February 2012 – District 2, March 2012 – District 1, April 2012 – District 3; May 2012 – District 4; June 2012 – District 5, July 2012 – District 6; September 2012 – District 7; October 2012 – District 8; November 2012 – District 9, December 2012 – District 10 and District 11.

MR. MAZUR moved to amend the resolution by adding Et Al Sponsorship. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

MR. MAZUR moved to approve the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 50 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 46

RE: Appointment to the EC Agricultural &
Farmland Protection Board
(INTRO 3-10)

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

WHEREAS, in accordance with New York State Agriculture and Markets Law, Article 25-AA, Section 302, members of the Erie County Agricultural and Farmland Protection Board are to be appointed by the Chairperson of the County Legislative Body; and

WHEREAS, among the membership of the Agricultural and Farmland Protection Board, there shall be a member of the county legislative body; and

WHEREAS, action is necessary to ensure Erie County Legislature representation on this important advisory body.

NOW, THEREFORE, BE IT

RESOLVED, that Legislator Terrence D. McCracken, Chair of this Legislature's Energy & Environment Committee, is hereby appointed to serve as the Legislature's representative to the Erie County Agricultural and Farmland Protection Board; and be it further

RESOLVED, that a copy of this resolution be forwarded to the County Executive, the Commissioner of NYS Department of Agriculture, the Commissioner of the Department of Environment and Planning, and the Chair of the Erie County Agricultural and Farmland Protection Board.

Item 51 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 47

RE: Filling Vacancy in the Office of EC
Comptroller
(INTRO 3-11)

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

WHEREAS, Section 2704 of the Erie County Charter concerning the filling of a vacancy in the office of county executive or comptroller states: "A vacancy, otherwise than by expiration of term or removal by the governor, in the elective office of county executive or comptroller, shall be filled by appointment by the county legislature of a qualified elector of the county having the same

political affiliation as the person last elected to such office... The person appointed by either the county legislature or the governor shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a county executive or comptroller, as the case may be, shall be elected for the balance of the term, if any”; and

WHEREAS, on December 31, 2011, Mark C. Poloncarz resigned the office of Erie County Comptroller to become Erie County Executive.

NOW, THEREFORE, BE IT

RESOLVED, pursuant to the terms of Section 2704 of the Erie County Charter, the Erie County Legislature does hereby appoint David J. Shenk of 6721 Redwing, Boston, NY 14025 to the office of Erie County Comptroller to fill a term expiring on December 31, 2012; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, County Attorney, Office of the Comptroller, and the State of New York.

MR. MAZUR moved to amend the resolution. MR. McCracken seconded. MR. HARDWICK voted in the negative.

CARRIED. (10-1)

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

We, the undersigned, a Majority of the Members of the Erie County Legislature do hereby designate David J. Shenk of 6721 Redwing, Boston, NY 14025 as Erie County Comptroller to fill a term expiring on December 31, 2012.

1st District
Timothy R. Hogues

2nd District
Betty Jean Grant

3rd District
Lynn M. Marinelli

5th District
Thomas A. Loughran

7th District
Thomas J. Mazur

8th District
Terrence D. McCracken

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

WHEREAS, Section 2704 of the Erie County Charter concerning the filling of a vacancy in the office of county executive or comptroller states: “A vacancy, otherwise than by expiration of term or removal by the governor, in the elective office of county executive or comptroller, shall be filled by appointment by the county legislature of a qualified elector of the county having the same political affiliation as the person last elected to such office... The person appointed by either the

county legislature or the governor shall hold office by virtue of such appointment until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, at which election a county executive or comptroller, as the case may be, shall be elected for the balance of the term, if any"; and

WHEREAS, on December 31, 2011, Mark C. Poloncarz resigned the office of Erie County Comptroller to become Erie County Executive.

NOW, THEREFORE, BE IT

RESOLVED, pursuant to the terms of Section 2704 of the Erie County Charter, the Erie County Legislature does hereby appoint David J. Shenk of 6721 Redwing, Boston, NY 14025 to the office of Erie County Comptroller to fill a term expiring on December 31, 2012; and be it further

RESOLVED, this appointment shall take effect upon the filing of his oath card with the Erie County Clerk; and be if further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, County Attorney, Office of the Comptroller, and the State of New York.

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

CHAIR GRANT directed that a roll-call vote be taken.

AYES: CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCracken. NOES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS and MR. RATH. (AYES: 6; NOES: 5)

CARRIED.

Item 52 – CHAIR GRANT directed that the following resolution be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO 3-12 from LORIGO, MILLS, HARDWICK, RATH & DIXON. Re-Designating & Appropriating \$7.5 Million to ECC.

Item 53 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 48

RE: Calling for an Independent, Non-Partisan Redistricting Commission in NYS
(INTRO 3-13)

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

WHEREAS, the redistricting process in New York State has a tarnished national reputation, given its long history of redrawing state and congressional legislative district boundaries in such a way as to protect the re-election interests of incumbent office holders; and

WHEREAS, this practice is known as gerrymandering, and has been soundly criticized by good government groups such as the League of Women Voters; and

WHEREAS, the creative redrawing of legislative district lines to reach into areas of voter affiliation strength for incumbents while discarding communities with a preponderance of voters from the opposing political party does not serve the public well; and

WHEREAS, a result of this redrawing is that communities that share a geographic commonality/identity or racial/ethnic concentrations are often cut in half and divided between two districts, diluting the voices of those geographic interests and communities.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its support of an independent, non-partisan commission composed of New York State citizens to propose new legislative districts that put the interests of the public ahead of the political interests of incumbent office holders; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to forward certified copies of this resolution to the Governor, the Majority Leader of the New York State Senate, the Speaker of the New York State Assembly and all other parties deemed necessary and proper.

Item 54 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 49

RE: Conveying Support for Mandate Relief through the Timely & Effective Imposition of a Phased-In Hard Cap in Medicaid Local Share (INTRO 3-14)

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

WHEREAS, for an entire generation, county governments across the state have sought state mandate relief from the full local cost of the Medicaid program; and

WHEREAS, this perennial action has been less than successful, but did achieve modest limitations (3%) in growth several years ago; and

WHEREAS, Governor Cuomo has indicated an interest in more robust mandate relief for counties through a phased elimination of the three percent annual increase in the local share of Medicaid; and

WHEREAS, five-year savings to counties across New York State is estimated to be \$1.2 billion; and

WHEREAS, the New York State Association of Counties continues to seek mandate relief in its 2012 Key Priorities titled, “Mandate Relief and Improving Government Accountability;” and

WHEREAS, ending the Medicaid mandate has been the number one priority for counties in New York State for more than two decades, yet this Executive Budget appears to offer the greatest promise of moving toward that long-term goal by first securing a phased-in hard cap in local share of Medicaid; and

WHEREAS, in Erie County, the cost of paying for the local share of the State’s Medicaid program consumes more than 90 percent of the property tax levy; and

WHEREAS, entirely removing this local share burden on Erie County and every other county in New York State cannot be effectuated while the State continues to face its own deficits in the coming years; and

WHEREAS, the Governor’s Executive Budget has received positive comments from the Senate Majority, which appears to accept the thoughtful fiscal direction in which the Governor is seeking to taking New York State that, while not perfect, is still preferable to the status quo; and

WHEREAS, the support from the State Senate is evidenced by the statement of Senate Majority Leader Dean Skelos, to wit, “I am very encouraged that the Governor has again proposed a budget that closes the deficit by reducing spending and without increasing taxes or fees, and includes plans for job creation, property tax relief and other reforms to make sure tax dollars are spent wisely;” and

WHEREAS, the State Senate Majority Leader further stated, “The Governor has advanced a number of innovative reforms and made it clear that we need to reform Medicaid and the pension system to ease these costly burdens on local governments and property taxpayers;” and

WHEREAS, the bipartisan support apparent from these statements suggests that the Governor’s proposal has a reasonable chance of passage this year, and it behooves counties across the state to concentrate their advocacy efforts in support of this Medicaid reform proposal; and

WHEREAS, entirely eliminating the growth in Medicaid local share will enable counties to effectively implement the property tax cap enacted by New York State last year; and

WHEREAS, counties across the state should rally around this tangible proposal that enjoys bipartisan support in Albany to achieve mandate relief for county government while the state continues to address its own financial challenges.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature convey its support for the elimination of the current three percent annual increases in the local share of Medicaid; and be it further

RESOLVED, that certified copies of this resolution be sent to the Governor, the Majority Leader of the State Senate, the Speaker of the State Assembly and County Executive Poloncarz.

MR. MAZUR moved to amend the resolution by adding Et Al Sponsorship. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

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

CARRIED UNANIMOUSLY.

Item 55 – MR. MAZUR presented the following resolution and moved for immediate consideration. MR. HOGUES seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 50

RE: Encouraging EC Homeowners to Test
Their Homes for Radon Gas
(INTRO 3-15)

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

WHEREAS, radon is an invisible, odorless radioactive gas that emanates from rocks, soil and water, seeping into homes and posing substantial health risks at elevated levels; and

WHEREAS, the Environmental Protection Agency (EPA) estimates that one in 15 homes in the United States has an elevated level of radon prior to remedial treatment; and

WHEREAS, radon is the leading cause of non-smoking related cancer deaths in the United States; and

WHEREAS, in 2008, 21,000 radon-related deaths were recorded in this country, more than the total number of deaths from drunken driving, drowning and plane crashes combined; and

WHEREAS, according to The Wall Street Journal, there are no federal or state regulations that mandate home radon testing, even though the U.S. Surgeon General issued an advisory in 2005 urging all Americans to have one done; and

WHEREAS, certain communities in Erie County are hotbeds for radon gas, including but not limited to the Towns of Marilla, Aurora, Holland, Concord, Collins and Sardinia; and

WHEREAS, radon gas seepage into homes is not limited to our rural communities, but has also been recorded in high-population areas such as the Town of Cheektowaga and the City of Buffalo; and

WHEREAS, environmental experts recommend that homes be tested for radon on an annual basis, ideally, as something as unremarkable as a neighbor putting in a pool or sewer line work being done nearby could affect the movement of underground gas into homes; and

WHEREAS, in New York State, homebuyers have the right to have their prospective home tested for radon, yet many do not take advantage of this right; and

WHEREAS, the Erie County Department of Environment & Planning provides inexpensive radon tests for \$8 per test; and

WHEREAS, at the very least, testing one's home for radon provides peace of mind when the test results do not indicate the need for remediation, and at the very most, can save the lives of the residents of that home when remediation is both indicated and completed.

NOW, THEREFORE, BE IT

RESOLVED, that residents of Erie County are encouraged to contact the Department of Environment & Planning to obtain an inexpensive radon test and to test their homes for radon; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to forward certified copies of this resolution to the County Executive, the Commissioner of Environment & Planning, the Mayor of the City of Buffalo, the Buffalo Common Council, the Supervisor of Cheektowaga, the Cheektowaga Town Board and the Association of Erie County Governments.

MR. MAZUR moved to amend the resolution by adding 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

Item 56 – MR. MAZUR moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 1E-5 (2012). MR. McCRACKEN seconded. MS. DIXON, MR. LORIGO, MR. MILLS and MR. RATH voted in the negative.

CARRIED. (7-4)

RE: Judgment Bond Resolution for Morales

v. County of Erie
(COMM. 1E-5, 2012)

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to finance the cost of payment of settled claims against the County in the case of Debra Evans Hayden, Esq., as Guardian of Jannette Morales v. County of Erie, New York, pursuant to the Stipulation of Discontinuance Index No.: 2010/800002, dated December 5, 2011. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$7,000,000 and said amount is hereby appropriated therefor. The plan of financing for such specific object or purpose includes the issuance of \$7,000,000 bonds of the County to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the amount of \$7,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law") to finance a portion of said appropriation.

Section 3. The period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 33. (a) of the Law, is five (5) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds

shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

MR. MAZUR moved to amend the item. MR. McCRACKEN seconded. MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS and MR. RATH voted in the negative.

CARRIED. (6-5)

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

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), AS FOLLOWS:

Section 1. The County of Erie, New York (herein called "County"), is hereby authorized to finance the cost of payment of settled claims against the County in the case of Debra Evans Hayden, Esq., as Guardian of Jannette Morales v. County of Erie, New York, pursuant to the Stipulation of Discontinuance Index No.: 2010/800002, dated December 5, 2012. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$7,000,000 and said amount is hereby appropriated therefor. The plan of financing for such specific object or purpose includes the application of \$2,000,000 current funds to fund a portion of said appropriation and the issuance of \$5,000,000 bonds of the County to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the County in the amount of \$5,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the

Consolidated Laws of the State of New York (herein called the "Law") to finance a portion of said appropriation.

Section 3. The period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 33. (a) of the Law, is five (5) years.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof, prior to the issuance of the bonds or bond anticipation notes herein authorized, out of any available funds of the County on an interim basis, which respective amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County pursuant to this Resolution, in the respective maximum amounts of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to the issuance of bonds having substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to providing for substantially level or declining annual debt service, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by §52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

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

CHAIR GRANT directed that a roll-call vote be taken.

AYES: CHAIR GRANT, MR. HOGUES, MR. LOUGHRAN, MS. MARINELLI, MR. MAZUR and MR. McCracken. NOES: MS. DIXON, MR. HARDWICK, MR. LORIGO, MR. MILLS and MR. RATH. (AYES: 6; NOES: 5)

FAILED.

Item 57 – MR. MAZUR moved to discharge the HEALTH & HUMAN SERVICES COMMITTEE of further consideration of COMM. 24E-5 (2011). MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 51

RE: DSS - Authorization to Renew
Lease - 478 Main Street
(COMM. 24E-5, 2011)

WHEREAS, the Department of Social Services is seeking authorization to renew a lease and continue occupancy at 478 Main Street with Mohawk Group Limited Partnership; and

WHEREAS, the base per square foot rental renewal amount will remain the same as the previous lease agreement; and

WHEREAS, there are no additional County funds required to renew this lease, as funding for this leased space is budgeted and is available in the 2012 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a 5 year lease of 115,909 square feet of space at 478 Main Street, Buffalo, New York with the Mohawk Group Limited Partnership at the annual base rental rate of \$118,323.77 for the period March 1, 2012 through February 28, 2017; and be it further

RESOLVED, due to the immediate need to continue occupancy the requirement for Request for Proposals is waived; and be it further

RESOLVED, that the Erie County Executive is authorized to execute the lease renewal for 478 Main Street; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Director of Real Estate, the Erie County Comptroller, and the Director of the Division of Budget and Management.

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

CARRIED UNANIMOUSLY.

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

WHEREAS, Erie County currently leases space used for housing multiple Social Services programs from Mohawk Group Limited Partnership (“Mohawk Group”) at 478 Main Street; and

WHEREAS, the current lease with Mohawk Group expires on March 31, 2012 and Erie County still needs space to house those programs; and

WHEREAS, a Request for Proposal for space to accommodate these programs was not issued by the previous administration; and

WHEREAS, there is inadequate time to issue a Request for Proposal before the current lease expires; and

WHEREAS, in order to avoid interruption of service to program recipients, the Department of Social Services is seeking authorization to renew the lease with Mohawk Group and continue occupancy at 478 Main Street; and

WHEREAS, the base per square foot rental renewal amount will remain the same as the previous lease agreement; and

WHEREAS, there are no additional County funds required to renew this lease, as funding for this leased space is budgeted and is available in the 2012 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a five-year lease which includes a termination option to the County at the end of the third and fourth year with six months written notice for 115,909 square feet of space at 478 Main Street, Buffalo, New York with Mohawk Group at the annual base rental rate of \$1,419,885.25 for the period March 1, 2012 through February 28, 2017; and be it further

RESOLVED, due to the immediate need to continue occupancy the requirement for Request for Proposals is waived; and be it further

RESOLVED, that the Erie County Executive is authorized to execute the lease renewal for 478 Main Street; and be it further

Community Enrichment

Chair: Lynn M. Marinelli
Vice-Chair: Thomas A. Loughran
Members: Thomas J. Mazur
Kevin R. Hardwick
Joseph C. Lorigo
Clerk: James J. Cerroni

Minority & Women Business Enterprise

Chair: Betty Jean Grant
Vice-Chair: Lynn M. Marinelli
Members: Timothy R. Hogues
John J. Mills
Lynne M. Dixon
Clerk: Charley H. Fisher III

Item 59 - MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-27 from the COUNTY EXECUTIVE Re: Appointment of Commissioner of Central Police Services

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 60 - MR. MAZUR moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-28 from the CHAIR GRANT Re: Letter to Clerk of Legislature Concerning MBE/WBE Local Laws

Received and referred to the MINORITY & WOMEN ENTERPRISE COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE SHERIFF

Item 61 – (COMM. 3E-1) Letter to Chair Grant Concerning Designation of the Official Doctor for the EC Holding Center & the EC Correctional Facility

Item 62 – (COMM. 3E-2) Retraction of Letter Concerning Designation of the Official Doctor for the EC Holding Center & the EC Correctional Facility

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM CHAIR GRANT

Item 63 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. HOGUES seconded. CHAIR GRANT abstained.

CARRIED. (10-0-1)

RESOLUTION NO. 52

RE: Lease Agreement for Legislative Office
Space
(COMM. 3E-3)

RESOLVED, the Erie County Executive is hereby authorized to sign a Two (2) Year Lease Agreement with Richard Cummings for Legislative office space for Betty Jean Grant, located at 790 E. Delavan Ave., Buffalo, New York for a monthly rate of \$750.

Item 64 – (COMM. 2E-4) 2012 Schedule of Legislative Sessions - Invocation & Pledge Schedule

Received, Filed & Printed.

To: Robert M. Graber, Clerk

From: Betty Jean Grant, Chair

Subject: 2012 SCHEDULE OF LEGISLATIVE SESSIONS
INVOCATION & PLEDGE SCHEDULE

JANUARY

5 – Grant and Mills
26 – Hogues and Rath

JULY

12 – Marinelli and Mazur
19 – Hardwick and McCracken

FEBRUARY

16 – Marinelli and Mazur
23 – Hardwick and McCracken

AUGUST

Recess

MARCH

15 – Loughran and Dixon
29 – Rath and Lorigo

SEPTEMBER

13 – Loughran and Dixon
27 – Rath and Lorigo

APRIL

5 – Mazur and Mills
19 – McCracken and Hogues

OCTOBER

11 – Mazur and Mills
25 – McCracken and Hogues

MAY

10 – Dixon and Marinelli
24 – Lorigo and Hardwick

NOVEMBER

8 – Dixon and Marinelli
29 – Lorigo and Hardwick

JUNE

7 – Mills and Loughran
21 – Hogues and Rath

DECEMBER

4 – Mills and Loughran
6 – Annual Budget Meeting

11 – Hogues and Rath
20 – Budget Override Meeting

FROM LEGISLATOR RATH

Item 65 – (COMM. 3E-5) Letter to Chair Concerning the Process for Filling the Vacancy of EC Comptroller

Item 66 – (COMM. 3E-6) Recommendation of David Shenk for Comptroller

The above two items were Received and Filed.

FROM LEGISLATOR MARINELLI

Item 67 – (COMM. 3E-7) Letter Concerning Need for a Rational System of Dispensing Controlled Substances in NYS

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 68 – (COMM. 3E-8) Letter to President Quinn Concerning ECC North Campus Health Science Building

Item 69 – (COMM. 3E-9) Letter to President & CEO of Buffalo & EC Botanical Gardens Society Concerning Operational Funding

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LEGISLATOR DIXON

Item 70 – (COMM. 3E-10) Copy of Responses Regarding Comptroller Qualifications

Received and Filed.

FROM THE COUNTY EXECUTIVE

Item 71 – (COMM. 3E-11) Appointments to ECSD No. 5 Board of Managers

Item 72 – (COMM. 3E-12) Appointments to ECSD No. 3 Board of Managers

Item 73 – (COMM. 3E-13) Appointments to ECSD No. 1 Board of Managers

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

Item 74 – (COMM. 3E-14) Appointment/Reappointment to the EC Board of Health

Item 75 – (COMM. 3E-15) Division of Public Health Laboratories & Environmental Health Programs - Creation of Part-Time Position

Item 76 – (COMM. 3E-16) Goodwill Industries - Employment Services Contract

Item 77 – (COMM. 3E-17) Authorization to Contract with People Inc. for Provision of Chore Services

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

Item 78 – (COMM. 3E-18) Designation of Jail Physician for the EC Holding Center & Correctional Facility

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 79 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 53

RE: Handicapped Parking Education Fund
(COMM. 3E-19)

WHEREAS, the Office for the Disabled has been conducting a county-wide effort focused on handicapped parking education, advocacy and enforcement; and

WHEREAS, the educational program is designated to promote parking availability for persons with disabilities through cooperative efforts of the County of Erie Office for the Disabled, law enforcement, other government agencies, and the business community; and

WHEREAS, as specified in the New York State Laws of 1999 of the Vehicle and Traffic Laws, Chapter 497, Article 45 81809-b and 1213-g, every county shall establish a handicapped parking education program for the purpose of providing education, advocacy and increased public awareness of handicapped parking laws; and

WHEREAS, in order to fund educational programs and related initiatives, the statute provides for the imposition of a mandatory surcharge for violations relating to handicapped parking spaces, a portion of which are remitted to the County. These monies must be used to fund handicapped parking education initiatives, training, and enforcement programs; and

WHEREAS, the Erie County Office for the Disabled, with approval from New York State Commission on Quality of Care and Advocacy for Persons of Disabilities, support the transfer of fine revenue to the Erie County Office for the Disabled, for the purpose of funding an educational conference; and

WHEREAS, funds are available in prior years reserves, Account 310030, Reserved Handicapped Parking Education.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to appropriate funds from Account 310030, reserved-Handicapped Parking Education, for this educational purpose as follows:

Office for the Disabled Fund Center 16100		
Account	Revenue	
406890	Handicapped Surcharge	\$8,500
Account	Expense	
510100	Out Of Area Travel	\$6,500
510200	Training and Education	\$2,000

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, the Comptroller's Office, the Commissioner of Personnel, and the Director of the Office for the Disabled, and the Director of Budget Management.

Item 80 – (COMM. 3E-20) Appointments to ECSD No. 6 Board of Managers

Item 81 – (COMM. 3E-21) Appointments to ECSD No. 8 Board of Managers

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

Item 82 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 54

RE: EC Holding Center - Second Floor
Reception Housing Units
(COMM. 3E-22)

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

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

WHEREAS, the increase in funding required for the completion of this project, in the amount of \$350,000, shall be provided through the use of unanticipated revenue generated in the Sheriff's Jail Management Division and transferred to project A.11001; and

WHEREAS, the total cost of this portion of the project, \$980,600, is to be derived from available funds in the amount of \$830,871.21 in project A.11001 and \$149,727.79 in project A.00332; and

WHEREAS, the Erie County Department of Public Works received bids for the Erie County Holding Center – Second Floor Reception Housing Units on December 14, 2011; and

WHEREAS, the Erie County Department of Public Works, along with the Architect, is recommending award of the contracts to the lowest bidder.

NOW, THEREFORE, BE IT

RESOLVED, that funding for the completion of the second floor Holding Center reception area is hereby authorized as follows:

Fund 110 - 2011 Budget
Fund Center 116 - Jail Management

Revenue	Increase
Account 420040 Jail Facilities for Other Governments	\$350,000
Expense	
Account 570050 Interfund transfer to Capital	\$350,000
Revenue less Expense	0

Fund 410 - 2011 Budget - Project A.11001
Fund Center 122 - Department of Public Works

Revenue	Increase
Account 486000 Interfund Revenue Subsidy	\$350,000
Expense	
Account - Capital Project	\$350,000
Revenue less Expense	0

and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the lowest responsible bidders for the Erie County Holding Center – Second Floor Reception Housing Units project as follows:

General Construction Work

S&W Contracting of WNY	Base Bid:	\$435,000.00
	Deduct Alt #1	(1,000.00)
	Add Alt #2	<u>1,100.00</u>
Total General Construction Contract		\$435,100.00

Plumbing & Fire Protection Work

W.C. Roberson Plumbing & Construction Group	Base Bid:	\$114,500.00
	Add Alt #1	<u>24,500.00</u>
Total Plumbing & Fire Protection Contract		\$139,000.00

Mechanical Construction Work

MLP Plumbing & Mechanical, Inc.	Base Bid:	<u>\$94,000.00</u>
Total Mechanical Contract		\$94,000.00

Electrical Construction Work

Weydman Electrical, Inc.	Base Bid:	\$180,800.00
	Add Alt #2	<u>31,700.00</u>
		\$212,500.00
Total Award of Construction Contracts		\$880,600.00

and be it further

RESOLVED, that the sum of \$100,000 be allocated to a Construction Contingency Fund with authorization for the County Executive and/or Commissioner of Public Works, to approve change orders in an amount not to exceed the Contingency Fund; and be it further

RESOLVED, that deduct change orders will result in these funds being returned to the Construction Contingency Fund; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from

SAP project accounts as follows:

A.00332 – 2008 – Erie County Holding Center Plumbing	\$149,727.79
A.11001 – 2011 – Erie County Holding Center Improvements	<u>830,872.21</u>
Total Payments not to exceed	\$980,600.00

and be it further

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

Item 83 – (COMM. 3E-23) OPEN/ITEM PLACEHOLDER - Land Bank Authorization

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 84 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 55

RE: Case Management System Upgrade
(COMM. 3E-24)

WHEREAS, the District Attorney’s Office has maintained a Prosecutors Case Management System (PCMS) program since 2001, whereby all case information is entered and tracked; and

WHEREAS, it has become necessary to upgrade the current version of PCMS as well as make customized enhancements to the software in order to meet the needs of the office and the County; and

WHEREAS, the authorization for the County Executive to enter into a contract with GCOM Software Inc. to serve as software consultant and programmer for this project was previously given in COMM 16E-8 (2011); and

WHEREAS, the agreed upon cost for such services has now been determined to be provided at a rate of \$80 per hour, not to exceed \$180,000. A portion of the necessary funds have been made available through a grant from the New York State Division of Criminal Justice Services (DCJS) in the amount of \$40,000; and

WHEREAS, additional funds in the amount of \$140,000 will be paid from the District Attorney’s asset forfeiture proceeds; and it is necessary to transfer funds from the Erie County District Attorney’s Asset Forfeiture Trust Fund prior to their being expended.

NOW, THEREFORE, BE IT

RESOLVED, that \$ 140,000 in available balances in the Erie County District Attorney’s Assets Forfeiture Trust Fund are hereby transferred to the District Attorney’s Assets Forfeiture Program, Funded Program “SAFDA;” and be it further

RESOLVED, that the following appropriations are hereby authorized:

DISTRICT ATTORNEY ASSET FORFEITURE PROGRAM
BUSINESS AREA: 114
COST CENTER: 1140010
FUNDED PROGRAM /WBS ELEMENT: SAFDA

<u>Revenue</u>	
421550 Forfeiture Crime Proceeds	<u>\$140,000</u>
Total Revenue	<u>\$140,000</u>

<u>Appropriation</u>	
561010 Professional Service Contracts & Fees	<u>\$140,000</u>
Total Appropriations	<u>\$140,000</u>

and be it further

RESOLVED, that the Director of Budget and Finance is hereby authorized to adjust SAFDA budgets as necessary during the year in order for the District Attorney's Office to enhance its investigative, surveillance and prosecutorial efforts, as the forfeiture regulations dictate; and be it further

RESOLVED, that authorization is once again provided for the County Executive to enter into a contract with GCOM Software, Inc., in an amount not to exceed \$180,000, to handle customizations and data conversion of the software; and be it further

RESOLVED, that the contract with the above mentioned consultants are special sole source services and therefore, the Request for Proposal procedure under Section 19.08 of the Erie County Administrative Code is hereby waived; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County District Attorney, Erie County Comptroller, and the Director of Budget and Management.

FROM THE SHERIFF

Item 85 – MR. MAZUR presented the following resolution and moved for immediate consideration and approval. MS. MARNELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 56

RE: Asset Forfeiture Funded Program SAFS
(COMM. 3E-25)

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

WHEREAS, funds previously transferred from the Seized Asset Trust Account into the Asset Forfeiture Funded Program SAFS have not been totally expended; and

WHEREAS, some of the funds allocated will be used to purchase undercover narcotics vehicles, which due to the nature of their use require special handling during the purchase and registration process; and

WHEREAS, the Erie County Legislature has the authority, under Article III Section 07.b of the Erie County Administrative Code to waive bidding procedures when deemed impractical by a 2/3 vote of the Legislature; and

WHEREAS, all expenditures meet the criteria established by the U.S. Department of Justice for the use of equitable shared funds; and

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

NOW, THEREFORE, BE IT

RESOLVED, that \$190,575 currently available in the Erie County Sheriff's Office Asset Forfeiture Funded Program SAFS be allocated to fund the purchase of equipment and vehicles required by the Sheriff's Office; 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>190,575</u>
	Total Revenue	<u>190,575</u>
<u>APPROPRIATION</u>		<u>Increase</u>
561410	Lab & Technical Equipment	8,275
561440	Motor Vehicles	<u>182,300</u>
	Total Appropriations	<u>190,575</u>

and be it further

RESOLVED, that the Sheriff and Erie County Department of Purchasing are authorized to purchase automobiles from a selected vendor without competitive bidding; 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, the Director of Purchasing and the Office of the Sheriff.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 86 – (COMM. 3D-1) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER'S OFFICE

Item 87 – (COMM. 3D-2) Letter to Chair Concerning Appointment to the EC Audit Committee

Received and Filed.

FROM THE COUNTY ATTORNEY

Item 88 – (COMM. 3D-3) Notice of Claim

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 89 – (COMM. 3D-4) Designation in the Event of Vacancy, Absence or Inability

Received and Filed.

Item 90 – (COMM. 3D-5) Notice of Claim

Item 91 – (COMM. 3D-6) Notice of Claim

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM THE COMMISSIONER OF PUBLIC ADVOCACY
& COMMISSIONER OF DPW**

Item 92 – (COMM. 3D-7) Letter to Legislature Concerning Outside Vendor/United Way Fundraiser

Received and Filed.

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 93 – (COMM. 3D-8) Black Rock Canal Park Improvements

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 94 – (COMM. 3D-9) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM ECC

Item 95 – (COMM. 3M-1) Fiscal Year 2011-12 Revenues & Expenditures - Key Item Report

Item 96 – (COMM. 3M-2) Fiscal Year 2010-11 Revenues & Expenditures - Key Item Report

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM EL MUSEO

Item 97 – (COMM. 3M-3) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NFTA

Item 98 – (COMM. 3M-4) Copies of the 17A Report & Capital Expenditure Reports for the Third Quarter of Fiscal Year

Item 99 – (COMM. 3M-5) Minutes of Meeting Held 12/19/11

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

FROM THE LANCASTER OPERA HOUSE

Item 100 – (COMM. 3M-6) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 101 – (COMM. 3M-7) Notice of Deletion of Site from Registry: Tiffit Farm Nature Preserve

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM YOUNG CITIZENS FOR ECC

Item 102 – (COMM. 3M-8) Copy of Letter to Governor Cuomo Concerning Health Science Building at ECC

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO ZOO

Item 103 – (COMM. 3M-9) 2012 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE ROYCROFT CAMPUS CORPORATION

Item 104 – (COMM. 3M-10) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM CEPA GALLERY

Item 105 – (COMM. 3M-11) 2012 Budget Accountability Act Submission

Item 106 – (COMM. 3M-12) 2012 Cultural Organization Data Response Sheet

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE EC WATER AUTHORITY

Item 107 – (COMM. 3M-13) Copy of Financial Report for the Years Ended 12/31/2011 & 2010

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BUFFALO ARTS STUDIO

Item 108 – (COMM. 3M-14) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM CORNELL COOPERATIVE EXTENSION

Item 109 – (COMM. 3M-15) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE EC SOIL & WATER CONSERVATION DISTRICT

Item 110 – (COMM. 3M-16) 2012 Budget Accountability Act Submission

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE ASSIGNED COUNSEL PROGRAM

Item 111 – (COMM. 3M-17) Copy of Financial Report for Period 7/1/11 - 12/31/11

Item 112 – (COMM. 3M-18) Copy of Quarterly Report for the 4th Quarter of 2011

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE SPRINGVILLE CENTER FOR THE ARTS, INC.

Item 113 – (COMM. 3M-19) 2012 Cultural Organization Data Response Sheet
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO FINE ARTS ACADEMY/
ALBRIGHT KNOX ART GALLERY

Item 114 – (COMM. 3M-20) 2012 Cultural Organization Data Response Sheet
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO INNER CITY BALLET

Item 115 – (COMM. 3M-21) 2012 Cultural Organization Data Response Sheet
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO OLMSTED PARKS CONSERVANCY

Item 116 – (COMM. 3M-22) 2012 Cultural Organization Data Response Sheet
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO PHILHARMONIC CHORUS

Item 117 – (COMM. 3M-23) 2012 Cultural Organization Data Response Sheet
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE COMMUNITY MUSIC SCHOOL OF BUFFALO

Item 118 – (COMM. 3M-24) 2012 Cultural Organization Data Response Sheet
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM FOLKLORIC PRODUCTIONS DANCE CO INC.

Item 119 – (COMM. 3M-25) 2012 Cultural Organization Data Response Sheet
Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM DAVID J. SHENK

Item 120 – (COMM. 3M-26) Resume Submission to Fill Interim Comptroller Position
Received and Filed.

FROM DANIEL J. WARD

Item 121 – (COMM. 3M-27) Resume Submission to Fill Interim Comptroller Position
Received and Filed.

FROM GEORGE F. HASIOTIS

Item 122 – (COMM. 3M-28) Resume Submission to Fill Interim Comptroller Position
Received and Filed.

FROM RICHARD C. PAWARSKI

Item 123 – (COMM. 3M-29) Resume Submission to Fill Interim Comptroller Position
Received and Filed.

FROM JOHN MALLOY

Item 124 – (COMM. 3M-30) E-Mail Transmission Concerning the Citizen Search
Committee's Choice for Interim Comptroller

Received, Filed and Printed.

As chair of the nine-member citizens search committee I am pleased to announce our choice of David Shenk, Boston Town Clerk and US Army Reserve Veteran.

The committee was made up of nine community members who had backgrounds in business, finance and insurance. They met five times over a one month period to conduct interviews. The Charter required the nominee to be of the same political party as the outgoing Comptroller.

David had a fine balance of business background, enthusiasm for public service and an impeccable history of personal integrity.

At the request of the Legislature, we have submitted three resumes of other finalists.

I would welcome any questions through my e-mail – jmalldmal@aol.com.

John Malloy

FROM THE NYS DEPARTMENT OF HEALTH

Item 125 – (COMM. 3M-31) Letter to Clerk of Legislature Concerning VA WNY Healthcare System

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM SHAKESPEARE IN DELAWARE PARK

Item 126 – (COMM. 3M-32) 2012 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM JUST BUFFALO LITERARY CENTER

Item 127 – (COMM. 3M-33) 2012 Budget Accountability Act Submission

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM ROAD LESS TRAVELED PRODUCTIONS

Item 128 – (COMM. 3M-34) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE IRISH CLASSICAL THEATRE COMPANY

Item 129 – (COMM. 3M-35) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO & EC HISTORICAL SOCIETY

Item 130 – (COMM. 3M-36) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE THEODORE ROOSEVELT INAUGURAL SITE

Item 131 – (COMM. 3M-37) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE AMERICAN LEGION BAND
OF THE TONAWANDAS, INC.

Item 132 – (COMM. 3M-38) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM JEREMY A. COLBY

Item 133 – (COMM. 3M-39) Letter to Chair of the Legislature Concerning Salary Structure of the EC Attorney's Office

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM VISIT BUFFALO NIAGARA

Item 134 – (COMM. 3M-40) 2012 Budget Accountability Act Submission

Received and referred to COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO NIAGARA
CONVENTION CENTER MANAGEMENT

Item 135 – (COMM. 3M-41) 2012 Budget Accountability Act Submission

Received and referred to COMMUNITY ENRICHMENT COMMITTEE.

FROM THE EC AUDIT COMMITTEE

Item 136 – (COMM. 3M-42) Copy of Annual Report for the Year Ended 12/31/2010

Received and referred to FINANCE & MANAGEMENT COMMITTEE.

FROM THE AFRICAN AMERICAN CULTURAL CENTER, INC.

Item 137 – (COMM. 3M-43) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYSDEC

Item 138 – (COMM. 3M-44) Fact Sheet: Draft Remedial Investigation Work Plan Available for Public Comment - 300 Ohio Street Site, Buffalo, NY

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM MUSICALFARE THEATRE

Item 139 – (COMM. 3M-45) 2012 Budget Accountability Act Submission

Received and referred to COMMUNITY ENRICHMENT COMMITTEE.

FROM THE LOCUST STREET
NEIGHBORHOOD ART CLASSES, INC.

Item 140 – (COMM. 3M-46) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM ROAD LESS TRAVELED PRODUCTIONS

Item 141 – (COMM. 3M-47) 2012 Budget Accountability Act Submission

Received and referred to COMMUNITY ENRICHMENT COMMITTEE.

FROM YOUNG AUDIENCES OF WNY

Item 142 – (COMM. 3M-48) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM VISIT BUFFALO NIAGARA

Item 143 – (COMM. 3M-49) Copy of 4th Quarter Report for 2011

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM ECC

Item 144 – (COMM. 3M-50) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE HULL HOUSE FOUNDATION

Item 145 – (COMM. 3M-51) Copy of Strategic Plan for 2011 - 2012

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM MUSICALFARE THEATRE

Item 146 – (COMM. 3M-52) 2012 Cultural Organization Data Response Sheet

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM CORNELL COOPERATIVE EXTENSION

Item 147 – (COMM. 3M-53) 2012 Budget Accountability Act Submission

Received and referred to COMMUNITY ENRICHMENT COMMITTEE.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 148 – (COMM. 3M-54) Copy of Proposed Agenda for Meeting Held 2/16/2012

Received and referred to COMMUNITY ENRICHMENT COMMITTEE.

ANNOUNCEMENTS

Item 149 – MR. MAZUR announced that the GOVERNMENT AFFAIRS COMMITTEE will hold an informational meeting next Wednesday, February 22, 2012 at 9:00 A.M. to discuss landbanking.

MEMORIAL RESOLUTIONS

Item 150 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Robert J. Lazarus, Jamie Spanton-Gasbarro, Janet Brady, William R. Luff, John N. Brown, Joan J. Ketterer and Norman Meyer.

Item 151 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Franklin H. Merrill and Albert E. Low.

Item 152 – Legislator Marinelli requested that when the Legislature adjourns, it do so in memory of Dennis Alan Kahn and Charles L. Griffasi Sr.

Item 153 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Angela Keim.

Item 154 – Chair Grant requested that when the Legislature adjourns, it do so in memory of Whitney Houston.

ADJOURNMENT

Item 155 - 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 23, 2012 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR GRANT declared the Legislature adjourned until Thursday, February 23, 2012 at 2:00 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE